

India: Release Valarmathi and Jayanti, and stop all forms harassment against them

(Bangkok/Kathmandu, 11 August 2017) The Asian Forum for Human Rights and Development (FORUM-Asia) strongly condemns the detention and police harassment of Valarmathi, a journalism and mass-communication student of the Periyar University, and Jayanthi, the mother of Valarmathi's friend, and calls for their immediate and unconditional release. The two women were arrested in Salem, district of Tamil Nadu for distributing pamphlets, which according to police, jeopardised national interest. Their arrest and the continues harassment they have faced since, are a grave violation of constitutional due process and go against all human rights safeguards.

On 12 July 2017, Valarmathi and Jayanthi were distributing pamphlets under the banner of 'Iyarkai Paadukappu Kuzhu' (Nature Protection Group). The pamphlets highlighted the environmental degradation taking place in the State and called for support for a human chain protest against hydrocarbon and methane projects in Kathiramangalam and Neduvasal in Tamil Nadu. As the pamphlets were merely stating facts and making demands, the act of distributing them falls within the ambit of the law and keeps with constitutional values of freedom of expression.

Still, the police arrested Valarmathi and Jayanthi. They were taken to Ammapet police station, where they were firstly detained and later on remanded. Valarmathi sustained injuries on her lower right hand because of the force used by the police during their arrest. They were denied access to their families.

On 17 July 2017, Police Commissioner, Sanjay Kumar invoked the Goondas Act against Valarmathi. The Goondas Act allows for a year-long preventive detention for repeat offenders, and is intended to be used to curb organised crime and crime syndicates. Authorities defended the controversial use of the act based on claims that Valarmathi had participated in various protests and thus had been a disturbance. As a result, she was shifted to Coimbatore Central Prison.

The Goondas Act was not invoked against Jayanti. She is currently in the Special Prisons for Women, Trichy. A petition has been filed on Jayanthi's behalf in Court seeking her release.

On 23 July Valarmathi was suspended from University. The police also send an arrest notice to prison authorities related to an earlier case, which was included in the reasoning for her detention under the Goondas Act. This means that even if her current detention under the Goondas Act is dismissed, she will be immediately arrested again.

Valarmathi's father, Madhaiyan has since filed a Writ Petition with the High Court seeking her release. On 3 August, the Madras High Court ordered issue of notice on the petition to the Tamil Nadu Government and Salem City Police Commissioner returnable by 7 August. They have since asked for an extension, and the matter has been postponed till 14 August.

FORUM ASIA calls for the immediate release of both Valarmathi and Jayanthi. FORUM-ASIA also urges the Government of India to conduct a thorough and impartial investigation into their arrest, and in particular into the application of the Goonda Act.

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FORUM-ASIA reminds the National Human Rights Commission (NHRC) of India of its responsibility to protect human rights defenders. The NHRC should undertake an independent investigation in the case and use their powers granted through section 12 (b) of the Protection of Human Rights Act (1993) to intervene in Court through a competent and experienced criminal law lawyer.

FORUM-ASIA demands that the Government of India and the police end all forms of harassment against human rights defenders, in particular women human rights defenders, and that an environment in which they can securely carry out their activities as defenders of human rights without any interference is ensured.

About FORUM-ASIA:

FORUM-ASIA is a regional human rights group with 58 member organisations in 19 countries across Asia. FORUM-ASIA has offices in Bangkok, Jakarta, Geneva and Kathmandu. FORUM-ASIA addresses key areas of human rights violations in the region, including freedoms of expression, assembly and association, human rights defenders, and democratisation.

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