

NCSC Report on Atrocities against Kuravan community in Tamil Nadu-2016

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GOVERNMENT OF INDIA

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Foreword

Complaints of atrocities as a customary practice by police for several decades, against the Kuravan community were being received in the Commission. Kuravan is a sub-caste in the Scheduled Caste community of Tamil Nadu and is included in the 150 tribes or communities, termed as *criminals* under the erstwhile *Criminal Tribes Act, 1871*. While the Act was repealed in 1952, these so called traditional *habitual offenders* continue to be stigmatized.

The issue was highlighted when one SC Kuravan petitioner present in NCSC Headquarters for a hearing, was found implicated in 2 cases in Tamil Nadu on same day.

It was decided to conduct a study on this issue to obtain and verify the facts of these alleged police atrocities faced by the Kuravan SC community and the adverse consequences of the same.

The study was conducted by a committee comprising of:-

- Smt. P.M. Kamamma, Member - NCSC
- Advocate B.S. Ajeetha
- Dr. V. A. Ramesh Nathan, General Secretary, National Dalit Movement for Justice - NCDHR,
- P. Ramasamy, Assistant Director , NCSC, State Office Chennai.

I am happy to present the outcome of the study as this report viz, *Report of NCSC on Police Atrocities against Kuravan Community, Tamil Nadu (2016)*.

The groundwork and details of the cases studies mentioned in the report were conducted, initially compiled and catalogued by the staff of National Dalit Movement for Justice and the Chennai State Office, NCSC. Ms. Saranya Vadhani, intern at NCSC, also worked with the NCSC Secretariat on the finalizing of the report including compiling of the data and graphs.

P.L Punia

**Chairman
National Commission of Scheduled Castes**

Police Atrocities against Kuravan Community, Tamil Nadu

1. Introduction:

The study was conducted by a committee¹ formed by the National Commission for Scheduled Castes based on the rising number of complaints by the Kuravan Community on police atrocities.

2. Why the Study:

Complaints of atrocities against the Kuravan community reported as a customary practice by police for several decades were being received in the Commission. The issue was highlighted when one SC -Kuravanø petitioner present in NCSC Headquarters for a hearing , was found implicated in 2 cases in Tamil Nadu on same day. This systemic practice where the members of the Kuravan community are booked for criminal offences for which they may be innocent, subjected to atrocities and that there is inadequate intervention to bring them out from the vicious cycle of being trapped into the false criminal cases was also being highlighted by some NGOs . The study was conducted to obtain and verify the facts of these alleged police atrocities faced by the Kuravan community and the adverse consequences on the women and children of the affected families.

3. History and Background of the Kuravan Community:

The øKuravanö is one of the sub-castes of the Scheduled Caste community of Tamil Nadu. According to an estimate, the "Kuravan" population in the state is 10 lakhs. The Kuravan communities, who inhabit the mountain regions of Tamil Nadu, form the sixth largest scheduled caste population in Tamil Nadu. The community is spread in other states like Kerala, Karnataka and Andhra Pradesh with different names, for e.g. Irukulas in Andhra Pradesh.

¹Comprised of:-

Ms. P.M. Kamamma, Member NCSC

Advocate B.S. Ajeetha.

Dr. V. A. Ramesh Nathan General Secretary, National Dalit Movement for Justice - NCDHR,

P. Ramasamy, Assistant Director , NCSC, State Office Chennai.

During the British rule in India certain weak and vulnerable communities were literally termed as the "Crime Dynasty", popularly known as "Kutra Parambarai" in Tamil. The British passed the Criminal Tribes Act, 1871 and notified around 150 tribes in India as criminal, giving the police wide powers to arrest them and monitor their movements. Just being born into one of those 150 tribes made a person a criminal. The Kuravan community of Tamil Nadu comprises the majority among the most vulnerable groups in this regard who are termed as "Habitual Offenders".

This Act gave sweeping powers to the local governments to recommend that certain "tribes, gangs, or classes" be declared as being "addicted to the systematic commission of non-bailable offences". While the Criminal Tribes Act² was repealed across India in 1952, these communities continue to carry with them the stigma of criminality.

3.1 Livelihood patterns of the community:

They are mainly engaged in making bamboo baskets, using palm leaves, and coir products, rearing pigs, and conducting other menial work. In search of livelihood they also migrate from one place to another. As a result there was shift in their occupation pattern. They hunt birds and raise country pigs (black pigs) both for their consumption and sale. Some of them work as fortune-tellers, since they use the trained Kili (parrot) to predict fortunes; hence they are also known as Kili Josiyars.

3.2 Current socio-economic profile of the community:

Today, the community is spread all over cities, towns and villages. The practice of rearing pigs is still common among the community who live in villages and urban slums since they are able to access space for rearing pigs. In cities, the majority of them work as sweepers in a corporations e.g. in Madurai and Virudunagar municipality, while some are engaged in manual scavenging. Only a few people who have managed to get some level of education work in government and private enterprises.

² Under the British Rule, first enacted in 1871 as Criminal Tribes Act (Act XXVII of 1871) applied mostly in North India. The Act was extended to Bengal Presidency and other areas in 1876, and finally with the Criminal Tribes Act 1911, it was extended to Madras Presidency as well. The Act was repealed and former "Criminal Tribes" were denotified in 1952, when the Act was replaced with the Habitual Offenders Act, 1952 of Government of India.

4. Legal Implications:

- The Indian Constitution- Articles 14,15,20,21,21-A,22,39
- Scheduled Castes and Scheduled Tribes Prevention of Atrocity, 1989, and Amended Act, 2015 and Rules 2016
- The Police Act, 1861
- The Indian Evidence Act, 1872.
- The Protection of Human Rights Act, 1993
- The Protection of Children from Sexual Offences Act (POCSO Act) 2012
- The Criminal Law (Amendment) Act, 2013
- Juvenile Justice (Care and Protection of Children) Act, 2015
- Indian Penal Code (IPC)
- Criminal Procedure Code (Cr. P. C)

5. International Mechanisms:

- Universal Declaration of Human Rights (UDHR)
- International Convention on the Elimination of All Forms of Racial Discrimination (CERD)
- Convention on the Elimination of all forms of Discrimination against Women (CEDAW)
- Convention on the Rights of the Child (UNCRC)

6. Methodology:

- Collecting secondary data on police atrocities from police stations on the status of the SC Kuravan community.
- Random enquiries into the incident to arrive at inferences.
- The list of details with FIR of alleged cases of police atrocities

- Opinion of non-formal village community leaders to be taken into consideration in order to substantiate the impact of atrocities on the affected victims (at least 3 individuals/leaders).
- Interviews of the victims.
- Collection of case documents.

