

UNTOLD TRUTH OF KURAVAR COMMUNITY

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**A STUDY ON THE SYSTEMATIC
HUMAN RIGHTS VIOLATION
AGAINST THE DENOTIFIED
KURAVAR COMMUNITY IN TAMILNADU**

**PEOPLE'S ORGANISATION FOR PEOPLE EDUCATION (POPE)
MADURAI**

ACKNOWLEDGMENT

“It is not possible to engage in Research without the involvement, expertise, guidance, sharing of thoughts, opinions, and motivation from others in the community. This one is certainly no exception”

We remember with a heavy heart our beloved late Adv. I. Pandiyan, Former Executive Director of People's Organisation for People Education (POPE) who nurtured a distinct purpose for this research project. With the conduct of this study it was his sincere hope that the dignity of the community of Kuravars who are enduring generations of abuse and prejudice must be redeemed. Adv. Pandiyan had worked intensively with the Kuravar Community, highlighting how they are targeted at different levels due to their historic criminalization. He proactively involved in advocacy, lobbying with State and Central Government for ensuring social inclusion of Dalit and Adivasi by breaking prejudices and stigma. He wanted to research on the systematic violations committed on this community as he addressed their complaints of illegal detention, torture and sexual harassment. With the intention of creating critical advocacy material to engage in proactive action with the human rights redressal institutions and judiciary, he initiated this research.

We express our heartfelt thanks to the survivors of illegal detention who were subjected to heinous forms of torture, atrocities and humiliations, and who carry the scars inflicted by delay in delivery of justice. We extend our solidarity to these survivors for sharing their stories with us.

We wish to express our deep sense of gratitude to Dr. Captain Durai, Chairperson, National Kurinjiyar Samuga Neethi Peravai (NKSNP) Mr. Jegannathan, IRS, Assistant Commissioner, Coimbatore for contributing their valuable time for providing their valuable suggestion on this report.

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We acknowledge the efforts of Adv. Kumutha, Human Rights Educator, for her commitments and hard work in carrying out this study to its successful completion. The project could not be completed without the assistance of other staff members of POPE and their valuable suggestions for conducting the study.

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We sincerely acknowledge the efforts of Mr. Kandasamy, Human Rights defenders Social Activist for designing the cover page of the research book and Mr. Jebakkani Pathiyam for designing and printing.

Our Special thanks to volunteers, professionals, civil society coalitions, community, board members for their mammoth support for the successful completion of the project.



NOTE OF APPRECIATION

Enslaved through Prejudices

I have read the Action Research study conducted by People's Organization for People Education, Tamil Nadu. I have personally known (Late) Advocate Pandian, the ED of the Organization and his work for almost one and half decade.

The focus of the study is the precarious condition of Kuravar community, distributed on different States as the Scheduled Castes, Scheduled Tribes and others. Although the independent India has repealed the law which identified communities such as Kuravar as 'Criminal Tribes' even after half a century since the law has been repealed, the members of the community are victims of the prejudices and subjects of illegal detention and torture especially by the Police.

The study highlights the fact that over 36 years, between 1985 to 2021, a study of 549 cases undertaken by this research that were slapped against the men and women of the community suggests that only five persons have been convicted by the court. This speaks volumes about the Police harassment of the victims.

This small study covering 30 victims of Police abuse speaks volumes about both the vulnerability and the helplessness of the community. The Statutory commission could not do the nationwide study of this community for lack of funds.

The rule of law in a democratic set up followed by the presence of Independent India's own Constitution was supposed to protect the rights of all citizens. Unfortunately, the label and prejudices of these communities as 'Criminal Tribes' have failed to thin down the prejudices. Most of the victims of Police torture (53.3 %) as found by the study have been arrested between 2 and 4 am. Most (82 %) have been carrying Physical injuries but hardly any of them have been helped with the filing of Medico Legal Case. One in every three victims have been a woman. The reason for their torture has been to ensure that they admit to crimes which they have never committed. It is not a purely academic research rather it is a compelling story of the Indian citizens who have been enslaved through historical prejudices as one of the high-ranking Police official alleges their criminal mentality to their blood.

Civil society need to come forward and support such action research.

Martin Macwan
Navsarjan Trust, Gujarat



NOTE OF APPRECIATION

Date: 05.04.2022

I am writing this letter in furtherance of the efforts of the People's Organization for People Education (POPE) should be appreciated for compiling the experiences of the Kuravar Community against the Police Torture in the state of Tamil Nadu and for bringing out this Action Research Report namely "Untold Truth of Kuravar Community". I would like to mention that I recently got a chance to read the report prepared by your team. I express my gratitude for such an eye-opening research undertaken by the organization.

In recent days the police torture and foisting false cases are increasing against the Kuravar community and also other most marginalized community in all over the States of India. This study highlights the point that over 549 cases undertaken by this research that were slapped against the men and women of the community suggests that only five persons have been convicted by the court. This speaks volumes about the Police harassment of the victims. The study has revealed some shocking observations and facts. This study covering 30 victims of Police abuses expresses volumes about both the vulnerability and the helplessness of the community. The facts reveal that the education has not reached the Kuravar community and children are also targeted by the police.

This study also reveals that Kuravar community who had no such opportunity were continually treated as criminal community. People would be dragged from their homes unlawfully detained, tortured and made to accept the charges before being jailed. It is the basic duty of the police force to ensure the citizens of this country are able to go about their day to day life without hurdles by implementing the rules and laws of this land and prevent crimes from happening.

I deeply appreciate POPE efforts work towards the up-liftment of Kuravar community and bringing this study report to the light, will create greater awareness about the Kuravar Community among the society.

Civil Society Organisations (CSOs) and other organisations to come forward and join hands to work for the purpose of advocacy and bring this matter to the notice of higher authorities in the State to change the perception on Kuravar community amongst the Police Personnel.

Sincerely



Anil Kumar Parashar

(Former Joint Registrar & Focal Point for Human Rights Defenders
National Human Rights Commission)



FOREWORD

India has a well-developed legal, judicial and legal aid system with courts, which in theory is accessible to everyone. However, the Indian justice system faces certain inherent problems and inefficiencies, which seriously hamper the administration of the rule of law and the fair and equitable treatment of citizens, especially the poor and vulnerable. The major constraints lie in lack of proper implementation of the laws, scarcity of legal aid, and a judicial system that is complex, as well as being predominantly patriarchal and caste and class biased.

People's Organisation for People Education (POPE) has practically conducted an intensive Human Rights Research Study with legal framework to understand the legitimate systematic human rights violations perpetuated against the “Kuravar” community, is one of the sub-castes of Scheduled Castes known as Dalits in the state of Tamil Nadu, in India subjected to various forms of brutal torture by the police and violent form of social exclusions. This study particularly focuses on the economic status, children education, list of cases foisted against the community people and current status, both physical and mental torture faced by the victim.

This study also observed that, Kuravar children also subjected to various kinds of discriminatory practices and oppression in schools. The present study comes well with findings and provides important recommendations to reforms Administrative systems particularly the Police Department.

This study clearly shows that the poor literacy and lack of legal knowledge among the “Kuravan” community resulting in loss of factual and documentary evidences in the alleged incidents of police torture, rape, murder, fake encounter deaths, deaths in police and judicial custody. I could see the incessant work of POPE to promote equality before the law and equal access to justice for Kuravar people, facing Police Torture and violations of human rights.



I therefore extend my deepest appreciation to the author of this study and their team for their great efforts in making of this well researched report that goes beyond the statistics on conviction and acquittal rates of observe the process of accessing justice for Kuravar community of Police atrocities. Many of the Human Rights organization have been engaged in monitoring of police atrocities and exposing the discrimination and other challenges faced by the survivors. There is a greater need to build a critical mass of social justice police and connect them with human rights defenders and human Rights organization for better coordination and improved access to justice. Now we need to fight to defend and bring them to life. We tried to better it, struggling always towards a shared and equal citizenship.

In order to appreciate the significance of this effort and this book it is necessary to understand the problem of police atrocity against Kuravar community. This Research report creates an opportunity to systematically understand the course of legal actions and interventions in identifying potential barriers in administration of justice. It also communicates the complexities of legal system as well as overcoming these complexities.

Dr. Harshitha Gandhi

Dr. Harshitha Gandhi

Secretary,
All India De-Notified Nomadic Tribes
Development Council (AIDNTDC)



TABLE OF CONTENTS

CHAPTER NO	CHAPTERS	PAGE NO
I	INTRODUCTION TO THE DE-NOTIFIED TRIBES OF KURAVARS OF TAMIL NADU	
II	NARRATIVES ON THE CHALLENGES FACED BY THE KURAVAR COMMUNITIES – SILENCE, INVISIBILITY AND ABSENCE OF CONVERSATIONS	
	A REVIEW OF EXISTING LITERATURE	
III	THE PROBLEM OF CUSTODIAL VIOLENCE OF KURAVARS	
IV	APPROACH AND METHODOLOGY	
V	IDENTIFYING STRATEGIC PRIORITIES WITH DATA	
	INDIVIDUAL CASE DETAILS	
VI	FINDINGS AND SUGGESTIONS FOR A WAY FORWARD	
VII	APPENDIX	
	BIBLIOGRAPHY	



CHAPTER- I

INTRODUCTION



INTRODUCTION TO THE DE NOTIFIED TRIBES OF KURAVARS OF TAMIL NADU

Tamil Nadu is part of South India, with an ancient civilization. It is located in the extreme south-eastern part of the Indian peninsula. In the Sangam age [6BCE – 3CE], the Indian caste system was not the organizing principle and boundaries between the social groups were not demarcated.

The various communities of people living were called Vettuvar, Irular, Villigal and Pallar. People of Korava / Kurava community are called by different names in different parts of South India. They are called Kuravan or Kuruvar in Tamil Nadu, Korama or Koracha in Karnataka, Kaikadi in Maharashtra, Oddanar in Kerala and Kattu Naicker in Puducherry. Kuravar is a community of non-pastoral hunter-gatherers who lead a life of nomadic gypsies. Kuravar is the hunter, gatherer tribe that is native to the mountain regions of Tamil Nadu.

Post the Sangam period, numerous social groups existed as endogamous 'jatis'. Vast diversities of the numerous social groups were complex and posed administrative hassles for the British during the colonial period, who ruled India from the middle of seventeenth century AD. Hence, during the 1881 census introduced by the British administration, the British ethnographers used caste headings to classify people.

Kuravar community were chiefly traders of grain and salt, operating between the coastal areas of the Madras presidency and the interior districts. They were, at one time, almost the only means of distributing salt in far-flung areas where wheel traffic could not reach. In 1850s, road and railway networks were established throughout the Presidency, and this community's trade - carried out largely on pack bullocks or donkeys- became largely, if not wholly, redundant.

The forest laws of the 1880s prevented Kuravars from collecting forest produce, an important item of barter in their trade. The laws also did not allow them to collect bamboo and leaves, which they used for making mats, baskets, brooms etc. Common pastureland and grazing areas were cordoned off, and not available any more to their cattle.

The famines of the late nineteenth century devastated their salt trade. Large numbers of their cattle died. Since Kuravars were traders in cattle, apart from using



them to carry their merchants, the death of their cattle caused them to suffer huge livelihood losses. The Kuravars grain trade also suffered drastically during this period, because famines were managed by the British administration. To the disadvantage of the Kuravars, grain was totally inaccessible at a time when their cattle, which carried it, were dying in large numbers. They were also crucially affected by the new salt policy of the government all over the Presidency on railways routes, where salt was now sold through the agents of large company traders. Thus, the colonial revenue policies destroyed these communities' earlier trading practice and livelihoods.

CRIMINALIZATION OF KURAVARS BY BRITISH COLONIAL POLICIES

According to Gloria Raheja, a professor of Anthropology, "The census caste classifications introduced by the British, were also used by colonial officials over the late 19th century and early 20th century to frequently target some social groups as "criminal" and prone to "rebellion" (Raheja, 2000, pp. 120-122)

In 1871, the British colonial government passed the Criminal Tribe Act (CTA). This Act labelled about 200 communities in various provinces in India as "criminal" communities. "The most devastating effect of the CTA was that it not only defined communities as criminal but marked rural and semi-rural spaces as dens of criminals. Controlling communities became an exercise in controlling rural spaces" (Singh, 2021). The CTA gave the police control over nomadic communities. They were driven out of forests, due to the Criminal Tribes Act. "Specifically, these communities had to register themselves at the nearest police station and obtain a license. They could not go out of their designated district without the permission of the police. If they changed their residence, information had to be supplied and permission requested. If a member of a community was not present for more than a year in their settlement without police permission, they had to suffer through three years of prison time" (Devy, 2017). Millions of nomadic and semi-nomadic communities were declared criminals and put under continuous surveillance (Bhukya & Surepally, 2021)

When the British enacted the first Act, in 1871, it applied only to areas in north India; however, in subsequent Acts, and particularly in 1911, the measures were extended to all of British controlled India and Tamil Nadu (Madras Presidency in Colonial Time) is one among them, and was altered to include even more draconian features.

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". Once a tribe became notified as belonging to a criminal class, all members of the group were required to register at a specific time and place with the local magistrate.

LEGITIMATIZED OPPRESSION AND VIOLENT EXCLUSION CONTINUES IN FREE INDIA

On 21st November 1949, during the Constituent Assembly Debate, Shri H. J. Khandekar, of the C.P. & Berar General Province, highlighted 'the plight of more than one crore unfortunate people who had no freedom of speech and freedom of movement and who were called as the criminal tribes by the British government'. He sought the repeal of the Criminal Tribes Act and to give them every freedom on the basis of Article 19 of the Constitution of India ((PROCEEDINGS), 1949).

