

## **Findings**

### **1. Caste Discrimination and Untouchability practices**

Kalapatti is a village which is located in the Coimbatore district under the Kovilpalayam police station limits. It is 14 km from the Coimbatore-Avinashi road. This village consists of nearly 2000 families belonging to the Gounder Community, the Dominant caste in this locality, 250 families of Arunthathiyar community, 10 families belonging to the Parayar community, 150 Boyar families all belonging to the Dalit community are residing here. Other than this there are 100 Nayakar families and 100 Valayar families. In this particular village the Dominant caste is the Gounder community and they specifically hold all powers, economically, socially and politically and have an upper hand in decision making and policy building at all levels.

There are various forms of caste based discrimination that exists in this village even today. The dalits are not allowed to walk in the streets of the caste Hindus, not allowed to enter the village Mariamman temple for worship, in the tea shops there are separate glasses or tumblers for the dalits and the caste Hindus, Dalits are neither allowed to walk on the streets freely discussing or talking among themselves, the Dalits are forced to bend their heads portraying their inferiority complex, caste based abusive language colored by sexual remarks are often passed against the Dalits, especially, the Dalits women undergo sexual harassment and assault, the Dalits are intimidated and criticized for nothing at all. All the above mentioned forms of discrimination still exist in this particular village of Kalapatti.

All the above information was given by the Kalapatti Dalit people to our FF team members. Moreover when our FF team went to the village on the 17<sup>th</sup> and 18 May 2004, they were able to identify the above forms of untouchability practices prevailing in this village and actually feel the tension that exists among the dalits as a result of this untouchability. The most pathetic part is that due to the continuous threat and harassment from the caste Hindus, the Dalits of this village are still under the fear of their lives.

The FF team concludes that the situation in the Kallapatti Dalit village is not only a mere threat to their right to life but that this threat if further strengthened by the combined attitude of the Police of Kovilpalayam Police Station, the District Administration and other instrumentalities of the State at the local level including local representatives of the political parties by which they convey their loyalty to the dominant caste as against the Dalits of Kallapatti. This has, according to the FF team, resulted in the Dalits strongly developing a feeling that they have no protection whatsoever in the village.

## **2. Enduring atrocities and Suppression of the Dalits – motives of the past :**

On 9.10.2002, at around 10.30 a.m. the Dalit youth belonging to the Arunthathiyar community were playing cricket in the ground of the Shastri Nagar near New Colony of the Kalapatti village. Simultaneously the youth belonging to the dominant castes were also playing cricket in the same ground. Annoyed by the fact that Dalits are playing cricket equally with the dominant castes, the youth of the dominant castes abused the Dalits using caste names. They have abused the Dalit youth telling them “ Sakiliya thevadia pasangala (Sons of prostitutes), How dare you play cricket on par with us ... you are fit only to pick up and throw the balls ... while we will only bat... ”. Following this they also abused the dalit youth using sexual virulent remarks. Immediately, one Dalit boy named Balraj S/o Gopal asked them why you are abusing us using caste names. Angered by this Yuvaraj, Karthick, Kathadi Paiyan, Mahesh, Mahendran and few more boys belonging to the dominant castes, numbering up to 15 took stems of coconut trees and sticks in their hands and hit Balraj throughout his body mercilessly. Balraj sustained injuries all over his body. They also assaulted and hit him with their slippers. When Paul Raj's wife came to his rescue they hit her and pulled her saree and threatened her that they would rape her.



Regarding this incident, on 9.10.2002 an FIR has been registered in the Kovilpalayam police station in Crime Number 140/02 u/s 147, 323 IPC and also under section 3 (1)(x) of the SC/ST PoA Act 1989. But till date the police have not yet arrested the accused in this case. Later on 31.12.2002 around 5 p.m. in the presence of the Coimbatore Thasildar a compromise has been reached on this issue between both the parties and this has also been reduced to writing.

