

CHITTOOR ENCOUNTER KILLINGS

FACT FINDING REPORT

A Case of 20 abductions, torture, extra judicial killing and causing disappearance of evidence of offence by AP Red Sanders Anti-Smuggling STF & AP Police and forest department



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1.EXECUTIVE SUMMARY

From the 7th April, the media started to carry reports that 20 men from Tamil Nadu had been killed earlier that day in an encounter in the Seshachalam forest in Andhra Pradesh, where, according to the State police, they were cutting down red sander trees and had attacked policemen and foresters of the anti-smuggling task force. The following statement attributed to Dr. M. Kantha Rao, DIG of the AP Red Sanders Anti-Smuggling STF carried in the newspapers, set out what had happened:

“As soon as they saw police, at least 150 to 200 labourers, hired by the smugglers, rained stones, shot arrows and threw sticks and iron rods. They hid behind boulders and attacked. At least eight forest officers were injured and the task force opened fire in self-defense. At least 20 were killed. They are hired daily wagers from Tamil Nadu. We believe they had been camping here since Monday evening. The exchange started at 5 am and continued for about an hour.”

A team of human rights activists from People’s Watch (comprising of Ms. Palaniammal, Adv, Aseervatham and Mr. Senthil Raja accompanied by members of the Citizens for Human Rights Movement (CHRM) from Vellore, Thiruvannamalai, Dharmapuri and Namakkal Districts) immediately set out on 7th April itself, to conduct a preliminary fact finding into the incident. The Governments and concerned officials of Andhra Pradesh and Tamil Nadu were duly intimated about the same. The copy of the intimation sent is **Annexure 1**. During the fact finding mission, the People’s Watch team visited the scene of the alleged encounter, the concerned police stations, hospitals and post-mortem centres as well as the villages that the deceased victims belonged to and met with the family members of the victims. The findings of the fact finding team completely challenges the State’s claim of the alleged cutting down of red sanders tree and attack on policemen and foresters of the anti-smuggling task force. (Details of the same are mentioned in the report – **Annexure 2**).

Many facts that have since emerged, seriously contest the ‘encounter’ version of the AP police – only 9 members of the STF had sustained any serious injury; bullet marks have been found on the neck and upper part of the torso of the deceased; bullet marks are indicative of the deceased having been shot from close range; many of the bodies bear marks on the limbs which indicate the victims limbs were tied with ropes; the red sanders logs found at the site of the offence already bear the government stamp and number in white colour as in done in the case of logs only after being seized and stored in the godowns belonging to the Forest Department. Several media reports, photographs, other fact finding missions and opinions of the forensic experts (**Annexure 3** – Video transcription of Senior Retired Forensic Scientist – Dr. Chandrashekharan) have also raised serious questions challenging the genuineness of the ‘encounter’. Further, the police version that the deceased were armed with stones, sickles and axes, reinforces that the police firing did not respect the

“principles of necessity and proportionality”, which must guide the use of force by law enforcing personnel.

The NHRC in its '*guidelines/procedures to be followed in cases of deaths caused in police action*' issued in 2003 and revised in May 2010 clearly state the need for encounter killings by the police to be investigated by an independent investigation agency and mandate for a magisterial enquiry to be held within three months. The guidelines also prescribe the manner in which the post-mortem examination is to be conducted. The guidelines' specifically state that all deaths in police action shall be reported to the NHRC by the Senior Superintendent of Police/ Superintendent of Police within 48 hours. These guidelines have been upheld and reiterated by the Hon'ble Supreme Court of India in PUCL v. State of Maharashtra (2014) 10 SCC 635. The '*UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials*' lays down detailed guidelines on instances of encounter killings. It clearly directs the police officials to exercise restraint in use of force and firearms and act in proportion to the seriousness of the offence and the legitimate objective to be achieved causing minimum damage and injury, and respect and preserve human life.

The statements of the two witnesses [Paramatha Sekhar (**Annexure 4**) and Sitherimalai Balachandran (**Annexure 5**)], who have been presented before the National Human Rights Commission in New Delhi on 13th April and the third witness [Ilangovan (**Annexure 6**)] presented before the Joint Registrar of the Hon'ble NHRC in Pondicherry on 15th April, prima facie demonstrate that this incident is one of abduction (illegal arrest and arbitrary detention), torture (custodial torture) and cold blooded murder (extra-judicial killing) by the AP Police. From their statements, it becomes clear that the victims were initially abducted by Police officials, and then tortured and murdered while in custody, after which their bodies were most probably placed at the scene of offence to give the appearance of an encounter conducted in self-defence. Ilangovan's statement deposed before our fact finding team and the Hon'ble Commission confirms the venue of torture and execution to be the compound shared by the DFO and DIG of the AP Red Sanders Anti-Smuggling STF (APRS-STF). It has to be noted that the DIG Dr. M. Kanta Rao has his office cum residence provided in the same compound, as admitted by him to the team.

The family members (mostly young women in their 20s) of the deceased victims (refer to **Annexure-7** for victims' family members' version), killed by the APRS-STF, have condemned the State's claim that the deceased men were involved in the cutting down of red sander trees that particular day. In the lookout for employment because of absolute poverty, due to complete failure of state supported schemes like MGNAREGA in their particular region for over a year, small land holdings and hilly terrain, they migrated to the coffee estates in Karnataka and Kerala. For masonry and coolie work, people also migrated to larger cities like Chennai and Pondicherry.

18 family members of the deceased victims residing in villages separated from each other by considerable distances, while deposing independently before the fact finding team members, narrated that the deceased men left their respective villages located in Tiruvannamalai district only in the afternoon of 6th April and those residing in villages of Dharmapuri district left their respective villages only in the evening of 5th April and resided at another place for that night. Ilangovan's testimony confirms the same. The AP Police has claimed the encounter occurred in the early hours on 7th April. Given that the deceased started travelling from their villages only after 1 PM on 6th April, in no circumstances could they have travelled a distance of almost 300 kms, using various modes of transportation and walking taking atleast 12 hours, cutting the red sanders trees and then carrying it to the alleged "encounter spot" which is 3 kms away from the actual forest.

It is also important to note that the bodies were left in the open under the sun for more than 14 hours if the police version and hospital records can be relied upon, raising questions of the intention behind the delay which certainly would have destroyed crucial evidences related to the case. The SV Medical College staff mentioned to the fact finding team members that the injured policemen (only minor injuries with blunt objects) arrived at the hospital on 7th April at 11:30 AM while the bodies of the 20 deceased arrived only from 8:30 PM to 11 PM on the same day. The fact finding team is of the opinion, it would have been possible to save lives if after the alleged encounter the injured were immediately given medical attention. It was also told by the *Panchayat* Presidents in the respective villages to the fact finding team that more than a thousand people are languishing in the different prisons in Andhra Pradesh under charges of being red sanders cutters. There has been no information available about middlemen and the big mafias being arrested and in the jail but only the poor workers.

It goes without saying that in a democracy like India, run by the rule of law, the presumption must be that the police would not kill citizens arbitrarily. Both domestic laws and international standards accepted by India lay down very clear guidelines for the use of firearms and of lethal force by the law enforcement officials. The fact, or the suspicion, that a man or men are criminals, or might be committing a crime, does not permit the police to kill the suspects. There must be a very clear and immediate danger to the lives of the policemen concerned, or to the general public. And even in circumstances when the use of firearms is justified, shooting to kill is the last resort for law enforcement officials who are expected to be trained to disable and arrest violent suspects by aiming below the waist. The killing therefore of 20 men without a criminal record or history of violence, whom the DIG himself described as labourers, was both extraordinary and a matter of grave concern. There has been an outcry in the media. The Supreme Court of India, the Madras and Andhra Pradesh High Courts have taken cognizance of this incident, as has the National Human Rights Commission, *suo-moto* and on an urgent complaint made by People's Watch numbered as Case No. 474/1/3/2015/AFE.

While both High Courts and the NHRC have passed interim orders, People's Watch believed it might be helpful to these judicial and quasi-judicial processes to have facts collected and analysed by individuals without any interest in this incident other than to see the truth emerge. At its invitation, Justice Hosbet Suresh, formerly Judge of the Bombay High Court, Shri Satyabrata Pal, former member of the NHRC, Shri E.N. Rammohan, former DGP of the BSF, Dr. Professor. Jawahirullah, current Ramnad MLA from Tamil Nadu, Advocate B.S. Ajeetha from the Madras High Court and Dr. Savior Selva Suresh, Professor of Forensic Medicine, Vellammal Medical College Hospital and Research Centre, Madurai undertook the fact finding mission. Justice H. Suresh was the Convenor of the team. The Executive Director of People's Watch, Shri Henri Tiphagne, the Director Programs of People's Watch. Shri Mathew Jacob and other staff of People's Watch and Dr. Perumal Krishnamoorthy of the Working Group on Human Rights in India and UN, New Delhi accompanied and assisted the fact finding team.

2.DETAILS OF THE FACT FINDING MISSION

A prior intimation regarding the visit of the above mentioned team for fact finding on 14th and 15th April, into the encounter killing of 20 persons was given to various authorities and the same was received by them and were acknowledged by most of them (**Annexure 8**). The team commenced its mission at 6 AM from Chennai on 14th April. Since the 20 deaths took place in Andhra Pradesh, the team began its work with a visit there. As an impartial and thorough enquiry must, the team had wanted to present all sides of the story, and above all to give officials of the Andhra Pradesh Government every opportunity to refute or clarify points which cast doubts on their claims. Hence the team proposed to visit the officials in AP first and the spot where the 'encounter' is alleged to have taken place.

At 10 AM on 14th April, the fact finding team reached Nagari Police Station (AP-Chittoor District) and met the SHO. He mentioned that he had been asked by the SP Chittoor on the morning of 8th April (that's how he claims that he got to know formally about the encounter) to check buses to Tamil Nadu, on which men who had escaped from the encounter might be returning. He had done so, but his constables had found none. When asked about the parameters for identifying the red sanders cutters, he explained that they look for symptoms on hands and suspect people in groups and question them. As a practice, people accompanied by women and families are not stopped. According to him, no one was arrested on 6th and 7th April in the Nagari circle. In a year, there are a minimum of 100 FIRs relating to smuggling of red sanders wood. He further mentioned that once the cutters enter the forests, they stay there for weeks and come prepared with food and required materials which also are supplied from local villages. He claimed to be newly appointed in the concerned police station and hence couldn't mention more facts.

After meeting with the SHO at the Nagari Police Station, the fact finding team started for the Seshachalam Forests near Tirupati, the reported place of the encounter by the APRS-STF. The team reached a particular point (from where a *kutch*a road turning left from the main road towards Tirupati Temple begins leading the way to the reported encounter and body recovery spot) around 12 noon and were met by a posse of police with a police van that was parked blocking the entry on the *kutch*a road. The officer joined by a group of around 20 other members of the STF, armed with rifles, without any name badge, some in their civil dresses and other not in complete uniform, received the copy of the intimation but refused permission to the fact finding team members to enter the forests. The forest officer requested the team to wait for 10 minutes to communicate with his higher officials to seek their orders for permitting the fact finding team members to enter the forest.

For two hours the team tried to reach some senior official either in the police or in the Forest Department who could explain why this extraordinary step had been taken, or withdraw the order, but was fobbed off and could not enter the forest. Several senior police officials didn't respond, informed by themselves through phone SMSs about them being in a meeting or through their secretaries and other colleagues that they are not in the office. Often the excuse of a public holiday was quoted. Since this was neither a prohibited area, nor one where the District Magistrate had issued orders under Section 144, the refusal to let the team pass was illegal. The only possible conclusion that can be drawn from this bizarre behaviour of the Andhra Pradesh police and forest officials is that they feared that the team's inspection of the spot would so completely expose their claims that it must be prevented at any cost, including by the deployment of an armed force.

The local press had by then gathered in large numbers by now and finally an officer named Mr. Srinivas, Divisional Forest Officer (DFO) spoke to one of the fact finding team members and explained that he was awaiting the orders from his higher officials but also denied that there was no permission granted to the team and disconnected the call.

Meanwhile, the fact finding team had brought this to the notice of one of the NHRC officer from New Delhi A.K.Parashar. Despite Mr. Parashar's several attempts to contact the DFO and the Superintendent of Police Tirupati, the concerned officials denied talking to the NHRC officer stating that the concerned officers were in a meeting. On the contrary, the forest officer stationed at the entrance of the forest had constant communication with the concerned DFO and other police officers. Moments later, two more forest officials joined in with 4 armed men in mufti and joined the already existing forest force squad. (Refer to **Annexure 9** for photographs). Following no response from any state officials and after awaiting for two hours at the same spot, the fact finding team when tried to proceed for the reported encounter and body recovery spot by foot was stopped by the stationed forest officials.