The Criminal Tribes Act was repealed in 1952 and these communities were legally DE notified in 1952. After DE notification in 1952, about 200 Communities were included in Scheduled Tribe (ST), Scheduled Caste (SC) and Other Backward Castes lists because they come from diverse social backgrounds. Further, the CTA was replaced with the Habitual Offenders Act 1952 (Bhukya & Surepally, 2021).

Although the Criminal Tribes Act was repealed across India in 1952, these communities continue to carry with them the stigma of criminality. The operation of the Criminal Tribes Act 1871, over more than 8 decades managed to institutionalize perceptions of criminality of the De notified communities among the police forces, courts and the society at large.

The Habitual Offender Act 1952 recreated the conditions that cause marginalization and stigmatization of the De notified nomadic and semi nomadic tribes. The Tamil Nadu Restriction of Habitual Offenders Act 1948, permits the police to restrict the movement of "habitual offenders" to a particular area and notify those persons who have committed any one of the scheduled list of offences for which he/she has been imprisoned not less than 3 times consequently. The communities struggle for a long time even after the repeal of the CTA (Singh, 2021), (and pages 32 and 33 of the Idate Commission Report (Idate, 2017)). The fundamental human rights are systematically denied to the De notified Tribes and Notified Tribes (DNT-NT)



communities in free India through historical prejudice, stereotyping of a criminal Identity and stigma. The discrimination, abuse, and social and economic marginalization faced by millions of Indians belonging to 'DE notified and Nomadic Tribes' (DNT-NTs) continues till today. Abuse is legitimized till today and is a dent on India's human rights record and its declared commitment to the equality and well-being of all its citizens under both domestic and international law. The fundamental rights under Articles 14 (equality before the law), Article 15 (prohibition of discrimination), and Article 21 (protection of life and personal liberty) of Indian Constitution have yet to extend their full reach over DNT-NTs.

In New Delhi in 2002, the 50th anniversary of the 1952 De notification was observed in the presence of the late former Prime Minister V P Singh. Representatives of the De notified communities sought improvements in their living conditions and provision for reservations. As a result of this pressure, the National Commission for De notified Nomadic and Semi-nomadic Tribes was formed and headed by Balakrishna Renake in 2006. In 2015, Prime Minister, Shri Narendra Modi constituted a Commission headed by Bhikuji Idate to prepare a list of De notified and Nomadic Tribes of every State in India and to suggest ways for the betterment of their lives (Singh, 2021). More specifically its task was to identify and enlist State-wise, the De-notified Nomadic and Semi Nomadic Tribes, assess the status of their development and recommend appropriate strategies to uplift them economically (Idate, 2017).

The National Commission for De Notified Nomadic and Semi Nomadic Tribes released its findings in a report in 2017, under the Ministry of Social Justice and Empowerment. Bhikuji Idate acknowledges that *“the misery of these communities begun with the enactment of the Criminal Tribes Act, 1871. Colonial government's policies affected their lives and livelihood adversely. Even after independence, they have not benefitted much from the planned development of over seven decades. We were pained to see the miserable condition in which the members of these communities are living. I, along with my colleagues in the Commission, visited all 36 States and Union Territories, undertook more than 300 field visits, interacted with thousands of members and representatives of these communities. Meaningful interactions were done with the Anthropologists, Social Scientists and other stakeholders. Based on the above, the Commission has submitted several practical recommendations, which I am sure will help the Government in designing*



appropriate development strategies for these communities” (Idate, 2017). Due to paucity of funds, the Commission was unable to conduct the nation-wide socio-economic survey of the De notified communities in India. But the Commission strongly recommended that a detailed survey of the communities must be conducted so that appropriate development interventions could be designed.

Kuravar community was notified as Scheduled Caste and de-notified tribes in some of the districts in the state of Tamil Nadu. There are about 28 sub-sects among them.

The classification of Kuravars as a De-notified tribe has pitted the State against this community. It has permanently branded them as 'history sheeters' and integrated it into the system, effectively silencing their voices and cries for mercy and justice. Their birth identity is still challenged by the state and the same community has been classified into different caste groups.

The National Commission for Scheduled Castes, in its report on the Atrocities against Kuravars in Tamil Nadu states that “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, Thiruvavur, Salem, Trichy and Villupuram experience high levels of false criminal charges, illegal detention torture in custody, sexual abuse and custodial deaths” (National Commission, 2016).



POPULATION AND PLACE OF LIVING

“Kuravar” or “Kuravan” means Leader in Tamil language; they are one of the ancient ethnic groups in the state of Tamil Nadu and having historical habitations and culture. Their estimated population is approximately 1.5 million. “Kuravar” community is now one of the sub-castes of Scheduled Castes known as Dalits in the state of Tamil Nadu. “Dalit” is a name adopted by the Scheduled Caste communities as it means “broken and oppressed”.

“Kuravar” community is a very scattered population residing in all the districts of Tamil Nadu living below the poverty line (BPL). They have been facing numerous hurdles in their day to day life due to various social and economic challenges. At the same time this particular community is poor in literacy rates among the other SC population due to their frequent migration and vulnerability of livelihoods and opportunities.

OCCUPATION

The National Commission on Scheduled Castes in its report on Police Atrocities on Kuravan Community in Tamil Nadu, in 2016 records that “Kuravan is mainly engaged in making bamboo baskets, using palm leaves, and coir products, rearing pigs and doing other menial work. In search of livelihoods, they also migrate from one place to another. As a result, there was a shift in their occupation pattern. They hunt birds and raise country pigs (black pigs) both for their consumption and sale. Some of them are working as sanitary workers and other menial jobs. They are living under the poverty line (BPL). They have been facing numerous hurdles in their day to day life. 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 district corporation 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” (National Commission, 2016).

The Idate commission report in page 70 records the Koravar community in Chennai as the community interacted with, but data is generalized to all the communities visited in six States. It records that 61.6% of women of the De notified nomadic and semi nomadic tribes interacted with never enrolled in any school and



contends that while the communities lost their sources of livelihood due to Colonial policies, their occupational displacement has not been addressed with the provision of alternate means of livelihoods(see from page 70 (Idate, 2017)).

At the same time this particular community is poor in literacy rates among the other Scheduled Castes population due to their frequent migration and vulnerability of livelihood opportunities. “The difficulties which the community faces because of its low social and educational status and due to the tog of criminality by birth, hove largely contributed to their present poor economic situation. There is plenty of evidence to prove how these communities and its members earned decent living as traders of salt, grains and many other items when rails and roads did not connect the country” [page 74 (Idate, 2017)]



A close-up photograph of a person's hands, likely of African descent, gripping several vertical metal bars. The person is wearing an orange garment, which is a common uniform for inmates in many prison systems. The background is a blurred, greyish-blue wall, suggesting an institutional setting. The lighting is dramatic, highlighting the texture of the skin and the metallic sheen of the bars.

CHAPTER-II

REVIEW OF LITERATURE

NARRATIVES ON THE CHALLENGES FACED BY THE KURAVAR COMMUNITIES – SILENCE, INVISIBILITY AND ABSENCE OF CONVERSATIONS – A REVIEW OF EXISTING LITERATURE

CRIMINALIZATION OF KURAVARS AND CUSTODIAL VIOLENCE – A REVIEW

There is literature on the various De notified Nomadic and Semi Nomadic communities of different States in India, largely in the form of government reports of advisory and enquiry committees formed for specific purposes related to their exclusions or manner of inclusions in the Scheduled Castes/Scheduled Tribes lists, migratory practices, stigma and atrocities on them by State authorities. However documented data on the social and economic profiles of the Kuravar communities of Tamil Nadu State and the brutal atrocities on them is rare. 31st August 2021 marks the 69th year of the repeal of the Criminal Tribes Act, 1871, and the Economic and Political Weekly in its 'EPW engag(e)' series published research articles written by researchers, advocates, legal researchers and social activists working among the De notified nomadic and semi nomadic tribes in various parts of India. This review attempts to highlight some of the available literature and explains the focus of this research study.

Literature related to DE notified Nomadic and Semi Nomadic Communities and their criminalization by police in India.

(Renake, 2008) The United Progressive Alliance Government constituted the National Commission for DE Notified Nomadic and Semi Nomadic communities in 2006 and the commission submitted its report in 2008. The Commission received 1156 memoranda from the public, organizations, NGOs, community leaders and others. It studied the memoranda and made visits to almost all the major States of India to summarize its findings and suggest recommendations. On page 99, of the report the Commission notes that several laws enacted by the Government of India have affected the livelihoods of the DE notified, nomadic and semi nomadic communities. The Habitual Offenders Act which replaced the repealed Criminal Tribes Act, Indian Forest Act and its subsequent versions, Wildlife Protection Act of 1972, Land Acquisition Act of 1984, Prevention of Beggary Act, The Drugs and Magic Remedies Act 1954, Excise Act of 1944, Environment Protection and Biodiversity Conservation Act of 1999, Prevention of Cruelty to Animals Act, etc., have affected them by denying them access to resources to which they have traditionally rights and



deprived them of their livelihoods. The Commission further acknowledges that the callousness of the State has only increased the misery and vulnerability of these communities. The Commission also records that the communities are subjected to atrocities every day by the police, civic and revenue administration and many of these atrocities go unnoticed as they are not reported or reported wrongly. Based on all these findings, the Commission has recommended the documentation of State wise lists of each of the DE notified nomadic and semi nomadic tribes/communities.

(Idate, 2017) The National Commission for De notified Nomadic and Semi Nomadic Tribes, was appointed for a period of three years, to make State wise lists of the communities as per the recommendations of the Renake Commission of 2008. It was formed in 2014 and it studied De notified Nomadic and Semi nomadic communities in six States. Tamil Nadu is one of the States covered by the Commission. The commission records its inability to make a national social and economic survey of all the listed communities, due to paucity of funds. It used 3700 petitions and grievance memoranda received from the communities to source information, apart from making visits and interacting with the communities through focus group discussions. It finds that the communities need inclusions in the Scheduled Caste/Scheduled Tribe lists, identity documents and Caste certificates, education and scholarships, reservations and jobs, housing, land, infrastructures, sanitation and above all to be free of the stigma and harassments faced at the hands of the police. 166 petitions were received by the Commission that raised the issue of harassments and human rights violations by police and authorities. The Commission has recommended the repeal of the Habitual Offenders Act.

(Chahal, 2017) in his research on the De notified nomadic and semi nomadic communities of Punjab has documented the number of people in India in 1947, before the repeal of the Criminal Tribes Act of 1871, who were notified under the Act. He has highlighted that there were 13 million people in 127 communities in India who were notified as criminals and who faced constant surveillance, search and arrest without warrant if any member of the group was found outside the prescribed area.

(Pawar, 2021) As part of her work with the Anubhuti Charitable Trust, Deepa Pawar has described her work with over eight thousand families in 2020 and 2021. She has closely examined how urban development is devoid of a human rights perspective. She has pointed out that there is significant intellectual and physical labour of the nomadic tribes and De notified communities in urban development and



yet are kept away and are unable to reap its benefits. She has emphasized the need to deconstruct the systematic exclusions of DE notified communities as they form a major part of the workforce, such as construction workers, domestic workers, sanitation workers, and factory workers and since the social violence committed on these communities has contributed to a loss of monetary value of their skills.

(Bej, Sonavane, & Bokil, 2021) make a detailed study of bail orders passed by the High Court of Madhya Pradesh between 2018 and 2020, 1094 excise related arrests and a sample of 540 first information reports in 9 police stations across three districts. They show how some police stations target localities populated by the DE notified communities and out of every three arrested persons one was a woman. The narrative of criminality is built on false stereotypes through history woven on nomadic and semi nomadic DE notified tribal women in Madhya Pradesh and it has helped in the creation of 'habitual offenders' police records. The authors clearly point out how the 'habitual offender' stereotype on the women results in the denial of bail or harsher conditions of bail and longer periods of incarceration up to almost 200 days in prison. “The narratives of criminality have ensured that 66% of all prisoners are from either the Scheduled Caste (SC), Scheduled Tribe (ST) or Other Backward Class (OBC) categories and that over 18% of them are Muslims (National Crime Records Bureau 2020)”.

(Singh, 2021) Rama Shanker Singh who is an independent historian, and a former fellow at the Indian Institute of Advanced Study, Shimla, builds a historical perspective on the DE notified nomadic and semi nomadic communities in Uttar Pradesh with respect to how they encountered colonialism. He makes use of archival material and ethnographic accounts from various districts of Uttar Pradesh. He portrays precisely how the communities have been stigmatized and excluded historically.

(Sonavane, Bej, & Bokil, 2020) The authors are members of the Criminal Justice and Police Accountability Project, (CPA Project), a Bhopal-based research and litigation intervention. They delineate how the DE notified communities in India have a history of persecution by the criminal justice system through specific laws and legal provisions. Their study of the annual prison statistics report of National Crime Records Bureau of 2019 reveals that there is a classification of prisoners on the basis of age, gender, religion and caste and that there is an over representation from the Scheduled Caste(SC), Scheduled Tribe(ST) and other Backward Classes(OBC), who



are the marginalized communities. The DE notified communities are administratively grouped under the SCs, STs or OBCs and there is no disaggregation of data that will highlight their presence in prisons. The authors reinforce the need for viewing the problem of over representation of DNCs in prisons, through the lens of policing, as it would bring to light the targeted persecution of marginalized communities. A majority of the De notified communities [DNCs]'s traditional occupations are criminalized through excise laws, wildlife conservation laws, and cattle slaughter prohibition laws. While on the one hand the communities are criminalized, on the other hand they are completely invisible to society. The impact of the criminal laws on their lives is undocumented. This is largely due to the absence of official data on the total population of the De notified nomadic and semi nomadic tribes and they are administratively categorized under SC, ST and OBCs. Hence a disaggregation of data of their population becomes the need of the hour.