Moreover, on 14/4/2004, when a Dalit youth Babu S/o Selvaraj went to stick posters for the Birth anniversary of Dr. Ambedhkar he was assaulted and hit by the Dominant caste people. They assaulted him telling that ‘Why do you want to stick a poster for the Sakiliya Ambedhkar’ when Babu resisted and tried to put up the poster he was hit very badly by the Dominant caste people. He was then taken to the hospital and the hospital Dean initiated him to give a complaint about the attack in the Kovil palayam police station. A complaint was given on 15/4/2004 and no action has been taken till now regarding this attack also.

The FF team observes that all the above facts are true as per statements of the victim Balraj and his family and also of the dalits of the village. Moreover, atrocities of this nature often take place in this village and whenever the Dalit people complain about this to the police, the police do not show any interest and are very negligent in their duty – by refusing to receive complaints and also by threatening the Dalits who prefer complaints. . This has created a strong disbelief in the minds of the Dalit people on the police of Kovilpalayam Police Station.

### **3. Attack on the Dalit youth of Kallapatti on 15th May 2004 :**

On 15/5/2004 at 8.30 PM three Dalit youth named Ranganathan (22) S/o Gopal, Ramasamy (34) S/o Kannaiyan, Gopal (23) S/o Subramaniyan were returning from Nehru Nagar, Coimbatore after their work in a share auto. In the same share auto there was one Thangaraj and few other members of the dominant caste of the village travelling along with them. While travelling in the share auto the three Dalit youth were conversing among themselves, laughing and discussing. Seeing this, Thangaraj was annoyed and shouted at the Dalit youths assaulting them with sexually abusive terms 'You Sakiliya bastards, how dare you sit in par with me and also have the nerve to enjoy yourselves laughing'. In response to this Ranganathan told him, 'we were only discussing among ourselves and it had nothing to do with you. For this why are you abusing us with caste names for no fault of ours?' By this time the auto had reached the village and all of them had got down at Kalapatti village. Even after getting down Thangaraj talked in the same manner and slapped Ranganathan. At this point Gopal interfered and prevented further fighting and had left the place. Regarding this issue one Dalit youth

named Selvakumar had given a complaint over the telephone to the Kovilpalayam police station. Based on this complaint on 15.5.2004 at about 9.30 one police constable, Mr. Karunakaran came to the spot and enquired on the issue and insisted that both Thangaraj and Ranganathan have to come to the police station the next day and left the place. The next day the victim



Ranganathan and few other dalit youth had gone to the Kovilpalayam police station. There the Sub-Inspector Anand advised the dalit youth to avoid writing about the use of caste abusive terms used by the dominant castes in the complaint preferred by them and instead he had asked them to write that it was a mere scuffle. The Dalit youth requested the Sub Inspector to kindly register what had actually taken place, handed over their complaint to him

and then left the Police Station. This complaint handed over by them at the Police Station had not been registered at the Police Station.

