

# Cauvery

*what language  
does she speak.....?*

**REPORT  
of the  
Indian Peoples Human Rights  
Tribunal  
on the Violence in Bangalore  
and other parts of Karnataka  
and Tamil Nadu  
in December, 1991.**

**AN IPHRC PUBLICATION**



**The following groups from Bangalore, Mysore and Tamil Nadu worked in the local areas to help in the organising of the Tribunal.**

1. Women's Voice, Vimochana, PUCL (Karnataka), CIEDS, KKNSS  
(Groups that initiated the enquiry from Bangalore)
2. H.D. Kote - PUCL (HD Kote)  
FEDINA (Karnataka)
3. Kollegal - Fr. Kulandaiswamy
4. Marthahalli - John Bosco, Fr. Godest
5. Sathyamangalam - Chellappan
6. Gudalur - ACCORD
7. Chamrajnagar - Chamrajnagar, Barahagarara Okkoota
8. Tamilnadu Construction Workers Union, Madras
9. Students, Christian Movement, Bangalore  
Numerous other individuals and groups who  
lent support in their different ways.

## Members of the Tribunal

**Justice D.S.Tewatia,**  
*Former Chief Justice,  
Calcutta High Court*

**Justice H. Suresh**  
*Former Judge,  
Bombay High Court*

**Released on**  
**16th May 1992,**  
**Bangalore**

*Fiercely they rend in pieces the  
carpet woven during ages of prayer  
for the welcome of the world's best  
hope.*

*There is nothing on the ruined altar  
to remind the mad crowd that their  
God was to have come. In a fury of  
passion they seem to have burnt their  
bloom.*

*The air is harsh with the cry, "Victory  
to the Brute". The children look  
haggard and aged; they whisper to  
one another that time revolves but  
never advances that we are goaded to  
run but have nothing to reach, that  
creation is like a blind man's grop-  
ing."*

- Tagore



## CONTENTS

Introduction	Page No.
	1
I. Background	4
II. Bangalore	6
III. H.D. Kote	16
IV. Chamrainagar	24
V. Marthahalli	31
VI. Gopichettipalyam	37
VII. Gudalur	43
VIII. Dharmapuri	47
IX. Our Findings and Recommendations	50
X. Epilogue	62
XI. Annexures I-VI	63

## Introduction

1. The Cauvery River Water dispute and its judicial pronouncements led to the Karnataka State declaring a bandh on 13th December, 1991. This was the beginning. For three days there were unprecedented violent happenings, destruction of property, danger to life and liberty, and fleeing masses of people from the city of Bangalore and some other adjoining towns. There was a lull for some time thereafter. However, it again erupted in the border taluka areas of Mysore district which again resulted in a large-scale destruction of houses of Tamilians and also eviction of Tamilians residing there. There were also certain incidents as and by way of retaliation in the border districts of Tamil Nadu on Kannadigas. The large-scale violence and destruction of properties and breakdown of the rule of law induced various socially active groups to rise to the occasion. In particular the groups were - PUCL (Karnataka) and PUCL (HD Kote), Womens Voice, Bangalore, Centre for Informal Education and Development Studies(CIEDS), Karnataka Construction Workers' Union, Karnataka Griha Karmikara Sangha, Vimochana, Bangalore, and KKNSS Bangalore. These groups and the general public approached the Indian People's Human Right Commission for the purpose of constituting the People's Human Right Tribunal for holding an enquiry into these happenings. Accordingly, the President of the Indian People's Human Right Commission requested Mr. Justice V.R. Krishna Iyer, the Chairman of the People's Human Rights Tribunal to constitute a tribunal to hold an enquiry into these incidents. Mr. Justice Krishna Iyer in turn, requested us to serve on the tribunal to conduct a full enquiry into "the causes and of the aspects of the incidents of violence, tension, destruction, other injurious consequences and the role played by political elements, goonda elements, linguistic chauvinists and yet other anti-social operators and factors".

The Tribunal was requested to go into these matters as well as the quantum of damages suffered in terms of life, liberty and personal property. The tribunal would also make observations and constructive suggestions on the larger issues in relation to the handling of river water and like disputes, ethnic, linguistic antagonism and functional failures of authorities in such emotionally charged confrontation and their impact on the people and inter-state relations. The tribunal would hold sittings at various places and look into their aspects bearing upon the unfortunate happenings. We were free to frame our own procedure consistent with natural justice and fairness. We were to make a report within 3 months from the date the tribunal was constituted i.e. 31.1.1992. Hereto annexed



and marked Annexure 1 is the letter of request issued by the Chairman of the People's Human Rights Tribunal.

Mr. Krishna Iyer as the Chairman of People's Human Rights Tribunal also wrote to the Chief Ministers of both Karnataka and Tamil Nadu, informing them of the constitution of the tribunal and also requesting the two governments to give full cooperation for the purpose of making the enquiry meaningful.

Thereafter, the Secretary of the Indian People's Human Rights Commission issued a general statement in the press, informing the general public that the Tribunal would sit at Bangalore and other places commencing from 23.2.1992 till 29.2.1992. The members of the public who wished to depose at the Tribunal sittings were requested to file affidavits at the address of the commission mentioned in the said press release. Both the governments were also informed in writing of the schedule of the sittings of the People's Tribunal at different places.

Accordingly, the Tribunal held its meeting as follows:

Date	Place	Timing
23.2.92	Indian Social Institute, Bangalore	10.30 am to 6.00 pm
24.2.92	Inspection Bungalow, Heggada Devana Kote	1.00 pm to 6.00 pm
25.2.92	Inspection Bungalow, Chamraj Nagar	10.00 am to 6.00 pm
26.2.92	Local Church compound, Maratahalli, Kollegal Taluk	1.30 pm to 6.00 pm
27.2.92	Gopichettipalayam, T.N.	11.00 am to 6.00 pm
28.2.92	Gudalur	10.00 am to 3.00 pm
29.2.92	Dharmapuri	12.00 noon to 4.30 pm

Besides recording and evidence and hearing people who came before the Tribunal, the Tribunal also visited certain affected areas at Bangalore on 22.2.92. So also, at other places, the Tribunal made several spot visits to personally verify the destruction caused to the properties, at number of places.

The tribunal collected in all about 3,700 statements from persons who were affected by the violence and destruction of properties and life and liberty. Tribunal also recorded evidence of several persons at all these

places wherever the tribunal had its sittings. The tribunal also received various representations and reports from other organisations such as - Tamil Maanilal Kattida Thozhilalar Sangham, Bangalore. Tamil Sangham, Cauveri Kichu, a report of the Karnataka Vimochana Ranga and other newspaper analyses and reports and also a joint report from the organisations at Bangalore, referred to above.

The Tribunal also collected various tape-recorded statements from the affected persons and also video recorded tapes, showing the destruction of properties.

At every sitting the response of the members of the public was so large that it was impossible for the Tribunal with the short time at its disposal, to hear the grievances of every individual. But the tribunal could see the misery and the suffering of the persons who had come to depose before the Tribunal. The Tribunal also noticed that there was a tremendous sense of insecurity amongst the affected Tamilians, which required immediate corrections. The tribunal noticed that many of the affected persons were desirous of returning to Karnataka which is their homeland for the last several years, and for some, for generations. The tribunal also noticed that the majority of the refugees who had returned to Karnataka found it impossible to live there as they had no means of livelihood at all, apart from the fact that their homes were destroyed beyond repair. We found that many of them were literally starving with no food and shelter and by and large, the Government of Karnataka and Tamil Nadu were utterly indifferent to their miseries. In these circumstances, the Tribunal felt that it was necessary that the Tribunal should appeal to the governments of Karnataka and Tamil Nadu to take certain immediate measures to avert any further disaster in the present situation. Accordingly, the Tribunal by its letter dated 1st March 1992 requested the Chief Ministers of both Karnataka and Tamil Nadu to take immediate measures.

Hereto annexed and marked Annexure 2 collectively are the copies of the two letters addressed to the 2 chief ministers of both Karnataka and Tamil Nadu.

We are not aware whether the governments have responded to the two letters inasmuch as both the governments adopted an attitude of indifference to the enquiry conducted by this Tribunal and also perhaps to the sufferings of the people.



## Background

Prior to 13th December, 1991 the political leaders in both the States, as also the press had propagated and published such materials that had considerably roused the emotions of the vulnerable sections of a large number of persons in both the States. So much so, there had been sentiments expressed through various media that Karnataka would not give water to Tamil Nadu and Tamil Nadu would not take anything less than what had unjustly been denied to them. It was in the wake of all efforts having failed to arrive at an amicable solution and the Central Government being forced to publish in the gazette the interim award, given by the Inter-State Water Disputes Tribunal, that the State Government of Karnataka announced a 'Bandh' on 13th December, 1991. It is on record that on the previous day in the city of Bangalore the Rajkumar Fans Association took out a massive procession mainly to protest against the gazetting of interim award and exhibit their determination to make the Bandh a success. It appears, as can be seen from the press reports, that there were some stray incidents of stone throwing and some acts of violence, but the police had not intervened at all. As a result, on the next day when the State Government called Bandh was sought to be enforced on the general public, it was by and large known to all antisocial elements that the State Government would not intervene whatever be the conduct of these persons. This was the immediate cause for the large-scale violence and disturbances in the city of Bangalore and other nearby cities for the next three days. It also appears that the State Government announced a closure of all schools and colleges for 10 days on 12th December, 1991. There was no reason why the State Government should have announced the closure of the educational institutions unless the government had in its mind the continuance of agitation beyond ordinary protest through meetings and in the press. This also added to a feeling that all elements could indulge in such violent demonstrations as they liked, without caring for any rule of law.

But as far as the disturbances in the Taluk places during 24th, 25th and 26th & perhaps 27th December 1991 are concerned, the immediate cause appears to be different from that of the Bangalore riots. It appears that certain local papers carried a news item that several Kannada labourers particularly the women folk, were attacked in the Nilgiris and

Gudalur areas by Tamilians hailing from Ceylon. One of the news items, in particular, mentioned that a certain lady's head had been shaved, her breasts cut and that she was driven away after molestation. She was reported to have complained about this act in the Gundlupet police station. When the news item containing these details appeared in the press, it naturally angered the sentiments of Kannada people and their reaction was to drive away all Tamilians who had settled in the border districts by violent means. Here also, the police appeared to have done very little to protect the affected Tamilians. One will observe at this stage that when we enquired about the incident of the Kannada lady having been molested, as mentioned above, we got no satisfactory evidence whatsoever in that behalf. On the other hand, it was deposed before us that independent enquiries made by various social organisations show that no such incident had taken place and in any event, there was no truth in those allegations. It is true that some other Kannada persons residing in the border areas of Tamil Nadu were attacked and they were perhaps driven out. Some Kannadigas in fact, left Tamil Nadu and came to Karnataka as refugees just as several Tamilians were rushing to their own state for their own safety. We were also told that neither the police or the State authorities have been able to establish the truth of the news item in respect of the said Kannada lady so far. However, this was sufficient to inflict damages on the Tamilians in the Taluka areas of Mysore District.

The third incident was obviously an attempted retaliation by some of the Tamilians, on Kannadigas residing at the Nilgiris and some other areas in Gudalur district. That happened on 27th December, 1991. Fortunately the riot there was put down with a firm hand and subsided within a day or two.



## Bangalore

In Bangalore, the worst affected areas were - Sanjay Gandhi Nagar, Cauvery Nagar, Laggeri, Srirampura, Swarantra Palya, Harijan Colony, Bashyam Circle, M.G. Nagar, K.P. Agrahara, Kamakshipalya, Prakashnagar, Kurubarahalli, Kamala Nagar, J.C. Nagar, Dasarahalli etc. All these areas which cover slums and middle class residential localities even now bear visible signs of destruction. We have annexed to this report some of the photographs showing the extent of destruction that took place in these localities (marked as Annexure '3').

One of us (Mr. Justice D.S. Tewatia) in fact visited these areas on 22nd February, 1992. On 23.2.1992 we sat for hearing the witnesses who came to depose before us. A large number of witnesses came and deposed before us and some of the social workers who had gone around and collected various statements from the affected persons presented their respective reports which have all been taken on record. It is true that these witnesses have not been cross-examined. The Government had been informed about our sittings as mentioned above. It was widely published in all the papers about the programme of the sitting of this Tribunal. If the government or the concerned police or other authorities wanted to challenge the evidence of these persons, they could have come before us. We expected the government's cooperation so that in the presence of a large number of people, it could have helped us in ascertaining and determining the truth about these incidents. However, just because there had been no challenge of the evidence presented by these persons it cannot be said that their evidence has to be rejected outright. It may be mentioned that the reference to this Tribunal requires that apart from conducting an enquiry into the causes and of the aspects of the incidence of violence, tension, destruction etc., the Tribunal is also required to ascertain the quantum of damages suffered in terms of life, liberty and personal properties. Most of the witnesses who have come before us have deposed about their suffering, their traumatic experiences which they had undergone during these days violence and arson. Many of them had suffered injuries. Therefore there is no reason why they should lie about the incidents. It is possible that with regard to the damages suffered by them by way of loss of property and their belongings, there may be a bit of exaggeration. Therefore, it may not be possible for us to assess the

exact quantum of damages suffered by these persons. But undoubtedly these persons have lost everything - their livelihood, their belongings, their place of living, and perhaps their future, and that must have some value. Therefore we must necessarily come to the conclusion that by and large the evidence given by these witnesses will have to be accepted though we may be able to give only an approximate value with regard to the extent of damages suffered by them.

## The Procedure

During our sitting at Bangalore on 23/2/92 by and large, we adopted the following procedure:-

- a) Firstly from each affected area, a social activist who had gone round in the said area and had collected affidavits and statements from the persons who were affected, would produce a general report of what he/she had seen and heard from the area, together with all the statements collected by him/her.
- b) We would take on record all the statements collected by him/her. Thereafter from amongst those persons who had given such statements we would examine one or two, and their evidence would be recorded separately. We adopted this procedure because it was not possible for us to examine each and every person who had come before us. That would take endless number of days. We had adopted this procedure for the other reason as that the case of all the persons from each area - as to how they were attacked - would be more or less the same. However, as far as the loss sustained by each of them, it would be different. The loss so suffered by them has been included in their respective statements.
- c) In addition to the above, if any person had some peculiar facts to be deposed, we recorded the statements separately.
- d) We have also taken on record, certain general statements from various organisations such as Bangalore Tamil Sangham and Mysore Tamil Sangham, Women's Voice, Vimochana, KKNSS, CIEDS etc. This is the procedure that we followed in all our sittings.



## The Evidence

We will now briefly summarise the evidence that has come before us. areawise.

### Srirampuram

- a) One Mr. G. Selvan, representing The Karnataka State Construction Workers Association placed before us, various statements collected by him from Srirampuram area: He stated that on the day of the incident about 10 to 15 policemen came to their area. The police had broke open the door of various houses and had beaten up the people. He himself received extensive injuries on his head and hands.

He went to the hospital where he informed the concerned doctor that he had been assaulted by the policemen but the hospital authorities did not report the case to the police station nor could he go to the police station to complain about the incident. Thereafter he went to his relation's place at Koramangala. After 2 or 3 days some persons from his area had gone to the police station to complain but the police took no action. He also produced before us a list of persons who were injured in that area. The said list contains about 125 names.