Fortunately, two days earlier, the preliminary fact finding team of People's Watch had visited the spot, before the police realised the implications of letting them go there, and had prepared a report, which the team had access to and studied and accepts as factual and objective. (Refer to Annexure 2). At 3 PM, the fact finding team started for S.V Medical College in Tirupati.

The fact finding team reached S.V Medical College, Tirupati, at 3:30 PM where the post-mortem of 20 bodies of persons killed in alleged encounter was conducted. There were neither doctors nor any administrative staff to share with the fact finding team the records in which the details of the post mortem were registered. However, the team was also able to speak to the Medical Superintendent of the hospital, who informed it that nine constables of the Task Force had been brought there around 11:30 in the morning of 7th April, most of them with simple injuries caused by blunt objects, which could have been stones or sticks. It has to be noted that the alleged injured policemen arrived for treatment at the hospital before the first FIR that was registered half an hour later at 12:00 noon on the same date and this was also conceded by the State of AP before the NHRC in its hearing in Hyderabad on 23rd April 2015. None of them had injuries that could have been caused by firearms, arrows or sharp objects like sickles. However, the Medical Superintendent refused to show any documents in support of the above facts.

The fact finding team was however able to gather from reliable sources that the 20 bodies of those killed were brought to the hospital mortuary only after 8:30 PM on 7th April, which clearly shows that the bodies were in the open forest for a whole day in the sun with the intention to allow the bodies to decompose in natural ways. Though the incident happened inside the forest, as claimed by APRS-STF, there were no medical personnel after the incident to declare the death of the 20 people. Even if the APRS-STF claims the injuries to be that of gunshots, there exist adequate chances for the injured to survive. That chance has been intentionally and wilfully denied, which establishes clear the intentions of the STF to kill the wood cutter.

These sources also confirmed that there were several MRO (Mondal Revenue Officers) deployed to conduct the inquests. If so, not much time period is needed to finish the inquest by the MROs and bodies could have been brought to the hospital in the early hours of 7th April itself, to avoid decomposition and secure vital proof from the body. The fact finding team has been alerted that the post-mortems were conducted by a team of doctors from the SV Medical College and also followed NHRC guidelines. There are only four qualified forensic experts in the concerned hospital. We strongly feel that detailed autopsy is not possible within 4 hours for 20 bodies (i.e. between 9 AM – 1 PM on 8th April) as the bodies reached the respective villages on the evening of 8th April as confirmed later by the respective families of the deceased and villagers.

The fact finding team, in the absence of any statement or information from any State representatives, including the officials at the medical college, refers and accepts the statements made by the forensic science expert Dr. Prof. P. Chandrasekaran. According to him, who has handled thousands of cases, states with all his experience, that it was a cold blooded murder. He explains in details that the people were tortured and killed by shooting from close range and bodies were dragged to the alleged spot. He also referred to the *gutka* and *supari* packets around the body for which the finger prints should have been taken. With no thorough and immediate investigation in the case, all these evidences now stand lost and eventually aiding the police version. (Refer to Annexure – 3)

At 5:00 PM, the fact finding team arrived at Kabilathirtham in Lower Tirupati to meet Dr. M. Kantha Rao the DIG of APRS-STF. At the gate to the compound of the DFO/ DIG even after stating that the fact finding team has come to meet the DIG, the policeman stated that the DIG was away and hence not available in his office. However, the fact finding team made entry by stating that they would meet any other officer of the APRS-STF if the DIG was unavailable after showing the prior intimation sent to their higher officers. To the surprise of the fact finding team, the official car of the DIG was in the campus adjacent to his office and it was correctly proved that he was very much present in his office but claimed to be absent. When the same policeman at the entrance gate was told about this on the way back, he mentioned that he had been strictly ordered to state this reason to anyone who tries to meet the DIG. DIG's office is an office-cum-residence arrangement.

The DIG was not willing to meet the fact finding team. The fact finding team waited for another 10 minutes at the door steps explaining the purpose of their visit to DIG's subordinates. After a lot of persuasions, the DIG met the fact finding team for nearly 20 minutes. DIG Dr. M. Kantha Rao, whom the fact finding team met in his office-cum-residence in a compound shared with the District Forest Office, invoked an oral order of the Andhra Pradesh High Court of the previous day, which had asked senior police officials not to make public statements to the media on this incident. In the fact finding team's view, which it conveyed to the DIG, this was a deliberate and self-defeating misreading of the High Court's order. This refusal to speak to the team simply meant that its members were forced to conclude that the police had no case to make, and so feared a discussion on it that they would rather let it go by default.

The DIG during the conversation repeatedly claimed that he is humanitarian in his approach and valued human rights and as a doctor he knew the value of human life also. He appeared tensed, mumbling in his talks and stated that he was just a link in the chain and not an authority by himself by which it is assumed that he meant carrying out the instructions of his superiors. The DIG kept referring to a newspaper clipping dated 14th March 2015 which mentions about trainings to be organised for educating labourers from north-western districts of Tamil Nadu. (Refer to **Annexure 10**). He cited this particular article when comments were

sought on the encounter killings. Later the fact finding team visited the DFO office, situated in the same campus, only to know that he had left for the day at about 3 PM.

The campus where the APRS-STF Headquarters and the office of the DFO are situated is about more than 20 acres (approx) in area. The entrance in the campus has grills on both side till a certain distance. The fact finding team noticed several vehicles of various makes, mostly cars, jeeps, SUVs and lorries were parked. Several vehicles were in irreparable conditions and seemed like they were parked there for years. It has to be noted that several vehicles of various makes were new with tyres in working condition but dumped in the campus. Several of the vehicles had reference to case numbers written in white paint on the number plates or on rear sides of the vehicles. (Refer to **Annexure 11** for the photographs)

The fact finding team was able to locate an "EICHER Van" in workable condition with no number plate at the rear. However, it bore a number plate KA 27 3385 (first number hidden in the picture) which the fact finding team suspects was used to carry the 20 bodies of the persons killed in alleged encounter. (Refer to **Annexure 12** for the photographs). The photograph of one victim was also published along with the dead body in the media. (Refer to **Annexure 13** for the photographs) In Ilangovan's testimony, he clearly mentions about getting on and jumping off from a bus with 'EICHER' written at the rear end.

The fact finding team then went to Chandragiri Police Station to meet the SHO of Chandragiri Police Station at 5: 45 PM. The initial FIR was filed by this particular SHO against the victims. Though he was informed about fact finding team's visit through his colleagues over the telephone, he chose not come back to his duty station even after the team waited for almost half an hour. All police officials involved in the incident categorically either refused or cited excuses to meet and discuss the matter with the fact finding team.

The fact finding team embarked for Vellore for its last mission of the day and met the three eye witnesses from 8:30 PM – 10:30 PM. The two witnesses Sekar and Balachandran (refer to Annexure 4 & 5 respectively) had already submitted the statement with the NHRC and Ilangovan (refer to Annexure 6) was to submit the statement the following day in Pondicherry before the deputed officers. The fact finding team also heard, and received statements from the same three men, mentioned above, who are crucial witnesses to the abduction of their companions by the Andhra Pradesh Police on the night of the 6th April; all the men taken away were among those who were killed on the 7th April.

The fact finding team refers to an article published in the Tamil magazine '*Nakeeran*' which mentions in detail the entire incident through a testimony of an APRS-STF personnel married to a Tamil woman. The same was put before the NHRC during its hearing in Hyderabad on April 23. The said personnel's narration is similar to the narration of Ilangovan which the fact finding team noted and as mentioned in the later section. What is important to be noted in the said personnel's testimony is that the entire incident was earlier planned as an act of torture and judicial remand which was overruled by the intervention of the Chief

Minister of Andhra Pradesh Mr. Chandrababu Naidu and the DGP Mr. J.V. Ramudu. The Chief Minister was present in Tirupati on April 6th along with Union Minister Mr. Venkaiah Naidu and is stated to have personally given a green signal to the execution of the 20 people. (Refer to **Annexure 14** for English translation of the article published in the magazine 'Nakeeran'.) If the telephone calls of all these officials are tracked the truth behind the alleged order of the Chief Minister of AP will be revealed.

3.BRIEF STATEMENT OF EYE WITNESSES

Brief Facts of the Statement of Paramatha Sekhar

- i) Paramatha Sekhar, of the Vanniyar community, was on a bus on the 6th April with his relative Mahendran, and saw two other men of his village, Murthy and Munuswamy, also on it. He realised they were going to Tirupati when the conductor called out the name. About an hour out of Tiruthani, a man in mufti boarded the bus and forcibly took Mahendran down from it. Sekhar was sitting between Mahendran and a woman, and believes he was not also taken because the abductor thought he was with her, not with Mahendran;
- ii) When he looked back a few minutes after he saw that Murthy and Munuswamy were also missing, and had clearly also been forcibly taken off the bus;
- iii) Sekhar was terrified, got off the bus at the next stop, and made his way back to his village, reaching late past mid night on the 6th April;

Brief Facts of the Statement of Sitherimalai Balachandran

- iv) Sitherimalai Balachandran, from the Malayali Scheduled Tribes, travelled with seven men from his village on the 6th April, met an agent named Palani, but was separated from his group at the Arcot bus stand, when he and an employee of the agent went off for a drink; they followed in the next bus;
- v) Late in the evening of the 6th one of his relatives, Sivakumar, who was with Palani, told him that the agent had gone off somewhere, and asked them to wait;
- vi) Palani's man (with Balachandran) then understood from a conversation with his employer that he had been arrested; "this man" and Balachandran then left Nagariputhur in Andhra Pradesh to return to Tamil Nadu to escape being arrested;
- vii) When Balachandran tried ringing Sivakumar on his mobile there was now no answer. But around 11:30 PM, he got a call from the same phone, in which a person he did not know and who would not identify himself told him that his friends were in Tirupati, where he should come immediately to fetch them;

- viii) Balachandran was afraid, and though there were several calls later from Sivakumar's number, he did not pick them up;

Brief Facts of the Statement of Ilangovan

- ix) Ilangovan, travelling on the 6th April with his friend Paneerselvam to find work as masons, had got into an auto at Nagariputhur around 8 pm, but it was blocked off by around eight armed men in mufti, who made them get out; one of them then made a call from his phone;
- x) An 'EICHER' lorry appeared shortly thereafter, and the two men were thrown into it; Ilangovan found there were already about 30 persons in it, of whom 10 were carrying guns;
- xi) The lorry brought after almost an hour them to a compound which was dark and with many different vehicles; here the armed men jumped out, and some of them went into an office from where they brought a video camera, with which they photographed the men;
- xii) When the armed men were preoccupied, Ilangovan utilized the occasion and cover of darkness and climbed over the front left side of the lorry and ran off, taking advantage of the darkness; he scaled a fence and went up a hill behind the compound, until he reached the lower Tirupati temple, where he hid, till almost 4.30AM before managing to return to his home.

The fact finding team has had access to some of the relevant documents, including the FIR filed by a forest officer, in which the claim is made that, in addition to the other weapons listed by the DIG in his statement to the press, the men who were killed had four firearms. (Refer to Annexe 4, 5 & 6 for complete submission by the three witnesses).

4.FURTHER VISITS OF THE FACT FINDING TEAM

On 15th April, the fact finding team divided itself into two teams and visited 19 families of the deceased victims in their respective villages. The teams visited –

- i) **At Keelkanavayur village in Tiruvannamalai district** and met Ms. Lakshmi who is the young widow of **Paneerselvam**. Lakshmi and late Pannerselvam have an eight months old girl child named Sanjana. Paneerselvam's family belongs to Melkanavayur village which is 2 kms further on the hill.
- ii) **At Melkuppasanur village in Tiruvannamalai district** and met the families of the deceased victims **Chinnasamy, Govindasamy, Rajenderan, Vellimuthu**. It is pertinent to note that the Vellimuthu was physically challenged with hearing and speech impairedness. Rajendran's wife is two months pregnant.