7. Objectives of the Study:

- To examine :
- the issue of alleged atrocities on Kuravan (SC) community by the police in the state of Tamil Nadu.
- the alleged biased/ subjective handling of the cases of Kuravan (SC) community.
- the extent/reasons/veracity of the police atrocities and aftermath including the effect on families . .
- to suggest remedial measures to overcome the problems, including relief and rehabilitation.

8. Police Atrocities on Kuravan Community in Brief:

Even after 6 decades of political independence in India, the community is subjected to physical torture by the Tamil Nadu police under guise of the "habitual offenders". The members of the community, including women, men, and children, are subjected to systematic atrocities at the hands of the police. It has become convenient for the police to catch hold of the "Kuravans" and foist false cases against them; Kuravans are kept under illegal detention, and are subjected to torture to extract "false confessional statements" regarding crimes which they had not committed. For these reasons the entire community lives in fear of detention and arrest. There are allegations that police compile the pending unsolved theft cases , charge the people from the community to show these cases as solved, and that the police protect and defend actual perpetrators and anti-social elements in order to keep the racket going. The "Kuravan" men are regularly taken from their houses and illegally in police custody , subjected to third degree torture and are forced to

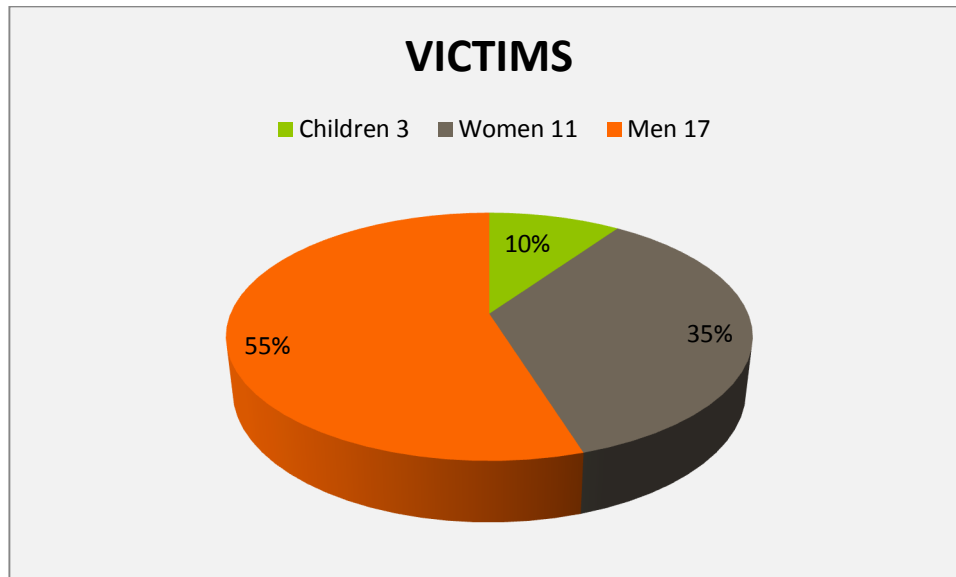
confess various criminal cases. With respect to the Kuravan women, they are verbally, physically and sexually abused. The Kuravans in districts like Thanjavur, Ariyalur, Thiruvarur, Salem, Trichy and Villupuram experience high levels of false criminal charges, illegal detention torture in custody, sexual abuse and custodial deaths.

9. Case Studies:

There are a large number of cases of alleged atrocities on the Kuravan community which are reported in the press / by NGOs and other associations. However for the purpose of the report, only 21 specific cases studies of victims ranging from age (14-60) were taken up. Brief details of other cases also brought to notice of the Commission are placed at Annexure 6I.

The victims in the case studies include children, women and men and the number of cases filed against each victim ranged from 1 to 33, with an average of 5 cases per person. In all cases the victims were subjected to long periods of in detention and torture. Two cases³ resulted in custodial deaths of victims and in three cases⁴ the victims/family members attempted suicide due to harassment. The details are as follows:-