- b) We also examined one Kanta, widow of one Arumugam. Her husband died in this incident. The police had taken her husband's body to the Victorial hospital and they themselves buried the body. The police neither recorded her statement nor registered a case in that regard. She herself was beaten and her daughter was also beaten by the police. After about a month or so, when she approached the Police Commissioner and complained to him about this incident, the Police Commissioner has told her that she would not get any compensation if she complains that the police had beaten her.
- c) We also examined one Vasantha, wife of Mahalingam. She also says that on 13th at about 7 p.m. in the evening a group of policemen came and opened the door of her house. Thereafter they assaulted her brother. At that time she was pregnant about 5 months. Due to fear and pain she screamed as a result of which she suffered an abortion. She was kept in the hospital for about 7 days. Thereafter she was discharged. Here again the police did not register any case.
- d) There is a general report on Srirampuram. By and large the report indicates that the policemen had come in gangs along with some

goondas to every street and charged at all the people in the street with lathis.

The report indicates that the police, some of who were also carrying choppers and lathis charged a number of persons and beat them with their rifles. The policemen had beaten a number of persons mercilessly and had even dragged persons who received injuries to the end of the streets. The report also indicates that some of the injured persons were lodged in Bellary jail. The policemen also shouted at the Tamilians calling them 'Kongaru' and saying "you want Cauvery water you deserve our boot better than water".

Many people suffered injuries such as fractures, head injuries and many are still unable to use injured limbs. Some had come before us with injured limbs and stated that the police had adopted the practice not to register any case so far.

### Jayachamarajendra Nagar

- a) One Ms. Sartraj of 'Womens' Voice' placed before us statements collected by her from the affected persons from J.C. Nagar.
- b) One Mrs. Kuppamma was examined from this area. She says, on 13th December 91 at about 11 a.m. about thousands of unknown persons came there shouting that all 'Kongaru' people should go from there by the next day. They entered the house and they had beaten her son and other members of the family. When they went to police station to lodge a complaint, her son was detained at the police station while the crowd was left free to loot the house.
- c) Another person was Jaypal, son of Govind Swami, a carpenter. He also says that on 13th December, 91 at about 8.30 a.m about 200 unknown person came to his house and threatened that 'Kongaru' people should leave Karnataka immediately, Thereafter his house was set on fire. He has suffered burn injuries which he has shown to us. He did not complain to the police out of fear. He went to Tamil Nadu and after some time, he came back but because of the injury suffered by him, he is unable to work.
- d) The next person was one Saravana. He too says that on that day at about 4.00 p.m. about 500 persons had come to his house and after damaging his house, utensils, clothes, tape-recorder etc. they went away. Out of fear he ran away to Tamil Nadu. After 8 to 10 days, he came back to Bangalore but as soon as he came back, he was taken



to Basaveshvarnagar Police Station where he was detained. He was not produced before the Magistrate. There was no case against him. He was thereafter shifted to Bellary Jail where he was kept in custody for about 15 days. Thereafter he was brought back to Bangalore and he has been let-off. He says there is no police case against him as such.

- e) Another person was one Arumugan. His house was damaged. He and his family members have suffered injuries. He has produced a photograph showing the damages done to his place. He lodged a police complaint but the police have taken no action and he was given no police protection. He has complained earlier to the Governor setting out of the losses suffered by him. He has suffered a loss of about Rs. 6-9,000/-.

#### **M.G. Nagar, Ashokapuram, Kamakshipalayam and Kamala Nagar**

- a) One Ms. Celine, of "VIMUCHANA" has collected a large number of statements from these areas and she has placed before us the statements. Thereafter, we examined
- b) One Dorai Raj from Ashokapuram. He has stated that on 13th December, 1991 a group of people came and opened his shop. He had a cycle mart and he was also doing business in sound systems. The crowd burnt 32 cycles, about 150 light sets, four sound boxes, spare parts etc. etc. He has suffered a loss of about Rs. 50,000/- and as against this, the government has given him Rs. 15,000/- by way of compensation which he returned, as the compensation was inadequate. The police gave him no protection whatsoever. It appears that after the incident Mr. Ramesh, Minister for Youth and Culture, and the Secretary from the Karnataka Slum Clearance Board visited the area, but there is nothing to say as to what he had done to give protection to the people as such.
- c) Thereafter we examined one Jyothi, wife of Sadashiva. At the time of the incident she had gone to the temple which was near to the house. She could see the crowd breaking the door and windows and burning the things inside the house, including a Vespa scooter. She has produced a photograph showing how this scooter was burnt. She has suffered a loss of about Rs. 30,000/-. We do not know what the government has done about this.

- d) Similarly one Neela from Ashokapuram, a house wife was also examined. Her case is also the same. She also produced photographs showing how her things were burnt, including a television set.
- e) Two more persons from Ashokapuram area were examined-namely one Dorai Babu and one Lalitha Wife of E. Muthu. They have also set out in detail how their things were damaged and how they claimed compensation from the government. They have also complained to the police who did nothing in this regard.
- f) From Kamala Nagar one Rajeswari, wife of R. Kadiravelu was examined. She has stated that a group of persons had attacked their house and a shop, setting the latter also on fire. Ultimately, she had to run away and take shelter with one of her relations in the neighbouring village. They have lost various things worth about Rs. 1,35,000/- The government has so far paid a sum of Rs. 1,500/- through the Bangalore Municipal Corporation. In this manner in that area about 3,000 houses were damaged. She also produced photographs of how her house and shop were damaged
- g) Another witness from Kamala Nagar is one Mani. His house was also looted. He has suffered a loss of his whole house of 12' x 15', which he had constructed. It appears that as against his claim the corporation has given a sum of Rs. 2,000/- as compensation. He says that said Minister Mr. Ramesh visited their area also and when the local residents approached him for protection, the minister told them that he could not do anything in the matter. That is how, the people in that area ran away from the locality. They could return there only after about 7 days, when everything was destroyed.
- h) One Ms. Kalpana, an activist of CIEDS stated before us that after the incident she alongwith her group visited the M.G. Nagar slum area. She has collected a number of statements. She has also summarised a short report, which she has placed before us. Her report shows that a mob of 1500 or so had come to the locality and attacked the people. She has further stated that some of the members of the crowd was shouting 'Rajkumar ki Jai'. She has also stated that her survey shows that there were 3 cases of houses completely burnt; 2 cases of death and 2 cases of molestation. The police were present at the time of violence and as people asked for protection, their reply was that they too had their wife, children to look after and that the people should keep chilly powder on their own person for their own defence. In



other words, they categorically informed the people that they did not have the orders to give protection. Her report also shows that even the government hospitals have not registered any medical case.

- i) In support of her statement some witnesses were examined. One Mrs. Nagamma a domestic worker was examined. She gave evidence before us stating that more than 200 people had come into the slum area, broke the houses and after damaging some properties went away. Again in evening about 200 people came with sticks. They again attacked the houses and caused damages to the entire locality. She has lost her articles worth about Rs. 6,000/- and the government has given compensation of Rs. 2,500/- by cheque which cheque, she says, was taken back and thereafter, she was given only a sum of Rs. 1,500/- again by cheque against the compensation. She also says that the assailants had come with the Rajkumar photo in their hands.
- j) Another person examined from this area is one Saraswati. She also repeated the same version of the story that the police had not given any protection. She has suffered a loss of about Rs. 10,000/- as against which the corporation has given Rs. 1,500/-. She has produced photographs showing where her house was, and the extent of damages done to her house. One of the members of the Tribunal had in fact seen this locality.
- k) At this stage, we noticed that 2 inspectors from Special Branch by name Mr. K.A. Rasoon, and Mr. S.K. Hedge were present in the hall where the proceedings were going on. They informed that they had come on their own to watch the tribunal proceedings. They took no part in the enquiry proceedings. After some time they went away.
- l) At this stage, one Omprakash from Nilgiris had also come before us to give evidence about what has transpired at Nilgiris, on or about 31st December, 91 i.e. much after the incident in Karnataka. We will deal with his evidence as also the evidence of certain other Kannadigas, who have suffered in the subsequent events that took place at Gudalur in the Nilgiris area, separately.
- m) One K. Sampath was examined from Kamala Nagar. On 12th December 1991 in the night at about 8.00 p.m. he was threatened by some people asking to vacate the place the next day morning. It appears that on the next day morning the crowd attacked his house, burnt down everything including cycle, tape-recorder etc. He had suffered a loss of Rs. 50,000/-.

He ran away from the place and went to the neighbour's house where he was informed that a bus was kept ready for people to leave Karnataka. He got into the bus which took him to the railway station and from where he went to Tamil Nadu. He came back on 3rd January, 1992. He went to the police station to lodge a complaint, but the police refused to take his complaint. He has also appealed to the police to render justice to people like him but the police have done nothing.

#### **Sanjay Gandhi Nagar**

KKNSS (referred to above) collected a number of statements from this area, which we took on record. In addition to the same, we examined one Kannan son of Muni Swami. He is a labourer who is also a handicapped person. He says about 100 persons attacked the area. The entire area of about 350 houses were burnt; and 71 houses were damaged. The assailants also carried soda-bottles, petrol, cycle chain and stones to assault the people. For 3 days the victims had to hide, where they got no food at all. He has suffered a loss of about Rs. 5,000/- and the government gave him a compensation of Rs. 500/-.

#### **Ambedkar Nagar (Bashyam Circle)**

K.K.N.S.S also collected a number of statements from this area which they produced before us.

In addition to the same, one Jayavelu was examined. He has stated that about 200 people came to this area at about 10'clock and started setting on fire to the houses in the locality including his house where he and his family were staying for last 40 years. The whole house is destroyed. They have no place to stay. As against his claim for compensation for Rs. 10,000/- he has been given a sum of Rs. 800/- only.

#### **Other Evidences**

We received a representation from the Bangalore District Minority Welfare Centre. One Mr. Chandrakant, General Secretary of the said Association stated that he had received a large number of complaints from the affected Tamilians of the K.P. Agrahara area, which he produced before us. The representation from the said Association shows that at a number of places, the police had attacked the Tamil speaking people. Police had also refused to receive the complaints from the public and they gave no protection to them. On the other hand, they had encouraged the anti-social elements when they attacked the innocent people. According



to them, at some places the anti-social elements were provided with the KSRTC buses and police vans for the use of violence against the innocent victims.

- a) At K.P. Agrahara, area three persons received bullet injuries when the police fired on them and two person died (by name Shekhar and Murthy). At a number of places shops/factories/and properties were looted and destroyed in front of the police themselves and the police did nothing.
- b) The association, it appears, tried to help the victims by collecting donations for distribution of sarees, bed-sheets and other household articles all by way of relief measures.
- c) Similarly, the Bangalore Tamil Sangham also gave a report about the incidents at Bangalore and also as to what transpired subsequently. The said report gives a detailed account of the atrocities that were inflicted on the innocent public. The report has been titled "A MUTE GENOCIDE". The report also includes various incidents that took place in the Taluka places between December 23 and 29, 1991. The report gives details of all the incidents.

In our opinion this report would be of considerable assistance, if and when the government constitutes a tribunal for payment of compensation to all the affected persons. As far as we are concerned, we will be treating the report as a part of the records of this tribunal, just as several other statements which we have taken on record and which are collected by various other socially active persons.

- d) One Kokila Natarajan gave evidence before us. She was present with her husband who had multiple injuries on his head and other parts of the body. As a result of the attack he has lost the power of his speech. He is unable to move his hands. She produced the medical records before us which gives a very pathetic picture of the injuries suffered by her husband. It appears that the government has not done anything to pay any compensation to this couple.

So also, one Mani was heard before us. He is from K.P. Agrahara area. He has an injury on his stomach below the chest. He says that there was a bullet injury as a result of the firing by the police. The government has given a compensation of Rs. 1,500/- for injuries suffered by him though it has not fully cured so far. The police had also attacked his properties. Similarly one Ratnappa produced before

us various statements from the residents of Hegannahalli. There also a large number of persons suffered extensive damages to their properties and the compensation given to them is negligible. We also had examined one Ambu Mani from Gangennahalli. He too has suffered injuries. He lost his hut and his cow shed. He had even given the names of the persons who were the attackers but the police have not taken any action so far. He had not received any compensation from the government.

- e) Ms. Sartaj also produced various documents of residents in Kempegowda layout. So also, one Zeeuniza Masaq Ahmed from Magadi placed on record various records of affected persons. Her son was assaulted, and he has received head injuries, and no compensation was given to her.
- f) We then took on record statements collected by the "Womens' Voice" through one Rajalakshmi, from Rajgopal Nagar. Similarly Ms. Sartaj placed on record various documents received from Malegala area, and also from Madurapalayam and Kalyan Nagar. One Narasimhan placed on record statements received by him from Harijan colony, one of the areas which is located at Rajaji Nagar 5th Block, which was severally affected. The whole slum was set on fire. The slum dwellers screamed, cried and begged for police help but the police would not help them. They are all mostly workers and work as domestic servants and in building construction etc. They work as labourers and Agarbathi work is the main occupation. It appears that today they are unable to work and there is no place to stay and the government has promised to provide shelter for them which has not materialised at all. At the moment they are living like animals in as much as they are not sure of what they have for the next day.
- g) We also took on record complaints received from Ashokpuram area and Sanjay Gandhi Nagar regarding loss of properties and personal injuries. The said report, submitted through one Ramamurthi, shows that police were operating behind the Kannada Ranadheera Pade, the Rajkumar Fans Association and the Kannada Chaluvaligars.

We may mention that it has not been possible for us to record the statements of large number of persons who were anxious to have their evidence recorded, because we had scheduled to leave Bangalore that evening to H.D. Kote for the purpose of recording evidence on the next day.



### III

#### At H.D. Kote on 24.2.1992

On 24.2.1992 the tribunal along with other socially active members and the local representatives went around the area, visiting several villages around H.D. Kote. We spent almost 4 hours seeing the houses and properties which have been destroyed, during the violence between 24th December 91 and 29th December, 1991. We saw a number of residential places and establishments totally destroyed and abandoned by the residents. Obviously, all happened to be that of Tamilians only. We happened to visit the establishment of one Fr. Joseph at Jompanahalli. We had a long discussion with him. He gave a detailed report of the happenings in that area and how his establishment came to the rescue of the Tamilians. He stated that a number of Tamilians who were attacked by the Kannadigas from house to house, had to leave their houses. A large number of persons took refuge in his compound where they brought and kept their things for safe keeping. He gave food and shelter to the refugees. At a time, he had offered shelter to about 2000 persons in his establishment.

- a) He stated that after the second day of the incident, he felt that it was necessary that the refugees had to be evacuated to a safer place in Tamil Nadu. It appears that in the meanwhile the police and the government arranged transport services by way of recruiting the services of the State Transport Buses. Refugees were asked to avail of the service and transport themselves to the TN border. That is how they were sent to Tamil Nadu. He says that after some days, when people started coming back, they came back to him first. He returned the things and articles to the respective owners and tried to help them in their rehabilitation.
- b) As we went to father Joseph's compound, a large number of people were waiting for us. Most of them had come back from TN. Fr. Joseph had stated that most of the persons went to TN earlier with their consent. They were, of course, reluctant to go and the police persuaded them to go as it was not possible for the police to provide security with the small force available for the security purposes. Fr. Joseph has stated that since his resources being limited he could sustain them only for few days and thereafter he had no choice but to request them to go to a safer place in Tamil Nadu. The persons

whom we met at Fr. Joseph's campus were, mostly, the persons who had returned from TN. They appreciated what Fr. Joseph did for them. But they told us that though they have returned to Karnataka, they find it difficult to survive here, as no help for rehabilitating them has been extended by the government. By and large, they complained, that the compensation given by the government is wholly inadequate, leave alone for rehabilitation, even for sustaining themselves for a limited number of days.

- c) Later on the Police Inspector in-charge of the Police Station at H.D. Kote met us at the Guest House where we had stayed. He informed us that he had only 16 constables in the police station. It was not sufficient to take care of the Tamilians residing in this area. Nevertheless he was anxious that in the tense situation no further harm should come to the Tamilians and he therefore, advised the residents to seek shelter in the camps established in Tamil Nadu. He further informed that he had registered 400 cases out of 592 complaints received by him. He also mentioned that he recovered property worth Rs. 25 lakhs and he has arrested 150 persons who are suspected of having indulged in the cases of riots, in that area.