- iii) **At Kalasamangalam village in Tiruvannamalai district** and met the family members of **Palani**. Late Palani and his wife have a 42 days old child.
- iv) **At Vettagiri Palayam village in Tiruvannamalai district** and met the family members of **Perumal, Mahendran, Moorthy, Munusamy, Sasikumar, Murugan**. Sasikumar's wife Muniamal had gone to Hyderabad to file a petition in the Andhra Pradesh High Court.
- v) **At Chitheri Hills in Dharmapuri District** and met the family members of **Hari Krishnan, Venkatesh, Sivakumar, Arasanatham Lakshmanan, Velayudham, Lakshmanan and Sivalingam**.

Most of them deposed to the team that their respective deceased family members left homes on either of 5th or 6th April located in Tiruvannamalai and Dharampuri districts. The family members stated that they were going to Coimbatore, Chennai, Pondicherry, Kerala and Karnataka for coolie work. Some of them also mentioned about the calls made and received by them from their respective husbands or sons. Most of the victims' families had no signs of prosperity and have hand to mouth existence. Schemes like MGNAREGA are defunct for almost a year. The only livelihood option available to the people in these villages was therefore to move out for labour work either in nearby cities or coffee estates in Kerala and Karnataka. Very rarely they referred to Karnataka and for them outside Tamilnadu was always referred to as Kerala. The families of the deceased victims claimed that under no stretch of imagination the victims can be involved in red sander smuggling or even red sander woodcutting in the past. On several occasions, victims were joined by their respective wives, children and brothers while setting out for contractual work. (Refer to Annexure 7 for a detailed account of the village visit).

The fact finding team returned to Vellore around 8 PM and the two day mission formally concluded.

5. OBSERVATIONS OF THE FACT FINDING TEAM

From an analysis of the reports in the media on the incident, it became clear that an objective assessment could only be made by getting answers to several genuine questions raised by several experts, journalists, lawyers, human rights activists and, judicial and quasi-judicial bodies. It is immensely and urgently important that an independent investigation is undertaken. Despite 2 weeks of the alleged 'encounter', in our 68 years old democracy claiming one of the best Constitutions among the modern nation-states, the killing of 20 poor villagers is still awaiting an investigation and had to wait for the directions of the Andhra Pradesh High Court to register an FIR. Despite the information received on April 12 at 2:15 PM regarding the same, the FIR was only registered after a delay of almost two days on

April 14 at 11:30 AM.(Refer to **Annexure – 15**) The fact finding team has painfully compiled a set of observations based on the pertinent questions that arose during the mission.

- I. **Were the men woodcutters?** The families of the victims say they were not, that they did a variety of odd jobs for contractors in local towns. However, the cutting of wood is also a manual job which locals can turn their hands to. Some of the villagers to whom the fact finding team spoke said that they did whatever work they were contracted for. If they were asked to cut trees, they did, in Tamil Nadu and in other States, not just in Andhra Pradesh, but they did not know if certain trees were off limits. They had not knowingly cut trees that were on a protected list.

The three men who accompanied 12 of those who were killed told the team that they were being taken to do other work in cities (Chennai and Pondicherry) not to the forest. When they left their houses, they were not carrying sickles, sticks, rods, or any implement needed to cut large trees. Nor did they have with them firearms, bows and arrows, or any other weapons. On for that matter a bag with clothes to last them a few days.

- II. **Were the police attacked by 200 armed woodcutters?** The fact finding team having been prevented from visiting the site, it has relied on the report of the careful inspection of the place and its surroundings prepared by the preliminary fact finding team of People's Watch who went there. From this report, and their personal narration to the team, and their own enquiries, the following points emerge:

- a) there are no Red Sanders trees in the area where the bodies were seen, there were only saplings; the nearest groups of large trees are 3 kilometres away; it is unlikely therefore that woodcutters would have camped at that location, as claimed by the DIG;
- b) there is no evidence, at the spot or in areas nearby, that a group of 200 men had camped there for at least 24 hours; there are no campfires, no remnants of raw or cooked food, no bedding or cooking utensils, no human waste; the only debris are empty packages of food issued to the Andhra police;
- c) there is no evidence that the police fired at a group of 200 men, who had taken cover behind boulders; there are no bullet marks either on the rocks, or on the saplings, which would have been cut down by automatic fire;
- d) there is no evidence that a large group of men fled from the area, though if 200 were there and 20 were killed, 180 would have escaped, many presumably with bullet injuries, leaving a trail of blood and possessions abandoned in panic, as invariably happens when the police fire into a violent mob; here the surrounding area was pristine;

- e) there are no reports of any men emerging from the forest to seek treatment for injuries from hospitals, dispensaries, doctors or quacks in the area; it would be entirely improbable that every round fired by the police hit only the men who were killed; in a genuine encounter, particularly when automatic weapons are used, there are invariably both injuries and deaths;
- f) there is no evidence that men emerged from the forest in the days after the encounter and tried to make their way back to Tamil Nadu; the SHO of the Nagari Police Station, through whose jurisdiction the bus route from Tirupati to Tamil Nadu runs, has confirmed that he had carried out checks, but had found no one who could have been a woodcutter;
- g) there is no evidence in the forests nearby of trees having been cut, though if 200 woodcutters had been there for at least a day, as the DIG has claimed, very substantial numbers would have been chopped down; even if the logs had been carried away, the stumps would have been there, but there were no stumps to be seen; trees in this area had not been cut;
- h) the 200 alleged woodcutters, out of whom 20 had been killed and the remaining 180 are missing. The Nagari police station SHO had confirmed of no arrests whatsoever after the incident despite lookout. It can be feared that a case is now made by the police by registering these charges against unknown persons and arrests being made out of revenge and whims and fancies of the policemen;
- i) Most of the logs beside the bodies, when the media had access, had markings on them as those put on in government godowns; these logs could not have been cut by the men who were killed, and would therefore have been planted there by the Task Force in a foolish attempt to “manufacture evidence”;
- j) some of the logs beside the bodies, when they were shown to the media, were much bigger than the physical sizes of the deceased victims; these logs, especially when the red sanders logs are extremely heavy, appeared to be of more weight than those of the deceased victims. The number of logs and their weight, as presented by the media, clearly outnumbers the capacity of the 20 deceased victims;
- k) if the APRS-STF version has to be believed that there were 200 woodcutters carrying logs, it is obvious that a lorry/van/truck will be used to transport the same. There has been no report by the AP-STF on seizure of any transporting vehicle relating to the alleged ‘encounter’;
- l) the timeline of the entire incident raises serious doubts about the same. The statements of the three witnesses and families of 19 deceased victims confirm that the deceased victims left their respective villages and would have entered

Andhra Pradesh only by late evening of 6th April. The chopping of the red sanders trees and carrying out those heavy logs by any human capacity can't be completed in a matter of few hours;

- m) relying on the statements of forensic expert Dr. Prof. P. Chandrasekaran, there is no evidence that the police were attacked by the 200 woodcutters. More so, there have been no arrests and even injuries to any among the alleged '200 woodcutters' and in any encounter it is impossible that 20 people have been killed and not a single person has been injured and taken under custody and medical treatment.

- III. **Did the police fire in self-defense?** Since there is no evidence that there were any woodcutters in the area on the morning of the 7th April, it is difficult to believe that the police were attacked at all. The team has of course heard from the Medical Superintendent of the District Hospital that 9 constables of the Task Force had been brought there with simple injuries, contusions caused by blunt objects. Members of the fact finding team have come across several instances in the course of their previous work of mild injuries self-inflicted by policemen to make an account of an encounter plausible, but even if it is accepted that in this case they were inflicted on them by assailants, it is clear from the nature of the injuries that the policemen were not under any real threat, armed as they were with high-powered rifles, and facing at best sticks and stones. Therefore there is no evidence at all of a grave and imminent danger to the lives of the policemen that would justify their opening fire in self-defense.

Adding to this, the FIR in Crime No 43, registered after half an hour of the FIR in Crime No 42, the only difference among them being the mentioning of the three firearms in the FIR in Crime No 43. There were no Dermal Nitrate Tests (DNT) conducted on the dead bodies which could establish this claim. Furthermore, the dead bodies were left in the open in the jungle, exposed to the sun, for more than 14 hours, i.e. from 5:30 AM on April 7th till 7:30 PM on April 7th (Considering it took one hour for the body to reach the medical college for autopsy i.e. 8:30 PM), would have erased all the crucial evidences.

- IV. **Was the nature of the firing justifiable?** There is no evidence that the police, which claims in its 2 FIRs that it first fired in the air as a warning, thereafter shot to deter and to disable rather than to kill. The policemen clearly aimed only at vital organs, and therefore specifically to kill. This was utterly disproportionate, even if it is accepted that some of them had been hit by stones, and completely unjustified under the parameters of domestic law and international standards.

- V. **Were these killings unpremeditated or were they planned murders?** It is impossible to give the Andhra police the benefit of the doubt, and to say that only some members of the Task Force over-reacted to an attack on them with sticks and stones, using lethal and disproportionate force in retaliation, in which 20 lives were tragically lost. The reports that the fact finding team received, particularly from the three men who were companions of 12 of the men who were killed, and narrowly escaped their fate, points to something far more sinister and grave, the abduction, torture and murder by the Task Force of 20 completely innocent men, all of them desperately poor migrant workers from Tamil Nadu, 13 of whom were also from the Scheduled Tribes.

Also, it is categorically clear from the testimony of Ilangovan and the APRS-STF personnel as well as the statements by the family members of the deceased victims that all 20 people were tortured and executed in a planned operation. Relying on the article in the magazine '*Nakeeran*', on the revelations made by the APRS-STF personnel, we are forced to find truth in the version put forth that the orders of execution were passed by none other than the Chief Minister of AP to the DGP and then to DIG Dr. M. Kanta Rao who then ordered his men to follow suit. Hence, following the principle of command and responsibility, the Chief Minister, the DGP and the DIG will be jointly and severally criminally responsible for commissioning the extra judicial killing of the 20 poor villagers hailing from Tamilnadu if this is independently investigated.

- VI. **Correlating the statements of the three witnesses**, the following conclusions can be drawn –

- i) 11 innocent men, travelling in search of work, who had committed no crime, were “abducted” and taken into ‘police custody’ by armed and unarmed policemen, who stopped and boarded public transport in Andhra Pradesh, or picked them up from public places near Tirupati on the night of the 6th April, without being questioned or prevented from doing so and totally contrary to the provisions of arrest as under sections 41A, 41B, 41C, 41D, 53, 60 and 60A of the Criminal Procedure Code;
- ii) though all these armed men were not in police uniform, and cannot be identified as such, the fact finding team presumes that armed gangsters cannot roam around in Andhra cities, or carry out abductions so brazenly. Hence the conclusion that these were arrests;
- iii) the fact finding team has seen for itself that reinforcements sent to bolster the Task Force unit which was blocking its entry to the forest on the 14th April arrived in mufti, but carrying rifles; this appears to be standard practice for the APRS-STF;

- iv) the fact that they were not challenged by members of the public, or by the drivers of the public transport from where they carried out the “abductions” shows that, if they had at all been questioned, they had identified themselves as policemen, and were therefore given a wide berth;
- v) from Ilangovan’s account, correlated with those of the others, it appears that apart from the 11 who were with these three, around 9 other men had also been picked up on the evening of the 6th April;
- vi) these men were put into an ‘EICHER’ van, which travelled from spot to spot, picking up the men as they were “abducted”;
- vii) the description given by Ilangovan of the place to which the van took them, and from where he ultimately escaped, matches exactly that of the compound that houses the office-cum-residence of the DIG of the RSASSTF and the District Forest Office, which the team had also occasion to visit and walk through upto the main gate as their vehicle as asked to be parked outside has visited;
- viii) the “abductors” were therefore none other than members of the Red Sanders Anti-Smuggling Task Force of the Andhra Pradesh government;
- ix) since Ilangovan saw 10 armed men in the ‘EICHER’ lorry into which he was thrown, and several others were involved in the abduction of the Tamil workers from vehicles and spots around Tirupati, this was a large operation, involving planning, logistical preparation, and significant deployments of police not without the personal supervision and meticulous guidance of the DIG, Dr. M.Kantha Rao.
- x) this could not have been an on-the-spur initiative of one or two rogue policemen, or a low-level initiative; the preparations involved, the clearances needed for significant deployments of policemen, and the audacity with which these crimes were committed are all signs that this was a single operation planned, ordered and coordinated by officers, not by the constables of the Task Force who carried out the tasks assigned to them; - with the full guidance of Dr.M.Kantha Rao and the approval of the AP State’s Director General of Police and Principal Conservator of Forests.
- xi) there is therefore convincing evidence that 11 of the 20 men who were described as woodcutters working for sandalwood smugglers, and killed on the morning of the 7th April in what the police described as an encounter, had been abducted by members of the Task Force the night before; they could not have been in the forest in the early morning of the 7th April unless they had been taken there by their captors, they could not have been armed, nor could they have been in the employ of smugglers or in the company of 180 woodcutters;

- xii) since 20 men were killed together, 11 of them can be confirmed to have been hostages of the Task Force from the night of the 6th April, and Ilangovan, who escaped, saw around 20 men in the truck into which he was thrown, it is not just a safe presumption but the only possible logical conclusion that all the 20 who were killed on the 7th April were those who had been abducted on the 6th April.

