POLICE DEPARTMENT

From:
B.K. Ravi, IPS.,
Dy.Inspector General of Police,
Social Justice & Human Rights,
Chennai-4.

To:
The Deputy Director,
National Commission for Scheduled Tribes,
Lok Nayak Bhawan, New Delhi-110003.

Rc.No. B1/63/2010. Dated: 21.01.2010.

Sir,

Sub: Police – Social Justice & Human Rights, Chennai – Furnishing of reply – Regarding.

Ref: Your file No (i) HT/Atrocity/TN/949/2008/RU-IV
(ii) HT/Atrocity/TN/848/2008/RU-IV
(iii) HT/Atrocity/TN/776/2008/RU-IV
(iv) HT/Atrocity/TN/45/2009/RU-IV
(v) HT/1/2009/STGTN/AT RAPE/RU-IV.

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In continuation of our discussion held on 12.01.2010, I am sending herewith the reply for the petitions as mentioned in the reference cited.

Yours faithfully,

Dy.Inspector General of Police,
Social Justice & Human Rights,
Chennai-4.

REPLY TO THE FILE NO. HT/ATROCITY/TN/776/2008/RU-IV

The petitioner Meenakshi aged 30 years w/o Palani, That street, Koodaram village belongs to ST Irular Community and the president of Kilakadu village Panchayat. Her husband Palani is holding the post of DMK village secretary. On 14.2.07, the petitioner's husband rapped a girl by name Paruvadha aged 17 years, daughter of Raman who was living in the Mela street of the same village. Due to the disgrace, the victim girl Paruvadha committed suicide on 16.2.07 by hanging. In this connection a case in Kariyalur PS Cr.No 27/07 u/s 376, 306 IPC was registered against Palani and two others namely Arunachalam and Loganathan. These accused persons were arrested and remanded to Judicial Custody. As a result the petitioner's husband and two others were imprisoned in Cuddalore Central Jail for 65 days. After their release, they used to threaten people and involved in village 'katta panchayat'.

At this juncture, one Vijaya w/o Elumalai of Mela street died during her child birth. Due to personnel vengeance with one Anandhakumar of Mela street, the petitioner's husband and 14 others had indulged in false publicity stating that Anandhakumar had made some witch craft against the deceased. So at the instigation of Palani, village panchayat was organized and the panchayat decided that the Anandhakumar had to pay Rs.8000/- to the victim's father. Anandhakumar had no other go, but to pay the fine. Palani was behind this 'katta panchayat'.

On 4.8.07 Anandakumar had lodged a complaint with Kannan, then Circle Inspector of Police, Kachirapalayam. On 6.8.07, the Inspector in order to make enquiry in the petition, he went along with Subramaniyan, SI of police, Kariyalur PS and 3 other HCs, to Koodaram village. There the Inspector had met Mr.Chakkaravarthy VAO of Kilakadu village at 16.30 hrs and summoned him to be present for the enquiry as independent witness. The Inspector stationed near Annadurai Provisional shop at Koodaram village at the time of enquiry. The petitioner Anandakumar, VAO Chakkaravarthy and some local people were present. Meenakshi was summoned and arrived to the enquiry spot. Inspector questioned the whereabouts of her husband and warned her severely stating that her husband had involved in a rape case, now threatening people and doing katta panchayat. Inspector directed the culprits those who collected fine amount of Rs.8000/- from Anandakumar to be returned to him. The amount was refunded to him.

In this petition, there is a specific allegation against the Inspector Mr.Kannan. In that petition, it is alleged that during the enquiry the Inspector abused Mrs.Meenakshi in her caste name with filthy words and threatened to shoot her husband. The petitioner cited VAO as one of the witness. During enquiry the VAO stated that the Inspector was not holding any weapon during the enquiry and firmly stated that the Inspector never abused the petitioner by her caste name and also not used any filthy words. He never uttered a word like shooting her husband. Though she has cited several witnesses in this petition, the VAO is an official and independent witness and his version may be fully reliable.

