

Fact Finding Team's Report on Custodial Death of TN Labourers in AP



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Two Tamil Nadu Labourers killed in the custody of Andhra Pradesh forest officials. The joint conspiracy of Andhra Pradesh forest officials and police distract the case. Why is the Tamil Nadu Government keeping silent?

The findings and recommendations of the fact-finding team given below:

Findings

1. More or less than 50 persons belonging to the Scheduled Tribal- Malayalee community from various villages of Sitheri Panchayat, Harur Taluk, Dharmapuri District travelled to Andhra Pradesh on 21.11.2021 individually and in groups, at different times for wage work, and it is known through the statements of victims and their family members. The Fact-Finding team of People's Watch visited the houses of the victims and met their wives, who informed them that their husbands had gone to Coimbatore for construction work. A few said they did not know which city they went to. So, it is clear from their statements that the victims went to Andhra Pradesh without the knowledge of their family members.

(Note: The names of the victims have not been revealed concerning their security and will be provided by the Fact Finding team with proper witness protection when required for government investigation.)

2. Tribal community labourers who travelled in different buses from Harur to Hosur on 21.11.2021 were assembled in the outskirts of Hosur within a 15 minute drive from Hosur bus-stand. After that, everyone was given a bag which contained an axe and a bedsheet. At that place, all the labourers were loaded into a lorry which was completely covered by tarpaulin, and they were not given dinner. All sides of the lorry were covered with tarpaulin, had no light, ventilation and they were subjected to torture. The labourers were trapped in the lorry lacking enough space to sit, which left at around 9.00 pm with more or less 50 people without stopping even to answer nature's call and reached the destination the next day at 06:00 AM. Although the lorry travelled at a speed of 50 km per hour, the lorry should have crossed 300 km in six hours. It is known from the statement of the victims who travelled in the lorry.

3. Breakfast had been provided to the Tamil labourers who got down from the lorry at around 05:00 AM on 22.11.2021. Thereafter, all the labourers were taken to a dense forest to cut down trees. After a day and a half of walking, the labourers stopped traveling. It was informed that forest officials were patrolling there and hence returned from that place. Thus, they walked back for a day and a half again without any food. It is known from the statements of the labourers that they were subjected to torture for three days without food and sound sleep.

4. At around 10.00 PM on 25.11.2021 about 50 labourers were reloaded in a TATA van from an unknown foothill. The TATA van was completely covered with green tarpaulin so that none inside could see out and were informed that they were taken to another forest. The registration number of the TATA van in which they were traveling was AP-21W-9433 based on the statements of Labourers who travelled in the van and FIR of Proddatur Taluk Police Station (Cr.No:579/2021) as well as by the fact finding team who saw it in person at the Proddatur Police Station on 30.11.2021.

5. In the First Information Report {FIR- Cr.No:579/2021 u/s 304(A)} registered at the Proddatur Taluk Police Station, Kadapa District, Andhra Pradesh on 26.11.2021 at 2.00 AM, it is stated that an accident took place at Mydukur Main Road, near Bojrapalli village cross, about 8 km east of the Proddatur Taluk Police Station, where one person died in an accident with a TATA van (AP-21 W-9433). This proves that the registration number of

the van travelled by the Tamil labourers at around 10.00 PM on 25.11.2021 is the same as the registration number of the van registered at the Proddatur Police Station, which establishes that the deceased in the TATA van is a Tamil labourer.

6. The Andhra Pradesh Forest officials had followed the TATA van (AP-21 W-9433) that was carrying about 50 Tamil labourers, which left from an unknown foothill on 25.11.2021. Seeing it the driver of the TATA van warned that few forest officials chased the van with the intention of arresting the Tamil labourers.