VII. **Were the men tortured?** The fact finding team has heard harrowing stories from the widows, mothers and other close relatives of the men of the mutilations they saw on the bodies when these were returned to them.

- i) Arms had been hacked off on one or two bodies, the teeth were missing on several, eyes had been gouged out on others, toes sliced off on one and the tongue slashed on another, and on several there were marks of burns, of sharp objects having been thrust into bodies, and of limbs being crushed. Most of the bodies having now been cremated, it is impossible to confirm these reports by visual evidence, but these stories were spontaneously recounted to the team by bereaved women in great anguish, and there is no reason why they should be fabricated.
- ii) The fact finding team was told by a journalist who had seen the bodies before the post-mortems, and who had some medical experience, that several were mutilated and bore marks of torture. The forensic expert with the fact finding team, Dr. Savior Selva Suresh has learnt from colleagues in the Andhra Pradesh medical fraternity that the autopsy surgeons, to whom the team could not speak, had found some limbs missing on the bodies they had received. This will only be confirmed by the post-mortem reports, and by the videotapes of the autopsies.
- iii) Unless the videotapes conclusively establish that the relatives were mistaken and the reports received by the team were false, they must be accepted as the truth. The very disturbing conclusion is that, having illegally and forcibly abducted 20 innocent men on the night of the 6th April, members of the APRS- Special Task Force subjected them to a torture which was psychopathic in its cruelty and brutality.
- iv) It is disturbing in the extreme that the Andhra Pradesh police tortured these men. Torture is generally used to extract information, but in this case, even the most dim-witted policeman would know that little would be gleaned from men whom they had arbitrarily picked up, and who had nothing to offer. It is, however, not unknown for torture to be used by members of one group against another which it despises and dominates. It is therefore very troubling that most of the bodies that bore the marks of torture were those of the men who were Scheduled Tribes. This makes the appalling crimes committed by

members of the Task Force even more contemptible, and deserving of the most draconian punishment.

- v) Such a brutal torture as evidenced from the family members and the photographs available clearly indicate that the venue of such acts of torture could only have been the DFO – DIG APRS-STF joint compound whose loneliness encourages the isolation requested for such acts of torture. The APRS-STF also has a host of staff ably built not in uniform which further facilitates such as illegal action.

- VIII. **Were the men murdered?** The inescapable conclusion that flows from this analysis of the facts available to the team is that 20 innocent villagers from Tamil Nadu, travelling through Andhra Pradesh in search of work, were murdered in cold blood by policemen of the Andhra Pradesh Task Force on the morning of the 7th April, as the last act in a planned, elaborate operation that began with the abduction and torture of the victims, chosen apparently at random, the night before.
- IX. The NHRC while hearing the matter in Hyderabad on April 23rd, in its open hearing took on record the statements made by the representative of the AP Government, Mr. Vinay Ranjan Ray, the Additional DGP (Legal). He put forth to an unimaginable extent of justifying the delay in the registration of the FIR stating that the APRS-STF doesn't have necessary powers of a police station to register an FIR and hence the Chandragiri police station had to be contacted which is situated 8 kms from the incident area. The Chandragiri police station then in turn, according to the said officer, had to contact the police headquarters in Hyderabad and follow their instructions which were based on the NHRC guidelines of investigation not to be carried out by the same police allegedly engaged in the police action. All this process took time from 5:30 AM to 12:30 PM, i.e. an unjustifiable delay of seven hours. In any case of such grave implications, delays and justifications as these just add to the suspicion and confirm the alleged criminal acts by the police, the forest officials and the State administration.
- X. The fact finding team is convinced that the Andhra Pradesh administration through all its actions has successfully delayed the proceedings in this case and has tried its utmost to protect all those involved who have said to have carried out these killings at the behest of their political masters. This can be proved repeatedly by several instances like the delay in the registration of the original FIR, the subsequent delay in the FIR against the police despite the orders of the AP High Court; no investigation whatsoever in the case till April 20th when the AP Government appointed its SIT which was two weeks since the alleged encounter (Refer to **Annexure – 16**); complete non-compliance to the NHRC's order dated April 13th (Refer to **Annexure –**

17). Thus the AP administration has shown complete disrespect to the judicial and quasi-judicial justice mechanisms of our country.

XI. The fact finding team also appreciates the initiative of various civil society organisations and groups, and political parties in Tamil Nadu who immediately intervened in courts and raised public consciousness on such a serious issue concerning the killings of fellow India citizens. The fact finding team would like to note the intervention made by People's Watch with the NHRC (Refer to **Annexure – 18**), a PIL filed in the AP High Court by the Civil Liberties Committee (formerly APCLC) (Refer to **Annexure – 19**), a PIL filed in the Supreme Court of India by Mr. Thol Thirumavalavan, the leader of a Dalit party from Tamilnadu. a PIL filed in the Madras High Court by the Pattali Makkal Katchi [a political party from TN] and a PIL filed in the Madurai Bench of the Madras High Court. It is because of such immediate legal measures and interventions that one saw some light being shed on this gruesome human rights violation finally resulting in an investigation in the case by the AP Government and the NHRC.

6. QUESTIONS THE ANDHRA PRADESH ADMINISTRATION OWES A RESPONSE TO THE 20 FAMILIES OF THE DECEASED AND THE PEOPLE OF THIS COUNTRY

The fact finding team fears this case of 20 killings of poor and innocent labourers is a case of illegal arrest, arbitrary detention, custodial torture and extra-judicial killing, with premeditated effort to allow those initially injured in the killings to die without medical attention and serious attempts to cover up the evidences. Each of these being independent human rights violations and one linked to the other. Hence, the fact finding team had sent the interim report to all the AP officials concerned and sought explanations for the following questions to be offered by them. The fact finding team also sought the officials to furnish photocopies of the documents in support of their replies within 7 days of receipt of this interim report on or before 27th April 2015. Following it, it was mentioned that they would consider that there is no explanation to be offered by the concerned officials and accordingly the final report from the findings of the fact finding team will be finalised.

- I. When and by whom and how (mode) was the information regarding 'smuggling/woodcutting' taking place at Seshachalam Forest on 6th April was obtained?
- II. Where (in which PS jurisdiction) were the 20 persons first seen on 6th April? Name the AP-STF and Forest Officials. Who claim to have seen them as one group or separate groups?

- III. What is the name and designation of the officer(s) to whom the first information about the 20 persons was given?
- IV. Which vehicle was used by the APRS-STF to reach the spot (venue of encounter)? Mention the exact time as recorded in the G.D, vehicle log book and also as per the wireless information.
- V. What is the name and designation of the officer(s) who gave the firing order? Mention the exact time of the said order.
- VI. What time were the bodies of the 20 deceased identified and by whom? Who declared them as dead. Mention the names and designation of the officials.
- VII. How many rounds of firing were conducted during the alleged encounter? How many unfired bullets were seized from in the area? Where are they kept and under whose custody? Was the report of crime scene prepared? If so by mention the name and designation of the official.
- VIII. How many APRS-STF and forest officials were injured in the encounter? What are the injuries sustained by the APRS-STF personnel and give detailed description of the injuries sustained by each police/AP-STF/forest official as recorded by the Medical Officer who treated them? Mention the names and designations of the injured personnel.
- IX. Who conducted the inquest on the dead bodies? Mention the start and end time of the mentioned inquest. Mentioning the names and designations of the ordering authorities.
- X. What time were the injured personnel admitted to the hospital? What was the treatment given to them? Whether they were admitted as inpatients? Or treated as out-patients for the contusions, bruises and for their simply injuries?
- XI. What time were the post-mortems on 20 bodies performed? Mention the names and designations of the medical officials who performed it? Mention the exact time taken for each body to perform the post-mortem as per official records of the hospital mortuary?
- XII. What was the procedure adopted to identify the persons killed in the alleged 'encounter'? When and how were the blood relatives or the kin of the dead persons informed about their deaths?
- XIII. What are the things recovered from the 20 dead bodies collected after the alleged 'encounter'? Where are they preserved at present? Has any intimation been provided to any of the family members.

- XIV. If the rest of the smugglers escaped from the Seshachalam Forest area on 6th April, did anyone get arrested at the check posts as per your information?
- XV. Was there any transportation vehicle seized on 6th April to be used by the alleged 200 people to smuggle red sanders wood?
- XVI. What are your explanations for the injuries found on the bodies of 20 persons which were seen in the photographs published in the media?

7. RECOMMENDATIONS

- I. It is now 33 days that the incident took place leading to the death of 20 persons. There is therefore an urgent need for an immediate, independent and impartial investigation to be conducted in a time bound manner, by a Special Investigation Team (SIT) monitored closely by a retired judge of the Supreme Court comprising of carefully identified senior experienced police officers inspiring confidence in the public and not belonging to either Andhra Pradesh or Tamilnadu who do not have involvement in any cases of such police actions against them in the past. The investigation under no circumstances can be conducted by the Andhra Pradesh police in light of the NHRC guidelines to be followed in cases of police action, which specifically emphasises the 'principle of impartiality' of the agency investigating into an alleged encounter. We are aware that the AP government has constituted an SIT to investigate this case on the 20th of April and that they have started their investigation in this case but this does not satisfy us at all due to the lack of their independence, the gravity of the violations being investigated and their attitude exhibited in all for a till date.
- II. There is an urgent need on basis of the merits of this fact finding report and the statements of the witnesses recorded by the NHRC, as it appears prima facie to be a case of illegal arrest, arbitrary detention, custodial torture and extra-judicial killing, NHRC with its powers as enshrined under sections 13 and 14 of the Protection of Human Rights Act conducts by itself a detailed enquiry using its own Special Rapporteurs who are former Director General of Police and utilizing the services of its own investigation team in the case. As of now the NHRC has only ordered it investigation team to investigate since all senior positions of Investigation officers in the NHRC such as its Director General of Investigation and DIG are presently vacant.
- III. 20 independent cases under section 302 of the CrPC to be registered against all policemen who were on duty on 6th and 7th April including their superior officer up to the DIG of the Andhra Pradesh Red Sanders Anti-Smuggling Special Task Force. Each one of the 20 cases need to be independently investigated to arrive at a logical

conclusion. A judicial enquiry as envisaged under section 176(1)A of the CrPC needs to be conducted by a Judicial Magistrate as mandated by law and not a magisterial enquiry by an executive magistrate as is presently being carried out by the AP government in all such cases since the Criminal Procedure Code has been amended in 2009. .

- IV. The statements of all relevant survivors, witnesses and respective family members be recorded before a Judicial Magistrate u/s.164 CrPC having jurisdiction over the area where they are presently located/residents of. Since 14 out of the 20 deceased victims belonged to the ST community, a case to also be registered under the provisions of the SC /ST Prevention of Atrocities Act 1989.
- V. The post-mortems' report needs to be made available to each of the families as well as to all those who have intervened on behalf of the deceased. It is believed that viscera and DNA have been preserved properly and as required in all 20 cases. It is also believed that Gunshot Residue (GSR) has been taken in all the 20 cases. The fact finding team is aware about the forensic expert panel of the NHRC. This specialised panel should re-examine all the post-mortem reports, the video footage as to be followed under NHRC guidelines, viscera, DNA and GSR as urgently as possible and present their report to the NHRC for its urgent action with copies of the same being made available to the families of the deceased. .
- VI. The NHRC has already ordered for police register, log books, GD entries and any other documents relating to the incident for not be destroyed, tampered with or weeded out during the pendency of the NHRC proceedings. However, none of these orders were carried out even as late as on the 23rd April 2015. The NHRC should make a special note of the wireless recordings and transcripts and order the same in this regard. Wireless transcripts are crucial evidence in the case as prima facie the case appears to be of a planned execution. The NHRC has to, in as much as this is a case that has also been initiated suo motto by it, to place this case for regular hearings before it to make sure that its interim orders are strictly adhered by the AP Government and others.
- VII. The mobile call records from 5th – 8th April of all the APRS-STF officials and members, Forest officials in the District and members and concerned Andhra Pradesh police officials like the District Magistrate Tirupati, the Superintendent of Police Tirupati and members to also be submitted to the NHRC and to the concerned investigation agency. The same applies for all the 20 deceased victims and their mobile call records to also be submitted.
- VIII. A large number of under trials are understood to be languishing in the prisons of Andhra Pradesh for several years now under the charges of smuggling of red sanders wood. All of them are labourers and are economical weak. There has been

no convictions in any of these cases and if any was not brought to the notice of the team by any police official when contacted. The Andhra Pradesh government needs to be directed to prepare a list of all such cases of arrests and detention and immediately provided to the NHRC within two weeks. The NHRC has also to ensure that proactive legal aid is provided to all the accused in all such cases using the Services of the AP State / District Legal Services Authority as well as the Tamilnadu State Legal Services Authority to ensure that all persons in judicial custody are released forthwith without insisting on the production of formal sureties and on their own bond as earlier held directed by the Supreme Court of India. .