(Bhukya & Surepally, 2021) Bhangya Bhukya teaches history at the University of Hyderabad and researches on nomadic and Adivasi communities of India. Sujatha Surepally teaches sociology at the Satavahana University, Karimnagar and researches on caste, gender and Dalit women. The authors in their article, as they trace the historical patterns of the nomadic and semi nomadic communities and present the different dimensions to their stories, cite the absence of scholarly attention on the DE notified communities and underline the need for further academic inquiry in to the concerns of these communities.

Literature related to the DE notified Nomadic and Semi Nomadic Kuravars Communities in Tamil Nadu

(Radhakrishna, 2008) Sociologist Meena Radhakrishna's work, 'Dishonoured by History: 'criminal' Tribes and British Colonial Policy', traces the history of the Kuravars in Tamil Nadu and mentions that the Kuravar tribe's origins can be traced to Andhra Pradesh. They were a nomadic tribe that travelled across Karnataka and Tamil Nadu, and bartered salt for food grains and pulses. The author shows how the colonial administration's traditional prejudice against the nomadic communities whom they called 'gypsies' fed their categorization of the community as 'hereditary criminals', and uses archival sources to establish their honorable nature of the communities before the Colonial administration branded them as 'criminals'.



(National Commission, 2016) The National Commission for Scheduled Castes submitted a report on the Atrocities against the Kuravars Community in Tamil Nadu, in 2016. It is by far the only report that documents the systemic practice of how members of the Kuravar community are booked for criminal offences they would not have committed. 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. The committee constituted by the Commission collected secondary data on police atrocities from police stations on the status of Kuravan communities and made random enquiries to arrive at inferences. The committee recorded statements from the survivors of police torture in Tanjore and has observed that systematic police torture is committed against Kuravar community and has graphically described thirty three different forms of police torture infiltrated by the police.

(Dr.Jakka, 2002)) Tribal Research Centre, Ooty conducted an ethnological study on the Kuravar Community, and it reveals that the Koravar/Kurvan/Koravars or Kuravans all belong to same community as Koravars. The study reveals that on the basis of Kulam or clam, traditional occupation, life cycle rituals and past life have tribal characteristics and Kuravans and Koravars are one and the same community and they are eligible to get Scheduled Tribes (ST) Status.

(Villatt, 2015) The author examines the experiences of more than eight survivors of false cases and police torture in the districts of Thanjavur and Cuddalore. He outlines the modus operandi adopted by the police in filing false cases, extracting confessional statements through gruesome torture. The author further shows how the media and the police construct false stories against the community creating stereotypes.

(Dharmadikari, 2021) The documents the forceful arrest of a young 23 year old Kuravar man and the experience narrated by his wife. The author finds that 13 cases were filed on him with no clear indication of the nature of offence.

(Sukanya, 2021) On the occasion of the 69th year of India's DE notified Tribes observing their Liberation Day, the author makes an in depth study of the Kuravars community in Tamil Nadu and notes how the stigmatization of Tamil Nadu's Kuravars as 'criminal' and the police atrocities against them continue unabated. She looks into the community art school run by the Peoples' Organization



for Peoples' Education and shows how it is taking Kuravar children on a journey to reclaim their identity.

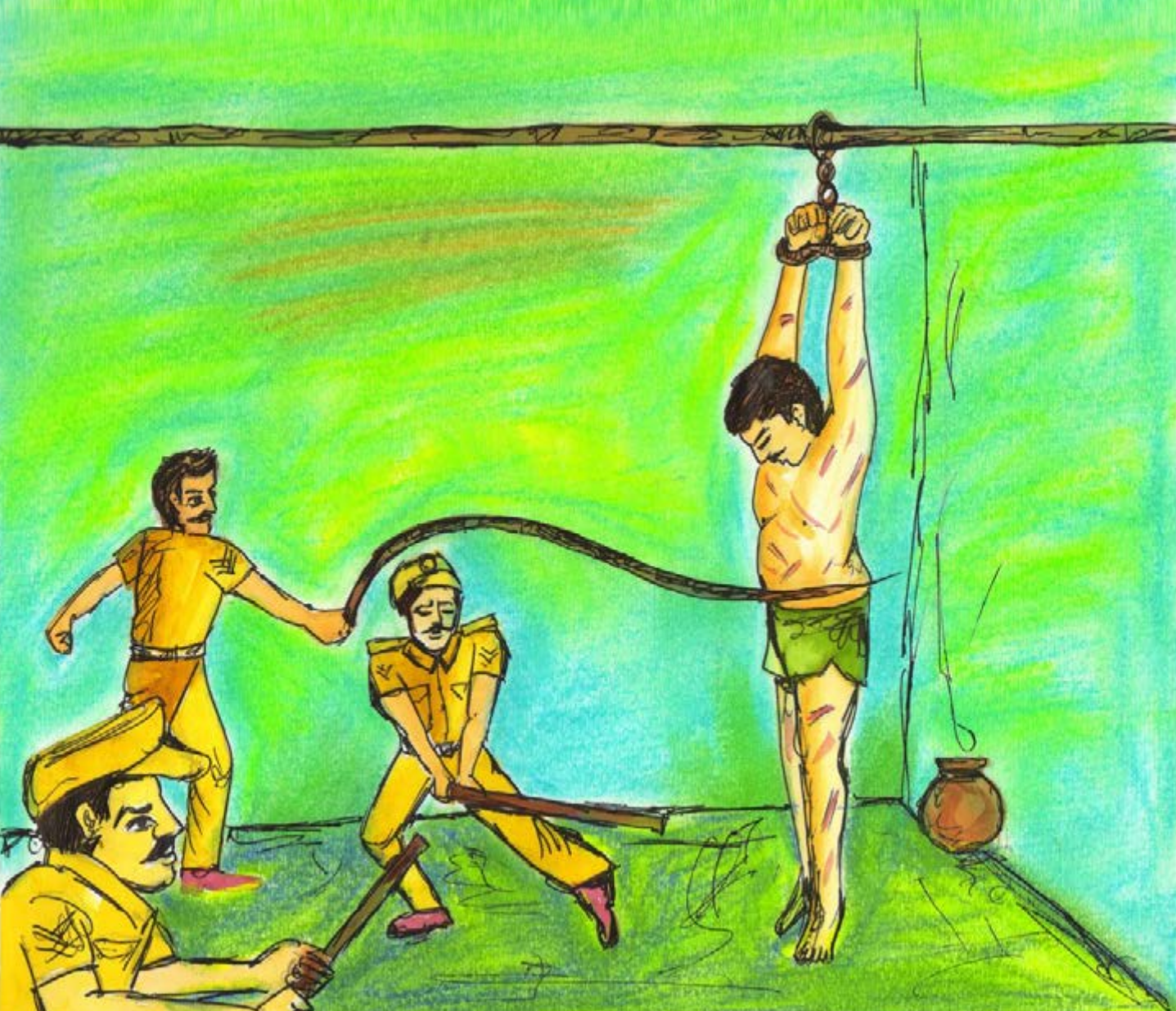
In September 2021, the engag(e) series published by the Economic and Political Weekly EPW, makes a forceful attempt to mainstream narratives on the DE notified communities in India and make them visible. The writers reinforce the need for an intense scholarly attention on the DE notified nomadic and semi nomadic communities in India. Other available documented sources of information from government records such as the Renake Commission and Idate Commission strongly acknowledge the social and economic poverty and plight of the communities as well as the brutal violence they undergo under the police and the State, due to the overarching Habitual Offenders Act of 1952. Both the commissions have brought out the need for a thorough social and economic survey of all the DE notified communities in India, the need for sufficient funds and infrastructure for this purpose, as well as the repeal of the Habitual Offenders Act 1952. The committee of the National Commission of the Scheduled Castes and Scheduled Tribes constituted enquiry committee is the first and only report that documents the nature of and frequency of police atrocities undergone by the Kuravar community of Tamil Nadu. The literature reviewed underlines the need for more extensive documentation and narratives on the Kuravars in Tamil Nadu, as well as the need for a disaggregated data on their status in prisons, police stations and government records. It underpins that documentation of primary data on the atrocities faced by the Kuravar communities of Tamil Nadu is urgently needed. Documented evidence of the oppressive experiences of the youth and children due to police atrocities, and social exclusions is not sufficient.

The People's Organization for People's Education makes an attempt to enhance the existing documentation of the systemic forms of human rights violations committed against the Kuravar Scheduled Caste communities and to plan concrete educational, livelihood and legal interventions among the Kuravars in Tamil Nadu, through this research study.



CHAPTER-III

THE PROBLEM OF CUSTODIAL VIOLENCE OF KURAVARS



THE PROBLEM OF CUSTODIAL VIOLENCE OF KURAVARS

The districts of Thanjavur, Kallakurichi, Cuddalore, Ariyalur and Pondicherry, have a maximum distribution of the Kuravar communities. The communities are targeted for arbitrary arrests, illegal detention, and undergo brutal forms of torture. False theft charges are foisted by the Police against women, children and men in these districts of Tamil Nadu State. Majority of the persons against whom false theft charges are foisted are from the Kuravar communities. The number of cases filed against the individuals go up to a maximum 33 false cases in different police stations across Tamil Nadu.

The women are allegedly raped by the police in illegal detention, sexually harassed by the police in front of their husbands and children to get forced confession statements from their husbands and family members. Children undergo traumatized experiences due to forceful visits to the police station. They experience multiple forms of oppression, social exclusion and ignorance of their plight due to their birth identity and it has severely wounded their inner psyche. The children struggle to complete their school homework and are unable to perform well in school education largely due to illiteracy of their parents and most importantly the inability to access their parents' help at the times of frequent incarcerations by the police. The children often drop out from their schools, due to over extended imprisonment of their parents, disability from police torture and severe psychological trauma. Many of the children become child labourers, and are married early due to lack of parenthood. They are deprived of a memorable childhood.

A brief summary of the problems faced by the Kuravar community is as follows

- * Brutal forms of sexual harassment against the “Kuravar” women by the police
- * The Kuravar children are potential victims of police torture, criminalization and social exclusion.
- * Due to the targeting of children, youth, and women, they continue to live in terror.
- * Youth are targeted as future criminals by police due to the existing stereotypes and stigma based on their birth identity.
- * The brutal forms of police torture result in deep psychological wounds and trauma among the Kuravar communities in the six districts studied.
- * Unstable livelihoods due to criminalization, prejudice and stigma has pushed



CHAPTER-IV

RESEARCH METHODOLOGY



METHODOLOGY

TITLE OF THE STUDY

A study on the systematic form of Human rights Violations committed against the Scheduled Caste of Kuravar Community in five districts of Tamil Nadu.

OBJECTIVE OF THE STUDY

- To study the continuous and systematic form of human rights violations perpetuated against the Kuravars community in five districts of Tamil Nadu State.
- To make visible and mainstream the experiences of the Kuravars and the unjust torture and oppression they undergo from the police.
- To make evident the presence of prejudices and the cultivation of false stereotypes that lead to stigma faced due to their birth identity.
- To evolve measures to prevent criminalization of younger children and youth as a result of parental social antecedents and stereotyped criminalization of this community
- To evolve measures that can legally challenge the false charges filed against the Kuravar community and claim compensation for the innocent victim.

NEED OF THE STUDY

(National Commission, 2016) India is known for the established Human Rights Redressal Institutions, special legislations to guarantee and affirm the rights of socially excluded, backward, religious minorities with the rights guaranteed by the Indian Constitution. Despite this, the inhuman stigma and stereotyped criminality of the DE notified communities of Kuravars of Tamil Nadu has pushed them under the police net. The innocent Kuravar community members have spent most of their life time in incarceration and judicial proceedings and ultimately not being convicted. It has a heavy social and economic impact with their exclusion from decent livelihoods and education for their children and youth. The systematic form of human rights violations due to the antecedents created by the British and continued in free India has traumatic repercussions. The magnitude and extent of their victimization by the police requires appropriate legal interventions. The Kuravars in the districts like Thanjavur, Ariyalur, Thiruvarur, Salem, Trichy and Villupuram experience high levels of fabricated criminal charges, illegal detention, and torture in custody, sexual abuse and



custodial deaths. Legal interventions are required that will consequently repeal the Habitual Offenders Act 1952 (National Commission, 2016), and restore the dignity of the Kuravar communities for them to lead a life with equality, dignity and liberty.

RESEARCH DESIGN

People's Organization for People's Education has engaged in a descriptive study through an intense engagement with 30 victims and survivors of this violence across the five districts of Thanjavur, Kallakurichi, Cuddalore, Pondicherry and Ariyalur. POPE uses descriptive design for the research so that there is a comprehensive description of the forms of violations they face during the illegal detention, and number of false cases registered against the victims. The purpose of the study was explained to the participants and they were given time to seek any clarifications concerning the study.

POPE used both qualitative and quantitative research tools. The structured interview technique was adopted to collect the data from a set of questions based on the parameters of:

1. Forms of torture faced
2. Socio economic status of the victims
3. Migration patterns
4. Children's education
5. Details in judicial custody
6. Time and place of arrest
7. Recovery of medical expenses
8. Status of the case.

Primary data was collected from the victims, victim's family, and concerned advocates. The secondary data was obtained from published reports, journals, articles and other materials related and relevant to the study.