7. The driver of the TATA van (AP-21 W-9433) came to know that the forest officials were trying to catch the van. The labourers who were traveling in the van were informed that the forest officials were chasing them, then he stopped the van and jumped away, is known from the statement of the labourers who also stated that the forest officials attacked the labourers in the back of the van. Thereafter one of the forest officials drove the van. By then, both the labourers and van came under the custody of the forest officials. It is known from the statement of the labourers who travelled in the TATA van.

8. At midnight on 26.11.2021, in a TATA van (AP-21 W-9433) with about 50 labourers travelling in it, the Forest officials seized the van and drove away. But without adequate security arrangements, the forest officials drove the van. As a result, many labourers jumped from the speeding vehicle on the Mydukur bye-pass road in an attempt to escape. More than 30 people were injured. In particular, Mohan s/o. Andi, Shivalingam s/o.Raman and the deceased Raman s/o Raman and Balakrishnan s/o Sevathan, who is currently admitted in the Intensive Care Unit at the Vellore CMC Hospital, said that Balakrishnan was critically injured. It is known from the statements of Mohan s/o Andi, Velu s/o Palanisamy and Saravanasamy s/o Muthu.

9. Mohan name has been registered in the Accident Register for treatment at Proddatur Government Hospital, Kadapa District, Andhra Pradesh on 26.11.2021 at 1.00 AM (IP No. 9527 / COT number) thereafter at 3.00 AM he got bed admission and was given intensive treatment by Dr. Siva Reddy. Further, the Proddatur Government Hospital records prove that Sivalingam was subsequently admitted for treatment at 1.30 AM. Furthermore, it is also known from the statement of Mohan s/o Andi as well.

10. On 26.11.2021, the photo of Raman s/o Raman lying in the hospital during treatment came to the WhatsApp number 95713 67202 of Sitheri Panchayat President Govindammal. Also on 27.11.2021 at 5.00 AM the dead body of Raman s/o Raman was laid in front of a tailor shop run by Mohan s/o Dhanraj in Sitheri, Harur Taluk, Dharmapuri District. Raman s/o Raman who allegedly was travelling in the van, tried to escape and for it jumped on the road at Maidukur Main Road in the Proddatur area of Kadapa district in Andhra Pradesh at midnight on 25.11.2021. However, the question of how might have Raman's dead body reached Sitheri village in Dharmapuri district of Tamil Nadu, about 350 km away from Andhra Pradesh is a puzzling question. Many questions and doubts have been raised by the fact finding team as to how the Andhra and Tamil Nadu police, who monitor the highways, might have gone unaware.

11. Of the many who jumped and escaped from the van (AP-21 W-9433) at midnight on 25.11.2021 getting themselves injured, only a few have been admitted to the Government Hospital for treatment. In particular, Mohan s/o Andi was admitted for treatment at 1.00 AM at Proddatur Government Hospital, Shivalingam s/o Raman at 1.30 A.M. Raman Mohan s/o Andi said that after being admitted for treatment, the victim had left the hospital without permission due to pressure from the police and the forest officials. It is known from the register of Proddatur Government Hospital.

12. Balakrishnan s/o Sevathan, one of the many who jumped and escaped from the van (AP-21 W-9433) at midnight on 25.11.2021. Did his (Balakrishnan's) skull was split in two and he died at the spot or died after jumping out of a van and being attacked by forest officials who were there is another concerning question. Suspicion has been raised by the fact-finding team because on 26.11.2021 at 3.30 AM Balakrishnan s/o Sevathan was admitted to Proddatur Government Hospital. It is known from the statement of the post-mortem by Assistant of Proddatur Government College that when the body of Balakrishnan reached the hospital, his head was split open and he was found dead. According to the First Information Report (FIR), the body arrived at the Proddatur Hospital, about 8 km away from the spot of the incident, three hours after the accident. Doubt prevails as to what is the reason for the delay.

