

12th Nov' 2012

From,

Henri Tiphagne,

State Representative for Tamil Nadu on RTE of the
National Commission for Protection of Child Rights,

6, Vallabai Road,

Chokkikulam,

Madurai 625002

To,

The District Collector and the District Superintendent of Police

Dharmapuri

Dear Madam and Sir,

Subject : State Representative of the NCPCR for RTE in Tamilnadu - Initial observations after two day visit of Natham, Anna Nagar and Kondampatti (Palaya colony, Puthu Colony , Kondampatti Kottai) villages of Dharmapuri District – Subsequent to the caste riots of 7th November – Regarding

I am addressing this letter to both the district officials from Dharmapuri where People's Watch , the NGO that I head, works with UNICEF on monitoring RTE in three blocks of Harur, Pappi Reddy Patti and Pennagaram in 15 village Panchayats.

The moment I came to hear of this ghastly incident following an inter-caste marriage that has left ravaged the three villages, Nathan, Anna Nagar and

Kondampatti village – all located no less than 15 KMs away from the district headquarters, I rushed [vas](#) immediately with some of my colleagues from the district and nearby districts, to ensure that the situation of the children were observed, in particular, urgently.

It has perhaps been the most shocking of caste atrocity incidents that I have seen in my life in Tamilnadu after Keezhvenmani - in terms of the effect of the incident – one inter caste marriage that has been performed with police knowledge and protection [resulting](#) in less than three weeks after it, in violence leaving behind over 435 houses attacked – over 200 of them left torched and properties running to several crores of hard earned money of poor members of the SC community families which have come up the hard way in the last 25 years or so.

My team here with me comprising several human rights activists has spent several hours in all the three villages trying to move from street to street and from house to house with a survey form that we have come prepared with, in which we have been carefully and meticulously documenting the composition of each of the families and then enquiring and noting the exact nature of damage that this family has suffered due to the violence let lose in the village. This loss has been studied under the following categories – cash, jewels, household property of value, damage to the house, loss of vehicles, loss of cattle etc and all this is specifically mentioned whether it is due to having been stolen / robbed or whether it has been lost in the fire or damaged. The total value of their loss will be known through this exercise house by house, village by village and the general total.

Before I move to my observations, let me state at the outset that I have seen an administration – revenue, Police, development, district supply, education

etc in these villages which have been extraordinarily active post – riot – in several efforts of rehabilitation and these are extremely commendable. This only reflects the urgency and commitment and collaborative efforts of both your good selves as heads of the district’s administration.

Observations and recommendations:

Post riot :

1. We have observed that the victims of the riots in the three villages are being allowed to be visited and consoled by their kith and kin as well as their supporters, political leaders etc from throughout the state as per the provisions of Rule 6 (2) (iv) of the SC /ST PO Rules 1995.
2. We have observed adequate and meaningful protection in the three villages which is dignified, non-threatening to the victims and visible.
3. We have observed feeding being carried out with minor concerns that we shall later express – arrest of over 120 accused in the 4 registered cases so far; 144 victims having received their interim relief from the Chief Minister’s fund; the development section measuring the loss to the houses; the PDS authorities looking after the loss of ration cards; the education department having already provided books and note books and note one set of uniforms from class 1 to 10 even before 11th November; commencing efforts for providing drinking water in the three villlages; restoring the electrivity connections in the village; preparations for a temporary community shelter started in Natham village; deepavalli free clothing made available in the village to the victims ; a special camp with officials to receive petitions relating to the loss of ration cards, voter id, land documents, all education related certificates on 12th in the three villlages ;