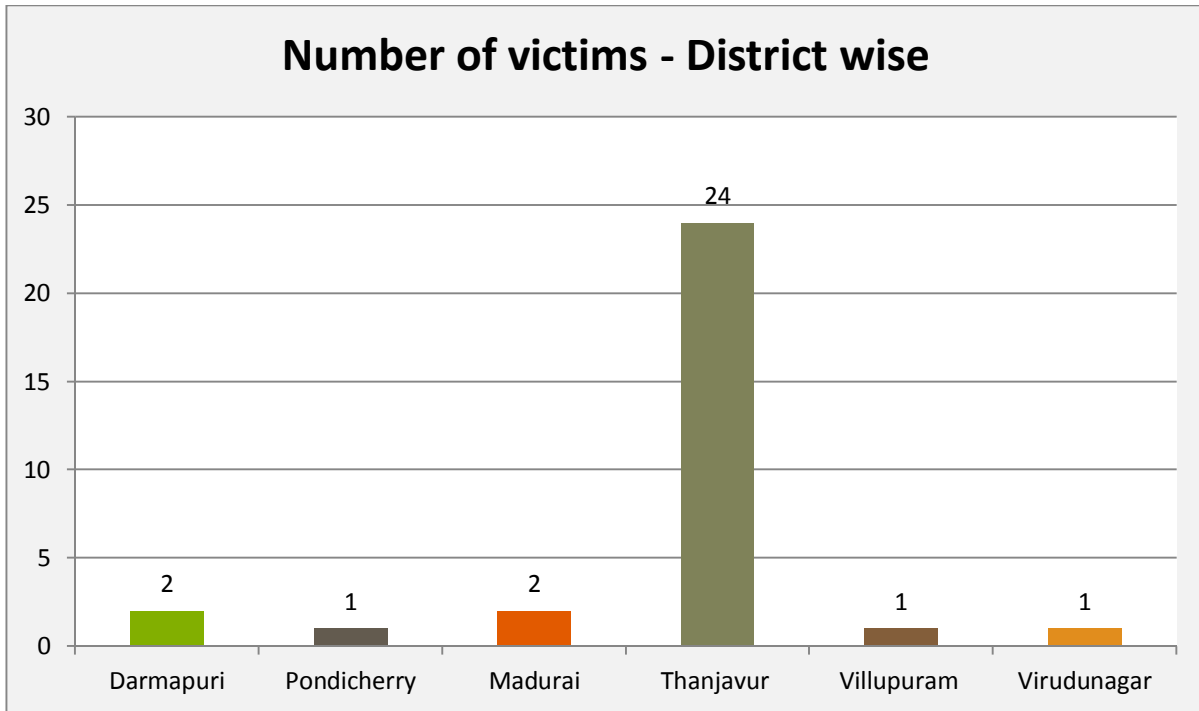
Graph: 1



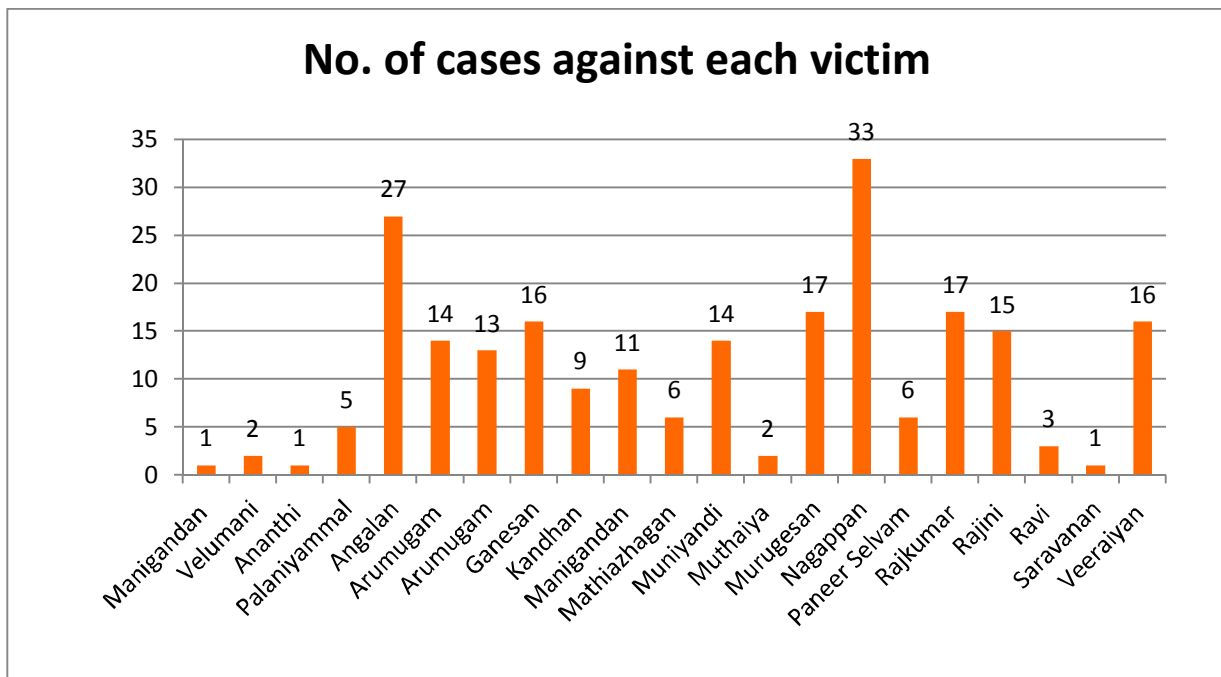
Graph 2

³ Case Nos. 9.19 and 9.20.

⁴ Case Nos. 9.7, 9.18 and 9.21.



Graph 3



Case Study: 9.1

False case leading to dropout from school

Victim – Master Manigandan s/o Mary

Manigandan (13) was studying 9th Std in Virudunagar District. He was arrested under a theft case and forcibly taken from his home and kept in illegal detention for 2 days where he was subjected to severe form of police torture and including his nails being plucked with cutting blade. He was held in police custody for two days before he was presented to the Child Welfare Committee. The child victim was locked up in a lodge, beaten, abused and subjected to severe physical torture. He had to discontinue his education due to the false theft case filed against him. The police stated that "you would have stolen because you belong to the Kuravan Community".

Observations:

- The victim is a 13 year old juvenile belonging to the Kuravan community.
- The victim was forcibly taken from Subaya Naidu Govt. Higher Secondary school by the police; this victim discontinued his education and dropped out from the school.
- The juvenile was held in police custody for two days before he was presented to the Child Welfare Committee and was in a government home for one day before he was taken out on bail.
- The child victim was detained in a lodge, beaten, abused and subjected to severe physical torture
- He lost his education and lost self-esteem
- The victim is living with stigma as a "thief" and is unable to continue his education. The police stated that "You would have stolen because you belong to the Kuravan Community". Strong prejudice against the Kuravan community was observed.
- The actual juvenile who had committed the theft was found to be another boy of an OBC community who was however not arrested by the police.

Case Study: 9.2

False case leading to dropout from school



Victim : Velumani (21) s/o Paramasivam

Velumani was studying 9th Std in Thanjavur district, when he was arrested under theft in 2011. He was picked up from Bazaar Street by Vallam Police, kept in detention for 10 days and the police filed a false case against him and sent him to the Thanjavur Juvenile home. He was released on bail after 7 days from the observation home. In the meantime, the Karaikudi police filed two theft cases against him and produced a formal arrest. He was denied readmission to the school since he was lodged in the juvenile home. He was forced to drop out and now he is a daily wage labourer in the construction field.