Mr.Muthusamy and S.K Andy were also cited as witness in this petition, were also enquired. They stated that in front of the public, Inspector rebuked Meenaksh's husband who

was not present there. They also stated that the allegations leveled in the petition are false. The other witness cited in this petition is Mr.Loganathan who is also a co-accused of Palani in the Paruvadha's rape case. During enquiry Meenakshi and her husband Palani were alone expressed their allegations against the Inspector, and there is no supporting evidence to substantiate the allegations.

Hence it is concluded that the petitioner is a powerful person in the tribal locality, her husband is holding a post in a political party and he is facing a rape case trial. The allegations found in the petition are highly motivated and not well founded and the petition was sent on the Inspector and police party to retaliate the rape case registered against her husband.

i) **Pray:** "directing the Director General of Police, Chennai and the Superintendent of Police, Villupuram District, Villupuram to register a criminal case against Mr.Kannan, Inspector of Police, Katchirapalayam police station and Mr.Subramani, SI, 6.P Police Station, Kalvarayamalai, Kariyalur under relevant provisions of IPC and SC/ST (PA) Act, 1989 and to arrest them immediately;"

Reply: Since the allegations made in the petition are to retaliate the rape case registered against her husband and the instructions given by the Inspector to return the penalty amount of Rs.8,000/- to Anandkumar and the allegations are totally false, there is no need to register a case against the Inspector and the Sub- Inspector.

ii) **Pray:** "to initiate departmental action also against them and to suspend them immediately;"

Reply: Departmental action also cannot be taken against them.

Pray: "recommending the Government of Tamil Nadu to pay adequate relief amount under SC/ST – Rules, 1995 to the victim;"

Reply: Since the allegation leveled in the petitions are to retaliate the action taken by the Inspector against the petitioner's husband, relief amount cannot be recommended under SC/ST Rules 1995.

ii) **Pray:** "to prosecute the DSP., of Kallakurichi u/s 4 of the SC/ST (PA) Act, 1989 who had failed to take any kind of action against the perpetrators;'

Reply: DSP, Kallakurichi cannot be prosecuted under section 4 of the SC/ST (POA) Act, since the allegations leveled in the petitions are totally false.

iii) **Pray:** "to ensure adequate protection to the victim and her husband and thus render justice.'

Reply: Protection will be given as and when necessary.

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POLICE DEPARTMENT

From
A.Amalraj, I.P.S.,
Superintendent of Police,
Viluppuram.

To
The Director,
National Commission for Scheduled Tribes,
6th Floor, "B" Wing, Lo Nayak Bhavan,
Khan Market,
New Delhi – 110 003.

C.No.P3/41611/308/2009, Dated: 21.1.2010

Sir,

Sub: Police – Viluppuram District – Petition received from Shri.Hentri Tiphange, People's Watch on behalf of Mrs.Meenakshi – Allegations against the police personnel of Kallakurichi – Enquiry report – Sent - Regarding.

Ref: Representation from the Executive Director, People's Watch, New Delhi in case File No.HRI/140/HRM/2008.dated; 21.8.2008.

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The enquiry was conducted by the Dy. Supdt. of Police, Social Justice and Human Rights, Viluppuram Zone and the enquiry report is furnished below.

Petitioner:

Shri.Hentri Tiphange, Executive Director, People's Watch, Madurai.

Counter Petitioner:

Mr.Kannan, Inspector of Police, Mr.Subramaniam, SI of Police, Kariyalur P.S and DSP, Kallakurichi.

Gist of the petition:

On behalf of the petitioner Meenakshi, Age: 30 yrs, w/o.Palani, Kilakadu, Koodaram village, the Executive Director of People's Watch, Madurai had sent the petition with the following allegations. It was alleged by the petitioner that on 6.8.2007, the counter petitioner Mr.Kannan who was working as Inspector of Police along with Mr.Subramaniam, SI of Police, Kariyalur Police Station went to Koodaram village to

conduct an enquiry. It was alleged by the petitioner that Tmt.Meenakshi was abused by the Inspector Mr.Kannan by using her caste name and threatened her that her husband will be killed by shooting. The petitioner further alleged that on 7.8.2007, the said Meenakshi and her husband Palani met the local M.L.A and on his advice, they lodged a complaint to the DSP, Kallakurichi. The petitioner asserted that till date no action was taken on the complaint of Tmt.Meenkashi and hence, the petitioner requested to take action against the counter petitioners.

