



OMCT/HIC-HLRN

JOINT URGENT ACTION APPEAL:

200 upper caste members attack a Dalit locality in South India and burn 100 houses: Police fail to offer protection and subsequently try to suppress evidence

Case IND-FE 150604.ESCR

The Coordination Office of the Housing and Land Rights Network of Habitat International Coalition (HIC-HLRN) and the International Secretariat of the World Organisation against Torture (OMCT) request your **URGENT** intervention in the following situation in **India**.

Brief description of the situation

People's Watch-Tamil Nadu, a member of the OMCT network has informed OMCT that at about 18.30 on 16 May 2004 about 200 members of the Gounder caste (the dominant caste in Kalapatti village) attacked a Dalit locality in Kalapatti village, called Shastri Nagar and New Colony, burnt nearly 100 homes and severely injured 14 people. Kalapatti village is on the outskirts of Coimbatore city in Tamil Nadu in the south of India. It is reported that this group, which was armed with iron rods, swords and other weapons, first attacked the office of the *Adi Tamilar Viduthalai Munnani*. They also broke the mounted photo of Dr. Ambedkar (a prominent independence-era leader who led the movement to abolish the caste system and the practice of untouchability) and then poured kerosene on the building and set it on fire. According to the information received, during this attack they shouted "*Sakiliya* (prostitute) bastards, you have one party, one flag and nowadays you are going beyond our hand, not obeying us at all. We will not rest unless we kill all of you."

In addition to burning 100 homes, which were completely razed to the ground, the attackers burnt property belonging to the Dalit families such as grinders, cycles and televisions. During these attacks, members of the Gounder caste assaulted members of the Dalit community living in Shastri Nagar with weapons, pushed many Dalits to the ground and stamped and kicked them. It is reported that some of these members of the Gounder caste molested some Dalit women and tried to pull off their *sarees* (clothing). They also looted Dalit houses of money and jewellery.

It is reported that these attacks continued for nearly two hours, from 18.30 to 20.30. Most of the Dalits tried to escape, to save their lives, but the group of members of the Gounder caste stopped and attacked them again with weapons. A 75 year-old man, Muthan, returning from work to the village at the time was hit by sharp weapons when he got down from the bus. Attackers from the Gounder caste also hit a woman named Valliammal (45 years) on her head when she went to rescue her son, and bled heavily. Another Dalit named Ramesh sustained severe lacerations on his back, requiring 21 stitches. Similarly, members of the Gounder caste severely attacked 14 Dalits with sharp and deadly weapons, causing serious injuries; the victims were admitted to the Coimbatore Medical College Hospital.

Another Dalit youth, Ramesh, called the nearest police station, at Kovilpalayam, from a phone booth at approximately 19:00 the same day. He notified the police of the attack and pleaded with them to respond immediately. It is reported that the policeman who answered the phone said that the officer in charge was not present and he would inform him upon his return and disconnected the call. When Ramesh came out of the phone booth, 30 members of the Gounder caste surrounded him, hit him and dragged him on the road, leaving Ramesh with both hands fractured.

Another Dalit youth, Babu, who had sustained injuries on his head and body and was bleeding from his wounds, went to the Kovilpalayam police station at 20.30 to make a report to police constable, Mr. Karunakaran. After hearing his account of attacks by members of the dominant caste of the village, Mr. Karunakaran told him “why did you come here, go to the hospital.” Babu then went to a nearby private hospital, but the doctors there denied him treatment on the pretext that his was a “medico-legal” case and he had to return to the Kovilpalayam police station. He, once again, spoke to Mr. Karunakaran and told him that he felt he was going to faint and requested help to arrange a vehicle to take him to the hospital. Babu also promised to repay the charges for it once he returned home. The police constable refused his request and asked him to leave the police station. Babu finally had to request money from people outside the police station, who gave him Rs. 12 to go by bus to the Coimbatore government hospital (Kalapatti village is on the outskirts of Coimbatore city) for medical treatment.

After this incident, People’s Watch-Tamilnadu, tried to visit the area to carry out a fact-finding mission, but police officials denied them access and the Assistant Superintendent of Police reportedly threatened them. According to reports, police also denied other organisations and media personnel access to the area.

It is reported that, after pressure from human rights organisations, the police have arrested 41 people. The Government has also allocated Rs.20,00,000 (US\$44,444) for relief work for the Dalits, but only Rs. 2,42,000 (US\$5,378) was given as immediate compensation. Despite this, reports indicate that the police have threatened the Dalits to hide the burnt things and are attempting to minimise the scale of the atrocities.