RIGHT TO INFORMATION

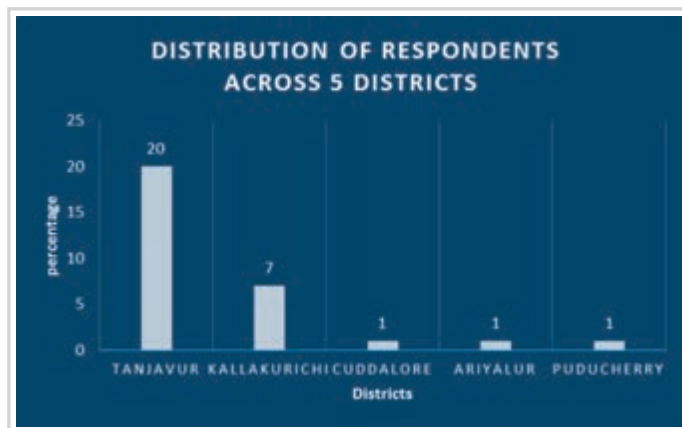
The research team also used Right to Information (RTI) as an important tool in collecting the document evidence from the Police Sources. The research team has sent more than 30 RTI applications to the concerned Superintendent of Police, District Commissioner of Police for the documents maintained by the police such as the total

number of cases registered on each victim, status of the case, confession statement of the victim, Investigation Officer Report, Remand Report and Arrest Warrant. Based on the above said matter, the research team has received reply from the concerned police department that

1. Due to insufficient information of the victim, the police could not able to provide the information
2. In Many RTIs the concerned police department forwarded the application under Sec 6 (3) of RTI Act to other districts authorities of police to provide the information. Since at the time of arrest, cases registered in a particular District have been dealt with by other district authorities due to bifurcation of the District. As result, the police department also not able to provide the proper details of the victim
3. The research team also finds very difficult in getting documents of above 10 years from the year 1985 to 2000 from the advocates as well as from the victim.
4. The advocates of the victim also did not furnish the information like order copy and case status of the victim due to the misunderstanding that whether the victim will change their advocates or will hand over the files to other Advocates.

AREA OF STUDY

POPE selected five districts of Tamil Nadu where there is a larger population of the Kuravar Community and focused intensely on the districts of Thanjavur & Kallakurichi, reported a higher number of cases of police torture and false cases against the Kuravar Community. The respondent samples were based on the willingness and availability of the survivors to share their experiences and details.



Name of the District	Number of Respondents
Thanjavur	20
Kallakurichi	7
Cuddalore	1
Ariyalur	1
Puducherry	1
TOTAL	30

PRETEST

A pilot study was conducted in the villages of Manojpatti and Sengipatti of Thanjavur District, in order to validate the research questions. A questionnaire schedule was constructed based on the parameters in the study design.

SAMPLING DESIGN

The sampling design was based on the larger number of cases reported against the Kuravar community by the police across the five districts. Hence a larger number of samples were drawn from the districts of Thanjavur and Kallakurichi. A total of 30 samples are selected by considering the parameter of having more than 10 cases and who were continuously targeted for filing false cases and who underwent severe torture by the police.

KEY PROCESSES

The sequence of key processes followed in the study is presented in the table below:

Key Processes	Participants	Outcome
Planning Meeting	POPE team and National Kurinjiyar Samuga Neethi Peravai (NKSNP) Leaders and Kuravar Community People from Kallakurichi and Thanjavur	The Overall study methodology, sampling design, tools and field work plans were evolved
Preparation of Plan	POPE team and National Kurinjiyar Samuga Neethi Peravai (NKSNP) Leaders and Kuravar Community People from Kallakurichi and Thanjavur	A work plan was formulated



Key Processes	Participants	Outcome
Development of Tools through a pilot study	POPE Team	A questionnaire was constructed, discussed and finalized with victims of police torture as a pilot study
Orientation to Data Collection Team	Data collection team, analyst with POPE Team	Time scheduled for collecting the data
Data Collection in the field	POPE STAFF and Volunteers	Daily desk reviews and follow up of work
Collection of Crime records from police stations	POPE Staff team	A total of individual case records of 30 survivors of police violence were obtained chronicling the number of cases foisted on each individual and their frequency with minimal conviction rates,
Analysis and Data Management	Mrs. Kumutha Yesuraj with POPE team	Draft analysis report presented back to the data collection team
Final Report	POPE team with Mrs. Jeyasudha and Mrs. Kumutha Yesuraj	Final Report with sharing with stakeholders – Anticipated to take place

The following methods were used to collect information

1. Study of arrest records of respondents
2. Oral interviews and compilation of case studies on the experiences of the
3. A questionnaire schedule to document experiences of police torture and ascertain their social and economic profiles.
4. Collection of FIRs, Photo copies of search warrant, Charge Sheet and Remand through Right to Information (RTI) Application.





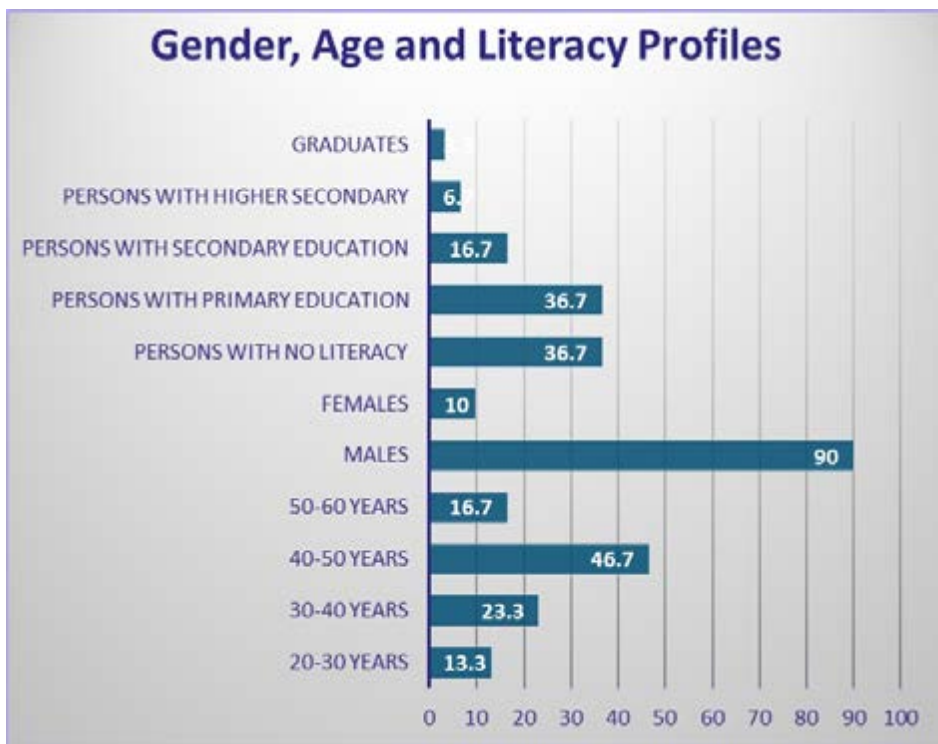
CHAPTER-V

IDENTIFYING STRATEGIC PRIORITIES WITH DATA

DATA ANALYSIS & INTERPRETATION

The data is analyzed using quantified techniques and Case studies to describe the forms of torture, prejudice and systematic oppression towards the Kuravar community. The criminal case files and arrest records are also used to identify the limited conviction rates of false implications.

Overview of the gender, age and education profiles of the respondents



Domain	Respondent Categories	Total Samples	
		N	%
Age	20-30	4	13.3
	30-40	7	23.3
	40-50	14	46.7
	50-60	5	16.7
Gender	Male	27	90
	Female	3	10
Education	Illiterate	11	36.7
	Primary Education	11	36.7
	Secondary Education	5	16.7
	Higher Secondary	2	6.6
	Graduate	1	3.3

The majority of the respondents (90%) are male, highlighting that the police target men for filing cases and making arrests. More than one 85 percentages of the respondents are between 30 and 60 years of age, which is the age of earning potential. This means that families dependent on the livelihoods of these men and women undergo severe economic hardships.

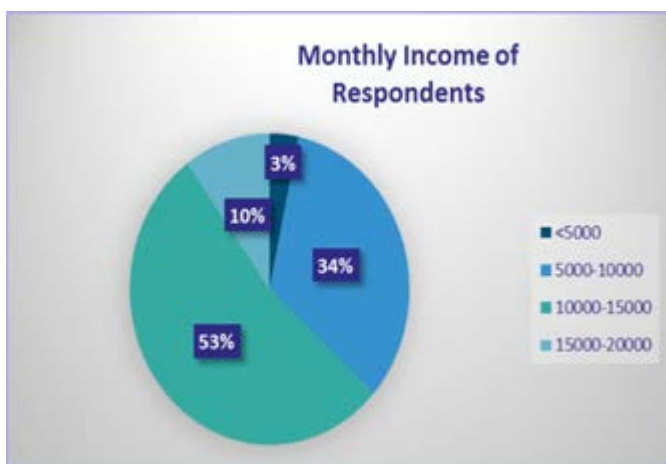
“Due to continuous torture of police, Ganesan (53) S/o Munnudaiyan, becomes physically ill, and is not able to do his regular work. The police have filed many false theft cases against him and he has undergone brutal forms of police torture in illegal detention since 2003 to 2020. He has lost a maximum of his good earning days in incarceration due to false charges against him”.

In the case of Rajini S/O Mannudaiyan, residing at Tanjavur, having 42 cases from 2005 to 2016, out of which he was acquitted in 31 cases and remaining cases are pending trial at court. The researcher witnessed in a case registered against Rajini that he was falsely implicated in a theft case that occurred on 24.9.2014 in Tanjavur but on the exact same day he was at NCSC in New Delhi. After he returned to his native, he was arrested and tortured by the Tanjavur Medical College police and got a confession from him to accept the crime. This is a false case foisted against him.



CURRENT ECONOMIC STATUS OF THE FAMILIES

S.NO	Monthly Family Income	N	%
1	<5000	1	3.3
2	5000-10000	10	33.4
3	10000-15000	16	53.3
4	15000-20000	3	10
Total		30	100



Only 10% of the respondents are able to have a family income of Rs.15000-Rs.20000/- which is a minimal requirement for a hunger free household. 90% of the families earn below Rs.15000/- and with continuous livelihoods disruptions due to more than 85% of the income

earning men and women individuals, the children and families are prone to abject poverty. This pushes them to resort to heavy external loans from money lenders at abnormal and sky rocketing interest rates. Most of the respondents are engaged in pig rearing, bamboo baskets making, construction labor and daily wage labor.

MIGRATORY STATUS OF FAMILIES

Respondents reported that, monthly income of the family while they are in prison is generated due to the work done by their wives and parents. Families survived on high interest rate loans from money lenders and by the sale of their assets such as pigs, goats and poultry. 21% of the respondents migrated with their family to other Districts, unable to withstand the police torture and surveillance. Experiences of individuals based on the study parameters were collected through the following three case studies.

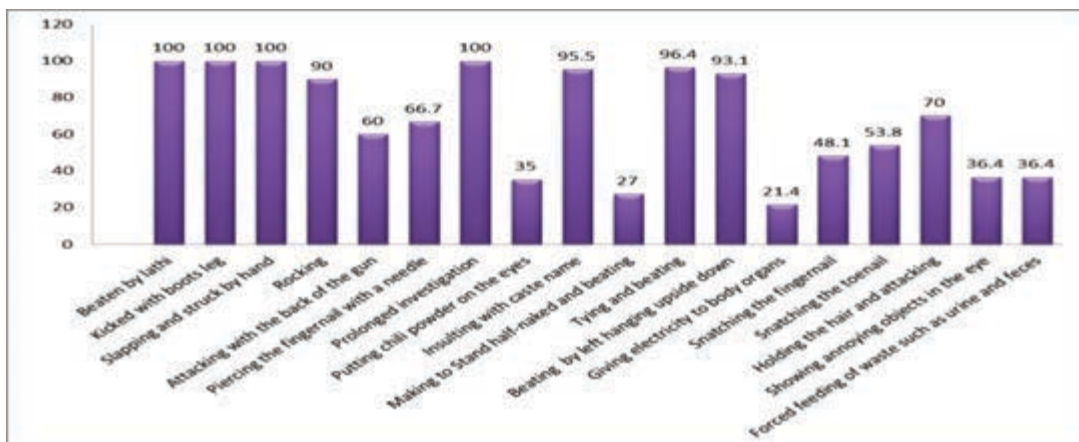


FORMS OF TORTURE INFLICTED ON THE RESPONDENTS

Article 5 of the 1948 Universal Declaration of Human Rights states 'No one shall be subjected to torture or to cruel, in human or degrading treatment or Punishment'

According to United Nations Conventions against Torture and other cruel, inhuman or degrading Treatment or Punishment (CAT) adopted in 1984: 'any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed or intimidating or coercing him or a third person or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. In the research study, the researcher can able to realize the different forms of torture faced by the Kuravar Community

METHODS OF TORTURE



Each respondent were suffered different forms of torture by the police. 100% of the respondent stated that they were beaten with lathi, kicked with boots leg, slapped and made to stand for prolonged investigation. 35% have reported that the police spread chili powder on their private parts. These tortures were made by the police on the victims to confess crimes. The male members of this community shared that they were subjected to heinous forms of torture like needles inserted into hands and then asked to take pushups. The victims have a rope tied on their leg to the window and another leg tied to another window and chili powder is thrown on their genital area. In some cases, the police penetrate the lathi into the anus of the arrested and brutally beat them until they confess the crime. Women are not exempted, as they also arrested by the police in liquor peddling and illegal drugs selling cases. In some cases, the police bring the wife of the arrested person into the police station where she is brutally beaten.