- IX. The Tamilnadu State Legal Services Authority to also ensure that sufficient and competent senior counsel are provided to each of those who are released on bail from the various prisons in AP to conduct their cases speedily and free of cost.
- X. We understand that the National Commission for the Scheduled Tribes, whose Chairperson is a 'Deemed Full Member' of the NHRC has also undertaken a visit to the area in AP and Tamilnadu and has now come out with its own report. The report also contains some recommendations the Vice Chairman of the NCST has made that appeared in the media and we had access to the same. We therefore recommend that the Chairman of the NCST shares his / her report with the Hon'ble Chairperson of the NHRC in a specially convened 'full commission meeting' by asking for one to be exclusively convened for this purpose only. This is to make sure that such welcome joint efforts multiply in the future and at the same time do not work at cross purposes.
- XI. With the larger question of smuggling of red sanders wood from the state of Andhra Pradesh, there appears clearly a nexus between the mafia, bureaucracy, law and order agencies and the political class. There has been no instance of the big mafias and the middlemen being convicted for red sanders wood smuggling. A detailed and thorough investigation needs to be undertaken and further actions ensuring that poor labourers are not victimised whenever this question is raised but rather the powerful people involved are exposed, legal proceedings initiated and convicted.
- XII. The evidence in this case which can make a change lies in the versions of the three eye witnesses – [Annexures 4, 5 & 6] However, due to the threat that they seem to be facing and having brought the same to the attention of the NHRC already on 13th April, their respective families have so far been provided protection by the DGP of Tamilnadu. But since they cannot continue to live therefore some more time, they are now continuing to stay under the protective custody of People's Watch which has also commissioned this high level fact finding mission. We are of the opinion that this police protection will have to also continue in the premises of People's Watch in Madurai at 6, Vallabai Road, Madurai for a few months more. Due to their relocation

and the threat to their own lives for the testimonies they have so far made, the three witnesses cannot go for employment as before and have been confined to the building. The task of protecting witnesses cannot continue to be only that of a civil society organization or human rights defender and hence it is recommended that the cost of their stay – particularly their daily food costs – and a daily allowance may be paid to them so that they may be able to maintain their families with the same for the period when they cannot go to work normally. This is to be carried out as a duty of the State to witnesses and victims.

- XIII. There are several litigations filed in the Madurai Bench of the Madras High Court, in the First Bench of the Madras High Court, in the First Bench of the Andhra High Court and the Supreme Court. Some of them have been withdrawn or dismissed by orders of the respective courts. Since all these legal interventions are relating to the same gross violations of human rights, it is strongly recommended that the NHRC may take urgent steps to ensure that it intervenes in all these courts using its powers to do so under Sec 12(b) of the Protection of Human Rights Act by using the services of competent human rights proficient senior lawyers to appear on behalf of the NHRC.
- XIV. The implementation of social welfare schemes in the two districts of Tiruvanamalai and Dharmapuri needs a complete facelift and sincere efforts on parts of the administration that they are implemented in the way they have been envisioned to. Schemes like MGNARGA have been completely defunct and for over a year have not served any help for the people. The school visited had attendance of only 4 students out of the registered 88. It is important that the Government of Tamil Nadu through its concerned departments, officials and local governance structure ensure basic facilities for adequate living for the people in these two districts. Schools and hospitals need to be functional and established where they are not and effectively operated, being accessible to all, so that people who stay behind especially women and children are not deprived of health and education which are the roots for any community. It is the total lack of such social welfare measures for the poorest of the poor among the population that was responsible for them being pushed out in search of different jobs.
- XV. It has also been revealed in the fact finding that most of the Tribal populations survive only by migrating to Kerala and Karnataka with their families, including their children in search of employment. Thus it is found that most of the children of the tribal families in schools gradually drop out with not even completing their primary / elementary education. We therefore strongly recommend that all children from tribal families are encouraged to leave their children in specially established hostels for

them in those areas where the children will be carefully looked after and sent to their schools till their parents come back after their migrant labour is over for the year.

- XVI. It has been brought to our attention that there exists a statute in Tamilnadu which is an amendment to the Tamilnadu Societies Registration Act passed in the year 2010 specifically mandating all organizations not to use the words 'human rights' in the title of their organizations. We are also informed further that the Madras High Court is also dealing with a case in this regard . We wish to observe that no organization which claims that it is a human rights organization, with the words 'human rights' in their title or not, has a right to cheat the members of the public using direct or covert means and 'Katta panchayats' and when they do so the law enforcement authorities are well within their powers to initiate criminal action against them . However, we also wish to observe that human rights organizations are essential to the protection and promotion of human rights in our country. They are at the core of human rights and at the core of the work of national and state human rights institutions. They put issues on the agenda, provide vital information about human rights on the ground, and give a voice and face to human rights. They further assist to implement and monitor the implementation of the decisions and resolutions of the UN at the national and local levels making our Constitution richer in content. They also bridge the gap between the international, regional and national levels, by helping to translate human rights work into action, by triggering change, and by reminding us to strive for accountability. This is also what we have seen in this case. We therefore recommend that the Government of Tamilnadu immediately amends and brings changes in its law to ban the use of the words human rights and also brings in a special law to protect human rights defenders in their day to day work.
- XVII. The Government of Tamilnadu is yet to strictly adhere to the directives of the Supreme Court of India in the Prakash Singh's case [2006] inspite of Its Tamilnadu Police (Reforms) Act 2013. We strongly believe that only a strict adherence to the SC judgment cited above and the promulgation of a New Police Act that can protect human rights of ordinary people in the state and strongly recommend that the State of Tamilnadu initiates urgent steps in this regard.
- XVIII. It was also observed by us that on 10th April, three days after the NHRC had taken cognizance of this case and the same was also extensively reported in all national and state newspapers, the Tamilnadu State Human Rights Commission has ordered notice to the Chief Secretary and the DGP Tamilnadu to report on the incident. This is seemingly redundant. We recommend that the State SHRC in Tamilnadu does not waste it time in such actions which are not only without jurisdiction after the NHRC has taken cognizance thus avoiding duplication. We further recommend that the State SHRC concentrates on the hundreds of Tamil labourers in AP jails who

urgently require their intervention to get them released and their cases contested. The Tamilnadu SHRC may also take necessary steps for the effective protection to the three witnesses in the state who are presently under the protective custody of an NGO, People's Watch in Madurai and recommend the State Government to look after their costs related to their shelter, food and other daily needs throughout their protective custody in addition to their continuous police protection.

- XIX. We recommend that the National Legal Services Authority and all State Legal Services Authorities in the country recall their mandate under Sec 12 of the Legal Services Authorities Act, 1987 which mandates them to provide free legal services to all persons in 'custody'. Hence in all such cases of police action where the poor are taken into custody, it is the duty of the Legal Services Authority to suo-moto step in and provide all assistance to the families of the deceased and also initiate where necessary the filing of PILs on their behalf to provide urgent and speedy justice at state cost to the poor families.
- XX. We strongly recommend the Government of India to pass a new India law on preventing torture taking into full consideration the suggestions of the Select Committee of the Rajya Sabha in the year 2010 and urgently ratify the United Nations Convention on Torture and other Cruel, Inhuman or Degrading Treatment or Punishment as well as its Optional Protocol that it had undertaken to ratify in the UPR I [2008] and UPR II [2012] the ratification of the International Convention for the Protection of All Persons from Enforced Disappearance. We further support the recommendations of the Law Commission of India to make consequential amendments to the Indian Evidence Act, 1872 (insertion of section 114 b) to provide that in case of custodial death the onus of proving of innocence is fixed on the police and the repeal section 197 of the Cr.P.C. to uphold the supremacy of the judiciary.
- XXI. We also strongly reiterate the recommendations of the UN Special Rapporteur on extra judicial killings after his visit to India in the year 2012 to the Government of India to
- Establish a credible Commission of Inquiry into extrajudicial executions in India, or at least the areas most affected by extrajudicial executions, which inspires the confidence of the people. The Commission should also serve a transitional justice role. It should (a) investigate allegations concerning past and recent violations of the right to life; (b) propose relevant measures to tackle them; and (c) work out a plan of action for the future to eradicate practices of extrajudicial executions. The Commission should submit recommendations on (a) legal reform; (b) the reform of State structures, including security bodies; and (c) the fight against impunity.

- Section 46 of the Criminal Procedure Code and legislation in all states regarding use of force, including the exceptional use of lethal force, by all security officers should be reviewed to ensure compliance with international human rights law principles of proportionality and necessity. .
- Section 197 of the Criminal Procedure Code should be reviewed in order to remove any legal barriers for the criminal prosecution of a public servant, including the need for prior sanction from the government before cognizance can be taken of any offence by a public servant for criminal prosecution.
- The Government of India should put in place a mechanism of regular review and monitoring of the status of implementation of the directives of the Supreme Court and the NHRC guidelines on arrest, encounter killings, and custodial violence and deaths in police actions.
- An effective witness and victim protection programme should be established.

XXII. We recommend the Government of India to invite the UN Special Rapporteur on Torture to visit India as early as possible and invite the UN Special Rapporteur on extra judicial killings to re-visit the country to make an assessment on what has improved after his visit in the year 2012.

XXIII. We recommend that the Government of Andhra Pradesh provide adequate compensation on the upwards of Rs. 20,00,000 to the families of all the deceased victims.

The fact finding team sincerely believes that through its two day mission and subsequent endeavours will be able to contribute to the ongoing judicial and quasi-judicial proceedings. It hopes that justice is served in this case. No state force or individual has a licence to kill in this democracy. Seven decades since independence we as a country has on various occasions struggled to safeguard our own country women and men. The state forces meant to protect and safeguard the citizens have walked free after torturing and killing them in such incidents in the past. For a true democracy and to uphold the rule of law, it is imperative that civil and political as well as economic, social and cultural rights are protected and promoted. This culture of impunity has no space in any modern society.

**SUGGESTED DRAFT GUIDELINES SUBMITTED TO THE GOVT. OF INDIA AND
THE NATIONAL HUMAN RIGHTS COMMISSION OF INDIA ON DEATHS DUE TO
POLICE ACTION**

**SUGGESTED DRAFT GUIDELINES TO BE FOLLOWED
BY PUBLIC SERVANTS
AFTER DEATHS IN POLICE ACTION**

The need for fresh guidelines Detailed guidelines have been issued by the Supreme Court [*Annexure No 20*] and by the National Human Rights Commission [*Annexures Nos. 21, 22 & 23*] on the steps that should be taken by the public servants concerned to investigate and report on deaths at the hands of police, paramilitary and military personnel. Experience has shown that many of these guidelines are not fully followed, loopholes in some are being exploited, and in a few areas, clear instructions do not yet exist. Hence we have decided to make public a set of proposed guidelines that also fleshes out what may presently be skeletal and further recommend that the NHRC considers them seriously and validates them as their own after carefully scrutiny and intimates each of the states to strictly adhere to them with immediate effect.

1.0 : SITE OF THE ENCOUNTER: DUTIES OF POLICEMEN INVOLVED

1.1 The police party involved in the encounter that leads to the deaths will treat the site as a crime scene, to which members of the public will not be given access, and where precautions will be taken to ensure that evidence is preserved, not compromised, contaminated or destroyed. However this is not to prevent relevant National and State Human Rights Institutions [N/SHRIs], the media or human rights organizations to have access to the area respecting the preservation of evidence in the 'crime scene'. It is only such transparency as well as access to N/SHRIs, the media and human rights organizations with adequate precaution that can also assist in the genuine gathering of evidence for any independent enquiry into the alleged 'police action'.