4. **Cooking and food Supply :**

- a. We have observed that the food supply in Natham village is insufficient for the population there and needs supervision of some specific authority on the spot even if the cooking is being carried out by the village committee.
- b. In Kondampatti where presently the cooking is being carried out in the schools it has to be shifted to the three parts of the village for easy access and dignity of the people eating the food.
- c. The food needs to be cooked only in the village and served in proper plates since most of the houses have also lost their utensils; We did observe three or four boys trying to eat on a single plantain leaf !!
- d. Special efforts for feeding infants with milk supply three times a day has to be immediately commenced so that the families with babies will be attended to.
- e. This special feeding of three meals a day needs to be continued without any stop for at least 15 days due to the shock and restoration process being a gradual one. If need be for some of the poorer families , this may be carried on later if needed.
- f. There are no exclusive ration shops in any of the three villages that were attacked. There is an urgent need therefore to commence a ration shop in each of the three villages exclusively for the members of the SC community.
- g. Since the rioters have seen to have ran away with even gas cylinders gas stoves and cooking utensils, it is important that the government

in its rehabilitation under the SC/ST POA and Rules also provides each of the families with sufficient utensils for cooking, gas stove, gas cylinder, mixie and grinder.

5. Clothing, sanitation and sleeping facilities :

- a. There is an urgent need to ensure that at least three sets of proper and complete clothing [including inner wear for women] are provided to each member [including children] of the families as provided under Rule 12 (4) of the SC/ST PO Rules 1995.
- b. Since it is winter and it is blowing chill in the nights, it is important that each family is provided a mat, a pillow and at least two bed sheets, one blanket per person as early as possible.
- c. Since this is the immediate aftermath of a caste violence and there are villages nearby with persons belonging to the community responsible for the riots , it is of utmost urgency that temporary **mobile toilets** are rushed to each of the habitations especially for women and children to use so that they are equally protected in the early mornings and nights when they are forced to go out to ease themselves.
- d. The construction of permanent toilets sufficient for each of the villages which were attacked.

6. Children, students and education :

- a. Since most of the children were present in their villages when this violence broke out, it is immediately required that all of them are subjected to a special therapy by professionals to ensure that they are not subject anymore to continuous traumatization.

- b. There are still some students - for example from class 6 onwards in Anna Nagar; class 11 & 12 in Nathan ; and the few torched houses in Kondampatti who need their school text books and note books. All school students to be provided at least three more sets of free uniforms along with quality school bags for all school and college going students.
- c. The students studying in private colleges (arts and engineering) from these villages need to be provided special compensation for purchase of their books required that were burnt away in the riots.
- d. The school students who were provided cycles and which have been burnt in the riot have to be immediately replaced.
- e. The list of students who were provided lap tops from the three villages to be ascertained through their respective colleges and they being re provided the same since the rioters were careful in their robbing of laptops freely provided by the State Government.
- f. The provision of a special bus from Kondampatti to Krishnapuram via Nathan and Anna Nagar school since many school going children have to cross the lands of the dominant caste perpetrators to reach the school and return home in the evening. This is also a mandate under the RTE up to class 8.
- g. Since the number of students travelling daily to Dhamapuri and its suburbs are large in number there is also a need for a special exclusive bus from these three villages to take the students, especially girls, to Dharmapuri to attend their college.
- h. Ensure the commencement of a new balwadi exclusively for infants from Kondampatti Puthu colony. In all the balwadis running in the

three villages to ensure that all the staff are drawn from the SC community and are locally available.

- i. To ensure that sufficient common play materials are provided for all age groups with gender sensitiveness, to each village, so that they may make them available to children to keep themselves occupied in this time of grief and serve as a healing factor in their present trauma.

7. Health care :

- a. To immediately provide for an exclusive mobile health care facility for the three villages headed by a doctor visiting the three villages at least three times a week.
- b. One senior gynecologist to visit the three villages and examine therein all women in different stages of their pregnancy to make sure that all of them are safe and fine and if need be provide them adequate and needed medical attention.
- c. Although sanitary napkins were supplied this morning in Natham village they were found to be grossly insufficient.

8. Housing :

- a. To immediately make sure that repair works are only undertaken in or for houses that can bear the repair and not a standard recommendations for all houses damaged in the riot.
- b. All other houses that have suffered due to their being torched should be re constructed as concrete houses making sure that adequate floor space is made available.