#### The Evidence

##### i) From Mettikuppe Road

- i) Three witnesses were examined from this area. One of them was one Ms. R. Andal. She has stated that on 25.12.91 at about 8 p.m. about 25 persons with kerosene, petrol cans and stones broke the doors of the houses and looted articles and after which, the assailants set fire to the houses including hers. She had to run away to a nearby mulberry field where she spent the whole night. On the next day morning she found that her full house had been burnt and she had also lost her compressor pump, PVC pipes, cots, clothes and everything. She is an agriculturist and has claimed a compensation of Rs. 1,09,700/-, as against that the government has given only a sum of Rs. 4,500/-. She had to go, to take shelter in the Coimbatore camp. She came back after about 15 days and she now finds it difficult to sustain herself, without the financial help coming from the Government. Her husband died long ago and she has 2 children - one son aged 14 years and a daughter of the marriageable age. She was about to perform the marriage of her daughter, which is now postponed.



The other witness is one Dorai Swamy, also an agriculturist. He also has lost his house and property. The loss is about Rs. 1,93,000/- as against the same, the compensation received by him from the government is only Rs. 9,000/- He too had gone to the Coimbatore Refugee camp and returned 10 days after the incident.

- ii) One Sundaram, an agriculturist had accompanied us and took us around to the farm houses and small residential establishments which had been burnt during the riots. He had been a great help in taking us around the villages which were away from the main road. We have witnessed so many houses which have been destroyed in that area. He is a post-graduate in agriculture. He was in government service in Tamil Nadu. He left the job in 1979 and bought some land in this area and started agriculture. He does cultivation in an area of about 40 acres in a place called Bommalapura. On 29.12.91 a mob of about 50 persons came to his farm and told him that three lorry load of rioters from Mandya had arrived nearby for attacking and that, he should take away his family immediately. He took his aged mother to a distant place, when the mob started ransacking the house and tobacco barns. He did not join any refugee camp. He went to Ooty to talk to the Collector and informed one Minister who was camping there as to what was happening in Karnataka. He came back to his village and started working for and giving active support to all the persons who have suffered. He has estimated his total loss at Rs. 2,58,000/-. He has not received any compensation so far. He says about 15% of the articles lost by him had been recovered with the help of the police as well as with the help of village panchayat. He has given us photographs which will show the destruction done to his properties.

**ii) From Hampapura/Karigala**

One Swamy Anand, a social activist had collected a number of statements from the above area, which have been taken on record. In addition to the above, we also examined two person from this area by name, Karuppanna Goundar and M. Krishnan - both agriculturists. They were attacked on 24.12.1991 and 25.12.1991. Karuppanna suffered a loss of about Rs. 60,000/- and the government has given him compensation of Rs. 9,000/-. He says that the looting and arson continued in his house and the police had come and 3 constables were

stationed for guarding the house, but they did nothing. About 50 to 60 persons had come to his house and set it on fire. He himself did not go to Tamil Nadu but his wife and children had gone to the Coimbatore camp. His wife has come back after 40 days. Children have been sent to Mysore for studies. The other witness Krishnan has lost about Rs. 2,20,000/- and the government paid a sum of Rs. 4,500/- by way of compensation. It appears that the burning of his house was the first incident in the village on 24.12.91 at about 3 a.m. Both the witnesses have given photographs showing the destruction of their properties.

**iii) From and around the villages surrounding H.D. Kote (Naganahalli Road)**

Two witnesses were examined - G.A. Mani and Pichaiya Muthu - Again both are agriculturists. Their properties were attacked on 25.12.91 almost in the same manner. Mani did not go to Tamil Nadu but his wife and children have gone and they have not come back because there is no security. He has claimed a loss of about Rs. 68,500/- but the government has given a compensation of only Rs. 3,750/-. The other witness Pichaiyya Muthu also suffered a knife blow on his shoulder. He has lodged a complaint but he says, the culprit has not been arrested. He has suffered a loss of about Rs. 81,450/- and he has received no compensation. His wife and children have not returned from Tamil Nadu.

**iv) From Jhompanahalli**

Sundaram presented a number of complaints received by him from the said area. One Susai was also examined from that area. He is a cloth merchant. He also took shelter at Fr. Joseph's establishment. From there he went to a refugee camp leaving a bundle of clothes there. On his return on 11th January, 1992 he found his cloth bundle missing. He lodged a complaint but the police have not recovered anything so far nor has he received any compensation from the government.

One Purushottam presented before us various statements collected from Kodasige. He himself is from that area. He also deposed before us as to how he suffered destruction of properties on 25.12.1991. He also pointed out that the assailants had set fire to two acres of sugar-cane land and destroyed the crop. They also destroyed sugar-cane crusher and other materials such as pump sets etc. His



total loss is about Rs. 1,50,000/- and he has received compensation of only Rs. 5,000/-. He was in Tamil Nadu for about 3 days and he returned to his place but his wife and children are still in Tamil Nadu, though not in the refugee camp. He is unable to bring them because he still suffers from insecurity.

One Ravikumar was also examined from that area. He suffered a loss to the extent of Rs. 1,08,000/- and as against this, he received a compensation of Rs. 5,000/- We had visited his place and found total destruction of the house. He lodged a complaint but so far no-one has been arrested nor any action has been taken in this regard by the police.

#### iv) From Hommarahalli

Swami Anand had collected number of complaints from this area and he presented the same before us. One K. Sundar was examined from this area. He was born and brought up in Kamataka. He is a general merchant. His shop was looted on 24.12.1991 and he has lost property worth about Rs. 70,000/-. So far he has not received any compensation. He has lodged a complaint with the police but no action seems to have been taken.

So also, one Dharmalingam, an agriculturist was examined. He says, he has mentioned the names of the persons who participated in the looting of his house and burning of the same. In his village about 13 houses were burnt in this manner. Incidentally we had also visited this village and we have seen the destruction of the houses. This witness said, he has lost properties worth about Rs. 1,10,000/- He has been given a compensation of Rs. 8000/- He and his family were shifted to the refugee camps in Tamil Nadu. He left his wife and children back there and he returned to Kamataka. He has no house to live but somehow he is managing to survive.

#### v) From Hunsur

One J.P. Nagaraj stated that he had collected number of complaints from this taluk and he has presented the same before us. From amongst those persons, one Papathi, an agriculturist was examined. She says, she ran away from the house when the incident took place.

In her absence, the looters entered the house, occupied the same for a week and looted everything. She went to the refugee camp in Tamil Nadu and returned after a month to her house. She has lost property

worth about Rs. 72,000/-. She has not received any compensation from the government. Fortunately she has been able to regain the small landed property which she had left behind.

The other person to be examined was Natraj Goundar. He too had mentioned the names of the persons who had attacked his house but the police have not taken any action to arrest the culprits. He has lost property worth about Rs. 4,75,000/- and the government has paid him only Rs. 4,500/- by way of compensation. He was one of the persons who ran to Fr. Joseph's establishment and left some of the properties there and when he came back, he went back to Fr. Joseph's establishment and with his help, he could recover about 25% of his property.

#### vi) From Tiger Block

Mr. Sundaram presented before us a number of complaints that he had collected from the residents of Tiger Block. One Nalliyana Gounder was examined from this area. His house was attacked on 26/12/1991 and about 70 persons had come to attack. He is an agriculturist and he has lost property worth Rs. 1,09,000/-. He received only Rs. 9,500/- by way of compensation. He has also placed on record photographs showing the destructions of his house. It appears that one person has been arrested after the witness complained to the DIG of Police. The other witness was one Velu Swami from this area. He is a student. He and his parents shifted to a refugee camp at Tamil Nadu and returned back only a week before we recorded his evidence. They have lost property worth about Rs. 50,000/- but his parents have not received any compensation.

- (a) In addition to the above, we had further evidence from Mr. Swami Anand, who is also a reporter of Lankesh Patrika - a weekly. He produced copies of the said weekly dated 5th and 11th January in which he stated that the facts mentioned by him were gathered by him personally after talking to the persons individually.

He has stated in those reports that the villages of Mysore district burned continuously for 4 days and about 70,000 Tamilians left Kamataka out of fear. He has complimented and explained in detail the work done under Fr. Joseph's guidance. He also referred to Raitha Sangha cadres who took care of the properties of the Tamilians when they ran away to Tamil Nadu. He also referred to Mr. Bipin Gopalakrishnan, the Superintendent of



Police, Mysore District who had controlled the possible communal violence during the BJP Ratha Yatra, but did nothing when the violence broke out during these particulars riots. He stated that police could have taken the anti-social elements into custody when they burnt down Gājanan talkies instead of declaring curfew in Gundlupet. He has stated that the police fully knowing about the fact that these elements were looting the houses, took no action. Similarly they never tried to stop people who had set fire to the properties of Tamilians. On the other hand, the general attitude of the police was to tell the Tamilians that Kannadigas were getting violent and that, it was better the Tamilians left Karnataka and went away for some time and come back later on. Swami Anand had visited the Tamil refugee camp in Nilgiris, Periyar, and Coimbatore districts. Ooty was peaceful where more than 2 lakh Kannadigas are living. He says that there were about 55,000 Tamil refugees in more than 70 refugee camps. The Tamil Nadu government made arrangement for food, and shelter for every refugee. Some of them have been even given temporary ration card and free transportation was also arranged. The local organisation and political parties have also helped the refugees. He also referred to the Kannada refugees who had come to Chamaraj Nagar.

According to him, the Kannada refugees were not satisfied with the arrangements made for them by the Karnataka Government and left the camp and went back to Tamil Nadu and saying that they were better there.

He also placed on record a report published by Karnataka Vimochana Ranga, of the happenings under the name of 'Cauvery Kichhu' (Cauvery Bushfire). This contains a detailed account of the violence which took place at Bangalore and other district places. It also characterises the police role as one of lack of responsibilities. It also suggests that the attack on the Tamilian appears pre-planned by politicians.

He further says that during the disturbance some of the Tamilians, out of fear, deposited goods in his house for safety. But later on, fearing that the mob may attack his house also, he approached the State Superintendent of Police and informed him about the predicament. The officer instead of taking precaution against the looting and arson, merely consoled him saying that

Anand being a Kannadiga, they would not attack him. He also stated that on 24.12.91 at 12 noon in Gundlupet town, an auditorium belonging to a Tamilian was burnt in his presence and the police were watching the same.

- (b) Amongst the others, Sister Jessy, a social worker made a statement before us. She stated that she has got information regarding two women having been raped and molested. She says everybody in the village knows about it, but there are no witnesses and no-body has come forward to identify the attackers. The women were also unwilling to speak about it in the public because of fear. She has stated that the said women have left that area and have not come back. She feels that as a social worker, she should bring atleast these two incidents to our notice.
- (c) One J. Thomas also gave evidence before us that his house was also attacked on 26.12.91 but he says that the things were all looted by the police only. Thus, he lost property worth about Rs. 7,000/- and no body has given him compensation nor the police is prepared to take on record his complaint.
- (d) One J.P. Nagaraj, the Vice President of the Mysore District Raitha Sangh stated before us that the violence broke out at Hampapur, Karigala on 25.12.1991. He brought these facts to the notice of the local Superintendent of Police. The names of the persons who had indulged in rioting etc. were all disclosed to them but the police took no action. When the news spread to other areas, the police took the stand that the force was inadequate to meet the situation. He further says that after this riot subsided the Revenue department sent out its personnel to assess the loss of property and they were requested to submit their report within 2 days. The officials went round but did not even inform the residents or any other agencies about their visits. They have done enquiry here and there and arbitrarily fixed the value of the loss of property of the affected individuals. He submits that the exercise of assessment was a sham one.



## IV

### At Chamarajnagar on 25.2.1992

- a) One Ksheersagar, M.A. (Phil), a person doing research on the Tribal culture appeared before us and gave a report with regard to the incident. During the riot, he had toured the Mysore District. He has made an analysis of the incidents in the Mysore district in order to understand the causes for the violence that broke out in the border talukas. He says, apart from the immediate reasons, the relationship between the Tamilians and non-Tamilians also will have to be taken into account. Firstly he says Tamilians are not seen as an organic part of the local village structure. For example, they live outside the village in isolated farm houses. They are not part of the village festivals, ceremonies and other cultural expressions of the village. Their relationship with the people is largely economic, in terms of generating employment for labourers, making available essential food like vegetables, milk, salt etc. Very few Tamilians have also got into the position of political leadership. Secondly many of the Tamil victims are tenants and share croppers. They are not the actual owners of the land. Though the Land Reforms Act have made provisions that the landlords must till the land himself or else, the land vests with the government if it is being tilled by others, the government has not enforced this law so far. The beneficiaries are the Tamilians who till the land. He has further stated that many of the Tamilians came to Karnataka as migrant labour on dam sites etc. After the work was over, they did not go back. They settled down in Karnataka. They are hard working people and by developing new techniques, have succeeded in making the land fertile. They introduced cash crops like sugar-cane, turmeric etc. and exploited ground water resource through drilling bore-well etc. They made the land very productive and become richer. Many of the Tamilians have no legal title of the land. They have been cultivating the land for years together. Since the land has become more productive, the landlords who were Kannadigas desired that the land should come back to them. So, when the rumours started in pursuance of the happenings, in Bangalore and thereafter, the land owners exploited this opportunity to grab the land back through the use of fear, intimidation and rumours etc. The Tamilians had also no political clout and they could not use the local political power structure.

Thus, if one looks at the entire incident, in this background, one would say that the Kannadigas were waiting for an opportunity to take the land back. That opportunity came by way of the distorted and blown out of proportion press reports about the Kannadiga women having had their heads shaved-off, breasts cut and molested at Nilgiris just before the incident. We will take into account this analysis, when we give our findings on various aspects.

- b) The other person who gave a detailed evidence was one Ranganathan. He is the President of Chamarajnagar Taluka Tamil Sangham. He is a social worker. He has stated in his affidavit that similarity and uniformity of looting and arson is a clear proof of plotting and instigation. He further says that after the exodus of thousands of affected Tamilians, the Government of Karnataka appealed to them to return to their place of residence. The government issued reports that they would be properly rehabilitated and that they would be compensated for the losses suffered by them. He says, the interim relief granted by the government was totally inadequate. The government has not yet recovered the looted goods nor taken any action against the persons, who indulged in violence. He has stated that about 1500 families have been uprooted in this taluka alone. According to him, the estimated loss of the entire Taluka was about 16 crores rupees. He has further stated that if rehabilitation is not done immediately the standing crops in the thousands of acres of land would suffer. For this purpose it is necessary to have immediate replacement of pump sets, submersible motors and other equipments as also the bore-wells which have been destroyed. One of the suggestions he has given is the government should immediately come forward with a scheme to form colonies and township for affected linguistic minority people so that they could all live together and protect themselves. When questioned by us, however, he stated that in the past there were no occasions for the two communities to indulge in any violence or arson against each other. The incitement came from public men and politicians and at the behest of the State Government, to dispel the impression that the Tamil Nadu Government which was pressurising the Centre could not get away with the favoured treatment with regard to the Cauvery dispute. It was felt that the violence against the Tamil minority community would pressurise the Tamil Nadu government and Central Government to help the Karnataka Government to have its way.



- c) About the immediate cause of the violence, he has stated that the media and the press referred to an alleged incident which spoke of Kannada women who were the target of violence in Tamil Nadu. He says so far no photographs of the women involved have been published nor has the Karnataka Government got the information verified. He also says that the police remained ineffective and the impression is that it had been so instructed by the government and the politicians. He also felt that both the governments were not upto the mark with regard to the relief camps that were organised. He himself had gone to the refugee camps set up in the Tamil Nadu. The refugees returned to the villages in Karnataka because the Chief Minister had assured them that they would be rehabilitated, but he says, that the government's promises to help them have remained on paper only.