1.2 Using their mobile phones, if need be, the leading members of the police party are mandated to take still and video shots of the site of the encounter and of the bodies in as much detail as possible. The shots and videos so shot will be made over immediately to the officer conducting the inquest at the place of the police action and no senior officer who was engaged in the place of occurrence will be allowed to leave the place of action without his/her personal and official mobile being handed over to the officer conducting the inquest.

1.3. If persons [police as well as citizens] with injuries have to be rushed to hospital for urgent and immediate medical attention, these photographs and videotapes referred to above must be taken before they are moved and then duly handed over to the inquest officer. To obviate charges that they wilfully delayed getting the injured treatment, or that the injured were not treated with care, the transfer to ambulances or other transport should also, be duly videotaped indicating the vehicle number, the staff of the ambulance etc in the video.

1.4. Members of the police party engaged in the action shall not touch any material evidence, including weapons used against them, with their bare hands. If it becomes essential to handle any object or body at the site, they shall either use gloves, or in their absence, handkerchiefs or pieces of cloth to cover their hands.

1.5. Bodies of persons who have died in the action [police as well as citizens] will be moved with the utmost care, ideally in body bags and in the presence and under the supervision of forensic experts. When such experts in forensic medicine are not immediately available, they shall be replaced by the nearest available medical officer of a Government hospital and great care must be taken to ensure that no evidence is lost or contaminated in the process of shifting the deceased from the venue of the police action.

1.6. Particular care must be taken to ensure that the hands of the deceased persons and of those injured, are covered with clean cloth, to preserve evidence of gunshot residue through a mandatory dermal nitrate test for gun power residues.

2.0: SITE OF THE ENCOUNTER: DUTIES OF POLICE / SPECIAL INVESTIGATION TEAMS

2.1. Other policemen, including forensic experts][medicine and science], who are not belonging to the police party that was engaged in the police action and not under the same senior officer who led the action will take over the site at the earliest from their colleagues who were involved in the 'police action'. They will carry equipment essential for the gathering of evidence, and ensure it is collected, recorded and despatched securely and quickly following all precautions to ensure no evidence is lost. .

2.

2.2. The forensic experts, or in their absence, the senior police officer now in charge of the investigation, will:

2.2.1. be assisted by an assistant to undertake a continuous videotape, with sound recording, which will detail what they see, find, recover, store and despatch from the place of action; if such finding, recovery etc is in different places, care shall be taken to ensure that in each of the places the videography is carefully and skilfully carried out to ensure that all national and international standards and guidelines are adhered to.

2.2.2. ensure that all samples taken are immediately stored in sterile packaging, clearly labelled;

2.2.3. take samples on sterile swabs from the hands and fingers of the dead men to be tested in a forensic laboratory for the presence of gunshot residue and conducting the dermal nitrate test ;

2.2.4. lift fingerprints from all objects recovered from the bodies, including weapons and mobile phones;

- 2.2.5. take samples of blood-stained earth, if any, of earth at the site not stained with blood, and of the soil on the footwear or the soles of the dead men;
 - 2.2.6. check if firearms at the site were in working order, and record this together with make and bore, thereafter storing each weapon separately;
 - 2.2.7. remove all live cartridges from firearms recovered, listing the numbers, markings and bore;
 - 2.2.8. search the site to recover all spent cartridges, recording the numbers recovered, their markings and bore;
 - 2.2.9. record if any weapons, like knives, swords, sickles or arrows, had bloodstains, and if so, store these with particular care;
 - 2.2.10. recover all other objects or material in and around the site that would be relevant to an investigation, describing each object, where it was found and why it might be relevant;
 - 2.2.11. examine the surroundings closely for evidence of an exchange of fire, including bullet marks in walls, trees or rocks, recovering and recording any evidence visible;
 - 2.2.12. where it has been reported that a man or men escaped from the site of the encounter, examine the surroundings for evidence;
 - 2.2.13. if any vehicles were found on the site, recover evidence from them, including DNA samples to identify the dead men or those who escaped;
 - 2.2.14. despatch all samples taken and recoveries made under escort to safe storage, until these are taken over by the designated investigators.
- 2.3. This videotape will be reduced to a zip file and sent through a file transfer site to the National Human Rights Commission together with the first intimation of the encounter, which, under its guidelines, the SP concerned must send within 48 hours.

3.0.CONDUCT OF THE INVESTIGATION

3.1.,As required under the guidelines set by the Supreme Court in the year 2014 and those by the NHRC, the investigation must be carried out preferably by the CID, failing which by a senior officer not from the police station and police division whose personnel were responsible for the deaths in police action .

3.2. It will be the responsibility of the DGP to nominate within 12 hours the agency and officer(s) in-charge of the investigation. The officer and his/her team will start their work immediately.

3.3. The name, designation and contact details of the officer leading the investigation will be sent to the NHRC with the first intimation of the incident. This officer will be the principal interlocutor for the NHRC in the enquiry that it conducts.

4.0. PREPARATION, PRESERVATION AND ANALYSIS OF RECORDS

4.1. A thorough investigation is difficult in the absence of documentary evidence but experience has shown that police stations and units are not always punctilious in the maintenance of records. By the time the NHRC or, on its instructions the CID, indents records, it is found that these documents either did not exist, were unhelpfully vague, could not be traced or had been weeded out and destroyed.

4.2. The supervision where necessary of the preparation of records, their preservation and subsequent analysis is therefore the first responsibility of the police investigators. As soon as the investigators are appointed, they must immediately check:

4.2.1.1. General Diary: that, as required by the Supreme Court, the police station, officer or unit concerned had recorded in the General Diary or in a cognate document, including in electronic form, that intelligence had been received, on the basis of which armed personnel were being deployed. If not, they should ask the officer who led the police party to state in writing how, why and on whose instructions the operation was actually conducted;

4.2.1.2. that the General Diary had recorded every development in the incident, as it was reported by the participants;

4.2.2.1.FIR: that an FIR was registered immediately on the incident, incorporating all relevant details, and forwarded without any delay to the jurisdictional court under Section 157 of the CrPC. If it has not been, they should record this, and order the immediate registration of the FIR, which they would analyse;

4.2.2.2 .while the police FIR would set out charges against the deceased persons (s), if an analysis of the evidence collected from the site, or other information that becomes available, including from reports in the media or from civil society, or complaints preferred by the kin of the deceased raises doubts about the claims made by the police, the investigators will immediately take steps without any delay whatsoever and have a second FIR registered, specifically on the deaths, under Section 302 with the named members of the police party in the police action;

4.2.3.1. Seizure lists; that a detailed seizure list is made by the first investigators on the spot, and that the items tally with actual recoveries;

4.2.3.2. whether panchas who signed the seizure list were present when the recoveries were made or asked by the police later to sign a piece of paper, the contents of which were not read out to them;

4.2.4.1. Inquest: that an inquest had been conducted and a comprehensive report prepared, signed by panchas, who should be asked if they were present during the process or asked to sign the document later, and by whom;

4.2.5.1. Reports of participants: that a detailed report was prepared by the police unit that took part in the encounter, including a sketch of the site that set out their positions and those of the men who were killed. They should analyse this report in the light of the evidence collected by forensic experts at the site;

4.2.5.2. that every policeman who participated in the encounter shall record a statement, setting out the role he/she played. If not, this should be specifically done in the presence of the investigators, who will analyse the statements to see if they are identical and seemingly prepared under instruction;

4.2.6.1. Police weapons: that the weapons used by the police party have been segregated and, if it had been reported that any had been damaged by the assailants, that an Armourer had examined those and recorded his findings, incorporating photographs of the weapons, in a report which should be part of the case diary;

4.2.7.1. Police uniforms: if any policemen were injured, and the injuries were on their body, that their uniforms have been seized and stored in sterile packaging for examination in the forensic laboratory;

4.2.8.1. Wireless records: if the police party was carrying wireless sets, that the transcripts of transmissions have been preserved for analysis, particularly to check if and when it reported being under attack, if it had sought reinforcements or assistance, and if so what instructions had been sent out in response, by whom and to which units;

4.2.8.2. if the police party had reported that a man or men had escaped from the encounter; if so, the wireless transcripts should be checked to see what instructions were sent to other units to try to intercept the fugitives, and what reports were received on action taken;

4.2.9.1. Mobile phone records: if the policemen carried mobile phones, both personal and official ; if so, have their numbers noted down and the call records analysed to determine where they were at the time of the encounter and whom they were in touch with;

4.2.9.2. if phones were recovered from the person of the victims, the call records of these numbers should also be analysed, in particular to trace their whereabouts for 48 hours before the encounter, to determine whom they were calling and how long before the encounter the last calls were made, and to whom;

4.2.9.3. if witnesses to the encounter had mobile phones, have their call records analysed to establish if indeed they were in the area when it took place;

4.2.10. 1. **Statements of witnesses** if there were witnesses to the incident, or others who had information germane to it, ensure that they have been identified, offered security if needed, and had their statements recorded, in writing and on videotape;

4.2.11.1. **Communication records** if the families or friends claim that the victims were abducted before being killed, and that they had sent complaints through telegrams, email, letters or in any other form to officers whom they name, record their testimony and immediately examine the records in the concerned offices to establish if these had indeed been sent or received, and if so, when and on what date and what actions were taken or not initiated on their basis;

4.2.12.1. **Meteorological records** that the rainfall, if any, for the day in the area, the phase of the moon and the time when it rose and set that night, and the time when the sun rose are all recorded, so that visibility and conditions underfoot are established and can be matched against reports from the police party.

5.0. THE IDENTIFICATION OF VICTIMS

5.1. An analysis of how and when the victims were identified and the next of kin informed is often of crucial importance in establishing the truth. Memories fade, and for the next of kin the trauma makes recalling events in sequence and detail difficult and painful if questions are put to them well after the event. Very often, though, the next of kin report to magisterial enquiries that they were informed about the deaths by the police, whereas the police claim that the bodies had been identified by relatives, who had approached them after seeing or hearing reports on the media.

5.2. If the sequence of events shows that the police had informed the next of kin, or had identified the bodies, without any means of identification, it would mean that they knew who the men were before they were killed. In turn that would point to the likelihood of an abduction and subsequent extra-judicial execution.

5.3. At the outset, therefore, the investigators will:

5.3.1. check when the next of kin were informed, according to the police, and vet this against statements recorded from the families;

5.3.2. examine if the victims were all carrying documents from which not only they but their families could be identified and contacted ;

5.3.2. assess if documents like diaries, from which the police often claim to have identified victims, could plausibly have been carried in the clothes found on the deceased, and if they were damaged, stained, or pristine;

- 5.3.3. ask how the police identified bodies on which no ID cards were found;
- 5.3.4. check the inquest report to see if the bodies had already been identified and, if so, by whom; the private citizen or policeman concerned should be asked to explain how he made the identification;
- 5.3.5. check the post-mortem reports for the same information;
- 5.3.6. check media reports, particularly on television, to determine if the names of those killed were made public before the police, in their reports, acknowledged having identified them;
- 5.3.7. draw up a sequence of events, collating the claims made by the police and the next of kin;
- 5.3.8. if an analysis of this sequence and of the statements recorded by the investigators shows that the police could not have identified the dead men unless they had first interrogated them, and had their particulars, take this as prima facie and compelling evidence that the claim of an encounter was false.

6.0. THE POST-MORTEM AND ITS REPORT

6.1. The autopsies must be carried out strictly in accordance with the NHRC guidelines. The entire operation, conducted by doctors, not other hospital staff, will be photographed and videotaped to the standards specified by the NHRC and reported in the format which it has circulated to States (***Annexures 24 & 25***).

6.2. Since not all columns are filled out in reports, which results in important information being lost, and reports are always handwritten and often sketchy on key details, including in the description of wounds, all reports shall be recorded and first reported in electronic form. Since autopsies are never carried out at a level below a District Hospital, which have computers, this should pose no problem to the State authorities.

6.3. The electronic format devised by the NHRC should incorporate software that prevents a document from being saved unless an entry has been made against each column. This will ensure that every report is comprehensive.

6.4. In all cases of post mortems resulting out of police action, it is strongly advised that the Chief Forensic Expert leading the exercise shall ensure that a representative of the family of the deceased if available outside the mortuary or any one deputed by the family on their behalf, including either a representative of a human rights organization or a private forensic expert or even a medical officer or a lawyer, who may be willing to be present when the post mortem is carried and also sign at the end of the post-mortem that he/she was present. This representative shall have the right to even personally photograph / videograph the conduct of the post mortem on his/her own.

