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Press Release

People's Watch condemns arrest of lawyer and human rights defender S. Vanchinathan and fears use of Preventive Detention law being used.

People's Watch condemns the midnight arrest of Mr. S. Vanchinathan, Advocate, Madurai Bench of the Madras High Court and State organizer of the Human Rights Protection Council as well as one of the Members of the Save MKU Movement at the Chennai airport as he was returning from Delhi after ensuring that the stay petition filed there by the Former Vice Chancellor of the Madurai Kamaraj University in the Supreme Court was dismissed. This was task that needed to be done by the Government of Tamil Nadu which instead had to be necessarily done by a human rights defender representing his organization. Mr. S. Vanchinathan has been very closely associated with the anti-Sterlite movement in Tuticorin and undertaking a number of legal actions through his organisation and other lawyers concerned with human rights on a number of peoples' issues.

People's Watch urgently calls up the National Human Rights Commission as well as the State Human Rights Commission and the Justice Aruna Jagadesan Commission of Enquiry – all of who are investigating the events of the 22nd May and thereafter - to immediately and urgently intervene in this matter and ensure that the no preventive detention law is used against a practicing lawyer and human rights defender based on frivolous cases pending against him.

Mr. S. Vanchinathan had filed a petition for anticipatory bail in the Madurai Bench of the Madras High Court specifically related to the case in which he has now been arrested which came up for hearing on 18th June and was pronounced dismissed by an oral order of Justice G.R. Swaminathan – but while the said written order of the court is yet to be made available to the advocates on record in this matter the Koilpatti Inspector was present to effect his arrest as he arrived from Delhi in the Chennai airport last night at 11.45 PM to effect his arrest.

The offence for what he has been arrested now is in Crime No 190/2018 of the SIPCOT police station u/s Sec 147, (Punishment for Rioting - 2 yrs), Sec 148 (Rioting armed with deadly weapons – 3 Yrs), Sec 188 (Disobedience to orders duly promulgated by public servants – one month), Sec 353 (Assault or criminal force to deter a public servant from discharge of his duty – 2 yrs), Sec 506(2) (Criminal intimidation - 7 yrs), Sec 3 of the Tamil Nadu Public Property Prevention of Damage and Loss Act 1992 – 5 Yrs). These are all cases where the maximum punishment is less than 7 years and hence these are not cases where one requires even to be remanded as per the judgement of the Hon'ble Supreme Court of India in Arnesh Kumar versus State of Bihar (2014).

People's Watch holds the strong view that Mr. S. Vanchinathan is not only a lawyer but a human rights defender engaging in different human rights issues and therefore by virtue of the rights contained in the 1998 UN Declaration on Human Rights Defenders enjoys the right to protest, dissent, criticize, associate, express and organize people as a lawyer and human rights defender.

People's Watch senses that the Police who find such vocal lawyers an embarrassment to their functioning will now obtain several PT warrants and register a number of the 239 criminal cases that they already have registered against and show Mr. S. Vanchinathan as an accused in several more cases making his coming out on bail difficult. Mr. S. Vanchinathan even according to the first affidavit filed by the state in the Madras High Court on 14th June had only three criminal cases pending against him – all in Madurai before the Anna Nagar and Tallakulam PS and for offences u/s 143,188, & 341 IPC which are all still in the investigation stage. However, after hearing the counsel for the State in the morning of the 18th June in court and affording the State further time to file a further counter affidavit with more details of the case at 2.15 PM the same day stating in public that as of then he was almost inclined to grant the anticipatory bail. It is only in this addition counter affidavit and ONLY after the court afforded them ample opportunity to do so , that the State had stated that there were 8 other cases against Mr. S. Vanchinathan, all in Thoothukudi North, Central, South, SIPCOT and Railway Protection Force registered in the years 2012, 2015 and 2016 – all in the FIR stage and none of them were charge sheeted till now. Even in all these cases there is no offence for punishment of over 7 years in any of the cases. It was only after receiving this additional counter affidavit that the Hon'ble Court was pleased

to pronounce dismissal of the anticipatory bail petition but has not found time to deliver the order till now. According to newspaper reports of the proceedings in court on the 18th read that the Hon'ble Judge remarked that there was need for the lawyer to be ready to subject himself to investigation by the police. But now what has happened is that the court has allowed 'custodial interrogation' of a lawyer who appeared before the court asking for an anticipatory bail. These events in court speak volumes about the nature of delivery of justice in the State.

People's Watch strongly contests the arguments put forth by the counsel of the State in stating that Sec 144 was imposed since the District Magistrate of Tuticorin is yet to make public details of the promulgation of Sec 144 which is essential for any such order to be a legally valid order.

The UN Basic Principles on the Role of Lawyers of 1990 holds that lawyers have a right to protect citizens and establish their rights and to defend them in all stages of criminal proceedings; that they shall promote programmes to inform the public about their rights and duties under the law and assisting the poor and other disadvantaged persons so as to enable them to assert their rights. The Declaration further states that Governments shall ensure that lawyers are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; are able to travel and to consult with their clients freely both within their own country and abroad; and shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics. Thus this case is essentially proof of the Tamil Nadu Government's scant respect to this UN Declaration on human rights defenders of 1998 and the UN Basic Principles on the Role of Lawyers of 1990 in the arrest of Advocate and HRD Mr. S. Vanchinathan.

With regards,



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