Observations:

- In 2011 when he was studying in 9th std. he was forcibly taken from Bazaar Street by Vallam Police station while he went to buy groceries for his house. He was kept in custody for 10 days, during which he was brutally beaten up by different policemen, with a view to obtain a confession on theft of jewels.
- On the 10th day, theft case was charged against him and since he was a juvenile, he was sent to Thanjavur Juvenile home and kept there for 7 days.
- He later applied for bail and was let off. In the mean-time the Karaikudi police filed two theft cases and formally showed his arrest.
- The school denied re-admission, since he was detained in juvenile home and later he was issued with TC from the school.
- Due to his family circumstances he couldn't join any other school, as a result of the false case he was deprived of his education and constrained to working as a daily wage labourer.

Case Study: 9.3



False case & torture in police custody

Victim - Ananthi (30) w/o Govindaraj(40) and her sister

Ms. Ananthi, was working as a daily wage labourer from Darmapuri District . 1 theft case was raised against her, she and her son were forcibly taken by the police from her house around 3 o clock in the early morning to the police station (Harur - Women PS) where she was interrogated about the alleged theft. Ananthi was later taken to the Pallipatti police station and brutally tortured. It is reported that two police men stretched her legs and one policeman poured chili powder in her private parts and penetrated with lathi for long time. Meanwhile her sister was also taken to another police station (Harur- General PS) where she was brutally tortured, stripped by the police and kept in detention.

Observations:

- There was only one case filed against her, she was forcibly taken from her house at 3 am with her son and taken to the police station (Harur All/ Police Station Women), and they were interrogated by the police about the theft of jewelry in a house.
- She was severely tortured by the police with an iron rod, by rolling the iron rod on her thighs.
- Later she was taken to another police station (Pallipatti Police Station) in a jeep and while in the jeep she was not allowed to sit. She was half standing in the jeep and one police man was kicking her from behind.
- She states that at Pallipatti police station two police men stretched her legs and poured chili powder in her private parts and penetrated with lathi for long time.

- she alleged that her sister was also simultaneously taken to another police station (Harur Police Station), where she was beaten, stripped and was asked to stand naked for a day in the police station.

Why is Ananthi different from other Victims?

Ananthi has filed a case against the police men who tortured her and her family members and the cases are under investigation. She has deposed in front of the Deputy Superintendent of Police, Revenue Divisional Officer, Collector and still waiting for the action to be taken against the police persons involved.

Case Study: 9.4



Police torture leading to migration

Victims - Palaniyammal (28) w/o. Murugesan and her sister Pavalakodi

Ms. Palaniyammal from Kuravan community was charged with 5 cases on theft, drug peddling and illegal liquor sale. In 2005, she and her sister were detained and tortured by the police. Both women were subjected physical and mental torture, with Pavalkodi losing her baby in the womb. For 3 of the cases Palaniyammal paid a fine in the court on the advice of the police and her advocate. In the remaining 2 cases she was released by considering the days she had already spent under judicial custody.

Observations:

- In 2005, Palaniyammal was taken into the police station with her small child, mother and sister.
- They were detained for 12 days , for 3 days they were detained at the police station, 4 days at the police quarters and 5 days kept at a private lodge and they were brutally tortured and beaten up by iron rods. Her legs were stretched and two policemen stood on her legs and one policeman beat her at the foot, the women police pulled her hair and slapped her on her face and neck. In addition, the policeman searched for jewels by putting their hands inside her blouse and sexually molested her.

- Later they came out on bail. At the time of Pongal festival, 40 police men dragged the 3 women to the van, they were kept in the police station for a few days and in a private lodge for a few days. Later a case under Narcotic Drugs and Psychotropic Substances Act was lodged against the three of them and they were again sent to jail for 9 months before they could obtain bail.
- Again the police filed a false case against her with the charge of selling illicit liquor.
- Since the police and the advocates asked her to plead guilty for the cases, she paid a fine and came out. She was set free as considering her previous conviction period in jail. Also 12 false cases were filed against her husband.
- Pavalakodi, sister of Palniyammal was pregnant at time of detention and had an abortion due to the brutal police torture.
- Due to the continuous false cases, she decided to migrate from her native village and is settled in Villupuram.

Case Study: 9.5



False cases & jail terms

Victim - Angalan (27) s/o Kaliappan

Mr. Angalan has been running a cycle shop and rearing pigs. A total of 27 cases were foisted against him from 13 different police stations in 4 districts from 2007 to 2014. He has been in jail for 10 years and 24 days for the above cases, has spent a lot of money by pledging / selling his property and pigs to get bail for all the false cases filed against him and became ill due to the alleged police tortures.

Observations:

- In total, 27 cases were foisted against him in 13 different police stations from 2007 to 2014 and has spent 10 years and 24 days in prison.
- He has been subjected to police torture and inhumane treatment during these illegal detention. The police tied his hands and legs together and tied with a wooden log in a horizontal position called the pully method or rattinam in Tamil.
- His hands were tied back, he was blindfolded and then a wet cloth was tied around his knee. They asked him to sit on the floor and two bricks were put under his knee on the floor, and he was hit vigorously with an iron rod, which fractured his right leg.
- His physical and mental health has deteriorated as a result of the torture he has undergone for the past few years

Case Study: 9.6

False case & imprisonment

Victim: Arumugam @ Attack Arumugam (48)

Arumugam works as a daily wage labourer. 14 cases were registered against him between 1996 and 2014 in different districts. He has been acquitted in 9 out of 14 cases, 4 cases are under investigation for past several years and 1 case is pending in court, lending credence to his allegation that they are false cases. He was under judicial custody for 2 years and 8 months and spent huge amount of money by pledging / selling his property etc and pigs to get bail for all the false cases filed against him. In 2007, he along with four other persons was detained under the Goondas Act and later released after revocation of the detention order.

Observations:

- From 1996 to 2014, a total of 14 cases were foisted against him in 4 districts from 9 different police stations, for which he was in jail for 2 years and 8 months.
- He was kept in 45 days of illegal detention and subjected to brutal torture. His hands and legs were tied and he was hung upside down and beaten, his legs were stretched by two police men and they stood on each leg and beat him.