Many Dalits of Kalapatti village have fled out of fear to nearby villages like Ganapathy, Veeryampalayam, Kallipalayam, Kovilpalayam, Arasanoor, and to relatives’ houses. During the attacks, members of the Gounder caste threatened the Dalits living in Shastri Nagar and ordered them to leave the village. They also threatened some Dalits after the attacks. When the Dalits were leaving to other villages the upper-caste Hindus of those villages also ordered them not to use the roadways that non-Dalits use.

Background information

Kalapatti village is located in the Coimbatore District under the jurisdiction of Kovilpalayam police station. The village consists of nearly 2,000 families belonging to the Gounder caste, the economically and politically dominant caste in this village. The Dalit settlement is comprised of 250 families of Arunthathiyar caste, 10 families belonging to the Parayar caste, and 150 families from the Boyar caste.

Various forms of caste-based discrimination persist even today, despite legal abolition of the caste system under the Indian Constitution. Dalits are not allowed to walk in the streets of the upper-caste Hindus, denied entry to the village Mariamman temple for worship. The tea shops have separate glasses or tumblers for the Dalits and the upper-caste Hindus. Dalits are neither allowed to walk on the streets freely, discussing or talking among themselves. In public, Dalits are forced to lower their heads to demonstrate their inferior status. Caste-based abusive language, intimidation and humiliation, often coloured by sexual references are

typically used against the Dalits; Dalit women especially undergo sexual harassment and assault.

Members of the Gounder caste have targeted Dalits in two events, which preceded the recent attacks on the Dalit settlement. On 14 May 2004, people from the Gounder caste reportedly attacked a Dalit youth named Babu, who was mounting posters commemorating the birthday of Dr. Ambedkar. On 15 May 2004, three Dalit youths were travelling in an auto rickshaw (vehicle), as were some members of the Gounder caste. One person of the Gounder caste shouted at the Dalits for sitting as if they were equals to the Gounders and having the “nerve to enjoy themselves, laughing.” Despite the Dalits youths’ objections, he carried on with shouting derogatory and offensive language. After getting out of the auto, the same man slapped one of the Dalit youths. The victims in both these incidents complained to the Kovilpalayam Police, but the officials took no action. In the latter case, it is reported that Policed Station Sub-Inspector Anand advised one of the victims to omit any mention of the derogatory language and references to caste in their complaint, but rather to describe the incident as a mere scuffle. The victims submitted the complaint with a full description of the events but police did not register it.

Reportedly, on other occasions when members of Dalit caste in the village have approached the police in cases of caste-based discrimination and harassment, the police have refused to receive the complaints or have threatened them.

In 1989, the Government of India passed the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act), which recognises specific crimes against Scheduled Castes and Scheduled Tribes as “atrocities”, and describes strategies and prescribes punishments. Despite the criminalisation of various forms of humiliation, violence and denial of access to public facilities, these are often systematically practised against people belonging to the castes and tribes (this includes the Dalits) scheduled for affirmative action. The 1989 Act provides for Special Courts to try these cases, empowers federated state governments to declare areas with high levels of caste violence to be “atrocities-prone” and to appoint qualified officers to monitor and maintain law and order. That Act and other comprehensive provisions to abolish untouchability and prohibit caste discrimination in the Indian Constitution and national laws are not implemented, and reports from OMCT member organisations in India indicate that a small proportion of cases are tried in court.

International Human Rights Law

The Indian government bears an obligation to prevent human rights violations, to refrain from violations and to intervene to protect people against violence.

The practices reported here contravene the Dalits’ human right to adequate housing; i.e., the right of all women, men and children to gain and sustain a secure place to live in peace and dignity. The Gounder community and by their inaction the Indian authorities, especially violate the Dalits’ entitlements to security of tenure; access to, and benefit from access to public goods and services and environmental goods, namely land and water; participation and self-expression; freedom from dispossession; and adequate compensation for violations and losses. All are elements of the human right to adequate housing as recognized in international law. In the process, the Dalits have endured gross violations of their human right to physical security, with police officials in some instances, acting as accomplices. The State and its agents bear the obligation to respect, protect, promote and fulfil these rights and their elements in an environment of self-determination, nondiscrimination, gender equality, rule of law, and nonregressivity.

Specifically, the authorities have breached their treaty obligations under Articles. 1, 2, 4, 11, 12 and 15 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), which India acceded to on 10 July 1979. The State has been derelict in its obligations as

elaborated in the UN Committee on Economic, Social and Cultural Rights General Comments Nos. 4 and 7 on the human right to adequate housing.

By the failure to afford protection to the community from such attacks, the Indian authorities also violate Arts. 2, 17 and 26 of the International Covenant on Civil and Political Rights (ICCPR).

