



Date: 10th January 2023

To,

1. Dr. N Shreenatha, IPS

Superintendent of Police, Villupuram

Email: sp.vpm@tnctns.gov.in

2. Dr. C Sylendra Babu, IPS

Director General of Police,

Tamil Nadu

Email: dgp@tn.gov.in

Subject: Complaint seeking action against accused involved in suicide of 19-year-old Dalit youth in Villupuram

Respected Sirs,

We, at Citizens of Justice and Peace (CJP), Mumbai are writing to you to bring to your notice a serious caste-based crime that has been allegedly committed in Surapattu, Villupuram on Puducherry-Sengam road. CJP is a human rights movement dedicated towards safeguarding constitutional rights and human rights of people. We have been consistently reporting on hate crimes against vulnerable sections of society, including the Scheduled Castes.

We came across one such incident in Surapattu, Villupuram whereby a 19-year-old Dalit Christian boy died by suicide allegedly scared by the threats to him and his family from Vanniyar caste men. Raja, who belonged to the Pariah community, died by suicide on December 23. As per the residents, on December 21 as Raja and his friends were out for dinner, Raja tried to help an elderly man from Vanniyar caste to fetch some water in front of a house. However, as per Raja's father, when the man's son-in-law, Moorthy, opened the door and saw Raja at his doorstep, he got furious and asked how a Pariah man dared to come to his house and knock on the door. Then, Moorthy and his two friends, Mohan and Suresh, under the influence of alcohol allegedly assaulted Raja. Raja was rescued by his friend, Sebastian and Vinoth who took him to the hospital where he had to get stitches on face and torso, reported *The News Minute*.

The copy of report dated December 26, 2022 published by The News Minute is marked and annexed as Annexure A

Moorthy and others lodged a false case of bike theft on Raja to counter his complaint of assault by them. Another version said that Raja was beaten up for entering the street where dominant caste families live, reported *The New Indian Express*.

The copy of report dated December 28, 2022 published by The New Indian Express is marked and annexed as Annexure B

“When Marianathan visited the police station with Raja on December 22 to explain that he and his friends were not involved in bike theft, police asked the father-son duo to enter into a ‘compromise’ with Vanniyars. However, they refused to do so and didn’t want to withdraw the case against Vanniyar men,” Kathir, a Dalit activist told *TNM*. He also said that when the police questioned Raja’s friends about the bike theft case, they assaulted them as well. When members of Vanniyar caste tried to reach a compromise with Raja’s family and the latter refused, they were allegedly threatened by the Vanniyar men. The Vanniyar men told him that their community had 1,000 families in Surappattu while the Dalit colony had only 40 houses and threatened to set fire to the colony,” reads the FIR.

As per news reports, an FIR has been filed against the Vanniyar men under sections 147 (rioting), 148 (Rioting, armed with deadly weapons), 341 (wrongful restraint), 294 (b) (singing or uttering obscene words or songs), 324 (voluntarily causing hurt by dangerous weapons), 506 (2) (criminal intimidation) and 306 (abetment of suicide) of the IPC and we as sections 3(1)(r), which deals with intentional insult or intimidation with intent to humiliate and 3(1)(s), relating to abuse using caste name) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989.

As is evident from the news reports mentioned above, the dominant caste and the scheduled caste live of either side of the road and there is always a chance that the Vanniyar could dominate and intimidate the Pariah community. Since the FIR has been lodged, we urge that you ensure that the accused men, after due inquiry are arrested.

Further, keeping in mind the gravity of the situation, we urge you to also ensure that deceased victim’s family is ensured the protection under the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Section 15A. Rights of victims and witnesses—

(3) A victim or his dependent shall have the right to reasonable, accurate, and timely notice of any Court proceeding including any bail proceeding and the Special Public Prosecutor or the State Government shall inform the victim about any proceedings under this Act.

(5) A victim or his dependent shall be entitled to be heard at any proceeding under this Act in respect of bail, discharge, release, parole, conviction or sentence of an accused or any connected proceedings or arguments and file written submission on conviction, acquittal or sentencing.

(6) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), the Special Court or the Exclusive Special Court trying a case under this Act shall provide to a victim, his dependent, informant or witnesses--

- (a) the complete protection to secure the ends of justice;
- (b) the travelling and maintenance expenses during investigation, inquiry and trial;
- (c) the social-economic rehabilitation during investigation, inquiry and trial; and
- (d) relocation

(7) The State shall inform the concerned Special Court or the Exclusive Special Court about the protection provided to any victim or his dependent, informant or witnesses and such Court shall periodically review the protection being offered and pass appropriate orders.