Case Study: 9.7

False case & torture in police custody

Victim : Arumuga @ OotyArumugam and his wife Meenakshi

Meenakshi and her husband Arumugam are daily wage labourers. She deposed on behalf of herself and her husband and regarding the false cases foisted against him and severe police torture from 1989 to 2010. In total, 13 cases were filed against him, he was kept in illegal detention for 60 days and he was under judicial custody for 18 months and spent 26 days in prison. *He has been acquitted in 7 cases, 3 cases were closed by the police of their own accord and 3 cases are under investigation for past several years lending credence to his allegation that they are false cases* . They spent lot of money by pledging his property etc jewels and pigs to get bail for all the false cases filed against him.

Observations:

- In 2005, Kudavasal police and Thiruvarur police came in search of Arumugam and forcibly took his wife Meenakshi , kept her in a lodge where they had already brought Raji, her brother in law.
- She was interrogated about the stolen jewels , beaten ,later disrobed tied up and needles pierced into her fingers . the beating continued for 2 days.
- On the third day she decided to commit suicide by jumping down from the third floor of the lodge, which was foiled.After the incident, they just got the signature from her and sent them home.
- Her husband Arumugam was kept in illegal detention for a long period of 3 months by Kudavasal Police station. Police pierced needles all over his body, hung him upside down and beat him, and folded his finger backward and tied it with rope.
- Police further threaten them that they will not allow their children to study rather will file a false cases against them as well.

Case Study: 9.8

False case & torture in police custody



Victim : Ganesan (a) Madurai Ganesan (52)

Ganesan (@) Madurai Ganesan is a mason. 16 cases were foisted against him from 2002 to 2009 .Of these he has been acquitted in 7 cases and the remaining cases are pending. He is not aware of the status of the cases. He spent around lot of money by pledging/ selling his property and pigs to get bail for all the false cases filed against him. In 2007,he and his relatives was also booked again under the Goonda Act and he later was released after 9 months as the detention order was revoked.

Observations:

- From 2002 to 2009, 16 cases were foisted against him, of which in 7 cases he has been acquitted, and is unaware of the status of the remaining cases.
- He was in jail for 2 years and 4 months,kept in illegal detention for 44 days in 2 police stations.
- While in illegal detention he was tortured , where his hands and legs were tied and he was hung upside down and beaten up. He still has scars from the injuries caused by the police violence and custodial torture.
- He was arrested with three others who were co-accused for a theft case in the year 2006. Even after 12 years the case is still pending without completion of the trial.
- In the year 2007, he and his relatives were booked under the Goonda Act and later after 9 months it was quashed and they were released.

Case Study: 9.9



False case & torture in police custody

Victim : Kandhan (41) s/o. Mr.Perumal

Kandhan had a total of 9 cases foisted against him from 2004 to 2012 and he underwent brutal torture by the police in all the cases. In one such case the police filed a bike theft case against him, but the fact was that he was the owner of the said bike. His left leg was fractured due to the torture by the police and he was hospitalized for a month for treatment. He spent lot of money by pledging / selling his property and pigs to get bail for all the false cases filed against him.

Observations:

- From 2004 to 2012, there were 9 cases filed against him and he was severely tortured by the policemen during the detention.
- Later the police foisted a theft case against him for theft of his own bike.
- In 2005 in the second case, his leg was covered with wet gunny bag and was beaten with an iron rod. His left leg got fractured and after that he was kept in Trichy Central prison, and sent to the general hospital for one more month for treatment for the fracture

Case Study: 9.10

False case & torture in police custody



Victim : Manigandan (37) s/o Ganesan(58)

Mr. Manigandan is working as a sweeper in Virathanur District, 11 cases have been foisted against him by the police and he underwent brutal forms of police torture during the detention.

Observations:

- Several false cases were foisted against this victim by implicating him.
- The victim and his wife are working as sweepers in Virathanur Village Panchayat who did not have any register maintained for their attendance and they were considered as daily wages labourers. The police took him into custody and foisted false cases against him since 2008 and brutally tortured him.
- A total of 11 cases were foisted against him and the victim had not committed any crime where he was charged by the police. The alleged confession and recoveries were false and the confession was obtained after prolonged detention and third degree torture inflicted by the police.
- The police have implicated the victim in one case after another and he lost his job due to their false cases.
- However, he continued to earn money through some kind of daily wage work.

Case Study: 9.11

False case & torture in police custody



Victim : Mathiazhagan (28) s/o Periyasamy(45)

Mathiazhagan works as a sweeper in Thanjavur District. A total of 6 false cases were foisted against him and he underwent brutal forms of torture by the police during 80 days of detention in various police stations. He was imprisoned for 6 months and spent lot of money by **pledging / selling** his property, to get bail.

Observation

- In 2010, one case and in 2011, three cases were foisted against him.

- imprisoned for 6 months in jail, detained for 80 days in different police stations and he underwent brutal torture, his legs and hands were tied back and he was hung upside down and beaten by the police. His nails were pulled off using a cutting blade.
- For about 10 days, he was blindfolded and taken to different police stations in a jeep and beaten up.
- Because of the continuous filing of the false cases he and his wife were removed from their jobs (working as sanitary workers in a private university). After going through the 4 case documents (collected in police station visits), in none of the cases were his name mentioned in the FIRs.
- On 17.09.2011, he was caught on the way to Church and his signature was obtained on one confession statement through which he was booked in 4 cases and was arrested. The four cases were filed in 3 different police stations by using the same Mahazar witnesses.

Case Study: 9.12

False case & torture in police custody

Victim : Muniyandi (49) s/o Balan

Muniyandi works as a driver from Madurai District. 14 cases were alleged against him in different districts from 2008 to 2014. He has been acquitted in 1 case , 10 cases are under trail and for 3 cases even the charge sheets were not filed. He spent lot of money by pledging his belongings, taking a loan from money lenders for bail.

Observations:

- A total of 14 cases were filed against him from different police stations in different districts from 2008 to 2014. He was acquitted in one case , 10 cases are under trial and for 3 cases, no charge sheets were filed.
- He was kept in illegal detention for 15 days and severely tortured by the police and brutally beaten up with lathi.
- He spent lot of money by pledging his belongings, taking a loan from money lenders for bail.