We can observe from the study and respondent statement, Police in the District of Tanjavur and Kallakurichi in the state of Tamilnadu have systematically committed torture and other brutality.

Any type of torture has physical, mental as well as social impact on the victim. After compiling the data provided by the victim, the following methods were used by the police to torture the victim

- * Beating and Severe Beating: These beating includes slaps, punches, beating using sticks, cables, whips, iron rods, chains, belts or any other instruments like police batons, canes, and handgun grips. . Similarly punching with fists, kicking with feet etc.,
- * Falanga Torture: This type of torture has immediate and long term consequences, sometimes making a person disabled for several years or forever. The pain continually reminds the victim of the torture and thus handicaps his/her recovery. It can be given in many ways the victim may be suspended upside down and then beaten on the soles; the victims's legs may be fixed into a turung.
- * Victim's experiences weakness of the arms or hands, pain and paresthesias, numbness, insensitivity to touch, superficial pain and tendon reflex loss which include dislocations, continued muscle wasting, and damage to ligaments and nerves, leading to chronic pain



- * Finger Torture: Pencil or similar objects are put in between two fingers which are then pressed hard together against the objects. Similarly fingers may be twisted to cause severe pain. Pins may be pricked into fingers.
- * Victims had been forced to witness the torture of others.
- * Suspension: The victim is suspended by his legs or arms. Suspension usually combined with other forms of tortures like severe beating, falanga, electrical torture, heat, cold etc.,
- * Cold Torture: The victim is subjected to varying degrees of cold in different ways. They may be forced to completely undressed and sit on the Ice bar.
- * Heat Torture: The victim may be forced to stand for hours under the sun in an atmospheric temperature of more than 30 degree Celsius.
- * Irritant torture: Some irritant such as chili powder, table salts etc., are applied on a delicate body part or at times on an open wound. The police applied both men and women and inserting chili powder into victims' anuses
- * The victim is forced to walk without shoes over a thorny surface or on a ground full of broken glasses or nettles. She may be forced to sit on an object with pointed and sharp edges like a half-broken bottle etc.,
- * The victim may be dragged by the hair.
- * The victim's clothes are taken off and scratches made in different parts of the body with a sharp knife, blade or similar objects. Lime juice or chilli powder with or without table salt may also be applied to these fresh scratches.
- * The victim is tied down in many ways and then kept in this position for several hours or days. He may be suspended in this position and may even be beaten.
- * He may be forced to remain abnormal strained positions for long hours. The victim also forced to carry heavy weights for hours. The upper arms the lower arms, the neck etc., are twisted to such as extent that the ligaments in the associated joints.
- * Electric torture given to sensitive parts of the body such as nipples, genitals etc.,
- * The victim asked to stand on one leg or both legs. He also forced to stand on his/her head with legs
- * Forcing the victim to undergo treatment that is culturally humiliating is likely to affect the victim's social status within his family or community, cause the victim immense grief, and socially isolate him.



- * The police subjected victims to multiple forms of sexual violence. One form included anal and vaginal penetration with an object or another person's body part.
- * The police also forced the victims to do oral sex in front of others.

The police generally tortured people who were already vulnerable, including the poor. For example, victims tended to have low-income occupations, such as day laborer, farmer, shopkeeper or bamboo stick maker, household helper, manual scavengers, or driver.

Police subjected individuals to multiple forms of torture. In their interviews, victims often described being subjected to many types of torture, including severe physical abuse, sexual assault, and various tactics that degraded them and damaged them psychologically.

The effects of torture lasted long after the abuse had ended. Victims often described long-standing physical pain and harms to their reputation in the community and to their financial standing. For example, victims expressed fear that having been abused by the police would bring shame upon their families. Some victims worried that the shame associated with the abuse would endanger their children's prospects for marriage.

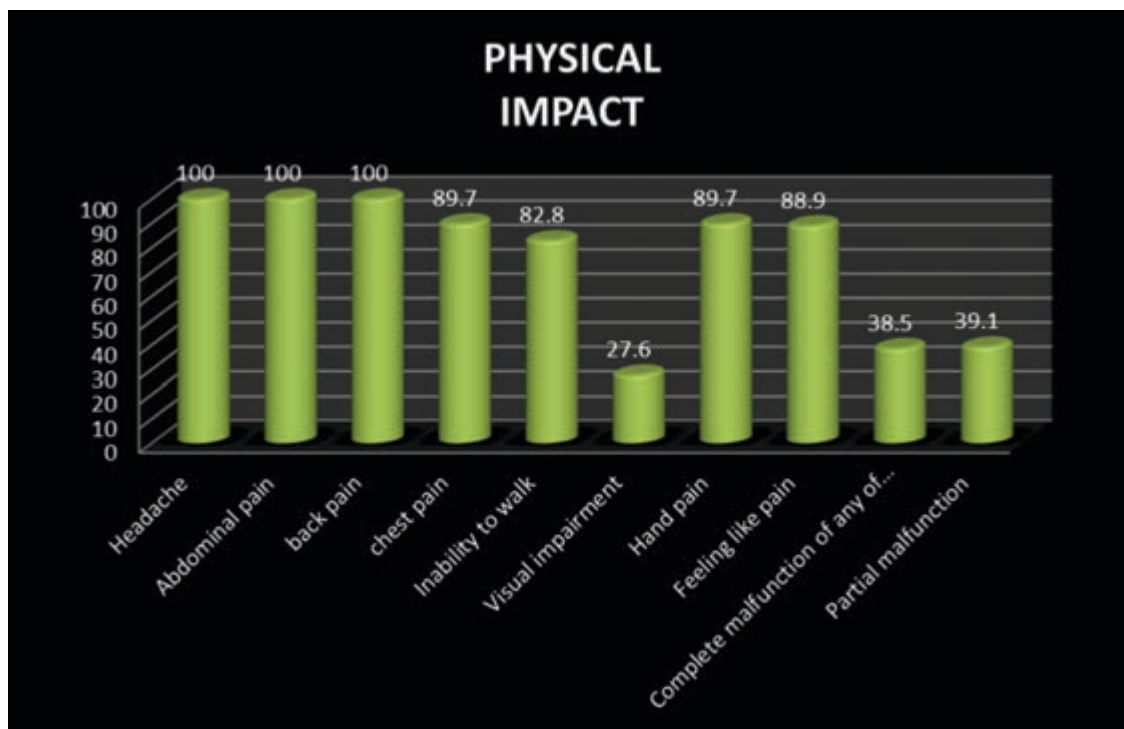
CONSEQUENCES OF TORTURE

PHYSICAL AND PSYCHOLOGICAL IMPACTS

Torture has devastating consequences for victims, their families and the broader community. Its severe physical and psychological effects disrupt victims' life and often prevent them from continuing their life plan.

The physical and psychological damage from torture can last for decades and affect several generations. Many torture victims suffer from chronic physical pain years after their abuse and psychological symptoms such as anxiety, depression, withdrawal and self-isolation. They also struggle with cognitive symptoms, including confusion, flashbacks and memory lapses; and neurovegetative symptoms such as fatigue, insomnia and recurrent nightmares.



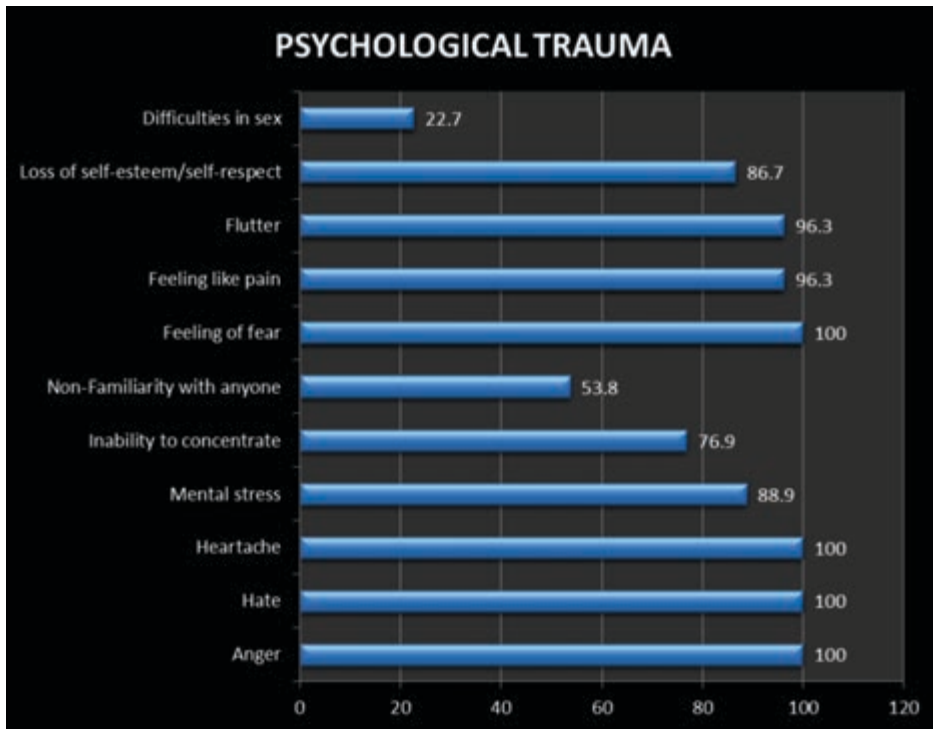


It can be seen from the above graph, all the respondents reported that they have severe headache, abdominal pain and back pain as a result of torture by the police, and more than one third had partial malfunction of the body parts as result.

Consequences of Torture from the interviews with victims

- * Marks of electrical burns, cigarettes burns etc.,
- * Dislocation in shoulder joints elbow joints, hip joints etc
- * Local swelling, deformity, tenderness, loss of function etc.,
- * Severe abdominal pain, rising pulse rate, falling blood pressure, pallor, cold and clammy extremities, dizziness etc., should arouse suspicion of internal bleeding because of injury to the abdominal viscera.
- * Some of the victims experiences chest injury and pain in the genital area.
- * Inability to walk on his own.





All the respondents experienced psychological trauma of anger, hate, heartache and feelings of intense fear and anxiety. They are unable to socialize with others and report a loss of self-esteem and self-respect. It also impacts on their sex life with their spouses due to the trauma of the torture.

SOCIAL CONSEQUENCES

The data after receiving from the victim, the following information was compiled. Due to the continuous torture of police, may labels victims as criminals, antinational elements etc. This label may have immediate and long lasting negative impact on the individual torture victim, family and relatives. Even others belongs to the same community will suffer because of this social stigma.

The victims also dismissed from the job or may not get a job despite being an effective worker. The torture victims and their family members may face lot of problems on their day to day activities. They may be rejected or avoid by the other community people.

STORIES OF PHYSICAL TORTURE

CASE STUDY- 1

Ganesan (53) S/o. Mannudaiyan, belongs to Hindu Kuravar community and has a Scheduled Caste certificate in Tamil Nadu. He resides at Annai Sivagami Nagar, Manojpatti, Thanjavur, District, Tamil Nadu. He is married and lives with his wife namely Ms.Parvathy (47) and his son Prabhakaran in Tanjavur District. He has two sons namely Prabhakaran, Praveen and a daughter Prabhavathy. His daughter is married and settled in Madurai. He engages in small vending of Pigs, other agricultural works and sometimes goes to work as a mason. Due to his age, he has poor visual ability.

At the age of 37 in the year 1997 at Tanjavur, a case was filed on him. Now there are 22 cases filed against him in the districts of Tanjavur, Thiruvarur and Salem. He shared his experience that during illegal detention or arrest, usually the police come in mufti to arrest between 2.00 am to 4.am while they are in deep sleep. The police do not provide any warrant or memo to him or his family members. After arrest, the police immediately take him into a Mahal, or police quarters not in use or other police stations in the District, where he was subjected to various forms of torture. The police asked him to confess the crime that they insisted he committed or otherwise heinous torture continues. The police ask him to place his fingers on the table and they will pierce the needle in the finger.

In 2005, he was illegally detained for 45 days in one of the cases and was falsely implicated and brutally tortured by the police. He underwent severe forms of torture in which his hands and legs were back tied to the pillar, hung upside down by tying the body to the hook and beaten up brutally. Sometimes, the police tied his leg to the window and another leg to another window. Then the police stood on his leg, he couldn't bear the pain, screamed and cried a lot.

In 2007, the police again detained him and kept in custody for 14 days where the police tortured him by squeezing lemon juice on his eye and not allowing him to sleep. They asked him to accept the crime. They didn't even know what the crime was. Until now, he doesn't know the reason behind his arrest. He told them he didn't do anything wrong and begged them to leave him. But they kept on beating him on the buttocks. They did not provide proper food. The police booked him under the Goondas Act and later it was quashed and he was acquitted.



Due to continuous torture of police, he becomes physically ill, and is not able to do his regular work. He has lost a number of his good earning days in incarceration due to false charges against him, by the above mentioned jurisdictional police personnel.

On 09-11-2020 the Thanjavur jurisdictional police visited his home and harassed his family by derogatorily referring to his caste name and referring to them as criminals as per the historical prejudice. They threatened and continuously harassed his family by saying they will file a false case against his son who has acquired a Diploma and is looking for jobs abroad. Consequently the police implicated his son in a theft case and he is not able to go abroad for a job. His family now continually lives under terrible fear of police due the target of their sons and younger generation.