He says that after their return to their houses, they have found themselves stranded in a state of helplessness.

- d) He has all praise for Shri Siddiah the Dy. Commissioner, Mysore who did a commendable job in restoring the confidence of the Tamilians. He also praises Shri. Bipin Gopalakrishnan, S.P. of Mysore District, who also tried to infuse the confidence in minority population. However, despite his personal sympathy and enthusiasm the local police have not been able to nab or arrest the known offenders because they have the backing of the influential men and politicians. He further says that in the city of Chamaraj Nagar as such there were no incidents. That is because the Police Inspector Shri Pramod Kumar exercised his authority effectively and enforced the law and order strictly but in other places like Nanjangud, Gundlupet, Kollegal and T. Narsipur, there was violence because the police were not effective. He again mentioned that the most affected persons of the taluka areas were the agriculturists. He also referred to the fact that the current crop has suffered. He also submitted that measures be taken by the Government, instructing the banking institutions etc. to reschedule the payment of loan and exempt the principal amount from interest for certain period. He produced 4 albums of photographs evidencing the magnitude and dimensions of arson and the consequent damages. We have taken these photographs on record. His wife, Bhagyaxmi also a Municipal Councillor of Chamaraj Nagar stressed that the riot affected women folk should be given support so as to enable them to

come back and join their families and for which purpose the government must take immediate measures.

- e) One Mr. Madhaviya stated that the incident occurred due to rumours that the women folk were molested at the instance of Tamilians of Ceylonese origin (Tamil Eelam) The Karnataka government took no action to scotch the rumours or to take measures to prevent the violence. The CRPF personnel were inducted into the area by 30th December by the Central Government, and they were also in a position to recover certain looted articles. However they left the area after a week. Thereafter no incident or arson or looting occurred. He stated that the scheduled caste Kannadigas have been victimised in Bangalore and Gudalur and unlike the Tamilians who could get photographs and other things, these persons could not collect sufficient evidence.

### The Evidence

- (a) We received large number of complaints from the area known as Kasba Hobli, as also from Gundlupet taluk. One Mahendran, an agriculturist from Kasba Hobli was examined. He has stated in his evidence the reasons for the riot. About 22 people from Gudalur in Tamil Nadu came and wanted to meet the Tahsildar of Gundlupet to submit a memorandum that they have been beaten by Tamilians and that their heads had been shaved and their women molested. The witness had seen, personally, all of them and none of them had their heads shaved-off. He says that following this report, a procession was taken in the town against the alleged acts of the Tamilians and the Tamil Nadu government. This created tension in the town and incited the local Kannadigas. That's how the riots began. Every farm house belonging to Tamilians was set on fire. The police chased away some of the crowd but when the police left the place, people came back and indulged in arson and looting. The affected Tamilians were hiding and since their houses were destroyed, the police and the revenue department brought them to the camps they had set up in Gundlupet. He stated that persons who had earlier indulged in looting and violence, in fact, visited the camps and distributed food and fruits to the Tamilians. After 4 days - i.e. on 27.12.91, the police and revenue officials made them sit in the buses and took them across the border and left them in Tamil Nadu territory. In this manner, about 2000 people were vacated from this area. The witness is an automobile engineer by education who took to agriculture. Strangely, his farm



was not affected because of the tight security arranged by the excise department to guard their material. He submits that the affected people have not been given even 10% compensation for their loss and he fears that violence may erupt again.

- b) One Mohammed Hanif from Begur Hobli also says that on 23.12.1991 about 120 Kannada speaking labourers came from Gudalur to Gundlupet. They came out of fear, but they had been not harmed in any way. They were made to sit by the police and the revenue department officials, in a line. In the meanwhile, the local politicians came and incited them to say that they had been beaten and molested. That's how the riot started in Gundlupet against the Tamilian minority. For 3 days, Tamilians were beaten in the presence of police but the police gave no protection. It was only when CRPF came that peace was restored.
- c) One Ramakutty also, from Begur Hobli stated that his house was set fire and he has suffered a loss to the tune of Rs. 5 lakhs and the government gave him compensation of Rs. 20,000/-. Similarly, one Dorai Swami has suffered a loss of about Rs. 6 lakhs and government has given him Rs. 20,000/- as compensation. He also produced photographs to show the extent of destruction of their properties.
- d) One Subramaniam from Sandakwadi Hobli also presented before us large number of complaints from Dollipura gramam. He stated that the Tamilians in that area lived in harmony with Kannadigas as good neighbours and they have no other place to go at all.
- e) One S. Ramaswami from Hebsur presented before us large number of statements received by him which also indicate the destruction caused to all those persons.
- f) One Ethiraj of Nanjangud stated in his statement that his business establishment was looted in the riot and he suffered a loss of Rs. 1,92,000/- and he has been given a compensation of Rs. 2,000/- though a receipt for Rs. 5,000/- was taken from him. He had a textile shop and has given particulars of all the materials that he has lost.
- g) From Bommana Halli, one Nagappa was examined he stated that he had been looted of about 3000 sheeps. Thereafter his Kannada speaking neighbours helped him to recover 300 sheep and they have also collected and paid him Rs. 32,000/-

- h) One Dandapani from Chamraj Nagar stated that he has received large number of statements from Suvama Nagar and he placed those statements before us. He himself lost his house and his fields. He lost everything. It appears that the Tahsildar inspected the house 3 to 4 times but no compensation has been given to him.
- i) One Thangavelu of Amchanwadi village stated that he collected large number of complaints from the affected persons which he has placed before us. So also, Venugopal placed before us various statements from the residents of Arava Hobli.
- j) Chinnaya Gounder stated before us that on 24.12.1991 when the crowd attacked the members of his family, they had to run away but his old mother aged about 90 years was not able to escape and she was burnt alive alongwith the house. A complaint has been lodged at the police station but no compensation whatsoever has been paid to the family.
- k) One Venkatachalam, resident of T. Narsipura and President of Minority Association placed before us large number of statements collected by him. He also presented before us an album and video tape containing pictures showing how the properties were damaged.
- l) One Mrs. Mariamma Varkey from T. Narsipura who is the President of St. Mary's Education Trust stated before us that the Trust properties including school records were destroyed and many articles were stolen. They have suffered a loss of about Rs. 40 lakhs. She says, the Assistant Commissioner and the Tahsildar visited their area and assessed the loss of property at Rs. 40 lakhs. But the government has not given any compensation.
- m) Similarly one Ponnamma was examined. She had a shop at Bennur which was looted. She had to run away to T. N. Border. She returned after 3 days and found all her household articles and other things in the shop looted. She has not received any compensation.
- n) One Ramaswami of Gundlupet placed before us large number of statements collected by him from that area. One Krishnan was also examined from that area and he too, stated that his property worth about Rs. 50000/- was looted and his house was set on fire. So far he has not received any compensation.
- o) One Rangaswami also placed before us various statements from that area collected by him. It may be mentioned that the Tahsildar of



Chamrajnagar came before the Tribunal at the start of the proceedings. He informed us that he would like to make a statement before the Tribunal in camera, and he would come to the Tribunal in the afternoon at 2.30 p.m. We waited for him in the afternoon till about 3.30 p.m. and he did not come back at all. It is obvious that he did not wish to participate in the proceedings before the Tribunal.

## At Marthahalli on 26.2.1992

- a) Marthahalli is in Kollegal taluk which was formerly in Coimbatore district till the reorganisation of the State in 1956. There are a number of villages in this Taluka where Tamilians are in majority. We have a report on Kollegal taluka presented by one young social activist John Bosco. He has stated that the attack on Tamilians started in Kollegal town on 24.12.1991. It continued and spread to the other vulnerable villages on the subsequent days till 27th December, 1991. The attack was similar in all the places. First a group of people would go and warn the people that thousands of people were coming from Mandya in number of buses and lorries and that if the Tamilians were caught by them, they would be killed and the women folk be molested. They advised them to run away to Tamil Nadu to save their lives.

Meanwhile some one would set fire to the houses and this would spread panic among the people who would begin to run helter skelter. Once the people fled, the same group consisting of 40 to 50 would loot the house. Thereafter the other group would follow and so on. But nobody really came from Mandya. All the people who attacked were the local ones only. Throughout these incidents the police remained only as spectators. They never showed any interest in chasing the looters or taking the assailants into custody. But the police showed more interest in transporting the Tamilians to Tamil Nadu border. It appears that some of the people from the village like Jakkalli and Prakashapalayam wanted to go to Marthahalli which is in Karnataka but on the border of Tamil Nadu, but the police falsely stated that Marthahalli was under fire when in fact, this was not true. The police were keen to see that the Tamilians were sent to Tamil Nadu. He therefore says that, it was a planned and systematically executed conspiracy to loot the Tamilians and to drive them away. He has also referred to the fact that about 2000 people from many villages in Kollegal taluka had taken refuge in Thomayarpanyam village as it was not affected very much. They were looked after by the local people under the guidance and help of a Christian Priest Kolandai Sami. Similarly, some of them came to Marthahalli camp and the local parish priest Father Godest gave them protection. Both the camps were managed by the people without the help of the government.



He further stated that from 12.1.1992 onwards the people started returning back from Coimbatore camp. They came to Marthahalli where they arranged for their stay & food. It appears that the local Tahsildar promised that he would reimburse the expenditure from the government and declared the camp as an official camp for all the returning Tamilians. In the establishment of parish priest Father Godest, about 2000 such people were looked after. After staying for few days, they were sent to their respective places. But no money has come from the Government to the camp or to the parish priest at all. He also stated that the people are applying for compensation but so far no compensation has been given. An ex-gratia payment for the houses burnt, ranging from Rs. 75/- to Rs. 20,000/- has been given to certain persons. He also stated that though almost all the people have returned, many are selling their properties for whatever they can get and they are thinking of going back to Tamil Nadu. Many have not brought their wives and children from Tamil Nadu as they have lost confidence in the authorities.

b) We have also a report of the Camp at Thomayarpalayam under the parish priest, Father Kolandaisami. It started on 26th December, 1991 and came to a close on 8th January, 1992. The camp accommodated about 2000 people. They were from 14 villages. We have also a report of number of families coming from different villages who stayed in the said camp. It also gives an amount of estimated loss of the properties of all those persons who stayed in the said camp. The report also shows that of the 304 families who stayed in the said camp about 136 families have fully lost their houses and many of them today are living in the open under trees and bushes.

c) One Palani Swamy Naidu of Hanur village in Kollegal Taluk stated that he never thought he would be attacked because all the Kannada speaking people around his farm are his friends.

Therefore, he had not run away when he heard the news of attack to other houses. However, when a group of people from the close-by villages entered his farm indulging in abusive language against Tamilians, he had to run away with his two daughters and wife to protect them from attack. He has suffered a loss of properties worth about Rs. 2,00,000/- and he has received only a cheque for Rs. 20,000/-. The cheque had not yet been encashed. He had identified some of the assailants and they have been arrested. But after some time, they were released on bail. He has also given a general statement

about what transpired at Hanur village, where the Tamilians have been residing for the last 30 to 40 years.

d) The other person who we examined from the same village was one Maruthakutty, an agriculturist. He has produced photographs evidencing the damage of his properties. He manages to stay back there while his wife and children had to be sent to Tamil Nadu. He had complained to the police before he was attacked but the police plainly told him that they could not do anything. By the time he came back, he found his house was attacked and burnt. He had again gone to the police station with the help of the Ex.Chairman of the Village Panchayat but the police inspector Madappa, rebuked the Chairman as to why he was helping a Tamilian. He has lost property worth about Rs. 3,27,400/- and he has received a cheque for Rs. 4,000/- only.

e) Mr. Bosco presented before us a report about the village Prakashpalayam. The group of looters in this village was about 100. Here again, the police would not give any help. One Ramaswami from this area was also examined. He has described in detail how his house was attacked. He has shown how his things were damaged. In fact, we had gone to his house and seen the damage done to his properties. He has also produced the photographs of the damaged properties. He has suffered a loss of Rs. 12,36,000/- and he received a cheque for Rs. 35,000/- only. He had to go to Tamil Nadu and returned only after about 10 days of the incident. He says, the police failed to give him protection. He says, even though the assailants were known, they were freely moving about and they were not being apprehended at all. He has further stated that the labourers who were coming from Tamil Nadu in the past are not willing to come now for farming and therefore, the farming operations have been adversely affected.

f) The other person from this area was Belavendra. His story is also the same. He has lodged a complaint with the police giving the name of the culprits but the culprits, as yet, have not been arrested.

g) Mr. Bosco also placed before us a general statement of the incidents from Jaggeri and Sathyagal areas, which had been taken on record. He has stated that on 26th December, 1991 at 9 a.m. about 300 to 500 people from Sathyagal village entered Jaggeri and they were shouting slogans against Tamilians. The Tamil people at Jaggeri sent



two elders to Sathyagal people and requested them not to harm their village. But it appears that the two elders were beaten and then they started throwing stones. The Jaggeri people also retaliated with stones and sticks. It appears that at that time only one house could be set on fire and Sathyagal people went back. But the Jaggeri people realised there a large group would come and attack them. Therefore, they thought of escaping through the forest. Some decided to walk along Cauvery river side hoping to reach Tamil Nadu but none of them knew the way. They walked for 6 days. They crossed the river at Hoggenekal. But they were without food. One died on the way; many women gave birth; some suffered abortion etc.

- h) Even in Sathyagal, some Tamil houses were attacked and they too had to run away. One Muni Swamy was examined from this village. He has described in detail how while escaping into forest he got separated from his children, his wife and mother-in-law. It appears that the children, the wife and mother-in-law were walking by the side of the river. Out of sheer exhaustion his mother-in-law died, and knowing that no-one would help them, his wife threw the body into the Cauvery river. His wife and children have been missing since then. He has come back but he doesn't know about their whereabouts. He has lost property worth Rs. 25,000/- but he has not received any compensation.
- i) The other witness from this area was Madamma. She has stated that on their way to Tamil Nadu, they had to eat tamarind leaves as there was no food. In Tamil Nadu, she has no relations. With great difficulty she has come back but she has not received any compensation.
- j) One Mr. Nathan presented statements before us as to what the government had offered to the Tamilians. He has put forward various suggestions.
- k) From Jakkalli, another village in Kollegal, we have a report from one Mohankumar, an activist. The report says that about 20 to 30 youths went to Jakkalli and created a panic as mentioned above. People started running helter skelter. They were mostly labourers. We have visited this village. We noticed in this village, which is on the border of Tamil Nadu, that all their houses have been burnt. When some of them came back they found that nobody was giving them work. In this village some Kannada speaking people are also residing and we could see that no damage was done to their houses. One Arogya

Swami, an agriculturist made a statement before us that he is coming from this village. He says that they have been staying in the area for the last 3 to 4 generations yet they were all attacked. He has lost properties worth about Rs. 40,000/- and he has been given a compensation of Rs. 1500/-.