- c. Till the completion of the permanent houses, all the families should be provided with temporary shelter of quality which will protect their dignity.
- d. Expert examination of each of the houses in the villages by competent engineers to make sure that any house that is in danger is immediately demolished so as to prevent further accidents in the three villages.
- e. Due to the tense situation that is now prevailing it is important that urgent steps are taken to ensure the providing of solar street lights in all the three villages.

9. Legal measures :

- a. To ensure in the investigation the 'conspiracy angle' to the occurrence since there were both private and public meetings where the threat of such an attack was made evident. Eg: the meeting of over 300 members of the Vanniar caste and political leaders from about 15 villages and comprising about 20 dalit members who were 'summoned' held opposite the entrance to Anna Nagar village on 4th Nov' 2012 . This meeting was openly attended by Ex and present Panchayat Presidents / councillors / and party political / community leaders from that area.
- b. To ensure that the theory of the death due to suicide of Mr. Nagarajn, the father of Divya is re visited with proper care and caution since the narration of facts gathered by our team from several members indicate that it should have been a clear case of murder by members of their own community. This is taking into consideration the fact that the deceased was spoken to by his wife

on her return from the village near Thoppur where she had gone with around 23 others to meet her daughter and son and convince her to come back. We also have evidence of his speaking to a person asking for a loan to meet expenses and a few minutes later the same phone being picked by others taking that he had committed suicide.

- c. The negligence of senior police officers of the rank of DSPs who were present with force of over 300 policemen when Nagarajan's body was brought there and the road was resorted to, and their inability to prevent the mob in carrying on their activities for almost three hours from 4.30 to 7.30 PM in Nathan village, from 4.15 to 5 PM in Anan Nagar village and from 7 to 8 PM in Kondampatti village needs to be investigated as ' a case of willful negligence ' under Sec 4 of the SC/ST POA 1989. .
- d. The special negligence of Mr. Jeganathan, Inspector of Police, who is in charge of the jurisdiction police station at the time of occurrence and who is also a convicted person under the SC/ST POA in the famous Vachathi case needs to be closely studied in the investigation. The available protection in entrance to Nathan village at the main road was a 7 members police force. What were their reports and what were the intelligence inputs when there was an open public katta panchayat meeting held in Mr. Jeganathan's jurisdiction on 4th Nov and earlier written in and oral intimation provided even as early as on 25th October. ?
- e. The total failure of the Q Branch police who have been known to one and all for their intelligence activities in the Natham village and whose names such as Soukath Ali, Mariappan and Mannivanan are

known to each and every family, needs also to be investigated upon under Sec 4 of the SC/ST POA because a careful intelligence report could have averted this great damage that has now been caused.

- f. For the State and District Legal Services Authority to immediately appoint a team of competent lawyers to advise the people who will be available in the three villages for the next one month to assist them in their efforts to redress any grievances that they have.
- g. Immediate steps to be taken for orders under Chapter III of the SC/ST POA 1989 for externment of person likely to commit an offence.
- h. For the District Administration to ensure the revival and active functioning of the District Vigilance and Monitoring Committee under the SC/ST POA 1989.
- i. The SP is requested to personally supervise all the Firs filed and investigations pending in SC/ST POA cases registered in the district for the past 5 years. We wish to bring to your kind attention Crime NO 303 /2012 of Papparapatty PS - a gruesome murder of a SC Arunthathiar community with over 35 injuries and 25 accused none of whom were ever arrested !!

10. Preventive Action

- a. The district Collector and SP to kindly convene a meeting of all Political parties and movements to emphasize the need for all to take care and foster such communal or casteist tendencies through any of their actions.

- b. To ensure that in all schools in Dharmapuri district efforts to introduce the teaching of human right education is formally undertaken from classes 6 to 8 to develop a sense of tolerance and fight such tendencies at any early age.

We thank you for this opportunity to meet you both in person and hand over this memorandum to your good selves. We once again wish to congratulate both of you for your sensitivity in the post-riot situation and offer our co-operation to you to take this forward.

Thanking you with kind regards and best wishes,

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