CASE STUDY- 2

SELVAM S/O KANNAN

Selvam S/O Kannan (45 yrs), resides at 335 Anna Nagar, Kongarayapalayam village of Kallakurichi District. He belongs to Hindu Kuravar Community. His family has a small number of pigs, goats and chickens to take care of. He is a heart patient. He is married with has three children. He was charged with 9 cases of theft and robbery. In 2007, the first case was registered against him for theft when he was 20 yrs old.

In 2010, his daughter was admitted in a private hospital for physical illness. The hospital administration allowed only one person to stay with the patient to prevent overcrowding. So, Selvam left the hospital and asked his wife to stay with his daughter. He went to a theatre for watching a movie in the afternoon show since at that time no buses are available to his village. At that time, he was arrested by the police. Within 30 minutes of the movie, police came in mufti and took him into a room near to the movie operating theatre where he was brutally beaten up, verbally abused by referring to his caste name with slur. His toes were tied with a rope and he was hung upside down. He became unconscious. When he opened his eyes, he was in a hospital. Sometimes while he was in detention, the police placed sharp needles in a standing position on the table and asked him to place the fingers on the needles and gave pressure on them. He was not able to tolerate the pain. The police penetrate ice cubes on the anus to induce pain on that area and asked him to accept the crime. They also forced him to have an oral sex on the penis with his brother.



As a result, he became ill. At present, he is taking treatment from both private and Government hospitals to treat the impact of police torture. He has suffered both physically and mentally.

CASE STUDY - 3

Aarayee W/O Selvam (29 yrs) resides with her family at Pudhu colony, Ninnaiyur village, Kallakurichi District. She has three children Muniyappan (12 yrs), GunaSri (9 yrs) and Pugazh (6 yrs). They rear pigs in her village as a means of livelihood. They sell live pigs as well pork in their locality.

In 2008, she returned to her husband's home to Kallakurichi from her native home after the delivery of her child. After 5 days of her return, at around 11.30 pm, a group of 10 police came in mufti to her home by breaking the door when she was in a deep sleep with her 3 months old child. The police brutally beat her with a lathi and took her into the police jeep with her 3 months old baby. She does not know the reason for the arrest. She was taken into the police quarters and illegally detained for 14 days. She was sexually harassed and made to stand half naked and forced to accept a crime. The police were trying to touch her body. She was not allowed by the police to feed her 3 months old baby. The police mercilessly hanged her 3 month old baby from upside down and asked her to accept the crime. As a result, her 3 month old baby had a sprain. When they beat her, they played a song from a Tamil movie and they enjoyed describing the physical structure of her. She was tortured with abusive words by referring her caste name with slur. The police filed a false case against her and she was acquitted in the same.

When she shared her experience on the police torture to the POPE team, she shared that her husband and her relatives are targeted by the police officials from various police stations of different districts for the simple reason that they belong to the Kuravan Community, who are predominantly engaged in the profession of pig rearing(Live Pig Sales & Pig meat sales). Her husband has been falsely arraigned in the serious crime of theft and house breaking which are alleged to have happened in various places.

The experiences shared above through oral interviews are corroborated with quantified information on the number of arrests, the frequency, the kinds of torture undergone by the survivors and the duration of police and judicial custodies.

Indian Bsp

Call for sensitisation of police force to erase Kurava stigma

Highlighting cases of brutality, NCSC asks to take steps to address prejudice

At a glance
 Total Kurava Population in Tamil Nadu
10 lakh

Common Occupation: Rearing pigs, employed as manual scavengers or sweepers

Recommendations
 FIR for crime that involves Kuravas should be based on evidence and not on suspicion to erase the stigma

Sensitising the police as per D K Basu guidelines on arrest of persons (to avoid custodial death) through necessary training and counselling

Adequate compensation, rehabilitation to victims. Provide land pattas, compassionate employment and education for the children

Free legal aid through State Legal Services Authority

RAM M SUNDARAM @ Chennai

MORE than half-a-century after the colonial law that branded some of the communities as "criminal tribes" was abolished, the National Commission for Scheduled Castes has recommended sensitisation of Tamil Nadu police personnel to erase the predetermined notions against the Kurava community, one of such denotified tribes.

In a report recently submitted to the President, the commission highlighted 31 cases of extreme brutality that men and women from the Kurava community faced in police custody, asking for immediate steps to address the prejudice against the community that still prevails among sections of the police force.

It called for sensitisation "to change the predetermined wrong notion about the Kurava community persons being thieves from the time immemorial." The report suggested the State's home department or the Director General of Police to issue a direction to file cases against people from the Kurava community only based on evidence, not on assumptions or suspicions.

Kurava is one of the 150 odd tribes branded "criminal" by the British regime, giving sweeping powers for the police to summon, detain or arrest any of the adult men in these communities. Though the law was

abolished after Independence, the mindset continues among sections of the police force, making men and women from the community a victim of police custodial tortures.

Analyzing case studies of 21 men and women from the Kurava community who claimed to have faced custodial torture, the team observed that members were subjected to extreme forms of torture to extract confessional statements. Pouring chili powder, penetrating private parts of women with lathis, stripping them naked in front of strangers and left hanging upside down are some of the tortures that the report has pointed the people from the community are subjected to.

"It was easy for the police to foist false cases against them and subject them to systematic ruthless treatment (illegal detention and third degree tortures) to extract false confession," said I Paridyan from Social Awareness Society For Youths (SASY), a Villupuram-based NGO, which worked with NCSC in preparing this report.

Calling for sensitisation of the police to remove their prejudices against the community, the report stressed that social welfare department must compensate the victims of police brutality and necessary steps to ensure the younger generation of the community get proper education.

ARREST PATTERNS

There seems to exist a modus operandi in the arrests. The guidelines issued by the Supreme Court of India in the D.K. Basu Vs State of West Bengal CASE (Court, 1997) on arrest are not followed and people are too vulnerable to take up their causes and assert their rights as per these guidelines. Most of the survivors are acquitted after they spend a significant period of time in custody.



Table showing the total no of cases registered against each of the respondents.

Box item - See (Villatt, 2015), for a reference on the study done by the TEHELKA, published in 2BOX

ARREST PATTERNS - POLICE AND JUDICIAL CUSTODY

Article 22 (2) of the Constitution of India provides "Every person who is arrested and detained in custody shall be produced before the nearest magistrate within a period of twenty-four hours of such arrest excluding the time necessary for the journey from the place of arrest to the court of the magistrate and no such person shall be detained in custody beyond the said period without the authority of a magistrate".

The respondents stated that when they are arrested, the police did not produce them in judicial custody within 24 hours of arrest as stipulated under law, and keep them in police custody, which gives the police direct control over them to extract their confessional statements. Moreover, when the police arrest the victims, they do not produce any search warrant or warrant issued by the competent court.

"The person being arrested can request a physical examination at the time of arrest. Minor and major injuries if any should be recorded. The "Inspection Memo" should be signed by the person arrested as well as the arresting police officer. A copy of this memo must be given to the person arrested. Confessions made in police custody cannot be used as evidence against the accused. A boy under 15 years of age and women cannot be called to the police station only for questioning" (Court, 1997).

MODUS OPERANDI

"The way in which the state brings innocent Koravas into the vicious cycle of crime is a mockery at all accepted process of legal procedures and fundamental rights. Police speaks in a language not known to law. Tamil Nadu police is entrenched in a culture of impunity. Right from top to bottom, police officials treat denotified tribes as potential criminals. Very significantly many of them also know that they are convenient scapegoats," says B S Ajeetha, high court lawyer and legal expert in the special committee constituted by National Commission for Scheduled Castes (NCSC).

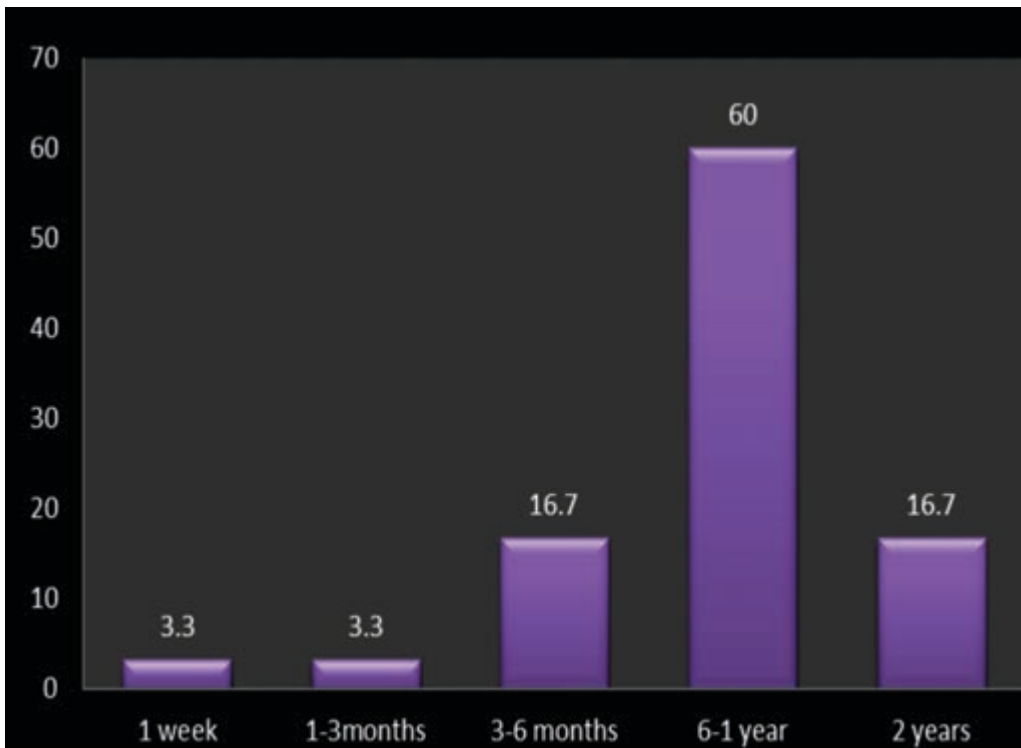
"A senior IPS officer who was IG of the Human Rights and Social Justice wing told us, 'Whatever you say, Korava people are prone to crime. They are attracted to theft and massive robbery. It's in their blood'. He even went to describe the 'methods' of their robbery. Some tales paint them to be in love with blood. Some other tales were about how they defecate in households after committing robbery. I asked him, 'What's your source? What statistics you have?' He shamelessly said, 'Oral history'," she adds.

These 'legends' are transferred to successive generations of police officers during their training with religious fervour. A recently recruited sub-inspector told TEHELKA on condition of anonymity, "We are taught about the hereditary criminal traits of Koravas in our training. We were particularly told that Korava robbery gangs in Ramji Nagar in Trichi are notorious in their operations".

Mainstream media in Tamil Nadu also parrots the police story about Ramji Nagar. There are also videos available online detailing 'Korava gangs' in Trichi. However, this is strongly contested by Korava Sangham activists. "If you check the revenue records, you will understand that our people are not much present in this locality. This is a myth constructed by the police and spread by media," says Captain Dorai.



“The police beat her with a lathi and took her into the police jeep with her 3 months old baby. She does not know the reason for the arrest. She was taken into the police quarters and illegally detained for 14 days. She was sexually harassed and made to stand halfnaked and forced to accept a crime. The police were trying to touch her body. She was not allowed by the police to feed her 3 months old baby”.



The data in the table shows that a significant percentage of the respondents spend a minimum of six months in custody before they are acquitted of the charges framed against them. The acquittal is presumably due to the guidelines of the Supreme Court in the D.K. Basu Vs State of West Bengal case (Court, 1997), that prohibit conviction based on forced confessional statements of the victims/survivors of the police torture.

ARREST PATTERNS – AGE

Table showing the age of the respondents during registration of first case against them

Age of the respondent when the first cases are registered			
S.No	Age	N	Percent
1	<18	5	16.7
2	18-25	17	56.7
3	25-35	4	13.3
4	35-45	3	10
5	above 45	1	3.3
	TOTAL	30	100

85% of the respondents are arrested with a burglary or theft case before they are 35 years of age. Especially for the younger age group between 18-25 years of age, this would mean that they spent most of the time in incarceration that can range between 6 months to two years of time as shown in the previous analysis of duration of police and judicial custody. Even the young children and youth are targeted and branded as criminals on the basis of the falsely foisted cases of their parents.

“They threatened and continuously harassed his family by saying they will file a false case against his son who has acquired a Diploma and is looking for jobs abroad. Consequently the police implicated his son in a theft case and he is not able to go abroad for a job. His family now lives in endless and terrible fear of police due the target of their sons and younger generation”



ARREST PATTERNS – TARGETING OF FAMILY MEMBERS

MAKING CRIMINALS

“Police are the only outsiders who come to our hamlet,” said Murukeshan, a middle-aged Korava man living in Manojpetti, a ‘dangerous’ area according to the police near Thanjavore town. “Denotified people in Manojpetti play an important role in the career of the police officers in Tamil Nadu. Police from different parts of the state come here whenever they are struggling to find real culprits in sensational crimes, even petty crimes. Police are happy at all childbirths that are happening here. For them, each Korava child is a potential trophy in the form of promotions and rewards”.

Pointing to a house in the hamlet, he says, “Four or five years ago, the police came and occupied this house forcefully in the name of capturing criminals. They made it into a mini-police camp. They kept our women there. They entered the pigsty and killed the pigs and poultry. They made our women to cook food for them, and wantonly assaulted them.”

Box item - See (Villatt, 2015), for a reference on the study done by the TEHELKA, published in 2015.

One third of the respondents shared that the police filed false cases against the family members of the victims like son or wife to arrest her husband and be forced to accept the case where the police insisted. In six cases in the study, FIR filed against the family members mainly in liquor selling and drugs vending cases.