13. Mohan s/o Andi and Sivalingam s/o Raman, who jumped to escape from the van (AP-21 W-9433) at midnight on 25.11.2021, were taken for treatment. His cousin Velu s/o Palanichamy, who accompanied Andy to the hospital for treatment, has been at the Pradattur Government Hospital since 1.00 PM on 26.11.2021. The question arises as to why the body of Balakrishnan s/o Sevathan, who jumped from the same van from which the above three also jumped and escaped, was registered as a body without identity and address when it was registered at the Proddattur Government Hospital. Further, the FIR on the death of Balakrishnan s/o Sevathan at the Proddattur Taluka Police Station has been registered under Section 304 (A) of IPC, Cr.No: 579/2021, which does not contain any information about Balakrishnan s/o Sevathan. Therefore, it is possible to know that the Proddattur Taluk Police has also been involved in a conspiracy with the forest officials to cover up facts of the case.

14. After the death of Balakrishnan s/o Sevathan, the forest officials contacted Shanmugam, the husband of Sitheri Panchayat President Ms.Govindammal at 6309473534 and conveyed information about Balakrishnan and asked him to come to Proddattur along with family members of the deceased Balakrishnan. On 29.11.2021 Shanmugam and Balakrishnan's wife Mangammal, son Gnanasekaran and some others went to the Proddattur Government Hospital and waited for several hours and the police did not come forward to follow the minimum required procedures. Police buried body of the deceased Balakrishnan before the arrival of his wife and son. The statements of Mangammal w/o Balakrishnan and Shanmugam s/o Rajendran clearly establish the fact that the police are working to cover up something about Balakrishnan's death.

15. The fact-finding team of People's Watch visited the Proddattur Taluk Police Station, Kadapa District on 30.11.2021 and met Sub-Inspector Mr. Sanjeeva Reddy, and asked about the death of Balakrishnan s/o Sevathan. He denied to give any information to the fact-finding team and said he could not provide any information. Again, the team put forward the question of why Balakrishnan's body was not shown to his family members to which there was no reply. On the other hand, at around 5.00 PM that evening, police hastily dug up Balakrishnan's body, showed it to Balakrishnan's wife Mangammal and got her signature. The team raised a doubt that the body was exhumed before the respective Tahsildar. It is known through this action of the police, doubt has been cast that the Pradattur police, the forest department and the district administration are jointly working to cover up the fact of Balakrishnan's death.

16. Velu s/o Palanisamy who jumped and escaped from the van (AP-21 W-9433) on Maidukkur Main Road, near Proddattur, Kadapa District at midnight on 25.11.2021, stated that he was picked at Proddattur Government Hospital and the other three 1. Theerthamalai s/o Vathiyar Annamalai, 2.Murugan s/o Ramalingam, 3.Kamalanathan s/o Govindan were picked up by the police at different places and then handed over to the Proddattur Forest officials. Velu s/o Palanisamy stated that the forest officials had illegally detained them for two days and then remanded them in the Proddattur Court on 28.11.2021 then lodged in Kadapa Jail. It is known from the statements of Velu s/o Palanisamy, Murugan s/o Ramalingam.

17. It is allegedly said that the body of Raman s/o Raman illegally moved about 350 km that is from Proddattur, Kadapa District, Andhra Pradesh to Sitheri Village, Harur police station limit in Dharmapuri district, Tamil Nadu and at last the body was left nearby the tailor shop of Mohan in Sitheri on 26.11.2021. In this regard, People's Watch has lodged a complaint to the respective officials to take immediate action on 27.11.2021. The fact-finding team met the Deputy Superintendent of Police, Aroor, Ms. Benazir Fathima and the Additional Superintendent of Police, Mr. Gunasekar on 03.11.2021 asked the action taken in this regard. Both the DSP and ADSP replied in one voice that the enquiry is going on. It is evidently known that nearly one week has been gone and the respective police officials lethargically took no action along with negligently responding to the fact-finding team.