- l) One Robert Dhanraj narrates an incident that as people were fleeing to Tamil Nadu, and as they reached Sathyagal village, some people stopped the bus and Tamilians were forcibly made to get down from the bus and a group of people poured petrol on a child and threatened to set fire to her. Somehow, the Tamilians were able to prevent the setting of fire but they suffered injuries. They were taken to the government hospital at Kollegal but hospital authorities demanded money and therefore they were treated finally at Marthahalli.
- m) One Basavaraj from Kollegal, a Kannada resident stated before us that a group attacked the house of one Krishnaswami Gounder. Mr. Madappa, the Circle Inspector came there, but he only told them that he would report to the higher authorities and come back the next day. He did not come back and in the meanwhile, the house was burnt, and others were attacked. When the police officer came there, later on, he informed that all Tamilians should go to Tamil Nadu and there was no question of giving them protection. The witness has helped the Tamilians in writing complaints. He also mentioned the names of the persons who set fire to the houses. He says that CBI should be requested to hold enquires against all these incidents, as at present there was no protection to Tamilians.
- n) We also recorded a statement from Sister Christy D'Souza from St. Johns Convent, Marthahalli. She gave a detailed report as to how the camp of Marthahalli was organised. It was organised in the convent complex. She says it was on 25.12.1991 that they heard the terrifying news of Tamilians being attacked on Christmas day. Immediately all the youths from the parish blocked the roads with huge stones with a view to see that the outsiders did not enter and attack the convent. Thereafter, on 30th December, 1991 onwards the refugees started pouring into Marthahalli. It was a pathetic sight. Many had to find that one or the other family members were missing. They came there without clothes or any of their belongings. They had no money. About 416 persons gathered in the convent complex between 30th December 1991 and 10th January, 1992. The local people gave a generous contribution to run the camp. From 12.1.92 onwards



refugees started to return to Karnataka and they also came again to the convent complex (The camp continued upto 22.2.92 and about 180 people were attended to). It appears that all these persons who stayed in the camp were looked after by the parish with the help of local people. The government gave only 15 bags of rice - that's all. The Tahsildar promised to help the camp but he could not do anything. In fact, we had stayed in this complex as we also had a sitting there. We could appreciate the role played by the church, particularly in this area, in giving help to Tamilians who took shelter in the complex both when they went to Tamil Nadu and also when they came back to Karnataka - this effort was really commendable.

## VI

### At Gopichettipalayam on 27.2.1992

It is here, that we met large number of refugees who came from Karnataka. Many of them had to go to Tamil Nadu and they were kept in various camps. We have some statistical information about the number of camps in this area, which we will refer to later on. The camps have been practically wound up, but the people are stranded. Many of them have not been able to go back and settle down in Karnataka nor they have any place to settle down in Tamil Nadu. They are strangers in their own land.

- a) One Rajendran from Elempalli, Salem district stated before us that he came from a place called Thottumallapuram, a place about 40 kms, from Bangalore. His house was attacked on 23.12.91. When he complained to the police, they told him that he should clear out the place and go to Tamil Nadu within 24 hours. They escorted him and others upto Bangalore from where they went to Salem. There were about 70 persons from this area. He was a weaver in a powerloom factory in that place. He had also got one machine in his house. Today he is working as a labourer. He has further stated that in the same away about 300 weavers by profession crossed over to Tamil Nadu in the wake of riots in Karnataka. About 60% to 70% of them have returned and others are still in Tamil Nadu and they are without any choice. Most of them have not received any compensation from the Government.
- b) One Nagalingam from the said place was also examined. He comes from a place called Adugodi near Bangalore. He was a victim of the 13th December, 1991 attack. He was working as a weaver. Now he has no job and he has no desire to go back to Bangalore.
- c) One Mrs. Sambooranammal from Salem District was examined. She is from Nanjangud in Mysore district. She says about 13,000 Tamilians were living at Nanjangud. They all had to leave for Tamil Nadu. The police escorted them upto the Tamil Nadu border. She did not stay in any camp because she had a daughter at Salem. She returned to Nanjangud after some days only to find that her house was totally destroyed and looted. So far she has not received any compensation.



- d) One Palani Swami, originally from Chamrajnagar, is the next witness. He was working as a labourer, breaking stones. He came to Tamil Nadu. Fortunately he has been able to get work again as a stone breaker. But his only grievance is he has no place to stay. Like him about 40 other stone breakers have also come to Tamil Nadu and they also do not want to go back to Karnataka but they have no shelter here.
- e) One Bhoja Acharya, originally from Kollegal also a stone breaker, stated that about 450 stone breakers from Kollegal were escorted in the buses by police upto Tamil Nadu border. He is also working as a stone breaker in Tamil Nadu now.
- f) One Rajendran, originally from Chamrajnagar deposed before us that he was an agriculturist. The local Kannada Ex Chairman of the Panchayat had sought to help the Tamilians but was unable to do so. He went back to Karnataka and he wanted to sell his farm, as he thinks it is not safe to live in Karnataka.
- g) One Ms. Shivakamy Vincent, President of the Tamil Nadu Scheduled Caste Womens Welfare Association placed on record a statement before us. She has been looking after the relief measures. She belongs to Tamil Nadu and lives in Tamil Nadu. She stated that Tamil refugees were not being treated properly and in one of the camps at Dharapuram camp, there are still about 30 refugees. The camp authorities have been pestering them to leave the camp and go back to Karnataka. They are not provided with sufficient food since many days. She says, some of them have been forced in to begging. She submitted that Tamil Nadu government should chalk out some scheme for such of the persons who do not want to go to Karnataka.
- h) One K. Kanakaraj, a quarry owner formerly from Yelandur district, stated before us that on 25th December, 1991 night his house was destroyed, robbed and looted. Therefore, he along with others had to leave the said place. Initially they came to a camp called Bannari camp, where they stayed upto 2.1.1992. Thereafter they were sent to Kangayam camp. After some days, they were sent to Dharapuram camp. He went back to Mysore but his house and quarry was found to be destroyed. Now he could not stay there. He has not received any compensation. So he has come back to Tamil Nadu.

One Ms. Geetha, an activist, connected with Tamil Nadu State Construction Workers Union made a general statement before us.

She had received a large number of statements of the affected Tamilian refugees housed in Dharapuram camp. We took the statements on record. She has stated that most of the persons who had come to this camp are agricultural tenants. They are now worried whether they can go back and enforce their tenancy rights. Some of the persons who had gone back to Karnataka were told by the landlords that they would not be allowed to till the land for agriculture. Many of them have lost their lease-deeds in the fire. Landlords deny that they are the tenants.

- j) One Kandaswamy, a canal contractor and working at Kollegal, stated before us that he came to Erode on 18th December, 1991 for the delivery of his wife. He went back on 24th December and he found that his house was looted and damaged. So he had to come back to Erode. He says, he only wants his bills settled by the canal authorities and he doesn't want to go back to Karnataka.
- k) One Ramaswamy originally from Hullahalli, Nanjangud taluk stated that he had taken agricultural land on lease from Raghavendra Swamy's Mutt. He has given the details as to how his whole house was looted. Police again escorted him till Nanjangud and thereafter they have been brought to the same camp in about 32 buses. After 20 days he went back to his village. He then went to the police station, but he found, the police have not recorded his complaint. In this manner 500 families suffered from that area. He feels that agricultural workers were prevented from doing work by Kannada residents and therefore he opts to settle down in Tamil Nadu.
- l) The next witness was Velu Swami, originally from Kollegal. He says that as he ran away from his place, he had handed over certain properties and things to his landlord. But when he returned, after some days, and asked for return of his articles, the landlord threatened that he would be handed over to the police. He therefore, does not want to go to Karnataka.
- m) One S.K. Ozeer, originally from Nanjangud, a lorry owner says that his lorry was set on fire on 24th December. He lost his lorry and at that time it was carrying about 1 tone of sunflower which was also lost. He has no means of livelihood now and he doesn't want to go back to Karnataka.
- n) The next witness is one Mr. Challappa Gounder originally from Kollegal. Certain photographs were produced before us showing the



damages done to his house. He also doesn't want to go back to Karnataka as he has lost everything.

- o) One Ms. Jayanthi from Kollegal stated that when she and others ran into the forest a large number of Kannadigas waylaid them and looted whatever they were carrying and the women folk were molested. So she, and other women folk are not willing to go back as there was no sense of security there. So also, is the statement of one Ms. Manjula, originally from Nanjangud.
- p) One Shakti Kumar stated that he has no relations in Tamil Nadu but at the same time, he has lost everything in Karnataka and he cannot go back to Karnataka.
- q) One Ms. Rajeswari stated that during the disturbances her husband got separated from her and he is still missing. She does not even know whether he is alive or not. One Iswari stated that she doesn't want to go back to Karnataka even though her husband desires to go back.
- r) One Ramalingam from Dharapuram camp stated before us that no food was provided in the said camp. When he represented before the Tahsildar on the next day, the Tahsildar frankly mentioned that no money was available to run the camp. So, as a result, the persons who were still in the camp were asked to go away from the camp.
- s) One V.P. Sarathi, an advocate from Coimbatore also placed before us certain statements of affected Tamilians, who had fled from Karnataka.
- t) The next witness was Mr. Manikkam, who was living in R.S. Puram Girls High School camp. His grievance is that the said camp authorities are compelling all the residents of the camp to leave the camp. In the beginning there were 350 persons in the camp. Now there are 45 persons. But they are not being given sufficient food. These persons have no place to go. Similarly, one Jayamma also complained about the same camp. Some of the women are pregnant and are not in a position to leave the same place. Some of them do not have their husbands in the camp. So, she says it is difficult to leave the camp.
- u) The next witness was one Ramaswami, originally from Mysore. His grievance is that the police made them leave for Tamil Nadu. When they approached the local Kannada leaders, they were told that they should go and meet the Chief Minister of Tamil Nadu. He is still in

the same camp. His grievance again is that the inmates are not given adequate food.

- v) One Krishnan, President, Municipal Shops Lessee Organisation stated that he has received a lot of statements of riot affected Tamilians of Karnataka which we took on record.
- w) Thereafter, one Thiruvengatan who is the Ex. President of the District Congress Committee, Periyar District placed on record his general observations along with a summary. He stated that about 40000 people crossed into Periyar district from Karnataka. He stated that he contacted lot of refugees who have come to this district. They are not willing to go back. He stated that Karnataka government has not taken any steps to protect the property, honour and dignity of the Tamil residents in Karnataka.
- x) Thereafter we took on record various statements collected by Ms. Geetha and also by Ms. Celine. One Ramaswami originally from Kollegal made a statement before us. He complained that when he went back, he did not get any compensation because the Revenue officer demanded half the amount that had been sanctioned. According to him, when the riot was going on, the police stated that for 36 hours they would not intervene so that the assailants could do whatever they liked.
- y) One Subramaniam of Kollegal Taluk also stated that they have not got any protection. He also placed certain photographs before us. In fact, on our way to Gopichettipalayam, we had visited the house of this witness and we have seen the destruction caused to the house. He suffered a loss of about Rs. 1 lakh. and he has been given compensation of Rs. 2,000/-. Similarly 2 others - Pachayyappa and Murugesan - complained that they have not received any compensation from anyone.
- z) During the course of the day, we met the Collector from Periyar district. Through his good offices we could get a brief account of the preventive measures taken in Periyar district to contain the violence in Tamil Nadu after the Bandh in Karnataka. We also got an idea of the administrative arrangements made by the Collector to receive the Tamil refugees from Karnataka and organise the relief measures.

He also stated that as the Tamilians entered the camp, they collected immediately the details about the loss of property and also about the



number of families that are affected and the persons suffered. We will refer to the particulars of influx of Karnataka Tamilians into Periyar later on, when we deal with the quantum of damages. But on the whole, we got a satisfactory picture of the arrangements made by the Periyar District Collector.

## VII

### At Gudalur on 28.2.1992

It is here that we got some evidence of retaliatory attacks on some of the Kannadigas, mostly after 27.12.1991 when the riots in Karnataka had subsided.

- a) One Mallayya from Nilgiri district stated that he has been staying in that area (Ovally village) for the last 3 generations. On 27.12.91 the local Tamilians came and attacked his house when he was sleeping. This was at about 10 p.m. He and his wife & children escaped from the house and took shelter in Gudalur. His house was burnt and all the articles were looted. He has placed some photographs before us. On 28.12.91 he approached the Tahsildar who gave him some clothes. The Tahsildar also helped him to re-arrange the house in a liveable condition and at present, he is living there. He has suffered loss of about Rs. 20,000 but he has not received any compensation. The police have already registered a case and three persons have been arrested. Thus, in this manner, about 10 to 10 kannadigas' houses were also attacked and destroyed. But he has no sense of insecurity or fear now.
- b) The next witness from this area is Mr. Mahadevan (Nelakote village). He is a labourer in a factory. He is a Kannadiga. His house was attacked on 28.12.91. His family members were assaulted. His house was set on fire and his things were destroyed. He lodged a complaint in the police station but the police have not arrested anyone. The Tahsildar had asked the details of loss suffered by them but no compensation has been given. According to him, he lost property worth about Rs. 20,000/-.
- c) From the same area, one Pattasiddhi, gave evidence before us. His house was also attacked on 28.12.91. His house has been totally destroyed. He lodged a complaint at the police station. The police removed the injured persons to Conoor hospital, and from there, they were taken to Ooty hospital. They remained in the hospital for one and half months. They have lost property worth about Rs. 25,000/- but he has not made any claim for compensation so far. He does not know why his house was attacked.



- d) One Ramdas, a Keralite whose wife is a Kannadiga staying at Gudalur gave evidence before us. He has some property in Berambadi village, Gudalur Taluka. His house was attacked in Karnataka on 23.12.91. He has suffered damages to the tune of Rs. 1 lakh, but he has been paid compensation, of about Rs. 15,000/- only. Since the day of attack, neither Tamil nor Kannada workers have been coming for work at the farm out of a sense of insecurity. According to him, nobody instigated the rioters. The rioters took upon themselves to loot the farm.
- e) An advocate by name A.C. Chacko from Gudalur, also an activist, came before us and submitted statements that he has collected from the affected persons. In particular, we asked him about the version that some Kannadigas were molested, their heads shaved etc. and whether they were beaten by the Tamilians at Gudalur. The witness informed us, that according to his information, some Kannadigas were taking cattle to Kerala and at that particular point of time they were passing through Gudalur when Ceylon repatriates looted and beat them up. Otherwise, he doesn't know anything about the incident as it appeared in the press in Karnataka. He also stated that about 6 houses, owned by Kannadigas, might have been destroyed and looted within one week after 23.12.91 or 24.12.91.
- f) We also collected from one Ramaswamy of Gundlupet certain statements received by him from the affected Tamilians. They could not submit these statements in Gundlupet as we had not scheduled to have a sitting there. They therefore travelled all the way to Gudalur to give evidence before us. Ramaswamy also stated, that the incident took place on 24th December, 1991 when their houses were destroyed and that they ran away. It appears that the Tahsildar of Gundlupet made arrangements for those affected persons to stay in Karnataka itself. That's how they stayed at Gundlupet and the Tahsildar of Gundlupet has given Rs. 5,000/- each to about 24 affected families. He further stated that the staff of the Tahsildar have been trying to locate the looted articles, but so far they have not been able to recover any articles.
- g) Similarly one Arumugam, came from Nanjangud Taluk and he too has collected a number of statements which have been taken on record. Arumugam also stated that he lived in a colony at Odenapura, where there are about 25 houses. The colony was attacked on 24.12.91. They ran away to nearby village called Kothanahalli, where

the villagers gave them protection. Thereafter, the Tahsildar of Nanjangud came there to rescue them and they were all accommodated in a local Kalyanmandapam where they stayed about a month. The Tahsildar has been able to give compensation of Rs. 4,000/- each to the affected families. They were about 150 or more persons. According to him, the people from neighbouring village looted their houses.