False case & torture in police custody



Victim : Muthaiya (28) s/o Balakrishnan

Muthaiya works as a track man in Indian Railways in Madurai District. 2 cases were foisted against him in 2012 and he was subjected to brutal form of police torture during 4 days of illegal detention. He was imprisoned for a month and came out on bail. Both of the cases are still pending in court. To get bail pledging his belongings, taking a loan from money lenders . He resumed his work only after two years. He is still not able to go out as a result of the trauma of police torture and he is still in fear of police and even at the sight of uniformed and police men.

Observations:

- He worked as a track man in Indian Railways and in 2012, two cases were filed against him, for which he has undergone 4 days of illegal detention. For the first case he was arrested on the basis of suspicion and later implicated in a false case. He underwent a brutal form of police torture and inhumane treatment during 4 days of illegal detention.
- His nails were plucked using a cutting blade and he was beaten up. While being beaten on his hands he sustained a blood injury his legs were stretched and beaten fracturing his left leg.
- For both the cases, he was in jail for 1 month and came out on bail. Both cases are in court pending trail.
- After two years, he resumed his work as a track man. Still he has not recovered from the trauma caused by the torture and he is still afraid whenever he sees a policeman or even sees the colour of police uniform.

Case Study: 9.14

False case & torture in police custody



Victim : Murugesan (42) s/o Perumal (70)

Murugesan from Tanjavur District and totally 17 cases were filed against him from 2000- 2010. These cases are false cases as he got acquitted in 3 cases, 2 cases are under trial and other cases are under investigation for several years. He was kept in detention for many days where he was brutally tortured for obtaining a confession , torture included putting green chilly juice in his eyes. His left leg and right hand were tied together in a rope, and the other corner of the rope was tied to the window. His legs were tied across like X and he was asked to stand for 3 to 4 hours.

Case Study: 9.15

False case & torture in police custody



Victim : Nagappan (38) s/o Kaliappan (80),

Nagappan from Tanjavur District, engaged in pig rearing, has had 33 cases against him in different districts during the period of 2002 to 2014. 9 are false cases as he was acquitted in them. Owing to these false criminal charges, he was in prison for 4 years, 9 months and two days.

Observations:

- He was kept in custody for several days ranging from 3 days to 45 days.
- He was tortured by the police using the Rattinam method in Tamil (the Pulley method)⁵ when he was caught as a suspect in big theft and robbery cases.
- He was dragged into the police jeep at night, blindfolded with cloth, and taken into a forest that was located at about 10 km away from the police station
- his name was included in several other FIRs from different police stations .
- Of the 33 cases foisted against him, 8 cases which have been pending trial for the past 18 years.
- For the past 18 years the victim has lost his livelihood, health, and his entire life is traumatized.

Case Study: 9.16

False case & torture in police custody

Victim: Paneer Selvam (26)

Victim and Deponent - Vaitheshwari (23)

Vaitheshwari deposed on behalf of herself and her husband Paneer Selvam. A total of 6 cases were foisted against Selvam by the police. He was acquitted in 2 and 4 cases are pending in the court.. For bail and fighting all these cases the family spent huge amount of money by pledging their assets and selling their pigs and goats.

Observations:

⁵ described in case study 9.5

- At the time of Vaitheswari's bangle ritual in 2010, the Edaikal, Viruthachalam police came half way into the function and she and family were lathi charged by the police , irrespective of gender, both men and women were brutally beaten up and dragged into the van.
- On the third day, the men were taken into the Parangipetti police station and false cases were foisted against them. They were sent to the Cuddalore central prison and later they came out on bail after 6 months.
- 4 false cases were foisted against her husband, among which one case was acquitted.

Case Study: 9.17

False case & torture in police custody



Victim : Rajkumar s/o Govindhan

Mr. Rajkumar works as a construction labourer from Tanjavur District. A total of 17 cases were filed against him in different district with the first false case in 1997. These are false cases because among 17, he was acquitted in 7 cases and he does not know the status of the other cases. He spent huge amount of money for all the cases, which includes bail charges, advocate fee, court fees, travel expenses, and giving money to the police whenever they demanded it of him. He managed this expenditure loans from money lenders, selling assets.

Observations:

- He has been in judicial custody and imprisoned for 2 years and 7 months
- Before the filing of false cases, he was kept in custody and underwent brutal torture by the police. He was hung upside down and beaten up for 11 days, and he was kept out in some unknown places and forest areas and beaten.
- He was also kept in illegal detention for 25 days in 5 police stations

- His wife was forcibly taken by the police and kept in the police station for a week and tortured. A false case was finally foisted against her for pick pocketing Rs.100 from a Head Constable and Rs. 50 from an Auto Driver.
- She was severely beaten by the police during the detention. She was admitted into the government hospital and the doctors referred her to a mental health ward since she became mentally ill due to the continuous torture by the police. Due to her husband's tortures her daily life is miserable as she is burdened, with household, care of children, livelihood, and her own mental health.

Case Study: 9.18

False case & torture in police custody

Victim: Rajini

& Murugayee (26) w/o Rajini

Murugayee and Rajini work as daily wage labourers in Tanjavur District. A total of 15 cases have been filed against Rajini from 2009. The allegation of Rajini that these are false cases, 2 cases were lodged against him by the police on 24.09.2014, on day he had appeared in NCSC in New Delhi in a case. Later on he was arrested in this case on 15.11.2014 from his residence and police even obtained a confession that he was involved in a crime of theft, and also recovered the part of stolen property from him. This particular issue is an example of the nature of false cases that are being filed against the people of the Kuravar community. In all the previous cases, he was kept in almost 45 days of illegal detention and underwent various forms of torture. His wife attempted suicide by consuming rat poison in front of the district collector's office in Tanjavur, condemning the police torture and brutality perpetrated against her husband.