(8) Without prejudice to the generality of the provisions of sub-section (6), the concerned Special Court or the Exclusive Special Court may, on an application made by a victim or his dependent, informant or witness in any proceedings before it or by the Special Public Prosecutor in relation to such victim, informant or witness or on its own motion, take such measures including--

- (a) concealing the names and addresses of the witnesses in its orders or judgments or in any records of the case accessible to the public;
- (b) issuing directions for non-disclosure of the identity and addresses of the witnesses;
- (c) take immediate action in respect of any complaint relating to harassment of a victim, informant or witness and on the same day, if necessary, pass appropriate orders for protection:

Provided that inquiry or investigation into the complaint received under clause (c) shall be tried separately from the main case by such Court and concluded within a period of two months from the date of receipt of the complaint:

Provided further that where the complaint under clause (c) is against any public servant, the Court shall restrain such public servant from interfering with the victim, informant or witness, as the case may be, in any matter related or unrelated to the pending case, except with the permission of the Court.

(9) It shall be the duty of the Investigating Officer and the Station House Officer to record the complaint of victim, informant or witnesses against any kind of intimidation, coercion or inducement or violence or threats of violence, whether given orally or in writing, and a photocopy of the First Information Report shall be immediately given to them at free of cost.

(10) All proceedings relating to offences under this Act shall be video recorded.

(11) It shall be the duty of the concerned State to specify an appropriate scheme to ensure implementation of the following rights and entitlements of victims and witnesses in accessing justice so as--

- (a) to provide a copy of the recorded First Information Report at free of cost;
- (b) to provide immediate relief in cash or in kind to atrocity victims or their dependents;
- (c) to provide necessary protection to the atrocity victims or their dependents, and witnesses;
- (d) to provide relief in respect of death or injury or damage to property;

- (e) to arrange food or water or clothing or shelter or medical aid or transport facilities or daily allowances to victims;
- (f) to provide the maintenance expenses to the atrocity victims and their dependents;
- (g) to provide the information about the rights of atrocity victims at the time of making complaints and registering the First Information Report;
- (h) to provide the protection to atrocity victims or their dependents and witnesses from intimidation and harassment;
- (i) to provide the information to atrocity victims or their dependents or associated organisations or individuals, on the status of investigation and charge sheet and to provide copy of the charge sheet at free of cost;
- (j) to take necessary precautions at the time of medical examination;
- (k) to provide information to atrocity victims or their dependents or associated organisations or individuals, regarding the relief amount;
- (l) to provide information to atrocity victims or their dependents or associated organisations or individuals, in advance about the dates and place of investigation and trial;
- (m) to give adequate briefing on the case and preparation for trial to atrocity victims or their dependents or associated organisations or individuals and to provide the legal aid for the said purpose;
- (n) to execute the rights of atrocity victims or their dependents or associated organisations or individuals at every stage of the proceedings under this Act and to provide the necessary assistance for the execution of the rights.

(12) It shall be the right of the atrocity victims or their dependents, to take assistance from the Non-Government Organisations, social workers or advocates.]

Section 21. Duty of Government to ensure effective implementation of the Act-

(1) Subject to such rules as the Central Government may make in this behalf, the State Government shall take such measures as may be necessary for the effective implementation of this Act.

(2) In particular, and without prejudice to the generality of the foregoing provisions, such measures may include--

- (i) the provision for adequate facilities, including legal aid, to the persons subjected to atrocities to enable them to avail themselves of justice;
- (ii) the provision for travelling and maintenance expenses to witnesses, including the victims of atrocities, during investigation and trial of offences under this Act;
- (iii) the provision for the economic and social rehabilitation of the victims of the atrocities;

(iv) the appointment of officers for initiating or exercising supervision over prosecutions for the contravention of the provisions of this Act;

(v) the setting up of committees at such appropriate levels as the State Government may think fit to assist that Government in formulation or implementation of such measures;

(vi) provision for a periodic survey of the working of the provisions of this Act with a view to suggesting measures for the better implementation of the provision of this Act;

(vii) the identification of the areas where the members of the Scheduled Castes and the Scheduled Tribes are likely to be subjected to atrocities and adoption of such measures so as to ensure safety for such members.

(3) The Central Government shall take such steps as may be necessary to co-ordinate the measures taken by the State Governments under sub-section (1).

(4) The Central Government shall, every year, place on the table of each House of Parliament a report on the measures taken by itself and by the State Governments in pursuance of the provisions of this section.

We are sure you must be aware in cases where atrocities with the scheduled castes are involved, they are often threatened by the 'upper castes. It is for this reason we seek special attention to this case, so that due process of law is followed and the perpetrators are brought to book.

Prayers

1. To immediately investigate, and then also prosecute, in a time-bound fashion, the acts committed by the accused under the Indian Penal Code, the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989;
2. For the Villupuram police to ensure that there is a fast track the trial and speedy delivery of justice
3. For the police to ensure that the deceased victim's family receives the necessary relief
4. For the police to ensure that data on such monitoring is made public digitally and that progress in this case is also visible and made public electronically and digitally.
5. To take any other action as you may deem fit.

Annexure list:

Annexure A: copy of report dated December 26, 2022 published by The News Minute

Annexure B: copy of report dated December 28, 2022 published by The New Indian Express