6.5. In all such cases of post-mortem where there is no member of the family present or any other professional available with proper instructions from the family the Chief Forensic Expert shall immediately call the District Magistrate to ensure through the District Legal Services Authority that a senior lawyer practicing criminal law is present representing the family of the deceased during the post-mortem and also authorised to sign as having witnessed the post mortem.

6.6. The post mortem certificate signed by the team of doctors conducting the same will not be considered valid without the signature of the witness representing the family of the deceased.

6.7. This representative of the family to the post mortem shall after witnessing the post mortem fill in a standard format to be exclusively drawn up by the NHRC for this purpose mentioning any grievance that he / she has in the post mortem procedure, and he / she shall make this report available to the Chief Forensic Expert leading the team of doctors in the post-mortem. This signed format shall be provided in every case of such post mortems and the post mortem certificate shall be considered incomplete without this statement. If the representative for any reason refuses to provide the said certification, the same shall be specifically stated so by the Chief in her/ his report.

6.8. In all cases where the family or others in public interest, initiate actions for exhuming the body for re-post mortem of the same, it shall be pertinent for the courts deciding such matters to also call for this certifying format by the representative of the family to the post mortem as infclaiming fora refile cases .

7.0. THE FORENSIC TESTS

7.1. Experience has shown that forensic tests are usually inordinately delayed, to a point where, by the time the objects in question either reach the laboratory or are examined, organs have decayed beyond identification and cannot be tested, clothing is in tatters and weapons have rusted, without any means of establishing if they were in usable condition when recovered. Instead of providing forensic proof of critical importance, these tests are therefore often made meaningless.

7.1. These tests should therefore be conducted and reported meticulously through the following processes:

7.1.1. the investigating team will ensure that all forensic evidence is collected, stored in sterile, climate-controlled conditions and delivered within 48 hours after the deaths to the designated forensic laboratory;

7.1.2. State governments will strictly instruct forensic laboratories to give priority to cases involving deaths arising out of police actions; tests must be conducted and the report sent so as to reach the investigating agency within 30 days of the

action and further pass on a copy immediately to the jurisdictional Judicial Magistrate conducting the statutorily mandated enquiry under Sec 176 (1- A) of the Criminal Procedure Code.;

7.1.3. the samples will include:

- a) fingerprints collected at the site of the encounter and by the surgeons;
- b) swabs to be tested for gunshot residue [dermal nitrate test] collected from hands and fingers of the deceased at the site of the encounter and by the surgeons;
- c) bullets recovered from the bodies by the surgeons;
- d) skin from around entry wounds removed by the surgeons to be tested for tattooing, blackening or burning;
- e) viscera removed by the surgeons for histopathology;
- f) tissue samples collected for DNA analysis;
- g) any other organs or tissue preserved by the surgeons for reasons which they will indicate in the post-mortem report;
- h) the clothing and footwear of the deceased, which will be removed by and collected from the autopsy surgeons;
- i) the uniforms and blood samples of policemen injured in the encounter, which will be collected from the hospital where they were treated;
- j) soil samples, both bloodstained and unmarked, taken from the site;
- k) the firearms allegedly used by the deceased;
- l) the firearms used by the police;
- m) the cartridges, spent and live, recovered from the site;
- n) other weapons or implements, like knives and sticks, recovered;

7.1.4. among other points, the laboratory's report should list clear findings on whether:

- a) gunshot residue was detected on the swabs taken from the fingers of the deceased;
- b) their fingerprints matched any found on weapons recovered;
- c) there was evidence of tattooing, blackening or burning on the skin around any entry wound;

- d) there were deposits of gunshot residue around the corresponding bullet holes on the clothes worn by the deceased;
- e) the bullets recovered from the bodies had been fired from the police weapons sent to the laboratory, and if so which bullet had been fired from which weapon;
- f) there was evidence of the presence of poisons, opiates or alcohol in the viscera;
- g) ballistics tests had established that the firearms recovered were in working order, had been recently fired, and if the spent cartridges recovered had been fired from these;
- h) these firearms, which should be precisely described, were factory-issue or country made, with an indication of the maximum range at which they could engage a target;
- i) any damage noted on the uniforms worn by the policemen was caused by bullets, other sharp objects or blunt instruments, and if any bloodstains found on these matched those of the policemen concerned.

7.1.5. all material evidence returned by the laboratory after testing would be held in the custody of the investigators, and its integrity maintained, until the NHRC or any other High Court and the Supreme Court which is dealing with matters related to the action have specifically informed the State government that the case had been closed on its files.

8.0. THE JUDICIAL MAGISTERIAL ENQUIRY

8.1. The enquiry now statutorily mandated to be conducted by a Judicial Magistrate under sec Sec 176 (1- A) of the Criminal Procedure Code. shall be must be conducted in all cases of deaths arising out of police action.

8.2. In all such enquiries under Sec 176 (1-A) the Judicial Magistrate shall also ensure that such cases are given priority and handled on a day today basis and as far as possible completed early but definitely within a period of 60 days. Any delay in completing the enquiry within the specified period shall require the said Judicial Magistrate to provide an explanation to the High Court's protocol judge responsible to monitor the affairs of the district in his/her monthly report with a copy marked to the NHRC.

8.3. All Judicial Magistrates conducting enquiries under Sec 176(1-A) of the Cr.P.C. in cases of police action shall ensure that a copy of their final report of the enquiry with copies of all documents that they relied upon shall be sent to the Chairperson of the NHRC without any delay whatsoever with a copy to his /her superior officials in the judiciary.

9.0. SEQUENCE OF REPORTING :

- 9.1. the Commissioner of Police [COP] / SSP/SP will send the first intimation to the NHRC within 48 hours in the format the NHRC has specified in its earlier guidelines ;
- 9.2. with this the COP/ SSP/SP will also send the link to the file-sharing site from where the NHRC can download the videotape made by the forensic experts at the site of the encounter;
- 9.3. within 96 hours the officer nominated by the DGP to conduct the investigation will send to the NHRC the link to the autopsy report in its electronic form and to the still photographs and videotape of the autopsy ;
- 9.4. within 96 hours the officer will also confirm to the NHRC on e-mail that all relevant material has been sent for forensic analysis, conveying a list of what has been despatched, and to which forensic laboratory;
- 9.5. within 30 days after receiving the samples, the forensic laboratory will send its reports to the investigating officer, who will forward these immediately to the Judicial Magistrate conducting the enquiry under Sec 176 (1-A) Cr.P.C. and to the NHRC;
- 9.6. within 60 days of his nomination by the DGP, the investigating officer will complete his work and send a copy of his report to the NHRC, clearly indicating with reasons if the encounter was genuine or fake;
- 9.7. this report should contain as annexures in electronic and printed form all documents examined in the investigation, including visual media, excerpts of the General Diary and the case diary, wireless transcripts, the analysis of mobile phone records, the inquest and autopsy reports, and of statements recorded by the investigators;
- 9.8. within 90 days, the Judicial Magistrate nominated to conduct the enquiry u/s 176(1-A) will send a copy of his report to the NHRC.

10.0. THE STATUS OF THESE GUIDELINES:

- 10.1. The above guidelines shall be only in addition to the earlier guidelines of the NHRC in this regard dated 29.03.1997, 02.12.2003 and 12.05.2010.
- 10.1. The COP / SSP/ SP shall carefully ensure that all directions made earlier in the NHRC guidelines are strictly adhered to in as far as they do not contradict the present recommended guidelines.

ANNEXURE 1



People's Watch

No.6, Vallabai Road, Chokkikulam, Madurai - 625 002.
Phone: 0452-2531874 & 2539520 Fax: 0452- 2531874
E.mail: info@pwtm.org Web: www.pwtm.org

Human Rights and Democracy Program in Tamilnadu

Intimation for Human Rights Fact Finding

Intimation No:

Addressed to:

The Director General of Police (DGP)
Andhra Pradesh
ig@pcs.appolice.gov.in

Sri B.Balakrishna, IPS
D.I.G./I.G./Additional D.G. of Police
digatp@appolice.gov.in
igp@pcs.appolice.gov.in

Sri P.H.D. Ramakrishna, IPS
The Superintendent of Police
Chittoor District
spctr@appolice.gov.in

People's Watch is a national human rights organization with its inception in the year 1995. It is engaged in the area of human rights monitoring, legal intervention, human rights education, campaigning, research and rehabilitation. It also undertakes human rights fact finding under the ***fundamental rights in Art 19 & 21 of the Indian Constitution, under the Fundamental Duties in Art 51(a) of the Indian Constitution, Article 19 of the Universal Declaration of Human Rights 1948 and under Art 6 and 13 of the United Nations Declaration on the Rights and Responsibilities of Individuals, Group and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms 1998.***

It has been brought to the attention of Tamilnadu Program of human rights and democracy that there is a case of .Encounter death that is alleged to have taken place in Seshalam Forest Chandragiri Mandal, Chittoor District. It is therefore proposed by our Tamilnadu team to depute a fact finding team led by our Team Justice H.SURESH, Mr. SATYABRATA PAL, ADV.AJEETHA, Dr. SAVIOUR SURESH, Prof. JAWARULLAH, Mr.KRISHANAMOORTHY,

Mr. MATHEW JACOB, Mr. PISON, Adv. NAGENDRAN, Mr. ASEERVATHAM, Mr. RAM MOHAN to undertake a human rights fact finding on **14th & 15th April'15** and report the same to the headquarters. The Mobile No of the contact - 9894025859

We wish to bring this fact finding to your kind attention and also inform you that our State Human Rights Coordinators will be meeting your police officials at the Jurisdictional Police Station or Sub Divisional Office of the DSP or in case of need even at the District level for ensuring that the fact finding team also “know, seek and obtain” information about the version of the police in this incident before concluding our fact finding report on the incident. In case our fact finding report indicates the possibility of a human rights violation having taken place, we wish to also inform you that the complaint shall be provided to your good self for seeking remedy according to the law established in our country and on the basis of both national and international human rights standards.

Madurai

Date:

Executive Director, People's Watch, Tamil Nadu
(Mobile Number: 9894025859)

Copy to:

1. The Chairperson
National Human Rights commission
Manav Adhikar Bhawan Block -C,
GPO Complex, INA, New Delhi -110023
E-Mail: covdnhrc@nic.in, ionhrc@nic.in
2. Shri A. K. Parashar
National Focal Point - Human Rights Defenders & Joint Registrar
National Human Rights Commission
Manav Adhikar Bhawan,
Block-C, GPO Complex, INA,
New Delhi – 110 023
Email: hrd-nhrc@nic.in

ANNEXURE 1



People's Watch

No.6, Vallabai Road, Chokkikulam, Madurai - 625 002.
Phone: 0452-2531874 & 2539520 Fax: 0452- 2531874
E.mail: info@pwtm.org Web: www.pwtm.org

Human Rights and Democracy Program in Tamilnadu Intimation for Human Rights Fact Finding

The Director General of Police (DGP)
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The Superintendent of Police, Salem
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It has been brought to the attention of Tamilnadu Program of human rights and democracy that there is a case of Encounter death that is alleged to have taken place in Seshalam Forest Chandragiri Mandal, Chittoor District. The Expected their persons killed to be from Thiruvannamalai, Vellore, Salem and Dharumapurai. It is therefore proposed by our Tamilnadu team to depute a fact finding team led by our Team Justice H.SURESH, Mr. SATYABRATA PAL, ADV.AJEETHA, DR. SAVIOUR SURESH, Prof.JAWARULLAH, Mr.KRISHANAMOORTHY, Mr. MATHEW JACOB, Mr. PISON, Adv. NAGENDRAN, Mr. ASEERVATHAM, Mr. RAM MOHAN to undertake a human rights fact finding on **14th & 15th April'15** and report the same to the headquarters. The Mobile No of the contact – 9894025859

We wish to bring this fact finding to your kind attention and also inform you that our State Human Rights Coordinators will be meeting your police officials at the Jurisdictional Police Station or Sub Divisional Office of the DSP or in case of need even at the District level for ensuring that the fact finding team also “know, seek and obtain” information about the version of the police in this incident before concluding our fact finding report on the incident. In case our fact finding report indicates the possibility of a human rights violation having taken place, we wish to also inform you that the complaint shall be provided to your good self for seeking remedy according to the law established in our country and on the basis of both national and international human rights standards.