#### **4. Brutal attack on the Dalits, ransacking of houses and burning them down on 16<sup>th</sup> May 2004:**

On 16.5.04, evening about 6.30 PM the members of the dominant castes, numbering about 200 persons and consisting of 50 women, came to the Dalit settlement called Shastri Nagar and New Colony with deadly weapons like long sticks, logs, iron rods, long knives like swords, cycle chains, iron pipes, chilli powder, kerosene cloth lamps. The following members of the dominant Gounder caste, namely, Thiru Kuppuraj, Thiru Damu, Thiru Mini Door Kutti, Thiru Nagaraj, Thiru MGR @ Natarajan, Thiru Easwaran, Thiru Payya Gounbder ( Chairman of the Panchayat Union ), Thiru Gopal, Thiru Ponnusamy, Thiru Govindaraj, Thiru Thangavel, Thiru Sittu Paulraj, Thiru Rajendran, Thiru Suriya Press Kandasamy, Thiru Sekar, Thiru Sathiamoorthy, Thiru Selavaraj Gounder, Thiru Durai ( 4<sup>th</sup> Ward Member of the Panchayat Union ), Thiru Cyncl shop Sundaram, Thiru Palanisamy, Thiru Sampath ( Former Councillor) and Thiru Marappan . This group first attacked the office of the Adi TAMILAR Viduthalai Munnani with long iron rods and other strong weapons. They also broke the mounted photo of Dr. Ambedkar and then poured kerosene on the building and set it on fire. Following this, they shouted 'Sakiliya bastards, you have one party, one flag and nowadays you are going beyond our hand not obeying us at all. We will not rest unless we kill all of you'. Shouting like this they attacked all the Dalit houses one by one and also burnt them down. The Dalit people named Ramesh s/o Adithyan, Murugesan s/o Ponnusamy, Anbalagan s/o Innasi, Sarasammal w/o Duraisamy, Valliyammal d/o Kitu, Sekar s/o Balan, Babu s/o Balan, Thamburaj s/o Karupasamy, Ranganathan s/o Gopal, Ramesh s/o Shanmugam, Suresh s/o Mani, Muthan s/o Mottayan, Sankar s/o Rangasamy, Anandan s/o Karuppasamy were severely attacked by the members of the dominant Gounder caste using swords and all of them sustained serious injuries all over their body - on their head, neck, back, cheek etc. The Dalits have sustained severe injuries due to the cuts caused by the sharp weapons. The dominant castes also hit many others using deadly weapons and pushed the Dalits to the ground and stamped them with their legs abusing them. Many Dalit houses were burnt and properties like televisions, grinders, cycles, were damaged or set on fire. Not only this they also killed the cattle of the Dalits and set fire to the cattle. They assaulted women by sexually abusing them trying to pull their sarees. Nearly 100 Dalit houses were completely raised to the ground due to this fire. The dominant caste mob had taken away money and jewels from the Dalit houses during the violence. This brutal attack was carried out for nearly two hours, from 6.30 – 8.30 p.m. Most of the Dalits tried to escape to save their lives. But they were further stopped on their way out and attacked with deadly

weapons once again. They were shouting, 'We will not spare any of the Sakiliya bastards' and attacked the Dalits with sharp weapons." One Dalit youth named Ramesh s/o Shanmugam was attacked severely and both his hands sustained serious fracture. They have attacked him on both his both thighs. Another dalit named Ramesh s/o Rakiyapan sustained severe cut injuries on his back. Now he has 21 sutures on his back. Similarly, 14 Dalits were severely attacked with the sharp and deadly weapons and they sustained terrible injuries and have been admitted to the Coimbatore Medical College Hospital.

The Dominant caste mob was that violent that the cradle of the 8-month year boy child of Gopal and Nithya was inhumanly hit to the wall. Also a 75 year old Muthan s/o Mottaiyappan who was just then returning from work to the village was hit by sharp weapons immediately when he got down from the bus. This innocent old man did not know for what reason he was attacked so brutally. Another old woman named Valliammal (45 years) w/o Kittan was hit on her head and started bleeding badly when she went to the rescue of her son.

#### **5. The Dalits Prefer complaints to the police and their bias :**

A Dalit youth named, Ramesh s/o Shanmugam had immediately rushed to a telephone booth to call up the Kovilpalayam police at about 7.00 PM after the attack had commenced. He informed the police station that nearly 200 members of the dominant castes were attacking the Dalits in their place with deadly weapons and many had sustained severe injuries. He pleaded to the policeman to come immediately and take action. In response to this telephonic message, the policeman lethargically answered him that the officer incharge was not present in the station and that he would inform the officer upon his return and had disconnected the telephone call. When Ramesh came out of the telephone booth the members of the dominant caste identified him, were further annoyed and nearly 30 of them surrounded him and hit him with the sharp weapons, iron pipes, rods etc. They attacked him to a great extent by kicking and stamping him. They also dragged him on the stony road to cause severe injuries on his body.

