



People's Watch

(A Programme Unit of the Centre for Promotion of Social Concerns)

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19th April, 2017

Dear Media Colleagues,

People's Watch had strongly condemned the police excess on anti-TASMAC protectors at Samalapuram, in Tirupur District, that took place on 11th April, 2017.

Please kindly find out our press statement based on a recent fact finding on this issue that found below. Kindly request you to focus on the findings and recommendations.

Thanking you

Henri Tiphagne

People's Watch.

Encl:

1. Entire Press Release with findings and recommendation in Tamil.

Press Release

An all-women Fact Finding Team holds the woman SP of Tirupur accountable under the Principle of Command and Responsibility for the Police Excesses committed upon the anti -TASMAC Protesters in Tirupur on 11th April 2017 .

Following are the highlights of the findings and recommendations of an all-women fact finding team of People's Watch that visited the place of occurrence on 13th April 2017.

On the 31st of March, 2017, a TASMAC shop in Samalapuram was shut down on the basis of the Supreme Court judgment. The TASMAC shop was then relocated inside the village amidst a completely residential area.

The residents of the area where the TASMAC shop had been relocated after formally petitioning the authorities and not getting any response whatsoever, staged a protest against the opening of the TASMAC shop at 10 am on the 11th of April, 2017. This protest went on peacefully till 4:30 PM when a local Member of the Legislative Assembly, Mr. Kanakaraj, who had taken part in the protest since 1 PM was safely escorted away by the police in a car that they had arranged for him. Once the MLA was escorted out of the protest, the local ADSP, Mr. Pandiarajan took charge and immediately ordered the police personnel present to use brutal force to disperse the hitherto non-violent protestors resulting in several of them sustaining injuries.

Based on newspaper reports, People's Watch's monitoring unit constituted an all women 5 member fact finding team, headed by Ms. Priya, to probe the facts of this brutal attack by the police on peaceful protesters. Due intimation had also been sent to the West Range IG, the Divisional DIG, the district SP and the Inspector-in charge of the Mangalam police station in this regard on the 12th of April.

On the 13th of April, the People's Watch fact finding team visited the victims, perpetrators, officials and recorded statements and collected related documents. Based on this information, the fact finding team has put together its findings and recommendations. Listed below are some of the highlights of the findings of the report.

1. The protest was peaceful from 10 am to 4:30 pm and was never declared an unlawful assembly by either the Executive Magistrate present at the venue just before the police excess was committed or any other official.
2. There were only two women police deputed to control a protest that consisted of more than 170 women protesters. This shows total negligence by the women SP of the district in the deployment of police force for a protest in which so many women were present.
3. The police ensured that they escorted MLA Kanakaraj to safety before they launched their pre-meditated and planned brutal attack on the protesters.
4. The team finds that the police have threatened the victims and warned them against filing complaints in connection to the incident.
5. No medical assistance was provided by the police to the injured protesters as required under law.
6. There were total violations of the Code of Conduct for law enforcement officials and the UN guidelines on the use of force and firearms.

(The detailed findings in Tamil has been attached below)

People's Watch makes the following recommendations based on the report by the all women fact finding team.

1. People's Watch urges that an unbiased investigation into the police excesses should only be conducted by the IG of Police [West] since it is alleged that an officer of the rank of the District Superintendent of Police of Tirupur has also been responsible for this excess and therefore the same cannot be enquired by an officer of an equal rank of SP of Coimbatore Rural.
2. The District Collector and high ranking police officials such as the IG and DIG should visit the victims immediately and offer their solidarity to the victims of the police violence and thus help reinstate the lost trust in the police among the victims so that at least then they can come forward with their honest testimonies of the incident in any enquiry that is to be held. In the absence of such confidence building exercises no victim can be expected to come forward and testify in any enquiry process.
3. A number of persons sustained injuries as a result of the police excess being complained of. None of the police officials present in the scene of occurrence took any effort to ensure that all the injured persons were rushed to the nearest hospital for immediate medical attention. Hence People's Watch demands the immediate suspension of all police officers and personnel who were on duty for their collective and total negligence in following prescribed norms in such incidents of police action resulting in people being injured.
4. People's Watch urges that disciplinary action be taken against the local SP of Tirupur, Ms. Uma IPS for her negligence as the officer in charge of the District police for not ensuring the presence in large numbers of women police personnel on duty in a protest wherein there were a large number of women participating.
5. Victims, Eshwari, wife of Palanisamy, who sustained a serious injury on her left ear after she was slapped by ADSP Pandiarajan and Sivaganesh, who sustained an injury on his head during the police attack, should be treated at state cost at the multi-specialty hospital in Omandur complex, Chennai. Peoples Watch further urges the Government of Tamil Nadu takes complete financial responsibility for the transport of the victims and their families as well as all costs incurred during the course of the treatment.
6. People's Watch recommends that the Government of Tamil Nadu provide every injured victim of the police excess a sum of Rs 25,000 and compensate victims, Eashwari and Sivaganesh, an interim daily compensation of rupees Rs. 5,000 per day till their entire treatment is not only completed in the hospital but until they are finally cured.

7. Since this is a case of a clear violation of Human Rights, People's Watch recommends that all the Police officers and personnel who were involved in this issue should be proceeded against under criminal law by the State and District Legal Services Authority deputing an experienced, senior advocate practicing on the criminal side to handle this case and punish all police officers and personnel found responsible for the same.
8. People's Watch registers its strong disapproval at the total silence and indifference exhibited by the Tamil Nadu State Human Rights Commission. The Tamil Nadu State Human Rights Commission has a Chairperson who is a Former Chief Justice of a High Court; an officer of the rank of ADGP who is in-charge of the investigation wing of the SHRC; and a Registrar who enjoys the status of a senior Judicial officer has maintained stoic silence in this incident without any suo motto action on its part that is strongly condemnable.
9. The injured protestors from Samalapuram sought first aid at the two Private hospitals, namely, S K Hospital in Samlapuram and Revathi Hospital in Tirupur. But both these private hospitals have been negligent in their duty and acted in total violation of the provisions of the Indian Medical Council [Professional conduct, Etiquette and Ethics] Regulations 2002 by not formally informing the nearest Government Hospital of details of the victims who had sought their services for treatment arising out of a medico legal case. People's Watch recommends that necessary action be instigated against the above mentioned medical professionals attached to both these hospitals by the Medical Council of India.
10. People's Watch demands that since this is a clear incident of a police excess amounting to a human rights violation, the Chief Minister of the State of Tamilnadu who incidentally is also the Home Minister of the state responsible for the police force, comes forward not only to adhere and accept all the recommendations made but also come for forward to offer an apology to all the victims , provide them an assurance of non-recurrence of such police excess in future in and thus adhere to the UN Principles on victims' rights.

Henri Tiphagne,
Executive Director,
People's Watch