18. On April 6, 2015, twenty Tamil workers who had gone to work for daily wages in the Tirupati Sesachalam forest in Andhra Pradesh were tortured and brutally killed by the Special Task Force (STF). Following this, the Tamil Nadu government provided relief and government jobs to the family members of the victims. About six years after the massacre, no single effort has been made during the past AIADMK regime and the current DMK regime to ensure livelihoods and employment opportunities for the people living in the areas of Sitheri in the Dharmapuri district and Jamunamarathur in the Thiruvannamalai district. The fact is known from the statements of the victims and their family members.

19. Residents of Sitheri village of Dharmapuri District, Jamunamarathur village of Thiruvannamalai District, Kalvarayan Hill villages of Salem and Kallakurichi District are living in the remote hilly areas and they have been deprived of subsistence farming and many are struggling to win their daily bread. Taking advantage of this helpless situation, the smuggling mafia gangs are taking the tribal people for wage work and engaging them in illegal red sandal cutting business. The district police do not take legal action to detect or prevent brokers who are involved in such planned illegal social crimes. There are also various intelligence teams operating in the area and it could be seen from the activities of the intelligence and police operating in these districts that they convey no information about the illegal trafficking gangs who are abusing the tribal people.

20. In order to resolve the ensuing issues of the Scheduled Tribes of Tamil Nadu who have been related to red sandal cases in Andhra Pradesh and aiming to protect them from illegal torture and murder and prevent them from engaging in such illegal activities, no necessary actions were taken by the Directorate of Tribal Welfare Tamil Nadu, Tribal Welfare Department, and National Scheduled Tribes Commission since they did not interfere in any matter or meet the affected family members. Moreover, neither the National/State Legal Service Authority nor the District Legal Service Authority or Taluk Legal Service Committee interfered in the prevalent issues of Scheduled Tribes. The access of Legal Service Authority should not be limited and must function for the victims to have easy access to. The sensitive issues were flashed in the print and electronic media. Sadly, the aforesaid government departments and institutions spontaneously took no action in the recent issue of Sitheri and it could be clearly comprehended from the negligence of the respective departments, institutions and legal service authorities.

21. Forest officials captured the van (AP-21 W-9433) at midnight on 25.11.2021 carrying about 50 Tamil labourers, which was moving near Bojarapalli Village Cross, Maidukur Main Road, 8 km east of Pradattur Taluka Police Station, Kadapa District, Andhra Pradesh. The van and the 50 Tamil labourers came under the custody of the forest officials. One of the forest officials drove the van while the Tamil labourers jumped and escaped, got injured and two died. Raman s/o Raman, Balakrishnan s/o Sevathan, Mohan s/o Andichi, Velu s/o Palanichamy, Murugan s/o Ramalingam, Theerthamalai s/o Vathiyar Annamalai and others jumped and escaped from the van is evidently known from the statements of the victims.

In this incident, Raman s/o Raman and Balakrishnan s/o Sevathan died. Among the 50 labourers, two died and the remaining got seriously injured in the incident. But no case was registered regarding the death of Raman s/o Raman, who died in the same incident. Proddatur Taluk Police buried the body of the deceased Balakrishnan s/o Sevathan and registered it as an accident case of an unidentified person. The names of Mohan s/o Andi and Sivalingam s/o Raman were registered in the Proddatur Government Hospital on 26.11.2021 but because of the pressure of Proddatur Police, they left the hospital without informing the hospital authority and returned to their villages. On the other hand, a case has been booked by the forest department on four labourers, including Velu s/o Palanisamy accusing them of being involved in hiding red sandals and were remanded in the court on 28.11.2021.

On 25.11.2021, a TATA van (AP-21W-9433) was detained by the forest officials at mid-night, but whatever the planned torture or accident on the labourers during the custody of the forest officials were, the incident ended up being divided into three or four incidents accordingly case was registered and the incident was diverted.

It is understood that the Kadapa District Forest Department and the police have conspired to carry out the task. The suspicion arises whether new tactics to torture and kill Tamil Nadu labourers going to Andhra Pradesh have been resorted to or not.