We observed from the study that a 42year old lady Silampayee W/O Murugesan, who has been targeted by the police and registered a case against her in order to get the target her husband. An FIR has been registered against her in liquor selling and drugs vending cases. Actually, she and her family are involved in pig rearing and vending in the local area.



TIME AND PLACE OF ARREST
Table showing the time and place of arrests

Domain	Variables	N	%
Time of the arrest	12am -3 am	3	10.0
	3am-5am	3	10.0
	No specific time	8	26.7
	2 am-4 am	16	53.3
Place of arrest	Home	24	80.0
	Court	5	16.7
	Work place	1	3.3
No of Police who come to arrest	5-10	10	33.3
	>10	20	66.7
Items Recovered	Nil	30	100

The tabulated information is clear on the modus operandi of the Police, who come to arrest during the middle of the night, which seems to ensure the absence of witnesses of the arrests. The Supreme Court guidelines in the D.K. Basu Vs State of West Bengal case states that “A memo of arrest must be prepared at the time of arrest. This should: Have the time and date of arrest be attested by at least one witness who may either be a family member of the person arrested or a respectable person of the locality where the arrest was made and be counter-signed by the person arrested. The person arrested, detained or being interrogated has a right to have a relative, friend or well-wisher informed as soon as practicable, of the arrest and the place of detention or custody. If the person to be informed has signed the arrest memo as a witness this is not required” (Court, 1997)

The arrests usually seem to take place in their homes and there are a minimum of five policemen to overpower the victims. More than half the respondents have further reported that police personnel come to arrest without wearing their uniforms which violates the Supreme Court guidelines stating that “Police arresting and interrogating suspects should wear “accurate, visible and clear” identification and name tags, and details of interrogating police officers should be recorded in a register” (Court, 1997). 16.7% of the respondents have said that the police arrest them even while they appear for hearing in court. This reflects the apathy of the institutional establishments to the plight of the communities battling the impact of stereotypes and prejudice. Furthermore, Police have not managed to recover any of the purported stolen items from them or in a pawn shop, from any of the respondents in this study.

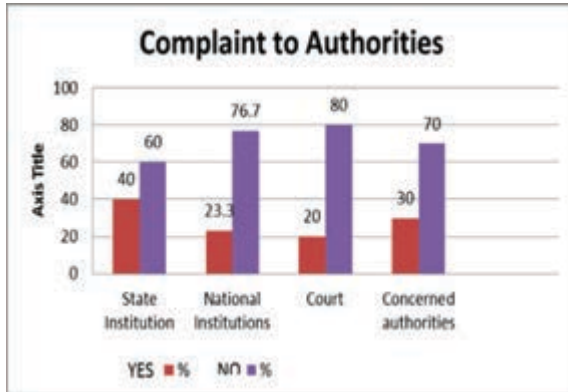
According to Section 50(1) CrPC provides, “every police officer or other person arresting any person without a warrant shall forthwith communicate to him full particulars of the offence for which he is arrested or other grounds for such arrest.”

However, after their arrest, the victims are taken to unused or isolated Mahals, Police Quarters, remote places, or Police stations out of the jurisdictional limits of the victims, to circumvent the need of maintaining the mandated records or proofs and ensure they can get confessional statements out of torture. Sometimes, they are even taken into the forest places or roam in the vehicles.

“The police in Kallakurichi district in Tamil Nadu have been accused of barging into the homes of five men belonging to the tribal Kuravar community and taking them into custody, allegedly by foisting false cases against them. According to a complaint filed by 23-year-old Bhuvaneshwari, her 25-year-old husband Prakash, and two of their relatives – 55-year-old Selvam and 35-year-old Dharmaraj – were forcefully taken away by the police at 11.45 pm on Sunday. In her letter to the police, she has demanded to see them, and alleged that around 10 policemen from the Chinna Salem station barged into their home in Thillai Nagar, hurled casteist abuses at the three men and then forcefully took them away. There was no arrest warrant or a memo shown to the family to justify the arrests, Bhuvaneshwari has said. While these three men were arrested on November 14, two more men from the same community – Paramasivan and Sakthivel – were arrested two days later, on Tuesday, November 16. While Selvam and Paramasivan have been released later on Tuesday by the police, the other three are still in police custody (Dharmadikari, 2021)”



RESPONSES AND IMPACTS ON KORAVAR COMMUNITIES COMPLAINT TO AUTHORITIES



It can be seen that the affected people rarely complain to the higher authorities like State institutions, National Institutions and Higher Police officials to take action against the police for implicating them in a false charges. People are unable to assert their rights as per the Supreme Court guidelines or seek redressal.

Box item - See (Villatt, 2015), for a reference on the study done by the TEHLKA published in 2015

This is the larger historical context where Murugayee, Shelvarani and Latha are forced to use the ultimate 'weapon of the weak' in independent India like the peasants drowned in distress – suicide. They are not aware of the latest mantra of the Indian establishment: Make in India. But they are very familiar with the state violence of 'Making Criminals in India' by the guardians of Indian constitution. Like big business groups who will participate in the Make in India campaign, Koravas also receive 'incentives'. While the former are gifted prime agricultural lands, the latter are gifted with custodial

rape, torture, death, humiliation and ultimately suicide.

TEHELKA visited important catchment areas of this 'Making Criminals' campaign in Tamil Nadu – Thanjavore, Trichi, Villupuram, Madhurai, Chennai and bordering areas of Pondicherry – after learning about an ongoing enquiry by the National Scheduled Caste Commission into the police atrocities unleashed on people belonging to the Korava community (activists point out that sociologically, this community should be in the Scheduled Tribe



Kurava outfit wants panel report implemented

UDHAY NAIG *Hindu 10/9/14*

CHENNAI: More than a fortnight after the National Commission for Scheduled Castes submitted to the President a detailed report narrating the torture of members of the Kurava community by the police in Tamil Nadu, the Kurinji Nila Makkal Peravai on Friday organised a demonstration in Chennai demanding that the recommendations made in the report to address police abuse be implemented. Leaders of prominent political parties backed their demand.

In its report, drafted by a three-member committee, the commission had highlighted 21 case studies of proven systemic physical and sexual violence, illegal detention, and torture of Kurava community members by the police.

Members of the community, which was one of the 150 tribes

treated as 'criminal tribes' until the 'Criminal Tribes Act' was repealed, continue to suffer because of bias and subjective treatment by the police.

Viduthalai Chiruthaigal Katchi chief Thol. Thirumavalavan demanded that all the recommendations of the NCSC be implemented immediately.

V.A. Ramesh Nathan, general secretary, National Campaign on Dalit Human Rights, one of the committee members, said the police need to change their mindset. "The abuse is systematic. The police file false cases to boost their statistics. The members of the community are subjected to illegal custody and the women face sexual harassment," alleged Mr. Nathan. The NCSC report claims the police officers foist charges on members of the 'Kurava' community to account for "unsolved theft"

cases every year for "promotions and rewards". The report alleged that Kurava men were often illegally kept in police custody and subjected to third degree torture.

"They migrate in search of jobs and wherever they go, they are picked up by the police. Many suffer torture and long period in jails. Even after the Criminal Tribes Act was repealed, the police are still treating the members of the 'Kurava' community as criminals just because they are born into the community. "False cases, mostly theft and sometimes even murder charges, are slapped on the community's youth and are sent to jail," says social activist I. Pandian, whose organisation Social Awareness of Society's Youth (SASY) has worked with the community, resulting in NCSC setting up a three-member committee. The report pre-

scribed a list of recommendations for the police to prevent subjectivity while handling cases, to ensure welfare for the members of the community and provide proper legal representation. It recommended sensitising police to change the prevailing mindset that sees the community members as criminals, taking steps to provide compensation, relief and rehabilitation and provide free legal aid. Palaniyammal (28), one of the victims, alleged that the police lodged five false cases on her.

"The future of the youth of our community has been destroyed. My father went to jail for decades and he came out only after I had two children. I have been to jail. My brothers have cases on them. My husband has cases on him. When will we be allowed to live in peace by the police?" asks Ms. Palaniyammal.

THE HINDU

SEPTEMBER 23, 2014

DGP summoned to discuss human rights violations against Kuravars

NCSC member to take it up with the police officer tomorrow

A.V. Raganathan

VILLUPURAM: The National Commission for Scheduled Caste (NCSC) has summoned the Tamil Nadu Director-General of Police to New Delhi on September 24 to discuss the issues relating to alleged human rights violations against the members of the Kuravar community in police stations in the State over a period of time.

In a communication sent to the DGP the office of the NCSC states that its member P.M. Kamalanama would take up the issue with the police officer.

The raft of charges, at least numbering 28, against police was brought to the notice of the NCSC by Capt. Dural, general secretary of the Tamil Nadu Kuravar Makkal Sangam, and R. Murugappan, co-ordinator of the Social Awareness Society for Youths.

The human rights activists said that their organisations had listed out at least 28 cases of atrocities perpetrated against the members of the Kuravar community, a subset of the Scheduled Castes.



Activists allege that the members of the Kuravar community are subjected to ruthless treatment in the hands of the police. - FILE PHOTO

According to an estimate the Kuravar population in the State was in the region of 10 lakh. They are mainly engaged in making bamboo baskets and coir products, pig rearing and taking up other menial works.

It was customary for them to migrate from one place to the other in search of livelihood. But mostly in the place of migration they were being subjected to physical torture, particularly by the police.

The activists alleged that the members of the community, including men, women and children, were subjected to ruthless treatment in the hands of the police. It had become handy for the police to catch hold of the Kuravars and foist false cases on them.

Some of them who voiced their protest against the police brutality were branded as "habitual offenders" and treated sternly. Once taken into illegal detention they were subjected to inhuman

treatment.

By use of brute force the police extracted "confessional statements" from the innocent kuravars to crimes which they had not committed.

The activists also noted that there were occasions when the entire family of the kuravars underwent humiliation and torture in police station. For instance, at Manjipatti in Thanjavur the police took into illegal custody Angalan and Nagappan. Nagappan's three-year-old son was beaten up and hung upside down and Angalan's wife Latha was allegedly raped in 2009.

Subsequently, unable to bear the ignominy she made a suicide attempt.

In another incident, Chinnaonnu of Monnaiyampatti in Thanjavur was kept in illegal detention, allegedly raped and when she resisted her fingers were broken in 2010. The activists cited at least half a dozen custodial deaths in various police stations from 1993. They demanded due enquiry by the NCSC into all the cases and appropriate compensation to the victims.

DGP summoned to discuss HR violations against Kuravars

The National Commission for Scheduled Caste (NCSC) has summoned the Tamil Nadu DGP to New Delhi to discuss the alleged human rights violations against Kuravars at police stations. Page 5



NCSC Comes to Narikuravas' Aid

Commission summons State DGP for enquiry after report by fact-finding team which alleges rights violation

by Karal Marx I

Villupuram: The National Commission for Scheduled Caste (NCSC) has summoned the State DGP K Ramanujam to be present before the Commission on Wednesday to enquire into the allegations of human rights violation against the Narikurava community.

The order was issued following a report by a fact-finding team comprising the National Dalit Movements for Justice (NDMJ), Social Awareness Society for Youth (SASY) and Capt. Durai, general secretary of the Tamil Nadu Kuravar Makkal Sangam (TNKMS), to the NCSC, which alleged that police use Narikuravas as scapegoats in unsolved cases.

According to the report, since 1993, as many as 30 people from the community, 29 from the State and one from the neighbouring State of Kerala, were foisted with false charges and subjected to various human rights violation, including illegal arrest



Members of a human rights organisation giving counselling to the Narikuravas in Chennai | EXPRESS

and detention.

Among them, seven reportedly died while in police custody, two died in suspicious circumstances in prison and the remaining 21 were victims of sexual assault and rape by the police officials.

There are about 10 lakh Narikuravas dwelling in Tamil Nadu. The Kuravars,

who used to survive by hunting birds and other wild animals, have now taken to making bamboo and palm products, and other handicrafts to earn their livelihood. Most of them do not a permanent place to settle and keep migrating from one place to another in search of livelihood, said Lightner (S), district secretary of Villu-

piram Narikurava Welfare Association.

As they are a minority community, police often target them and accuse them in cases, in which they are not able to find the real culprits. "Since they are illiterate, police are certain that they won't go to the court or take any other sort of legal help. This is the main reason these

type of atrocities continue even now," says Lightner, of SASY.

Most of them are subjected to physical abuse and torture in the custody of the police. Murugesapan, of SASY said, "In 2005, Palaniyandam, a minor girl of Kurava community, who was pregnant, was repeatedly raped by 11 Salem policemen in a Narayanagalam lodge. In another incident, Anasiya, another minor girl from Allinagar in Thiru district, was taken into police custody and allegedly raped by the Thiru Town police in 2008."

"Most of these cases had gone unreported and had come to light only after several years of case study," he added.

On Monday, about 15 Narikuravas, who were victims in the hands of the police, and their kin rushed to New Delhi to attend the hearing in the National Commission probe. They requested the NCSC to give them justice and compensation for the atrocities that they faced in the hands of the police.

Special Team To Probe Atrocities Against Kuravars

by Karal Marx I

Villupuram: The Kuravar Makkal Sangam and Social Awareness Society for Youth (SASY) has come to the rescue of the members of the Kuravar community, following the directive of the National Commission for Scheduled Caste (NCSC) to probe the alleged foisting of false cases against them.

The SASY organised a one-day legal advice camp for the affected victims in a private hall in Villupuram on Sunday. Over 100 Kuravars around the State took part in it and submitted grievance petitions.