Enquiry Officer:

Dy. Supdt. of Police, Social Justice and Human Rights, Viluppuram Zone.

Details:

A detailed enquiry was conducted by the Dy. Supdt. of Police, Social Justice and Human Rights, Viluppuram Zone on the allegations stated by the petitioner. The enquiry reveals the following.

The petitioner Meenakshi belongs to ST Irular community and she was the President of Kilakadu village panchayat. The petitioner's husband one Palani raped a girl namely Paruvadha, d/o.Raman on 14.2.2007 and due to this, the victim Paruvadha committed suicide on 16.2.2007 by hanging. In connection with this, a case in Kariyalur PS Cr.No.27/2007 u/s 376 & 306 IPC was registered against Palani, Arunachalam and Loganathan. During the course of investigation, all the three accused were arrested and remanded to judicial custody. All the three accused were inside jail for about 65 days and subsequently, they were released on bail. In connection with the registration of the said case, the accused Palani developed enmity with one Anandhakumar of the same village. Sequel to the release on bail, the accused Palani threatened the local people and indulged in katta panchayat.

While so, one Vijaya, w/o.Elumalai of the same village died during delivery. To wreck vengeance on the said Anandhakumar, the accused Palani and his associates floated rumours that the said Anandhakumar was behind the death of Vijaya and as a

result, a local panchayat was organized to enquire the death of Vijaya. On the instigation and influence of the accused Palani, the local leaders of the panchayat asked the said Anandhakumar to pay Rs.8,000/- as fine to the village. Aggrieved over the illegal direction of the panchayat leaders, the said Anandhkumar preferred a complaint on 4.8.2007 before Inspector of Police Mr.Kannan.

On receipt of the complaint, the Inspector Mr.Kannan, Mr.Subramaniam, SI of Police of Kariyalur PS and three Police men went to Koodaram village for enquiry. Before commencing the enquiry, the Inspector of Police summoned Mr.Chakravarthy, the local V.A.O to be present during the enquiry. Accordingly, the V.A.O accompanied the Inspector during the enquiry. The petitioner Meenakshi was summoned and enquired on the spot by the police personnel. During the enquiry, the Inspector warned the petitioner Meenakshi by saying that your husband is an accused in a rape case and he has been indulging in illegal panchayat. The Inspector finally warned the said Meenakshi and advised her to desist from such illegal acts.

As alleged by the petitioner, the counter petitioner did not scold the petitioner using her caste name. The V.A.O who was present during the whole enquiry categorically stated that the Inspector conducted the enquiry in the presence of all and he had behaved decently and asserted that the allegations of the petitioner are frivolous, false and baseless. The petitioner would have sent the petition with false allegations to deter the police officers in order to protect her husband Palani from the rape case.

Findings and action taken:

1. The husband of the petitioner Palani had involved in a rape case and he was charged under section 376 & 306 IPC.

2. The said Palani was in jail for about 65 days and later released on bail. Sequel to his release, he has been indulging in unethical acts to take revenge on the persons who legally support the complainant of the rape case.

3. The counter petitioners went to the village of the petitioner Meenkashi to conduct a enquiry against the husband of the petitioner who was involved in a rape case. The police officials conducted the enquiry in an open place in the presence of V.A.O. The allegations against the counter petitioners are totally false and imaginary but invented to deter the police officials who have arrested the husband of the petitioner in a rape case.

4. Since the allegations leveled by the petitioner against the counter petitioner are false, there is no need to take departmental and criminal action against the police officials who had discharged their legitimate duties.

For the reasons stated above, no further action is necessary on this reference and this reference may kindly be filed.

Yours faithfully,

Superintendent of Police,
Viluppuram.