People's Watch learns from the statements of victims, FIR registered by the Proddatur Taluk Police and also through the documents in the Proddatur Government Hospital that the plan was created as a result of a conspiracy by the Proddatur Forest Department, the police and the district administration. They may have thought that the mass arrest of Tamil labourers would lead to serious issues.

Recommendations:

1. While Tamil labourers traveling in the custody of the Proddatur Forest Department in a TATA van bearing registration number AP-21 W-9433 at midnight on 25.11.2021 on the Mydukur Main Road, about 8 km east of the Proddatur Taluk Police Station, Kadapa District, Andhra Pradesh, two among them- Raman s/o Raman a resident of Mithikadu village and Balakrishnan s/o Sivathan from Jakkampatti village Sitheri Panchayat- jumped from the van. They both got severely injured and died.

Both Raman s/o Raman and Balakrishnan s/o Sivathan died in the custody of the Forest Department and so we urge the Tamil Nadu Government to provide Rs. 10,00,000 /- to their families as relief and a suitable government job should be provided to a member of the victim's family based on their educational qualification.

2. We urge the Hon'ble Chief Minister of Tamil Nadu to constitute a Committee headed by a member of the State Human Rights Commission comprising professionals from government officials and experts from NGOs to inquire the subsequent event from 21.11.2021 when the labourers left Sitheri moved to Harur then moved to Andhra Pradesh reached Mydukur Road on 26.11.2021 and also to submit a report within two weeks from the constitution of the Committee.

After the submission of the report to the Hon'ble Chief Minister of Tamil Nadu, the government should set up a Special Investigation Team (SIT) headed by an experienced ADGP-level senior police officer to register a case and conduct a proper investigation into the incident. Further, it is recommended that action needs be taken under the SC/ST (Prevention of Atrocities) Amendment Act 2015 for such planned atrocities perpetrated by the Andhra Police and the Forest Department on the poor and oppressed tribes of Tamil Nadu.

3. We urge that speedy research should be carried out on the socio-economic status of the Scheduled Tribes in the districts of Dharmapuri, Salem, Kallakurichi, Tiruvannamalai and Tirupatur. It could be led by retired senior IAS officers like former Additional Chief Secretary Mr.Christudoass Gandhi. Based on the research, they prepare and submit recommendations to protect and promote the right to life of the tribes; subsequently, necessary actions should be taken on a wartime basis.

4. The details of the red sandal smugglers operating within the Tamil Nadu border, their leaders and their direct and indirect agents should entirely be identified by the 'Q' branch team headed by a rank of SP and the report should be submitted within a specified period.

5. The district collectors of Dharmapuri, Salem, Kallakurichi, Thiruvannamalai and Tirupatur districts should carry out a series of open campaigns against the red sandal smuggling in areas inhabited by tribal people, the poor and other communities. In this regard, groups should be formed in every village and carry the campaign through them and also encourage folk art groups to get involved in the campaigns. Non-government organizations working in these areas should be employed for such campaigns. It is recommended to the Government of Tamil Nadu to allocate funds for this and take necessary action.

6. We urge to ensure that Family Card, Aadhar Card, Voter ID Card, Medical Insurance Card, Farmer Protection Card etc. are available to all the tribal people living in Dharmapuri, Salem, Kallakurichi, Thiruvannamalai, Tirupatur districts and in the areas where the poor lives more in numbers. We must also ensure education for the children of these people and education and medical care for women. The fact-finding team recommends that the district administration should hold special camps every three months to ensure the basic rights of such an oppressed community.

7. Obviously in Andhra Pradesh, tribal labourers from Tamil Nadu are constantly attacked while going for daily wage work. It is therefore recommended that the Free Legal Services Commission of the respective district should assist the affected tribal people through the District Legal Service Authority and the Taluk Legal Service Committee to provide immediate and quality free legal aid in and out of the prisons.

- People's Watch