- h) Thereafter, Mr. Madhan, District President, BJP, Nilgiris and Mr. P. George CPI District Committee Member and Mr. V.V. Giri from CPI(M) and Mr. Chikkayya, District President of Janata Dal gave their joint memorandum before us. They also gave some photographs and video cassettes which are on record. According to them, the Kannadigas and Tamilians were living amicably in that area. When we asked whether any political party had instigated the problem in Tamil Nadu, they stated that the DMK alone had not worked for restoration of peace in that area.
- i) One Chandrasekharan, Treasurer and Regional Secretary of Malayala Makkal Maruvazhu Manram, Gudalur made a statement and in particular, he referred to the role of the police in the district. He stated that the police on the pretext of preventive action, took revenge on the Ceylonese repatriates. He says that they were not behind any of the incidents against Kannadigas in that district. When we enquired about any incident of assault on women, as per the news which appeared in the press, he stated that there was no such incident in Cherambadi. A Kannadiga school teacher by name Madhvaraj, a supporter of Vattal Nagaraj had a quarrel with one Mr. Murthy. This was reported to the police. The police took action against Madhvaraj.

Nothing beyond this had happened in that area. However, when the refugees of Tamil region came to Karnataka and narrated the incident that occurred in Karnataka, some kind of tension was built up and stray incidents took place here and there but there are no general reaction against the Kannadigas as such. According to him, the administration falsely blamed the Ceylonese repatriates for the occurrence in that area.

- j) One Ms. Annalaxmi a Ceylonese repatriate settled in Mysore, gave evidence before us. She came from the village Inikkal Mysore District. In this riot she has lost her husband. He ran away to some other place.



and his whereabouts are not known. She has not received any compensation.

- k) Mr. Chacko also placed before us statements of affected Kannadigas, Tamilians and Malayalees all of which have been taken on record.
- l) One Omprakash from this area, had infact, come to Bangalore and produced evidence before us at Bangalore on 23.2.1992. He had made certain statements about the incident that took place at Nilgiris. He came before us at Gudalur also. His house was attacked on 31st morning by 300 Tamilians and he suffered destruction of property worth about Rs. 7 lakhs. He made a grievance at Gudalur. But the Nilgiris District Collector thinks that he is not a Kannadiga because he is a Lingayath. He has not received any compensation so far. Along with Omprakash, we had certain other statements from this area showing the destruction of properties in the incidents that took place on 31st December, 1991. But the riots were brought under control.

## VIII

### At Dharmapuri on 29.2.1992

Dharmapuri, being nearer to Bangalore and Mandya, is the place where a large number of affected Tamilians rushed to take shelter on the wake of the riots at Bangalore on 13.12.1991. It was from Dharmapuri that the Tamilnadu administration sent refugees to different camps, situated at different places. We collected a sizeable evidence from the witnesses about the extent of destruction as also about the fate of the refugees and how they have been treated.

- a) One Ms. Geetha, a social activist had collected large number of statements of the affected persons from Vellore Camp organised for the Tamilian refugees in Dharmapuri district. She also examined one Muniswami who was one of the victims from Gandhi Nagar, H.D. Kote where his house was attacked after Christmas. He has stated that after a month of the disturbance they went back but they could not stay again in the village because the house was only bare four walls stripped off everything else. He still resides in Vellore camp. He has no courage to go back. There are about 60 to 70 persons in the camp. The Tahsildar of Vellore had been asking them to go back to Karnataka though there is no pressure.
- b) One Ms. Poomani also from the Vellore camp was examined. She is also from H.D.Kote Gandhi Nagar. She is reluctant to go back to Karnataka. She has not received any compensation so far.
- c) The third witness is one Nagaraj also from the Vellore camp. He was born in Karnataka. They have their own house and their own farm. They lost everything. His brother has gone back but advised the other members not to return as there is no safety for them here.
- d) Ms. Geetha also has collected some more statements from the people from village Bedara Halli from Tamil Nadu. They had been taken as labourers to Karnataka by a railway contractor to work at Mandya. They are all workers. They want to return to work at Mandya but they are scared to go back.
- e) Ms. Geetha then presented some more statements of Tamilians of Marawadi village, Dharmapuri district. These persons were employed as construction workers in Bangalore. At the moment they are all in



Tamil Nadu and they are also desirous to go back to Bangalore but they are scared. Similarly Geetha presented before us statements of affected Tamilian construction workers, hailing from 2/3 villages around Dharmapuri district. They too have the same story. According to them, they have lost everything in Bangalore. They are workers and they are ready to work wherever they get work.

- f) One K. Shanmugham a welder working at Mandya came before us and gave evidence. He says that on 16th December, 1991 his house was burnt and his wife and 3 children were burnt in the house. He was working at a factory at that time. When he learned the news, he ran and finally informed the Mandya police where instead of registering the case, the police lathi charged him. He came to Bangalore and met the Police Commissioner but his complaint was turned down. Then he came to Vellore camp on 31.12.1991. Now he is living in Madras Aid Camp. He doesn't wish to go back to Mandya. He also states that in the neighbourhood there were 3 babies burnt and two young girls were raped on the same day - i.e. on 16.12.1991. He has not claimed any compensation and he doesn't want any compensation. He wants justice - he wants his wife and children back and he does not require anything.
- g) One Padmavathy from Nandini Layout in Bangalore and her husband came and gave their evidence. Describing what happened on 14.12.1991 she says her husband was beaten. He got 32 cuts on his body. He was admitted in K.C. General Hospital, Bangalore. He has produced medical records before us. She also states that at the time of the incident i.e. on 13 December 1991 she was gang-raped by 4 persons right in the presence of other members of the family. In the hospital also her husband was asked to go away before next day. That's how they came to Tamil Nadu and she was put in Madras camp. She doesn't want to go back. She also says her brother-in-law, had also suffered injuries and died in the incident. She says, she would have committed suicide but she has to live for the sake of 2 children. They have received no compensation. This is tragedy beyond words.
- h) One Thangaraj came before us and gave evidence. He stated that he was beaten on 15.12.1991 by a group of goondas. He came to Vellore camp with the help of a Kannadiga who placed him on the train and asked him to leave Bangalore. He also doesn't want to go back to Bangalore.

- i) One Ethiraj who is in the Madras camp stated that though they had their house in Kamala Nagar, he doesn't want to go to Bangalore. He has been able to give the names of the assailants but the police seem to have taken no action.
- j) One Mrs. Sunanda told us that she was in the Vellore camp. She said, though she was getting food, she was not getting milk for her child and said, she has suffered a lot. She is a Kannadiga. Her husband is a Tamilian. She says that neither her in-laws would accept her in Tamil Nadu, nor she can go back to Karnataka.
- k) Thereafter we met the District Collector of Dharmapuri. We also met certain Revenue officials. They gave us certain data pertaining to the number of affected Tamilians who crossed over to Dharmapuri district and the arrangements made for them in the Refugee camps. He also stated that while the camps at Dharmapuri wound up and closed, some of the refugees had gone to Karnataka while some have stayed on in Tamil Nadu. The Tahsildars of the concerned areas are monitoring their rehabilitation.
- l) Ms. Geetha then presented a batch of complaints received by her from the affected persons coming from the village, Adyapady, 50 kms. from Cauvery, which is the nearest source of water. But the area has utterly dried up and it was for this reason, a large number of Tamilians from that area had gone over to Karnataka for work. Now they have lost everything in Karnataka, and also, they are not sure about their future in Tamil Nadu. She also presented a list of persons who have migrated from Bangalore.
- m) Thereafter one Subbu, Secretary of Tamil Maanila Kattida Thozhilalar Sangham gave a statement which contains his observations on the riots in Karnataka and Tamil Nadu. In this, it has been observed that significant sections of construction labourers in Bangalore, Mysore and Mandya are from Tamil Nadu. They are illiterate but they are giving education to their children in Tamil and Kannada medium in Mysore. It says that these are the persons, who were mostly attacked during the riots. The statement also refers to the fact that there was a Bandh in Tamil Nadu on 27.12.1991, but it was peaceful except for few incidents at Nilgiris etc. It also shows that there were 41 camps spread out in Coimbatore, Periyar, Dharmapuri, North Arcot and Madras District. Most of the people in the camps have been told to go back but the people are reluctant to go back.



## Our Findings

On the basis of the evidence and facts placed before us we answer the reference as under:

### I. Cause for the Riots:

#### a) State sponsored 'Bandh'

As for the Bangalore riots, the immediate cause was the State sponsored 'Bandh', called on 13th December 1991. In our opinion, 'Bandh', if sponsored by a government, is unconstitutional. The function of the State or the government is to rule in accordance with the Constitution. It cannot abdicate its constitutional responsibility, by suspension of its duties, whatever be the cause, worthy or otherwise. 'Bandh' can only be a weapon in the hands of the people to protest against State repression or authoritarian injustice. But the State itself cannot protest against its own acts of injustice. The State, at the most, can correct itself. Imagine, what would happen if the Union of India or for that matter all the States, declare Bandh for the whole country? State-sponsored Bandh is an invitation to anarchy. This is exactly what happened in Bangalore and the surrounding towns for those three days.

#### b) The Police:

Consequent upon the State sponsoring the 'Bandh' the police failed to discharge its function. This is the second reason. We have recorded voluminous evidence from various witnesses and other sources, sufficient to hold that the police did not give protection to the people who were assailed. By and large the police force remained a spectator only. This applies equally to the riots that broke out subsequently in the border areas of Mysore district. If the police had acted firmly and effectively the destruction and vandalism could not have been to the extent we have seen all over. For example in the town of Chamarajnagar particularly the police had, relatively, effectively controlled the situation such that there were no untoward incidents. Similarly, when the CRPF was inducted in the Mysore district, the riots stopped. So also, in the Nilgiris and the Periyar when the riots broke out, against Kannadigas, it was brought under control by the

police, immediately. At H.D. Kote the police officer informed us that with the number of police personnel he had, it was not possible to control the situation. That is no excuse. With the service of Intelligence at their command, they could have had additional force without any delay. In any case, there is no answer to the statements made by the witnesses that many houses were destroyed and looted right in the presence of the police.

At Bangalore, many witnesses have stated that it was the police themselves who had entered the houses and indulged in acts of violence and destruction.

Even after the riots subsided, the police did not act swiftly or efficiently. Witness after witness has deposed before us that they have named the assailants, but the assailants are "freely moving about" and no effective action has been taken against them. In many cases of looting, the property could have been promptly recovered, which the police have failed to do. The question is, why did the police behave in this manner. Is it because they have hatred towards Tamilians? We have no such direct evidence, excepting at one place where a Circle Inspector Madappa is reported to have told Ex-Panchayat President not to help the Tamilians. But that is not sufficient to indict him on that count. Then, why did the police behave in this manner? Is it because, they have been instructed not to interfere in the riots? One or two witnesses have said so; but that again is not sufficient to say so, positively. But that does not mean, that they could have acted in such an irresponsible manner, without any backing from the higher-ups. We are inclined to think that if the police remained silent spectators when large-scale systematic looting, arson, rape and destruction was taking place, it was not because they wanted to remain so on their own, but because they were certain that they could not be blamed or taken to task for any dereliction of duty. If it were otherwise, we would have had some material before us or in the press reports about the government having taken action against these erring police personnel. Thus, both legally and morally, the government and the police can be held directly responsible for all these riots and the consequences, thereof.

#### c) Anti-social elements and Politicians:

We have enough evidence to hold that the anti-social elements took full advantage of the 'Bandh', at Bangalore and surrounding towns,



and of the false rumours published at Gundlupet, later on. No socially responsible person would have ever acted in the manner as they have done, forgetting all humanism and decency. They were sure that the police would not prevent them.

This was made certain on 12th December 1991 when the Rajkumar Fan's Association took out a procession at Bangalore, and indulged in stone throwing and other acts of mischief, without any protest from the police. In all probability, these anti-social elements had the backing from the politicians, particularly because of the prevalent criminalisation of politics and the mutual interdependence of the politicians and goondas. That is obvious here as otherwise the police would have apprehended these persons before the incident or in any event atleast after the incident.

However we have no direct evidence to hold that a particular politician or set of politicians indulged in these acts. There have been references to Rajkumar Fans' Association and Vatal Nagaraj and the Kannada Chaluvaligars. It is possible that members belonging to these organisations have indulged in these acts. But we are not in a position to identify any individual leader or politician as having been particularly responsible for the same. But the more important question here is, what did the politicians do during the riots? We have some evidence to show that one or two Ministers and the Chief Minister visited some of the areas after the riots had subsided, and they are reported to have given assurances to the people, if they were to come back. But we have no evidence, or even paper reports to show that any of the M.L.As or other leaders actually intervened to prevent these disturbances. In any case, they could have actively assisted in defusing the situation. They are representatives of the people and as such, leaders in society. It becomes their duty to protect the interests of the people. But if they deliberately refused or failed or neglected to protect the interests of the people, to that extent, they become answerable to the people for their conduct.

**d) Government's role in transporting the affected persons to Tamil Nadu**

The evidence shows that in the wake of the riots, instead of giving protection to the affected persons, the government created more panic by telling those persons, that they would have to leave Karnataka and go back to Tamil Nadu. A number of witnesses have

stated that whenever they went to the police and complained about the incident both in Bangalore as also in Mysore district, the police have plainly stated that the victims had no choice but to go back to Tamil Nadu.

The evidence shows that at Bangalore and surrounding towns people were put in the trains and they were sent to Tamil Nadu. In the district places the government itself arranged government State Transport buses to Tamil Nadu. Father Joseph at Jampanahalli gave protection to about 2000 refugees in his establishment. The police came there but ultimately the government would not come forward with any programme for rehabilitation in the area itself. Instead, all those persons were literally compelled to go to Tamil Nadu for their protection. This happened in all the places. In our view the government had a constitutional obligation not to drive away citizens from one State to the other. That is the negation of the fundamental right of the citizens to live wherever they want. Protection of citizens' lives and liberties does not mean that they should be at the mercy of another State. Such an act is constitutionally irresponsible. This resulted in large-scale exodus of affected persons to Tamil Nadu.

It created more panic. It emboldened the assailants to carry out destruction further. In most of Taluka places in Mysore district, the looting and destruction of properties took place when the victims were away, either hiding in the forests or when they were forced to leave for Tamil Nadu. If only the government had put its foot down and made all arrangement for giving protection to the affected persons within the State itself, the extent of the damages would have been much less, the assailants also would not have been that bold to indulge in total destruction of properties. In any case, rehabilitation would have been easy.

**e) Rumours and the role of the Press:**

The Tamil Sangham openly stated that the attack was a pre-planned one which was in the offing for about six months before the incident. The press had carried number of statements from various political leaders mostly based on chauvinistic sentiments. This resulted in an atmosphere of tension. In this state of affairs, the vulnerable sections of the society were made to believe any story that was spread without any foundation or truth whatsoever. That is how in the taluka places the riots began because of the press statement that the heads of the



Kannadiga women were shaved and that they were molested. The evidence shows that there is no truth in those allegations. Neither in Tamil Nadu nor in Karnataka has anyone come forward before us to say that such a press report was in fact true. We have seen some of those reports, particularly in Mahanandi, Andolana and Arathi (Kannada local dailies of Mysore city). We were infact also told that the press reporters themselves had later on confessed that there was no truth in the reports and that they had been emotionally carried away.

These papers, therefore, had no business to publish exaggerated, distorted or false reports, knowing fully well that such reports would lead to ethnic conflicts. In any event, they had a duty to prominently publish later on that the reports were not wholly true. Thus it is clear that these three papers had acted in an irresponsible manner and had directly contributed to the violence done to the Tamils and their property.

Taking advantage of such false reports the assailants started spreading panic amongst Tamilians. They started saying that thousands of persons were coming from Mandya to attack the Tamilians in these border areas. The evidence shows that nobody had come from Mandya. This rumour was deliberately spread by the persons who had planned to attack the Tamilians. As the police could have known about it, they could have immediately scotched the rumours. The government also did not issue any clarifications in this behalf. It is such rumours that created panic and made the Tamilians run for shelter, and this gave an opportunity to the local assailants and neighbours to first loot and then burn the houses of Tamilians situated in these villages. Even after the riots subsided such rumours were appearing from time to time. In fact, as we were recording the evidence in the Taluka places, we were told that riots might break out again because at that point of time the Prime Minister's effort to solve the problem had failed. Similarly, the evidence shows that at Gudalur also the riots began because of rumours that Kannadigas would be attacked by Tamilians. We have seen some pamphlets published at that time, which made some of the Kannadigas leave Cherambadi. But in all these cases the government have not acted promptly.