Observations:

- 7 cases were filed on the basis of 2 confession statements dated 29.03.2009 and 21.08.2009 and the 6 cases of 2011 rest on a single confession statement dated 02.12.2011.
- As per the statement of Murugayee, his wife , Rajini was falsely implicated in a murder case and a theft case after 15.11.2011. The police obtained a false confession while he was in custody..
- A specific case was also examined : Crime.no 25/11, U/S. 392 IPC . The complainant had initially complained about the theft of 6 $\frac{3}{4}$ sovereigns i.e. 54 grams gold in FIR. After 11 months she changed her statement and stated that her 32 grams of gold. This change in the complaint itself which is obviously an implicated false case.
- Murugayee failed in her attempts to rescue him from illegal detention and torture from, she finally attempted suicide by consuming rat poison in front of the District Collector's office Thanjavur on 28.11.2014.

Case Study: 9.19

Custodial death after false case

Victim : Ravi (Deceased)

Ravi, was a daily wage labourer, Villupuram District. 3 cases were alleged against him. A special team of Thirunavalur police constituted to probe robbery in a cooperative bank forcefully picked him at mid-night and detained him in Naduveerapattu police station, The FIR was filed in Kadampuliyur police station. He was tortured and died while in custody in police station. Later on the real accused was caught in the robbery case.

- Later, the special team appointed to probe the bank robbery case caught the real accused, who was a staff member of the same bank. Ravi was in no way part of the robbery

however was falsely accused only because he belongs to the Kuravan Community, and consequently he lost his life in custody.

- No action taken / FIR filed so far against the police officers who tortured Ravi resulting in custodial death.

Case Study: 9.20

Custodial death

Victim : Saravanan(Deceased)

Saravanan was arrested on the basis of suspicion by Odiansalai police station, Pondicherry and remanded in Kalapet prison, Pondicherry. No intimation was given to his family at the time of his arrest. He died in the police station and the family came to know about his death only through a telegram received from the Kalapet Prison.

Observations:

- Saravanan died in judicial custody,
- The family received a telegram from the Kalapet prison that he was admitted in the hospital and died.
- In the mortuary the family members discovered severe injury on the whole body (especially, ears, nose and mouth and found bruises on his hand and abrasions on both right and left elbow)
- On the next day they received a letter from the Odiansalai police station stating that her husband was arrested and sent to Kalapet central jail and had fallen sick.
- There was no intimation given to his family during the time of his arrest.
- The inquest report stated that the cause of death is due to a head injury that resulted in sub mural haemorrhage.

- Further, the report says that the individual has consumed alcohol. The dubious part is that he was admitted in hospital from Kalapet central jail and he could not have consumed alcohol while he was in judicial custody.

Case Study: 9.21



False Cases

Victims : Veeraiyan (36) and his wife Selvarani

Veeraiyan was working as a daily wage labourer and rearing pigs in Tanjavur District. A total of 16 cases were filed against him by the police from 2003 to 2013 in different police stations. He was acquitted in 9 cases and 7 cases are still under trial. His wife Ms.Selvarani was sexually harassed by the police, and subsequently she attempted to commit suicide by setting herself on fire and was hospitalized for 1 month.

Observations:

- From 2003 to 2013, total 16 cases were foisted against him in 6 different police stations. The victim was acquitted in 9 cases and 7 are still under trial.
- He has undergone torture at the hands of the police, such as being severely beaten with lathi on several parts of his body, which left a scar on his forehead.
- His sewage pump fitted truck was confiscated. His school going brother-in-law and aged father-in-law were kept in illegal custody and detention to compel his surrender. Once he succumbed to pressure, false cases were foisted against him. The police continuously damaged his livelihood.
- His wife Selvarani was sexually harassed by the police, and subsequently she attempted to commit suicide by setting herself on fire and was hospitalized for 1 month.

10. Consequences of the torture /atrocities:

The brutal torture of the police on the Kuravan community has adversely affected communities both mentally and physically causing disability, grievous injuries, and severe trauma.

10.1 Children

- Children are forcefully taken into custody from schools and hostels and are brutally tortured.
- Charged with false theft cases to intimidate their parents not to access any redressal mechanisms.
- The majority of children's education is hampered as they drop out from school due to the continuous police torture.
- Subjected to psychological pressure for being branded as thieves.
- No family setting as children in these circumstances grow up without parental care.
- Increase in the number of child labourers.
- Branding Kuravan children as criminals which has a larger impact on social inclusion.
- Vulnerability of adolescent girls.

10.2 Women

- False cases filed against women also.
- Women are facing neurological and psychological illnesses.
- Subjected to filthy language, mostly caste based abuse, by police officials.
- Subjected to abuse: sexual, psychological, verbal, and physical through different forms of violence.
- Experienced trauma in terms of running to the courts and police stations for working out bails for their husband/other family members.
- Branding Kuravan women as criminals has a larger impact on social inclusion.

- Economic burden on women, as they become the sole breadwinners in the family as a result of the custodial deaths of their husbands.
- Vulnerability of women and adolescent girls.
- Lack of social and economic securities.

10.3 Men

- Men and male children (+10 of age), have to spend nights in the nearby police station, and are forced to give their finger prints.
- They have to report to the police station when asked and are not allowed to move anywhere out of town without prior permission from the policemen.
- Kuravan men have spent a large amount of time in their lives either at police stations in illegal custody or in imprisonment due to the false cases filed.
- Subjected to psychological, verbal, and physical abuse through different forms of violence.
- Physical torture has resulted in some forms of deformity.
- Living in constant fear of the police.
- Branding Kuravan men as criminals which has a larger impact on social inclusion.
- No normal family setting.

11. Case specific recommendations:

11.1 Relief / Remedial Measures:

- The State government to provide
 - adequate compensation, relief and rehabilitation, within a stipulated time frame in all these specific 21 cases.
 - Compassionate employment, compensation or pensions to wife or the family member of deceased victims and education for the children.
 - adequate medical treatment for both physical and psychological trauma suffered by the victims.
 - free legal aid through State Legal Services Authority to these victims in these specific cases.