Amidst the attack one Dalit youth named Babu s/o Balan who had also sustained injuries on his head had gone to the Kovilpalayam police station at about 8.30 p.m on 16.5.2004 night. As the dominant castes had attacked Babu with sharp weapons on his head and body, he was bleeding and blood was pouring out. While he was bleeding itself, Babu had gone to the police station. There he narrated what had happened to him to the Police constable Karunakaran specifically mentioning that the members of the dominant caste of his village had attacked him. On hearing this, Karunakaran asked him 'why did you come here, go to the hospital'. But when Babu went to a nearby private hospital the doctors there denied treatment stating that this was a medico legal case and sent him away without

treating him. He had come back to the police station and asked for help from the same police constable Karunakaran to save him stating that he felt like fainting. He requested him to get him a vehicle to go to the hospital and that he would repay the charges for it once he returns home. To this the policeman replied that he could not do this and on the contrary told him to find his own way out. Then Babu had come out of the police station in despair and narrated his plight with much pain to the people around and taking pity on him some of the people gave him some money which came around Rs. 12. With this amount that he had received, Babu tried to get into a bus and went to the Coimbatore Government hospital to take treatment. Now he is still at the Coimbatore Government hospital.

The police who are supposed to provide protection and prevent the atrocities against the Dalits have not taken any steps and have been negligent in performing their duty. The fact finding team would like to categorically state that this is contrary to the tasks expected of the police under the SC/ST POA Act and Rules. Even after knowing that the Dalits had been attacked, their houses set on fire and that they were attacked by deadly weapons, the police have not taken any immediate action and on the contrary have been extremely lethargic and negligent in their duty. This negligence of the police also amounts to a wilful negligence on their part from the evidence that the fact finding team has been able to gather with much difficulty. Such a wilful negligence exhibited by the police of Kovilpalayam Police Station also clearly amounts to an offence under Sec 4 of the SC/ST POA Act 1989. Further, this act of acquiescence of the police of Kovilpalayam police station, clearly brings this occurrence within the ambit of the definition of "torture" under Art 1 of the UN Convention on Torture. Even on the date of occurrence on 16/5/2004, only two policemen had visited the spot, and that too only after two hours of the occurrence – when the Police Station is about 7 KMs from the village.

The Fact finding team raises the following questions to itself after its visit:

- ❖ Even after knowing the depth and intensity of the atrocity that had taken place, why the police had delayed their visit to the spot which is approximately 7 km from the Police Station?
- ❖ Nearly 100 houses have been burnt, many Dalits have been attacked violently causing serious injuries by nearly 200 Dominant caste people, and even after knowing all this, why is it that only two policemen alone went to the place of occurrence without any special police force and that too after 2 ½ hours of receiving the information. Why this lethargic tendency?

- ❖ When there is so much of disaster causing such a high level of hue and cry, what will the response of the Government be to the initial irresponsible behaviour of the police department of Coimbatore Rural District headed by Mr. Dinakaran IPS?
- ❖ The FF team observes that there had been more than three occasions where the 'peace committee meetings' held in the presence of the Tahshildar and village panchayat heads on the issue of caste based tensions prevailing in the village. Even one was held on the 17<sup>th</sup> April 2004 regarding the issue of the Dalit youth named Babu s/o Selvaraj beaten on 14<sup>th</sup> April 2004 by the Dominant caste people for sticking a poster on the Birth Anniversary of Dr. Ambedhkar. In spite of this why was there a total negligence on the part of the police and government officials in regard to this issue.

There are various laws in place which are intended to empower and strengthen Dalits in such circumstances of atrocities. The FF team would like to conclude with great concern and dissatisfaction that many irresponsible police officials follow these laws only on papers and never implement them in the interest of the people. Even after such a brutal atrocity, the dominant castes that were responsible for such a cruel attack were still found loitering around peacefully in the village and had not been arrested immediately after the incident. Moreover, the police had not taken even the minimal necessary steps required under the SC/ST POA Act and Rules immediately after the incident had occurred. Analyzing these factors, our fact finding team finds that the Coimbatore District Rural Superintendent of Police has also been in acquiescence with the dominant castes initially until social pressure had been brought upon him through the action of several civil society organizations.