It may be noted here that the National Commission for Scheduled Caste had, on September 8, sent summons to the State DGP Ramanujam, seeking either his ap-



Members of SASY and TNKMS holding a legal advice camp for the Kuravars in Villupuram on Sunday | EXPRESS

pearance or that of his representative before the Commission in connection with the alleged human rights violation and atrocities against the Kurava community over the last few years.

The summons were sent after a joint effort by the National Dalit Movements for

Justice (NDMJ), SASY, and Captain Durai, general secretary of the Tamil Nadu Kuravar Makkal Sangam (TNKMS), forwarded a report to the NCSC, demanding justice to the Kuravars, who were slapped with false cases, and holding enquiry into cases of custodial deaths

and sexual harassment.

In the NCSC meeting held in New Delhi on September 24 this year, the Social Justice and Human Rights DGP Bari took part in it. And the NCSC directed the DGP to form a special team to probe the allegations against the Tamil Nadu Police Department. Also, the NCSC directed the State police to form a special team to look into the charges.

As per the case study done by SASY and Captain Durai, as many as 29 Narikuravars from Tamil Nadu and one from Kerala were framed and subjected to human rights violations, including illegal arrest and detention, sexual harassment, custodial deaths and fake encounter killings.

According to the case study, about 30 cases have

been found false since 1993, of which seven have been custodial deaths, two suspicious deaths in prison and the rest 21 sexual assault and rape charges by police officials on the Narikurava community girls and women.

Captain Durai said, "As the Narikuravas are a minority community which is illiterate, false cases have been foisted on them by the police. Besides, the police officials, wanting to get promotion, book the Kuravars, turn them into scapegoats and close long-pending cases."

"This problem has been prevalent even during the regime of the British. The Britishers, who ruled the State, foisted cases against the Kuravars and sexually exploited the girls and women from the community," he added.

These reports indicate that legal education among the community and their associations can command the attention of the State. The enquiry commission of the Schedules Castes and Scheduled Tribes commission has fueled hope. However, after the 2016 enquiry commission, there has been no other attention on the community from the State authorities.



MEDICAL TREATMENTS

		N	Valid Percentage
Physical injuries sustained during the torture	Yes	25	83.3
	No	5	16.7
Days of Treatment	5days	4	16.0
	5-10 days	6	24.0
	>10days	15	40.0
	1 month	5	20.0
Type of Hospital	Government	17	60.0
	Private	13	40.0
MLC Registered	Yes	1	4%
	No	29	96%
Person who take you to Hospital	Police	20	67
	Family Members	10	33

Due to the Supreme Court guidelines (Court, 1997), Police seem to take them to the hospital for treatment. “The person being arrested can request a physical examination at the time of arrest. Minor and major injuries if any should be recorded. The "Inspection Memo" should be signed by the person arrested as well as the arresting police officer. A copy of this memo must be given to the person arrested. The person arrested must have a medical examination by a qualified doctor every 48 hours during detention. This should be done by a doctor who is on the panel, which must be constituted by the Director of Health Services of every State” (Court, 1997). However, the Medico Legal Cases is predominantly not registered, by the Police or the medical authorities as it would permit a legal investigation into the nature of the injury. The tabulated information shows that about 83.3% of the respondents reported to have sustained physical injuries during police torture, and hence would definitely require MLC registration. The duration of treatment ranges from 5days to more than 10 days for eighty percentage of the respondents, highlighting the severe setbacks faced in their livelihoods as well as the wellbeing and education of their children.

CONVICTION RATES

The POPE team acquired and studied court information on the criminal cases of members of Kuravar communities in the districts of Tanjavur, Kallakurichi, Cuddalore and Pondicherry and finds that conviction rates are very poor.

S.N	Period	Gender M/F	Age	Total number of cases	Acquittals	Pending Trial	Convictions
1	2017-2020	M	24	12	-	12	-
2	1999-2021	M	59	25	13	12	-
3	1990-2011	M	55	13	5	5	-
4	2005-2017	M	40	18	1	18	-
5	2017-2021	M	29	17	-	17	-
6	2004-2011	M	45	20	10	-	-
7	2002-2010	M	35	34	30	4	-
8	1997-2021	M	45	40	22	19	-
9	2007-2015	M	42	48	10	37	1
10	2001-2018	M	48	14	10	3	-
11	1997-2020	M	47	14	8	6	-
12	2007-2013	M	32	13	11	2	-
13	1995-2018	M	55	19	16	2	1
14	2006-2020	M	40	21	7	14	-
15	2005-2016	M	38	42	31	11	-
16	2003-2021	M	48	22	17	8	-
17	2014-2020	M	28	11	-	12	-
18	1985-2020	M	56	32	5	6	32
19	1996-2012	M	46	18	10	7	1
20	2018	F	29	1	1	-	-
21	2021	F	40	1	-	1	-
22	2008	F	32	1	-	1	-
23	2021	M	56	3	-	3	-
24	2010-2021	M	45	23	8	12	3
25	2005-2013	M	31	10	11	-	-
26	1998-2011	M	45	9	4	5	-
27	2011-2020	M	32	14	3	11	-
28	2000-2021	M	43	19	12	7	-
29	2003-2020	M	40	12	6	6	-
30	2006-2020	M	41	19	11	8	-
Total Number of Cases				549	262	249	38

The records obtained from the police stations shows that only 38 convictions have been made out of a total of 549 cases, the number of convictions so far is just 38 and 262 acquittals, with the remaining cases still pending. More than half the cases have resulted in acquittals. This is a significant indicator of the criminalization of the Kuravar communities in Tamil Nadu State.

TABLES



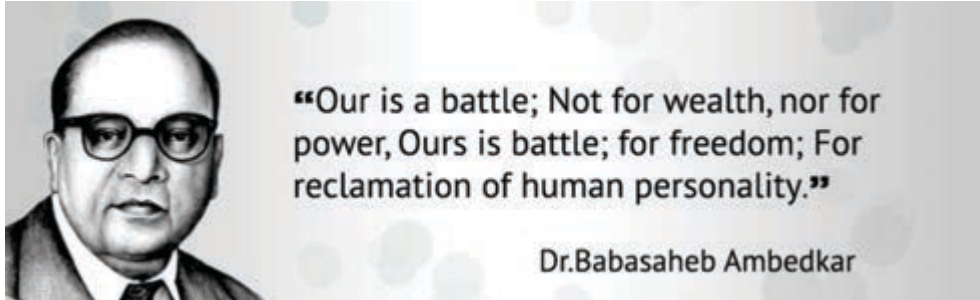
CHAPTER-VI



CONCLUSION

CONCLUSION

“Our challenge today is to institutionalize this system of Government, but also to make it the world’s most representative and participatory democracy.”



The “Kuravan” community is a scattered population residing in all the districts of Tamil Nadu and the families are under the below poverty line (BPL).

The research study has highlighted their low income status and the erratic nature of their livelihoods patterns due to constant disruptions from the filing of cases out of mere suspicion. It is evident from the findings that the community is targeted for arbitrary arrest, illegal detention, and brutal forms of torture. As a result, the Kuravars frequently migrate, which further compounds the constraints in the educational growth of their children and the vulnerability of their livelihoods.

It is important that the Kuravan communities have the knowledge of legal protection mechanisms and documentation of material evidence. Their access to the criminal justice administrative system, power to negotiate and lobby with the State authorities must be made possible. Their voices must be heard by the State and the public at large.

The lack of literacy among these communities is one of the causes of their vulnerability and sufferings in the hands of the State authorities, as they are unable to comprehend how and where the FIR is filed, and why they are taken to numerous places to extract their confessional statements. Children admitted in schools frequently drop out due to the absence of their parents and unable to endure the humiliations faced in their schools.

The research study has highlighted the need for a multi-pronged approach among the Kuravan communities across the districts of Tamil Nadu. Literacy and

knowledge must be pro-actively enhanced with a systematic process of teaching and learning. Men and women need intense mental health programs to build their confidence, self-esteem and overcome stress and fear. Skills development, marketing linkages are all needed for livelihoods development and reduction of risks faced by the families and their children. The children themselves require concentrated efforts in mental health and educational empowerment interventions.

The criminalization of the Kuravar communities must stop and their dignities restored. Hence the Peoples' Organization for Peoples' Education must work on the findings and recommendations by the experts with a comprehensive framework to uphold justice and human dignity.

CHAPTER-VII



FINDINGS AND SUGGESTIONS

FINDINGS AND SUGGESTIONS

The findings of this study substantiate the findings of a research undertaken by the TEHELKA in 2014. Excessive police atrocities render the families vulnerable with insufficient livelihoods and spiral effects on the education of their children. The findings and analysis of the study have provided pointers for the major areas related to the work of POPE among these families in the study districts of Thanjavur, Kallakurichi...

- * The records obtained from the police stations show that only 38 convictions have been made out of a total of 549 cases, the number of convictions so far is just 38 and 262 acquittals, with the remaining cases still pending. More than half the cases have resulted in acquittals. This is a significant indicator of the criminalization of the Kuravar communities in Tamil Nadu State.
- * Majority of the respondents had their first case between the ages of 18-25 and state that, if they do not confess to the crime, the police will file false cases against their young children. As a result, we can see more children dropping out from schools from this community
- * The Police follow a pattern in the arrests. They target young or adults in the income earning range disrupt the livelihood pattern of the families and instill fear in the minds of family members to control them through torture or witness the torture of their loved ones. . Once the families are rendered vulnerable the target on them continues.
- * More than twenty out of the 30 respondents have cases filed on them ranging from 15-39 cases. This further increases the vulnerability of the individuals and their families, making it easier for the Police to extract confessional statements from them.
- * The Police simply circumvent the arrest protocols outlined by the Supreme Court in 1997, in the D.K. Basu vs. State of West Bengal case, to prevent the increase in custodial torture. They make the arrests in the middle of the night to avoid witnesses, do not come in their uniforms and take the respondents to places outside the jurisdiction of the police stations to avoid maintaining records as per the prescribed guidelines.

- * Furthermore, the police do not mention that the respondents were forcefully taken away from their homes in the FIR or Daily Diary and record that they picked them up from the bus stands, public places, railway stations and market places based on the specific information. They have never recovered any stolen items from the respondents' homes.
- * The Police never provide any details of the arrests to family members and the family has to wait for 2 to 3 days or till a call is received from the arrested person or police to know the whereabouts of the arrested person.
- * The oral narratives of the respondents show that the police also target even the young children and brand them as criminals on the basis of the falsely foisted cases of their parents. Children's education is disturbed and they unable to show interest in studies as they are responsible for taking care of their siblings during incarceration of their parents. Some of them work in petty shops as part time workers to support their families.
- * During the investigation, the victims shared that they experienced intense physical and psychological trauma like headaches, abdominal pain, back pain, hand pain, and partial malfunction of the body parts. They have spent minimum Rs. 2 lakh to 5 lakhs for the medical treatment from both Traditional Medicine and Allopathy Medicine.
- * Only 4% of the respondent registered Medico Legal Cases. 67% of the respondent reported that they were admitted in the hospital by the police itself after sustaining injuries without filing MLC, which means that the injuries inflicted on them will not be legally investigated.
- * 14 % of the respondents migrated with their family to other districts due to continuous torture of Police.
- * We found that the victims are not able to identify the police personnel from where and which police station they have come from since the victims who are illegally detained taken into the Remote place, Mahal, Unused Police quarters

instead of Police Station by the police and they were taken into different police station hereafter the victims cannot locate the police station. It is very challenging for the victim to file a FIR against the police.

- * When the Policemen come to the victim's residence, they snatch their National Identity cards like Voter ID, Aadhar Card and Ration Card etc., and they do not return to the victims.
- * The victim does not know the reason behind the arrest and the status of the case. Once they get arrested they will apply for the bail. After getting the bail, they will come out and look after their work for livelihood. Many victims do not know the status of the case they are arrested even if they do not have any Court order copy, arrest warrant copy, Judgment copy and no knowledge in this regard.
- * This gross human rights violations are considered to be a systematic form of human rights violations against one particular community by their traumatic antecedents created by the British and continued by the police due to the Habitual Offenders Act in free India.

URGENT REQUIREMENTS OF THE KURAVAR COMMUNITIES BASED ON OUR RESEARCH

1. We recommend the TN State Government to take appropriate steps to prevent incidents of illegal detention, police torture, caste atrocities perpetuated against the members of Scheduled Castes and Scheduled Tribes by ensuring effective implementation of the SC/ST Prevention of Atrocities Amendment Act 2015.
2. We recommend the Tamil Nadu State Government shall take appropriate action and necessary steps to form a State Level Commission for the Scheduled Castes (SCSC) under Article 338 of Indian Constitution and this commission must to be probe into the complaints of false case, illegal detention, Police Torture and Sexual Harassment of the Kuravar community.
3. We recommend the Director General of Police (DGP) direct the head of the

District Police officials to monitor the alleged cases of false cases, illegal detention, police torture and sexual harassment in Police Station and must to probe into the alleged incident and take an appropriate action against the police under the appropriate sections of Law.

4. We recommend there should be a judicial enquiry in the cases of police torture
5. We recommend the policemen who commit atrocities on person who are in the custody or illegally detained, should conduct departmental enquiry and action against the police.
6. We recommend the arrested/illegally detained must be medically examined after he released from the police custody in order to get remedy through legal judicial system.
7. We recommend the state government or commission should provide compensation, relief and rehabilitation measures to the victims of police torture.
8. We recommend the installation of CCTV in all the police station and it must be ensured by the state government.
9. We recommend the state government should provide capacity building on DK Basu Guidelines to the police officials in order to impart the guidelines on arrest and rights of victim.

APPENDIX



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