#### f) Cauvery River:

We are of the firm opinion that Cauvery river was not the cause of these riots at all. The river was flowing throughout in all its serenity and majesty, as usual. We are also of the opinion that the Cauvery water dispute itself, was not the cause for the riots. The dispute has been going on for the last several decades. It had not resulted in any riot of this scale in the past. In fact, the persons affected had nothing to do with the Cauvery river dispute at all. In Bangalore the Cauvery river doesn't flow. There is no reason why the persons residing here should have been attacked. Even in the Taluka places there had been no quarrel between any two groups on account of the Cauvery river. In fact, by giving water to Tamil Nadu as per the interim award, and if that was excessive, both the Kannadigas and the Tamilians living in Karnataka who were making use of the Cauvery river water would have been equally affected. In that sense these Tamils could have been considered as much aggrieved as Kannadigas. Therefore, if these riots had broken out, it is not because of the dispute but because of the persons who roused the chauvinistic sentiments and who spoke irresponsibly, and without objectivity, having no respect for the rule of law. Our Constitution ordains that we shall be ruled by law and not by men. When a judicial tribunal decides, it cannot be unsettled on the streets. When the Tribunal made the award or when the Supreme Court decided against the government, leadership demands an enlightened and informed approach to avoid a desperate situation. It cannot be said that just because the interim award is made, everything is lost. Ranganathan, President of Chamarajnagar Taluka Tamil Sangham, has stated that the violence was only to demonstrate that the Tamilnadu government could not get away with the favoured treatment by the Tribunal and the Centre.

We only hope that the government would soon go into all these details and see that justice is done to these persons. The Government perhaps thinks that inviting these affected persons back to Karnataka was all that was required. The government also thinks that by giving some compensation, they could be rehabilitated. This indicates no proper understanding of the problem. The rehabilitation should include rehabilitation of every individual in all aspects of his/her life. It means - giving them assistance, giving them confidence.

There is also another problem in the border areas. In several villages, we have seen the standing crops, with no one to attend to the same.



The Tamil labourers have not come back. In the case of many farmers, the pumpsets are damaged or stolen. There are not sufficient implements. The witnesses have stated before us that if the Government does not come forward with urgent steps or schemes, the current crop would suffer. We are inclined to agree with these submissions.

## II The Damages

We have recorded a large number of statements of persons who have in their evidence described clearly the loss suffered by them, the value thereof and the compensation offered by the government. Whatever statements we have collected, we have analysed and tabulated. We have annexed hereto those tabulated statements which will show the amounts claimed by the persons who came before us, and the compensation given to them by the government. The statement is annexed hereto and marked Annexure. 3.

In Periyar district, we have been able to get some data which again shows the value of the property lost by the refugees as they came to Tamil Nadu. In fact, as and when the Tamilians came to Tamil Nadu and were put in the refugee camps, the officers concerned were instructed to collect the particulars of those persons and the value of the property lost by them. The figure shows a staggering sum of Rs. 113 crores (approximately). We have annexed those datas and marked as Annexure 4. Similarly, at Dharmapuri district again we could collect some of the data from the revenue officers and we have annexed those statement as Annexure 5. All these figures give us the magnitude of the loss suffered by the people. The above facts and figures would at one glance show, that even after making an allowance for exaggerated claims, what the government has offered them is peanuts as compared to the actual loss suffered. The government has not come with any solution so far either for proper assessment of the loss of property, or with any fair scheme of ex-gratia payment, outright for all the victims.

But the more important question is the damage done to the personhood of each of these persons, which cannot be assessed in terms of money at all. We regret to say that both the Government of Kamataka and the Government of Tamil Nadu have not realised the magnitude of this aspect. What is required is compassion, more than compensation.

When the riots subsided, the Chief Minister of Kamataka made an appeal to the Tamilians to come back, without any thought or plan whatsoever for rehabilitation of the affected persons. The Government should have realised that in the prevailing situation, no Tamilian could have returned and settled without proper support from the Government. Similarly when the riots subsided, the Government of Tamilnadu felt that their responsibilities were over, and that the refugee camps could be closed down and the affected Tamilians could be sent back. The Government should have realised that if the refugees desired to continue in their camps, it was not because that they had liked the camps, but it was because they had no choice. But to force them to go back was to literally throw them on the streets. This is the fate of several refugees, who have become total destitutes.

And what about women and children? Women who have been raped? Children who have lost their parents? What compensation can bring them back what they have lost? When Padmavathy was gang-raped right in the presence of other members of her family, she wanted to commit suicide, but she did not do so, for the sake of her two children. What compensation would the Government give her? How would any one assess the damages for the trauma suffered by thousands of persons when they were put in hundreds of State Transport Buses and forcibly taken across the border, leaving all that they had at the mercy of the looters and anti-socials? We hope, that in any scheme for payment of compensation which the Governments may, hopefully, bring forth, this need for compassionate amelioration is not lost sight of.

## We Recommend:

- a) That there shall hitherto be no State sponsored "Bandh" at all.
- b) If due to a 'Bandh' or any demonstration or otherwise, any ethnic conflict arises, the State Government cannot take sides in such conflicts. Though the Indian Society is pluralistic, the nation is one. The State owes its allegiance to the nation and the Constitution, before it owes any allegiance to the particular State or to any particular ethnic group. If the State so conducts itself in its dealings with the people that it favours one particular ethnic group as against another, it is against the spirit of the Constitution. A citizen of India has a Fundamental Duty under Art 51A(e) "to promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities.."



That means that the State cannot act derogatorily to these principles. State chauvinism, if encouraged, would at once weaken the allegiance of the citizens to the nation, as their allegiance would be to their own State. It is time that our leaders realise that State chauvinism and National Integration cannot but go ill together.

- c) Since there was a complete break-down of law and order, both at Bangalore and nearby towns and later at the Taluka places in Mysore District, people have a right to know why there was such a break down. The government owes a duty to the public to inform why there was such a break-down. Who was responsible for the same? And which officer or officers? What action has the Government taken against those erring officers? Whose decision was it to transport the Tamilians across the Border? On what basis was such a decision taken? Did the Government consider any alternate measure to secure the safety of the citizens? The Government must answer all these questions to the satisfaction of the people. Democracy without accountability is no democracy at all. Be it the Executive, the Legislature or the Judiciary, if not accountable to the people, they will slowly but surely, and perceptibly, tend to become autocratic. If the officers are responsible for these disturbances, the government must take action against them. If on the other-hand, the political leadership itself could be held responsible, it is but fair that they own up their deeds and misdeeds and make amends in tangible terms.
- d) We found that when the disturbances spread in the Taluka areas, it was only after the CRPF was brought in that the riots could be controlled. In fact the CRPF personnel also helped in recovering the looted properties in certain areas. However this force was soon withdrawn, even before the Tamilians returned to Karnataka. We have not been able to appreciate why the CRPF was withdrawn, that early. What it does indicate, however is that it was as if this was the only responsibility taken by the Centre in this whole episode. Whenever any such ethnic conflicts lead to the break down of law and order, and the concerned State Government takes sides with one group, as against the other, it becomes the duty of the Central Government to intervene, not only to restore law and order, but also to set right the balance between the two groups. Under Art. 355 of the Constitution of India, it becomes the duty of the Union to protect every State against internal disturbance, and to ensure that the government of every State is carried on in accordance with the

provisions of the Constitution. If over a lakh of persons belonging to a particular linguistic group have been driven away from the State, through State Government machinations and instrumentalities, certainly it cannot be said that the Government is being carried on in accordance with the Constitution. We find that Art. 355, read with Entry 2, 2A of List I and Entry 1 of List II and Entry I of List III, of Schedule VIII, gives enough Executive Power to the Central Government to intervene in such a situation. We regret that the Central Government failed to recognise the magnitude of the problem.

- e) Our terms of reference include recommendations, if any, for resolution of inter-state water disputes. As far as the present dispute relating to Cauvery River is concerned, we consider that it is not for us to recommend any solution. The matter is presently before the Tribunal. Even otherwise, nobody has made any submissions in that behalf. But we may, in general observe that all such disputes should be resolved within the parameters of the Constitution, and not by resorting to extra-constitutional methods. Art. 262 and 263 provide for Constitutional methods to resolve such disputes, keeping in mind that all such rivers belong to the nation as a whole and run through Indian soil. There is no scope for any State to think that it could be at war, with another State, for water or for anything, despite the tendency amongst some of the Chief Ministers to imagine that each State is their own fiefdom.
- f) On the question of rehabilitation and compensation, we recommend the following. We have already indicated some of those urgent measures, when we made the interim report (See Annexure II)
  - (i) The Government of Karnataka should constitute a Tribunal for determination of the Compensation and payment, to the affected persons. Since the affected persons are about one lakh, we suggest that there should be at least twenty presiding officers in the Tribunal, so that each of the presiding officers can sit separately, in about twenty places, some in Bangalore and surrounding towns, and the rest in the Taluka places at Mysore. The Tribunal should adopt a simple procedure to assess the compensation, and if necessary, by inspection of the sites. The Tribunal should be able to determine and pay compensation within about four months. The revenue officials and the local Municipal Officials must be asked to assist the Tribunal. The



Tribunal should also be authorised to sanction and pay ex-gratia compensation to such of the victims whose loss cannot be assessed in terms of money. We recommend that the Government of Tamil Nadu must also constitute a Tribunal as above, for the affected Kannadigas at Gudalur and Nilgiris.

- (ii) The Government of Karnataka must announce a scheme for rehabilitation of those who are unable to find any means of livelihood, on their return to Karnataka. The Scheme should include jobs and shelter for all the affected persons who are unable to have both, or either of the two.
- (iii) The Government of Tamilnadu should also announce a similar rehabilitation scheme to the refugees who do not desire to return to Karnataka, but are without any adequate means of livelihood.
- (iv) We recommend that the Government must take immediate steps to apprehend all culprits who had indulged in acts of violence, arson, looting, raping, molestation, assault etc. Some of the victims have given the names and some of them will give further names and identify their assailants, if only they are taken into confidence. Since the local police themselves were responsible for these acts, we recommend that the Government should consider entrusting the investigation to officials who are independent of such local leanings, preferably the C.B.I. or special Branch C.I.D.
- (v) We recommend that there should be Peace Committees in every affected ward and in every village. The Peace Committee should have responsible members from both the ethnic groups. The police should be directed to give all assistance to the Peace Committee.
- (vi) One of the suggestions made before us is that, in the Taluka places and in villages, the Tamilians should be provided with a colony or cluster of houses, the idea being that if they are attacked they can unitedly withstand the same. Though, basically, we do not approve of the idea of each community living separately in separate and ear-marked localities, we recommend that such colonies may be thought of in extremely vulnerable and sensitive areas where there may be a possibility of eruption of violence, once again. The proper thing is for the Government to guarantee

security for all the affected persons, so that they can still come back and live with the rest as members of one community.

- (vii) Large number of women and children have not been able to comeback. Many children have lost their school records and books. Some of the affected persons have lost their valuable documents, such as property cards, title deeds, rent receipts etc. Some of them have lost their papers pertaining to loans for tractors, agricultural implements, tools, pumpsets, besides actually losing all these things. All these problems will have to be tackled by the Government, so that justice is done to each one of them, by giving suitable assistance.



## Epilogue

*"So farewell hope, and, with hope,  
farewell fear,*

*Farewell remorse- All good to  
me is lost;*

*Evil, be thou my Good"*

- Milton's Paradise Lost, Book 4

We have surveyed one of the great disasters of recent times. We regret to say that there is a perceptible tendency of increase in State repression, everywhere, and thereby, the Government is inclined to develop an attitude of indifference to the misery and sufferings of the people. If this continues, ultimately the people will have to organise themselves to resist such situations. If the Indian Peoples Human Rights Commission has taken up this cause, it is because of its awareness that the government is generally slow or even negligent in reacting to these events. If only the government has the slightest introspection on its acts of commission and omission, it could have rendered all assistance to us. But we still hope that the government would give a serious thought to this report.

Before we part with this matter, we would like to place on record our appreciation of the work done by the groups mentioned in the introductory paragraph and also by several other activists, who had not only gone round and met several of the victims and heard and recorded their tales of misery and sufferings, but also later on induced them to come forth and give evidence before us. The video and audio tapes that have been produced before us, give ample evidence of the work done by them.

## ANNEXURE-I

### PEOPLE'S HUMAN RIGHTS TRIBUNAL

Chairman : V.R. Krishna Iyer  
Former Judge, Supreme Court

#### PROCEEDINGS

I, Sri V.R. Krishna Iyer, Chairman of the People's Human Rights Tribunal, having received a request from the President, People's Human Rights Commission, for enquiry into certain violent happenings, destruction of property, danger to life and liberty, feeling of masses of people, and the like, in the Karnataka State and some (though far lesser in degree and quantum) happenings in some places in Tamilnadu, and having considered the grave concern and public interest involved in the ascertainment of facts connected with this unfortunate series of violent events as a fall-out of certain orders and measures taken by relevant Tribunal and Courts in relation to the sharing of the Cauvery Waters which flow through Karnataka and Tamilnadu States (among others). I consider the matter of national importance that there should be a people's level Judicial Enquiry into the numerous untoward and inhuman events and horrendous havoc above referred to which occurred in Karnataka and the violence and violations which happened in some measure in Tamilnadu also.

Having obtained the consent of Sri Justice D.S. Tewatia, former Chief Justice of Calcutta, and Sri Justice Suresh, former Judge of the Bombay High Court to serve on the Tribunal to conduct a full enquiry into the causes and all the aspects of the incidents of violence, of tension, of destruction, other injurious consequences and the role played by political elements, goonda elements, linguistic chauvinists and yet other anti-social operators and factors. The Committee will go into these matters as well as the quantum of damage suffered in terms of life, liberty and personal property. Other seminal observations, constructive suggestions bearing on the larger issues in relation to the handling of river water and like disputes, ethnic, linguistic antagonisms and functional failures of authorities in such emotionally charged confrontations and their impact on the people and inter-State relations, may well come within the purview of the People's Tribunal.

The 'Tewatia - Suresh Tribunal' will hold sittings, make visits and inspections to various places which were affected and look into every



aspect bearing upon the unfortunate happenings. Evidence, without the restrictions of the Indian Evidence Act, but which bear broadly upon the culpability or innocence, omissions and actions of Government, Ministers, minions and other anti-social elements which have allegedly resulted in the calamitous events will be looked into, the Tribunal being free to frame its own procedures consistent with natural justice and fairness.

The Tribunal will make a Report within three months from to-day, to the Chairman and it will be released as a Report to the People of the country, special emphasis being placed on violations, overt and covert, of human rights of the common people. It is hoped that the two State Governments of Karnataka and Tamilnadu and their officers will co-operate in making the enquiry meaningful, objective and complete and make available to the Tribunal all materials in their possession or control. I request the people affected, the social activists, women's organizations and all social action groups involved or interested to place such materials as they have before the 'Tewatia - Suresh Tribunal'.

The Tribunal will keep an open mind, make an impartial approach, seek light from every willing source and will have no bias. Truth is the purpose and process, the nation and human rights lovers their constituency.

An office will be notified in Bangalore for people to communicate with the Members of the Tribunal.

DATED this the 31st day of January 1992.

V.R. KRISHNA IYER

## ANNEXURE-II

### DEBI SINGH TEWATIA

Ex-Chief Justice Calcutta High Court,  
A-27/15, DLF Qutab Enclave,  
Phase - 1, Gurgaon - 122 002, HARYANA.