## **6. Denial of Right to information.**

On 18/5/2004 at about 10.30 AM when our FF team tried to enter the Kalappati village to visit the affected area, a D.S.P. under training, Ms. Mutharasi stopped the team and denied access to enter the village. She insisted that the FF team should not go into the village. Moreover, the Additional SP, Mr. Rajadurai also denied permission to our FF team to enter the village.

On 17/5/2004 when our FF team visited the spot in order to assess the loss of property and initiate immediate relief and rehabilitation for the people, the police Inspector on duty was Mr. Mageswaran and he too denied permission to our team – but when we had insisted that we were from a Human Rights organization they allowed us to enter the village.

But the very next day, on 18/5/2004, when our team went to make an assessment of the loss and damages caused to the property, Mr. Rajadurai stopped us and told us that particularly People's Watch – Tamilnadu was not allowed to go into the village for their Fact Finding Mission. Initially when the D.S.P. under training Ms. Mutharasi prevented us from

entering into the village, the Executive Director of People's Watch - Tamilnadu, Mr. Henri Tiphagne had send a telegram to the Director General of Police, the IG, the DIG, the SP and the District Collector of Police specifically stating that the denial of permission to enter the place of occurrence to Human Rights Defenders is against the UN Declaration on Human Rights Defenders 1998.

The Additional SP, Mr. Rajadurai not only stopped our team from entering the village but also threatened the team with dire consequences. Such acts of the police only go to add proof to the earlier conclusions of the FF team that the police were in acquiescence with the dominant caste and this attempting to prevent the intervention of the Human Rights organization. Not only was the FF team of People's Watch –Tamilnadu prevented from entering the spot but this was also the case with the representatives of various Dalits organizations of the region. Preventing the civil society organizations and the Human Rights organizations involved in human rights information gathering, rehabilitation and other works is a gross human rights violation. The only reason for this that the fact finding team could come to a definite conclusion has been that this has been carried out in order to hide the atrocities on the Dalits.

On 19/5/2003, even the media personnel were prevented from entering the place of occurrence. The FF wishes at this juncture to insist that the responsibility of the police is to provide protection to the affected people of the Kalapatti village and not their duty to prevent the victims who are struggling to get justice to be prevented form contact with their sympathizers from outside the village.

One of the major duties of the District administration as outlines under the SC/ST POA Rules 1995 is to identify the tension prevailing and sensitive areas and provide prior protection in order to prevent any unwanted violence on the Dalits. But in the case of the Kalapatti village in spite of regular complaints on the dominant castes on various caste based violations, the District administration had failed to perform its duty by ensuring that the practices of untouchability that were openly being carried out in this village were discontinued . This village and its environs should have been declared an atrocity prone area and deserved special attention - much earlier to the occurrence based on the earlier history of caste discrimination complaints that had already been preferred.





## **7. Treatment of the victims in the Coimbatore Government Hospital**

Nearly 14 men including 2 Dalits women are in the Coimbatore Government Hospital from 10.p.m of 16/5/2004 and our FF team visited all the 14 members and has recorded all their statements. Some of them are admitted as inpatients while some are as outpatients. However it is to be noted that none of the officials, including the District Collector, the District SP, the DSP , the RDO or the Thasildar have visited them in the hospital to know from them how they are how they are being treated in the hospital.

## **8. The victims are fleeing out of the Kalapatti village**

The brutal and violent attack by the caste Hindus on the Dalits of the Kalapatti village had created the threat of life and security and due to this many Dalits are moving away from their villages. Moreover, when the caste Hindus attacked the Dalits they have warned the Dalits that they have to leave the villages or they would be killed by them. The FF team concludes that all the above mentioned is true as per the statements got from the victims.