The Committee on the Elimination of Racial Discrimination has held that caste discrimination is a form of “descent-based discrimination” as defined in its General Comment No. 29 and as prohibited under Art. 1 of the International Convention of All Forms of Racial Discrimination (ICERD). The Indian authorities are in direct violation of Arts. 2, 5, 6 of ICERD, which India ratified as early as 3 December 1968.

Action requested

Please write to the authorities in India urging them to:

- § take all necessary measures to guarantee the physical and psychological integrity of the families whose homes have been burnt down and individuals attacked and providing them protection that would enable their return to their homes and village with full restitutions and compensation;
- § conduct a thorough and impartial investigation into the events, in order to identify and prosecute those responsible, bring them to trial and apply the penal and/or administrative sanctions as provided by law;
- § suspend, investigate and likewise prosecute any police officers who have been involved in concealing the events or have harassed and threatened the Dalits, or otherwise impeded their access to remedy;
- § conduct a thorough and impartial investigation into the failure of the police to act on the complaints and to offer protection to the victims, and ensure that all necessary measures are taken to ensure that any complaints of this nature are immediately addressed and protection is provided to all victims of caste-based discrimination;
- § guarantee the right to adequate housing of the Dalits with particular attention to the following elements: security of tenure, access to public and environmental goods and services, freedom from dispossession and the right to information resettlement, accessibility and security of person as guaranteed in the International Covenant on Economic, Social and Cultural Rights and provided in corresponding General Comments and jurisprudence, among other sources;
- § ensure that adequate restitution, return/resettlement, compensation, assistance with rebuilding homes, rehabilitation, food and medical services are provided to the Dalits whose homes and possessions have been lost and who have been the victim of these attacks;
- § take all necessary measures to combat all forms of caste-based discrimination in India and to implement national and international human rights safeguards;
- § undertake training for police and other public officials in the their obligations to refrain from and combat discrimination, and to guarantee respect, defence, promotion and fulfilment of human rights and the fundamental freedoms throughout the country in accordance with international human rights standards.

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Geneva - Cairo, 15 June 2004

Kindly inform OMCT and HIC of any action undertaken quoting the code of this appeal in your reply to: omct@omct.org and urgentactions@hlrn.org.

The joint urgent appeals of OMCT and HIC-HLRN are dedicated to the protection of the right to adequate housing.

Sample letter

We have been informed by Habitat International Coalition-Housing and Land Rights Network (HIC-HLRN), the World Organisation Against Torture (OMCT) and People's Watch, Tamil Nadu that at about 18.30, on 16 May 2004, some 200 members of the Gounder caste (the dominant caste in Kalapatti village) attacked a Dalit settlement, called Shastri Nagar and New Colony, burnt nearly 100 homes and severely injured 14 people.

In addition to burning 100 homes, which were completely razed to the ground, the group of members of the Gounder caste burnt property belonging to the Dalit families such as grinders, cycles and televisions. During these attacks, members of the Gounder caste assaulted members of the Dalit community living in Shastri Nagar with weapons, pushed many Dalits to the ground and stamped and kicked them. It is reported that some of these members of the Gounder caste molested some Dalit women and tried to pull off their sarees (clothing). They also looted Dalit houses of money and jewellery.

We are informed that, although the victims reported this attack to the Kovilpalayam Police Station while it was occurring, the police did not respond to stop the violence and did not take any action to protect the Dalits who were being attacked. The police also did not take any action when a victim came to the police station with severe injuries, and also refused him medical aid. It is also reported that, on other occasions, when members of Dalit community in the village have made complaints regarding caste-based discrimination and harassment, the police has refused to receive the complaints, and/or has threatened them.

The Indian government bears an obligation to prevent, refrain from and remedy human rights violations and to intervene to protect people against violence. The practices reported here contravene the Dalits' human right to adequate housing; i.e., the right of all women, men and children to gain and sustain a secure place to live in peace and dignity. They also violate India's obligations under the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the International Convention on the Elimination of All Forms of Racial Discrimination.

We urge you to guarantee the right to adequate housing of the families whose homes and possessions have been burnt down or damaged; to ensure that adequate compensation, assistance with rebuilding homes, food and medical attention are provided to them and to provide them protection that would enable them to return to their homes and village. We also urge you to order a thorough and impartial investigation into the events in order to identify those responsible, including delinquent officials, bring them to trial and apply the penal and/or administrative sanctions as provided by law; to suspend, investigate, prosecute and punish any police officers who have been involved in concealing the events, or have harassed and threatened the Dalits, or who have impeded Dalits' access to remedy. We also request the government and all authorities take all necessary measures to combat all forms of caste-based discrimination in India and to implement national and international human rights safeguards.

Thanking you in advance for your attention to this matter, we look forward to hearing from about your remedial response.

Respectfully,

[Signed]

[Your name and organisation]