To,

The Hon. Chief Minister of Karnataka,  
Vidhana Soudha,  
Bangalore-1.

Sir,

Re: Indian People's Human Rights Tribunal  
Proposed Interim Measures.

We, as members of Human Rights Tribunal, commissioned by its Chairman Justice V.R. Krishna Iyer, at the instance of the Indian People's Human Rights Commission, wish to place before you the following for your immediate and personal attention.

As you are aware, we have been entrusted by the Human Rights Commission to go into the question of large scale violation of human rights belonging to a particular linguistic minority, in all its aspects. Accordingly, we had various sittings at various places commencing from 22.2.1992 till 29.2.1992. We had sittings at Bangalore, H.D.Kote, Chamaraajanagar, Kollegal, Marathahalli, Gobichettipalayam, Gundlupet, Gudalur and Dharmapuri. We met a large number of Tamilians affected by the recent disturbances at the above places. We have statements from about 3,500 persons and we have recorded evidence of about 200 witnesses. We have had discussions with number of persons both Kannadigas and Tamilians, as also several officials. While we intend to make a detailed analysis of all the materials placed before us on the basis of which we hope to make an objective report, we desire that certain steps are immediately called for, to avert any further disaster in the present situation. We are happy to note that by and large there is no enmity between Kannadigas and Tamilians. Yet, there is a tremendous sense of insecurity amongst the affected Tamilians, which needs to be corrected without any delay. We also noticed that many of the affected persons are desirous of returning to Karnataka which is their homeland for the last several years, and for some for generations, provided they are assured of adequate protection. We have also noticed that a majority of the refugees who have returned to Karnataka find it impossible to live here, as they have no means of livelihood at all,



apart from the fact that their homes are destroyed beyond repair. We may also mention that many of them are literally starving with no food and shelter, while both the Governments of Karnataka and Tamilnadu seem to be utterly indifferent to their miseries. We always felt that in this country which believes in Justice, social, economical and political, for all the citizens with the guaranteed right to life under Act 21, of the Constitution of India, the State cannot abdicate its duties to see that no one is left a destitute, all because certain hooligans have let loose their vandalism and violence on innocent people.

In these circumstances, may we suggest that as a matter of urgent measure, the State should provide the following, without any delay:

- (a) In every village and ward of the affected areas, a Peace Committee consisting of responsible members from both the linguistic groups should be constituted forthwith, with full responsibility for maintaining peace in each of those localities. As far as possible, no person against whom allegations of violence or looting are made, should be included in such committees.
- (b) The police should be directed to give full support to such Peace Committees for the purpose of maintaining peace and also for the purpose of giving adequate protection to the affected persons.
- (c) All college and school authorities should be directed to send their students who are in the National Social Service Scheme to be actively involved in the Peace Committees, and to assist the Peace Committees in carrying out their functions.
- (d) As a measure of relief and to provide a source of income, all affected persons who are without any means of livelihood, should be engaged in community projects, such as road-making, road-repairing, irrigation projects, railway contracts etc.
- (e) The State Government should see that each of the affected persons is able to re-build his house, for which financial assistance be given on realistic terms.
- (f) All Public Financial Institutions including rural banks should be directed not to enforce the terms relating to repayment of loans taken by these persons till they are fully rehabilitated.

- (g) Public Financial institutions and Co-operative Banks should be induced to come out with proper schemes to rehabilitate these affected persons on reasonable terms.
- (h) All Revenue authorities should be directed to preserve their Revenue Records and see that all agricultural properties and tenures are restored to the persons who are duly entitled under the Law, as many of them have lost their records due to arson and looting.
- (i) The Police should be directed to make an honest and vigorous attempt to trace all the things and articles looted by culprits, and they be promptly restored to the lawful claimants without any delay.
- (j) You as the Chief Minister should issue a public appeal requesting all the affected persons to return to Karnataka, with an assurance that they will be given full protection. Instructions be sent to all the authorities to scotch all false rumours which are designedly spread from time to time with a view to excite emotions that cause tension in the Society, and nervous apprehensions in the mind of the public.

We, therefore, earnestly appeal to you that the above measures, in addition to such other measures as you have had thought of, be immediately implemented.

We wish to inform you further, that we have also similarly sent an appeal to the Chief Minister of Tamilnadu for the purpose of rehabilitating the Kannadigas affected within Tamilnadu, and also the Tamilian refugees who do not desire to come back, but require to be rehabilitated in Tamilnadu.

Thanking you,

Yours sincerely,

(DEBI SINGH TEWATIA)  
Ex-Chief Justice  
Calcutta High Court

(H. SURESH)  
Rtd. Judge  
Bombay High Court

Bangalore 1.3.1992

PS: A copy of this letter will be issued to the press, after the same is delivered at your office.



**DEBI SINGH TEWATIA**

Ex-Chief Justice,  
Calcutta High Court,  
A-27/15, DLF Qutab Enclave,  
Phase-1, Gurgaon - 122 002, HARYANA

To

The Hon. Chief Minister of Tamilnadu  
Madras  
TAMILNADU

Madam,

Re: Indian People's Human Rights Tribunal - Proposed Interim measures.

WE, as members of Human Rights Tribunal, commissioned by its Chairman Justice V.R. Krishna Iyer, at the instance of the Indian People's Human Rights Commission, wish to place before you the following for your immediate and personal attention.

As you are aware, we have been entrusted by the Human Rights Commission to go into the question of large scale violation of human rights belonging to a particular linguistic minority, in all its aspect. Accordingly, we had various sittings at various places commencing from 22.2.1992 till 29.2.92. We had sittings at Bangalore, H.D.Kote, Chamarajanagar, Kollegal, Marthahalli, Gobichettipalayam, Gundlupet, Gudalur and Dharmapuri. We met a large number of Tamilians affected by the recent disturbances at the above places. We have statements from about 3,500 persons and we have recorded evidence of about 200 witnesses. We have had discussions with number of persons both Kannadigas and Tamilians, as also several officials. While we intend to make a detailed analysis of all the materials placed before us on the basis of which we hope to make an objective report, we desire that certain steps are immediately called for to avert any further disaster in the present situation. We are happy to note that by and large there is no enmity between Kannadigas and Tamilians. Yet, there is a tremendous sense of insecurity amongst the affected Tamilians as also amongst Kannadigas who are in Tamilnadu, particularly in the Nilgiris, which needs to be corrected without any delay. We learnt at Gudalur where we had our sittings, from the affected Kannadigas that many of their houses have been destroyed and they are without any proper shelter. They also have a sense of insecurity about their future. Similarly, we learnt at Gobichettipalayam and at Dharmapuri where we met large

number of Tamilian refugees that though the refugees were not in a position to go back and settle in Karnataka, they were compelled to leave the refugee camp. In the result, quite a number of such refugees are staying in Tamilnadu, but, without a proper means of livelihood and probably at the mercy of their relatives and friends. So also, some of the refugees who are now left in some of the camps are being compelled to vacate the refugee camps, but without any means for sustaining themselves on their own outside those camps. It is in these circumstances we felt that the State, be it Karnataka or be it Tamilnadu, cannot abdicate its functions that right to life is guaranteed under all circumstances. We therefore suggest that as a matter of urgent measure, the State should provide the following without any delay:-

- (a) In the Nilgiris, wherever Kannadigas are affected, Peace Committees be formed and responsible members of the community belonging to both the linguistic groups be included therein for the purpose of taking the responsibilities of maintaining peace in those localities. The police be directed to give full support to such Peace Committees for the purpose of maintaining peace and also for the purpose of providing those persons with a sense of security for their future.
- (b) Those who are still in the refugee camps and who are unable to sustain themselves on their own if they are made to leave those refugee camps be allowed to continue in those camps till the state provides them with a proper employment or means of livelihood.
- (c) Such of the persons who have left the refugee camps, but who are unable to go back to Karnataka on account of fear or insecurity or for any other reason such as for want of shelter or employment, be provided with jobs to enable them to make a living.
- (d) As a measure of relief and to provide a source of income, all affected persons who are without any means of livelihood, should be engaged in community projects, such as road-making, road-repairing, irrigation projects, railway contracts etc.
- (e) Till such time these refugees are given employment, they may be given financial assistance and in that process, public finance institutions be encouraged to come out with suitable Schemes either for financing them or for providing them with suitable job opportunities.



- (f) Adequate steps be taken to scotch all false rumours which create a sense of insecurity amongst the refugees who may be willing to come back to Kamataka provided they are guaranteed protection and security in Kamataka, which can only be possible if suitable climate is created.

We therefore earnestly appeal to you to take immediate measures as mentioned above with a view to avoid any further sense of frustration amongst them.

We may also mention that we have also issued a similar appeal to the Chief Minister of Kamataka for providing interim measures.

Thanking you,

Yours sincerely,

(DEBI SINGH TEWATIA)  
Ex-Chief Justice

(H. SURESH)  
Rtd. Judge  
Bombay High Court

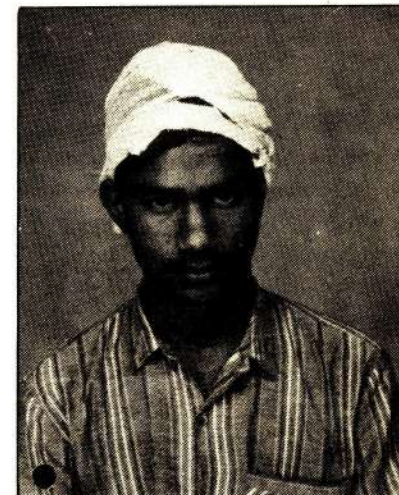
Bangalore:  
1.3.1992

PS: A copy of this letter will be issued to the press, after the same is delivered at your office.

### ANNEXURE III The Photographic Evidence.....



G. Selvan, Srirampuram, Bangalore. Was hit on his forehead and hands by the police. He still suffers from giddiness.



Witness Zakeerunissas son, Cholarapalya, Bangalore. Injured in the violence on 13th Dec. 1991.



N.Krishnan, Hampapura, H.D.Kote. Rioters took the diesel, poured it on the tractor and set it aflame. His house, sugar cane field and the paddy husk was also set on fire.





*M. Rama Kutty, Begur, Gundlupet taluk. On 24-12-91, neighbouring villages set fire to his entire house and destroyed the standing crops.*



*S.K.Mohammed Haneef, Gundlupet. His house was broken down, everything looted and destroyed.*



*All that remains is a hollow shell; Kollegal.*



*Months of hard labour go up in smoke, burnt sugarcane fields in Kollegal.*



*She stands amidst the ashes and charred remains of what was once a home;*





Gundlupet; Destruction of a source of livelihood



Krishnan, Doddakēre, surveying what remains

#### ANNEXURE-IV

### Indian Peoples' Human Rights' Tribunal - 23/Feb/92 To 29/Feb/92 Summary of Data Collected from the Depositions at Sittings in Karnataka & Tamilnadu

Date	Venue of Depositions	Nature of Damages/Losses/Injuries										No. of Cases Reported	No. of Depositions	Total Estimated Loss	Compensation Received from the Govt.
		A	B	C	D	E	F	G	H	I					
23.2.92	Bangalore	20	642	125	1	229	182	1	6	9		1215	38	217,36,765	6,72,710
24.2.92	H D Kote	36	65	95	5	1	1	0	0	3		206	24	83,54,575	1,63,300
25.2.92	Chamarajnar	16	711	544	18	8	10	0	0	0		1307	17	7,88,81,753	8,85,700
26.2.92	Martahalli	25	123	20	0	3	13	0	3	0		187	72	227,38,045	4,46,900
27.2.92	Gobichettypalyam	1	147	0	0	2	56	1	0	0		207	60	194,07,049	800
28.2.92	Gudalur	8	186	34	14	3	0	1	2	0		248	10	121,91,730	77,500
29.2.92	Dharmapuri	14	300	11	3	44	151	0	1	2		526	39	68,09,085	0
Total		120	2174	829	41	290	413	3	12	14		3896	260	17,01,19,002	22,46,810

(Note:

A - Damaged after fleeing

B - Arson/Looting

C - Standing Crop/Agri. or Commercial Equipment Damaged

D - Cattle Lost/Killed/Burnt

E - Injured/Wounded in the Violence

F - Fled in fear, leaving belongings behind

G - Vehicles Burnt/Damaged

H - Killed /Died

I - Molested/Raped/Women assaulted



# ANNEXURE-V

## Particulars of Influx of Karnataka Tamils into Periyar District

Sl. No.	Name of the Taluk	No. of families	Total members	Estimated loss (in lakhs)
1.	Kangayam	17	58	1.54
2.	Erode	272	1156	74.22
3.	Perundurai	136	535	231.82
4.	Dharapuram	48	130	23.96
5.	Gobichettipalayam	111	453	228.73
6.	Bhavani	727	1940	318.74
7.	Sathyamangalam	6511	26114	8964.13
	**Sub-Total	7822	30386	9843.14
Add:	Reported loss of M/s. Bannariamman Sugars			1,500.00
	*Total			11343.14

# ANNEXURE VI

## ABSTRACT I

### Details Showing The Arrival of Karnataka Tamils in Dharmapuri District as on 27.02.92 (Staying in Dharmapuri District and Sent to other District Taluks)

Taluk	Male	Female	Children	Total	No. of Families
1. Dharmapuri	4421	3041	3231	10693	3295
2. Harur	1690	650	22	2362	1422
3. Pennagaram	1754	1242	1609	4605	1415
4. Krishnagiri	939	616	407	1962	850
5. Uthangarai	602	433	398	1433	520
6. Palacode	1169	916	609	2694	963
7. Hosur	3407	2552	2344	8303	2526
8. Denkanikottai	2175	984	745	3904	1233
Total	16157	10434	9365	35956	12224

## ABSTRACT - II

### Value of Property Lost by only those Accommodated in Dharmapuri District

Sl. No.	Name of the Taluk	No. of persons accommodated	No. of dead	No. of injured	No. of missing	Approximate value of property
1.	Dharmapuri	9849	—	25	—	16511925
2.	Harur	2362	—	1	—	1121600
3.	Pennagaram	4189	—	—	—	13938020
4.	Krishnagiri	1642	—	—	—	941750
5.	Uthangarai	1433	—	—	—	1548380
6.	Palacode	2175	1	—	—	2177745
7.	Hosur	104	—	126	9	3525700
8.	Denkanikottai	1185	—	—	—	3129500
	Total	22939	1	152	9	42894620

Note: This does not include the value of property lost by industrialist.



*A Grandmother from a village in Mysore took out a 'gullaganjee' from a knot in her saree and let it speak its prophetic myth.....*

*"When it was first created the gullaganjee was divided into two equal halves of black and red. It is said that as the evil in man and the world increases, the black portion shrinks and the red expands. See, today there is only one speck of black left. The end of goodness will come when this black speck totally disappears. Looking at the madness around me, I feel the day is not too far off".*



## I P H R C

The Indian People's Human Rights Commission was formed on January 10, 1987 - the first of its kind in Asia.

The Commission consists of Human rights activists from all over India - among them Justice V.M. Tarkunde, Dr. A.R.Desai and Prof. Romila Thapar.

The Commission has set up the Indian People's Human Rights Tribunal. The tribunal consists of only ex-judges of the Supreme Court and the High courts. The Chairman of the Tribunal is Justice V.R.Krishna Iyer, retired judge of the Supreme Court.

The Commission takes up cases in which there is gross, systematic or significant violation of human rights by the State. The tribunal tries the cases and passes judgements on them after evaluating the evidence gathered and produced.

P.A.Sebastian, Principal Secretary, 104, Central YMCA, 12, N. Parikh Marg, Colaba, Bombay-400 037  
Tel. : 2020079