The Dalits of this village due to fear have fled to the near by villages like Ganapathy, Veeryampalayam, kallipalayam, Kovilpalayam, Arasanoor and to other relatives houses. Also when the dalits were going to other villages the caste Hindus of those villages also created trouble telling them not to use their way and diverted them to some other routes.

All the above incidents were narrated by the victims themselves to our FF team. There was a strong decision by the caste Hindus that the Dalits have to be sent out of the Kalapatti village. This intention was deep into the minds of the caste Hindus. Destroying the properties of the Dalits, damaging etc is an atrocity against the Dalits u/s 3 (1) (9) and 3 (2) (3) of the SC/ST PoA Act 1989

## **9. Government officials negligence compromise strategies**

Even though the Dalit people of the Kalapatti village have been violently attacked by 200 people belonging to the caste Hindu community, only 41 of the caste Hindus who were not involved in the violation were been arrested by the police.

The caste Hindus are still moving freely in the areas of the Dalits even after they have brutally attacked the Dalits with an intention of murdering them. The police are also not preventing them. Instead of that they have stopped the entry of the Human Rights organizations and other social movements.

The Police are very keen in hiding the intensity of the atrocity and are also threatening the Dalits to hide the burnt things.

The Government has allotted a compensation of Rs.20 lakhs for Dalit people's relief work. Only Rs.2,42,000/- was given as immediate compensation (Source: Kumudham Reporter-27.05.2004)

The police of the Kovilpalayam police Station registered three cases, Cr.nos. 124/2004, 125/2004 and 126/2004 U/S. 147,148,452,324,354,436,307 of IPC and under sections 3(1) (10), 3(1) (11), 3(2) (5) of SC/ST (PoA) Act 1989 against the people who were involved in the violence in the three FIRs.

The Dalits, who were brutally attacked by the caste Hindus, who were admitted in the hospital for treatment were not even visited, enquired and consoled by any Government official till 23<sup>rd</sup> May 2004.

The following Dalits namely, Mr. Balan, S/o Mr. Rangasamy, Mr. Palraj, S/o Mr. Gopal, Mr. Selvakumar, S/o Mr. Gopal, Mr. Senthil kumar, S/o Mr. Rengasamy, Mr. Ramesh, S/o Mr. Shanmugam, Mr. Babu, S/o Mr. Balan, Mr. Gopal, S/o Mr. Subramnaiam, Mr. Ragunathan were threatened to death by the caste Hindus even after the brutal attack. As these are the only bread winners of their families they are threatened even to go out for jobs and today their right to life and security is at stake.

Since many people belonging to Dalit community have fled out of Kalapatty and since the staff of People's Watch – Tamil Nadu were not allowed to enter the village, it has been very difficult for us to value the damages inflicted upon the Dalits. Even then, People's Watch – Tamil Nadu has been trying to calculate the economic value of the damages done.

#### **10. The background of the violence and the necessity of social justice to Dalits**

The Dalits of the Kalapatti village had boycotted the recently held Lok Sabha elections on 10<sup>th</sup> May 2004. The Kalapatti village comes under the Coimbatore constituency. For any elected position as far as Coimbatore is concerned, is it a Member of Legislative Assembly (M. L. A) or Member of Parliament (M. P) and irrespective of his / her party affiliation, it is always the Caste Hindus, to be specific, the dominant Gounder caste people are the one who gets elected in all the elections.

The Dalit community people have a discontent for a long time that the elected representatives of various bodies in this district who are caste Hindus have not taken any attempt/effort, by all means that is, legally, democratically and politically.

To register their displeasure against such activities, the people of the Kalapatti village have boycotted the elections recently. This has provoked the Caste Hindus more and the worst part is that even the state representatives, the officials are in the side of the caste Hindus. The major concern of the FF team is that will there be justice for the suffering people inspite of all the bias on the part of the officials?