- The Child Welfare Committee/Board ⁶ should take up the issue of illegal detention, ill-treatment and torture of child victims and initiate appropriation action for help / rehabilitation of the victims as well as action against the erring police officials. **6 (for Cases studies No 9.1 and 9.2)**

11.2 Action against officials:

- Instituting departmental action against the concerned police officials for framing false cases and torture of victims.
- Forming of a committee by the DGP to re-investigate the district wise details of the cases booked against Kuravan Community in a time bound manner and revoke all the false cases filed against them.

12. General recommendations

12.1 Police:

- In order to erase the subjectivity on the charges by the Police against the Kuravan community, the Home Department / DGP of Tamil Nadu may issue an order to all the district police chiefs that the FIR for crimes that involves the Kuravan community as an accused may be based on the evidence as far as possible and not on the assumption / suspicion so as to erase the stigma that the particular community.
- Installing CCTV in all the police stations lock up / detention rooms
- Sensitizing the Police :
 - to change the predetermined wrong notion about the Kuravan community persons being thieves from the time immemorial .
 - to stop opening history sheets for Kuravan community persons based upon false notions of traditional criminal tribes
 - to sensitize the police force as per D.K.Basu guidelines⁷ on arrest of persons in order to avoid custodial death, torture etc., as well as giving them necessary training and counselling on the subject.

⁶As per the provisions of the Juvenile Justice (Care and Protection of Children) Act 2000 (amended in 2006) State governments are required to establish a Child welfare committee(CWC)

⁷D.K. Basu, Ashok K. Johri vs State Of West Bengal, State Of U.P on 18 December, 1996

12.2 Social welfare and District Administration:

- to take steps to provide :
 - adequate compensation, relief and rehabilitation,
 - compassionate employment, compensation or pensions to wife or the family member of deceased victims and education for the children.
 - adequate medical treatment for both physical and psychological trauma suffered by the victims of the Kuravan Community ÷
 - Wherever possible and feasible, the rehabilitation of the affected Kuravan community (because of false and forged) cases may be recommended through the District Adi Dravidar & Tribal Welfare Officer of the district concerned.
- to take steps to develop a scheme to provide basic amenities in the Kuravan communities habitations, issue house and land Pattas, adequate housing, burial grounds etc.,
- to develop a scheme for providing quality free education to the children and youth of the Kuravan community to continue their education in the residential schools, with scholarships so that they can pursue their education without fear and prejudice.
- to provide employment for the first generation of the educated youth, and to provide assistance for self-employment under other specific schemes meant for the SC/STs and also employment under MGNREGA⁸.
- In State Level and District Level Monitoring & Vigilance Committee meetings, the point with reference to Kuravan community may be discussed, so that, the innocent victims should not be branded as accused because of Mensrea.

12.3 Judicial process and legal representation:

- to provide free legal aid through State Legal Services Authority to ensure the opportunities for securing justice are available to Kuravan community victims, specifically in the 21 case studies.
- as the cases are going on for several decades, to bring all cases foisted against the Kuravan communities from different districts in fast track mode in order to provide speedy justice following time bound trial.

⁸Mahatma Gandhi National Rural Employment Guarantee Act,2005

Other Cases

Annexure -I

Sl.No	Victim Name and Address	Case Brief
1.	Vellikannu(39) S/O Raj, Sethuvarayan Kuppam-Post, Marur Village, Vriddhachalam Tk, Cuddalore District.	Vellikkannu, who is a mixer grinder and gas stove mechanic has been subjected to various police tortures from the year 1998 to 2013. With 17 cases against him, he was acquitted in 5 cases and has totally spent 7 years in prison.
2.	Manikandan(35) s/o Kannan, Anna Nagar, Kongarapalayam, Kallakurichi Taluk, Villupuram district.	Manikandan, a daily wage labourer has 12 cases against him from 2001 to 2013, he claims that he was subjected to brutal torture, beaten and is harassed even now.
3.	Kasinathan(32), Vellayan Pothigai Nagar, Manojipatti Thanjavour	Kasinathan, though 5 cases were booked on him, most often he was kept in illegal custody.
4	Valli (42) W/o Kuppan Pothigai Nagar Manojipatti Thanjavoor	Valli was arrested by the Kancheepuram Kelambakkam police in the year 2008 and was booked for a theft of 2 sarees and was continuously tortured. Chengalpattu court acquitted her after 60 days .
5	Mr. Mani (38) S/o Ponnusamy Pothigai Nagar, Manojipatti, Thanjavoor	Mani was totally booked in 18 charges in 5 different districts. Though he was acquitted in 12 of the cases, 6 cases are still under trial . This clearly shows that the 12 cases were false.
6	Muniyan (68) S/o Sellan Annai Sivagami Nagar Manojipatti, Thanjavoor	Murugan, against whom 5 cases were filed, the charge sheet was not filed in 2 of those cases. In one of the cases, he had to pay just Rs. 50/- towards fine but 2 other cases are still pending in the court.
7	.R.Muthu S/o Raman Second Street, Muniyandipuram Pasumalai Post, Madurai	Muthu had undergone police atrocities and was later booked in 3 cases by the Thirupur Komangalam police. Later, the Kottur police had filed one more case on him.
8	Kamala W/o Ganesan Second Street, Muniyandipuram, Vilacheri Road,	Kamala's son had suffered the most brutal of police tortures with 9 cases filed against him and he had to spend 5 years in prison for these cases.

	Pasumalai Post, Madurai	
9	Palaniyammal W/o Thavamani @ Muthupandi Second Street, Muniyandipuram Vilacheri Road, Pasumalai Post, Madurai	As Palaniammal and her husband Thavamani were attending a function at Annai Sivakami Nagar, Reddipalayam, Thanjavur, the medical college police suddenly broke in and arrested Thavamani and cruelly tortured him.
10	Gopal S/o Perumal Second Street, Muniyampatti, Pasumalai, Madurai	Gopal was abducted by the Thirupur Komangalam police and after custodial torture, 3 cases were filed on him.
11	Seenivasan S/o Mariyappan Second Street, Muniyandipuram Pasumalai Post, Madurai	Srinivasan was booked 2 cases, one each by Madurai Thillai Thidal police and Usilampatti police respectively. He spent only 2 months in prison and he had to undergo e custodial torture before he was charge sheeted.