Madurai
Date:

Copy :

1. The Chairperson
National Human Rights commission
Manav Adhikar Bhawan Block -C, GPO Complex, INA, New Delhi -110023
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2. Shri A. K. Parashar
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ANNEXURE 2

Twenty Tamils Shot Dead by the Andhra Pradesh Police

Fact Finding Report

April 8th and 9th, 2015

On the 7th of April 2015, Television Channels and Newspapers reported that 20 Tamils who were purportedly cutting Red Sanders had been shot dead in an alleged encounter by the Andhra Pradesh Police. Based on the same, a team from People's Watch comprising of Ms. Palaniammal, Mr. Aseerwatham, Mr. K. P. Senthilraja, Advocate Ravi, Advocate Baskar and Ms. Dhanalakshmi went on a fact – finding mission to the place of incident in Tirupathi, The Tirupati Govt. Hospital (RUIA), Chandragiri Police Station and the families of the victims in Polur Taluk, Tiruvannamalai District, witnesses and Govt. Officials (in Tamilnadu and Tirupati) and Police officers in person on the 8th, 9th and 10th of April 2015. The following is a fact finding report prepared based on the information obtained from them.

Tirupati (RUIA) Govt. Hospital:

The fact finding team attempted to enter the post-mortem room (mortuary) in the Tirupati (RUIA) Govt. Hospital, where the bodies of the persons who were shot dead by the Andhra Police had been kept, on 08.04.2015 at about 11.00 a.m. But the Police had placed barricades at a distance of about 100 m from the post-mortem room and no one was allowed to go inside. Inside the barricade more than 100 police personnel were present. Opposite to the barricade there were more than 100 reporters and photographers with vehicles bearing dish antennas for live telecast. Also, Ex-MP Mr. Chintha Mohan of the Andhra Congress Party had erected a shed where he was collecting information and helping victims.

The fact – finding team met Ex-MP Mr. Chintha Mohan of the Congress Party and spoke to him. He said that Andhra Police had caught 20 persons, tortured them and then shot the persons dead and that there were no signs of blood shed or shooting at the place where the bodies were found. He also said that the claim of the police that they tried to arrest the woodcutters who were cutting red sanders and they shot at them in defense because they attacked them was false because the logs that were lying near the bodies were Red Sanders that were cut many months ago. He further said that those logs were ones that had been confiscated by the police earlier and marked with Crime Numbers and there were signs of attempts to erase the numbers on the logs.

After that the Team met Reporter Nakkeeran Raja who had come from Tamil Nadu. He said that he had paid a visit to the Srivarimettu region, to the spot where the encounter is said to have taken place and had seen the dead bodies and the Red Sanders logs of which he had taken photographs too. He also said that the Encounter was a pre-planned staged encounter

and that there were people in power behind it and that the innocent Tamils had been killed as part of a big political agenda.

Following this the Team spoke to the Indian Express Reporter, the Sun News Reporter Mr. Rama Selvaraj and the Reporter of Eenadu. All of them said that what had happened was not an encounter but planned murders. The Team also approached a few police officers who were standing there on guard to collect information but they did not respond.

People belonging to various organizations from Tamil Nadu stood before the barricades erected by the Police without holding any banners of their organizations' names and were raising slogans condemning the police. Likewise people of organizations from Andhra too were protesting in small groups. Our fact finding team, which had embarked on the mission after confirming to an extent through various sources that 20 persons belonging to Tamil Nadu had been killed by the police, decided to raise slogans condemning the incident. Following that the team reported all that it had heard and seen about the incident to the Executive Director of People's Watch. On his advice, all 6 persons in the team raised slogans demanding that the National Human Rights Commission should intervene in the case of the fake encounter that happened in Tirupati and that compensation should be provided for the family of the deceased. Many organizations that had come from Andhra Pradesh also joined with us and raised slogans. The team registered its protest in a democratic manner for about half an hour. Our slogan-raising was telecast nation-wide by all television channels. Because of this the family members of the deceased placed trust in us and approached us with ease to speak about the incident. This is how the opportunity of identifying the real witnesses and presenting them before the National Human Rights Commission arose.

Then after lunch the team decided to go to the place where the encounter purportedly took place (situated at a distance of 14 kms from the RUIA Hospital) in the Sheshachalam forest region in the Srivarimettu area in Chandragiri Police limits in a four-wheeler vehicle. So we enquired at the Auto Rickshaw stand in front of the RUIA Hospital about getting a vehicle to go to the forest region. An Auto Rickshaw driver whose name is not known gave the cell number 09949929296 and asked us to contact that number. When we called that number the person who responded said that his name was Surya and that he had a 'Bolero' car and assured us that he would take us to Srivari forests. On that basis all 6 of us in the team set out at about 1.30 p.m.

Since the mud path that runs opposite to the Hanuman Temple situated on the Srivarimettu road, which is the path by which pilgrims walk to Tirupati Hills, is a rugged one, the vehicle in which we went broke down. Therefore we had to get down and walk to the spot. We walked on the road for about 45 minutes and then turned to a narrow path on the right and reached the place of incident after walking about 15 minutes on that path. Two Telugu Reporters (names not known) were at the place where the encounter allegedly took place before us

and were taking videos and it is from them that we confirmed the spot. When we saw the place of incident we could not find any sign or evidence of any encounter having taken place there.

We examined an area of about 1 km around the place of incident but we could not find any red sanders wood. In fact there weren't any trees there. There were only tree saplings there. There wasn't any evidence that indicated that an encounter of two hours as reported by Mr. Kantha Rao, Special Task Force DIG to the Reporters had taken place. In an encounter that lasted two hours thousands of bullets would have been fired and the saplings in the place of incident would have been damaged but we confirmed that the saplings there were not damaged in the least. Moreover that was not a thick forest. That area was such that things at a distance of even 100 metres were clearly visible. Also, there were no blood stains or stumps of trees that had been cut at the spot. When we were inspecting the place of incident, towards the east of the place where 11 labourers were killed, a Red Sanders log of 6 feet length was lying. It was a log that had been cut much earlier and when Ms. Palaniammal of our team tried to lift it up she could not. Although some others too joined, they could not hold it upright. This log was brought by the Police on 07.04.2015. The team could understand that after taking the dead bodies the police had left this log alone by oversight.

About 30 minutes later, after looking around the place of incident, the team returned. On reaching the pucca road, the team turned onto a narrow path on the left, walked for 30 minutes and reached the spot where the labourers were shot dead. In that spot too there were no signs of shooting. But there were food packets and water bottles strewn around in large numbers.

On 08.04.2015 at about 5.30 p.m. the team came out of the Srivarimettu forests and we were sitting at the Hanuman Temple by the side of the main road. At that time the Driver of the Reporter of Mathrubootham whom we had seen earlier saw us and spoke with us. He informed us that one of the persons who had come to cut Red Sanders had escaped and that a Lawyer from Nagari and Councilor Murthy knew about this. He also said that he had their phone numbers with him. The team asked him how he got the number and he said that the driver of the vehicle that came to get the body of one of the deceased had given it to him. Then he wrote on a piece of paper the numbers of the Lawyer from Nagari (9912220044) and Councilor Murthy (9952350579). Only on seeing Councilor Murthy in person did we come to know that he was not Councilor Murthy but Koundar Murthy.

On returning to RUIA Hospital we came to know from the Reporters at the Hospital that the relatives of the deceased Labourers had come to the Hospital. We got information that 7 more bodies had been identified and that their bodies would be sent to Tamil Nadu that night by Ambulance. Although the team attempted to see the relatives of the deceased who had come, since they were near the building where post-mortem was done, we could not meet

them. So the team decided to go to the village of the deceased. Accordingly, the team divided into two and S. Palaniammal, Adv. Baskar, Dhanalakshmi and Aseerwatham went to Polur and Jamunamarathur Region and Adv. Ravi and Senthilraja went to the Sitheri Hills in Dharmapuri District.

On 09.10.2015 at about 1.30 a.m. we reached Polur and stayed at a lodge. At about 9.00 a.m. the next morning, a Reporter from Puthiya Thalaimurai contacted Ms. Palaniammal from our team over cellphone and asked, "We have got information that Sekar, the eye-witness who escaped from Tirupati is in your protection. Is this true?" We informed the reporter that it was not true. Then we saw news being telecast on Kalaignar News Channel that the eye-witness was in the custody of an NGO. Then we contacted the number 9952350579 that we had got earlier and introduced ourselves. The person who responded said, "We had been searching for you. Where are you now?" We told him that we were staying at the nearby Polur. Then Koundar Murthy said, "Come to Pudur Village immediately. Sekar who escaped the encounter is under our protection. Come immediately." Our team hired a Tata Safari car and sped to Pudur Village at about 10.30 a.m.

When the team reached the Mariamman Temple in Pudur Village, the Panchayat President Santhamurthy, Koundar Murthy, the eye-witness Sekar, his wife Thanjaiammal and his son Prakash were waiting there. The Panchayat President pointed at Sekar and said that he was the one who had escaped before the encounter and that the others who had gone for work with him had died in the encounter. Then we asked Sekar about the incident. He narrated the incident in brief. Then on the basis of what the Panchayat President gave in writing, we assured that we would present the witness before the National Human Rights Commission and brought him with us.

ANNEXURE 3

Dr. Prof. P. Chandrasekaran, Forensic Science Expert

(Transcription of his interview in Vikatan TV on 14th April 2015)

(Full video available on <https://www.youtube.com/watch?v=RqXGbvfaBk>)

In the past 30 years, I have visited in person on the spot of the incidents and conducted the investigation in more than 23,000 cases.

The so called encounter held at Chandragiri forest Sheshasalam, 20 people were killed in an encounter which we call in English a cold blooded murder. When I saw all the dead bodies they were lying down and facing the sky. There were some crack marks in some photos where the dead bodies were dragged. In the same way, there were no big trees and there were only small bushes. When we saw the sharpen side of the log in this case there is no possibility to have letters on that.

When I saw the dead bodies, one person had a severe head injury and then only he was shot dead. In one dead body they had shot him from the nearest distance that is when there was a black shade on their stomach and of course the bullet had come out. When a person was killed by shooting while he was alive there will be blood, if they had shot them earlier after many hours there would be no blood.

Near a dead body there was a cell phone. I felt that this will become important evidence in this case. From this cell phone we can trace who called, when they called, which tower connected, from where the cell signal started. The cell phone will show many truths in this case.

Near a dead body and some other places, there were some supari or gutka coloured in green and some kind of snacks were also spread out there. If the finger prints are not destroyed from the so called gutka and other packets we can easily trace out whether it was finger prints of the deceased or someone else. For this they should have taken the finger prints of the deceased. I am not sure whether they did it or not.

One person who died might have been put on the fire or nearby, due to that he had blisters and his skin was peeled off due to that. I suspected that all of them were shot dead when they were sleeping as they were almost half nudes make this suspicious. They might have killed them somewhere and brought them and put them there. The red wood was also brought from some other places because there was no such trees near the place of occurrence, there were only bushes around. They must have been semi-conscious and after ten hours

and that is why there is no blood. The entry wound is not red, it is blackish and the bullets have gone in.

There were many slippers in a box tied with a plastic bag. It is good to find out to whom these foot wear belonged to after studying the foot size. It could belong to people who brought these bodies or to people who came from outside.

A gang or a police troop if they were shooting, the men would have been running and the bullets would have made them fall on the way and if it is an encounter their bodies would have been scattered all over, a few bullet marks would have been visible on the trees.

Regards the story of the men pelting stones, there should be heaps of stones but this was not so, instead there were only rocks and this story cannot be true. They claim that they were killed in an encounter, this is a fabricated story in a crime or in an encounter it is a planned and premeditated killing.

ANNEXURE 4

Affidavit given by Mr. Sekar, S/o. Paramatha Koundar of Pudur Kollamedu village before the National Human Rights Commission regarding the Tirupathi Encounter case taken Suo Moto by the Hon'ble Commission

I, **P. Sekar, S/o. Paramatha Koundar residing at Pudur Kollamedu Village,** in Anandapura Panchayat, Polur Taluk, Tiruvannamalai District do hereby solemnly state as follows:

My name is Sekar (54), S/o. of Paramatha Koundar and I reside at the above mentioned address. I belong to the Hindu Vanniyar community. I do not know to read and write. Thanjaiammal is my wife and my son Arul Prakash (25) and daughter Abirami (23) are studying Diploma Course in Mechanics and M.Sc Chemistry respectively. I own 1 acre of agricultural land. I had been cultivating sugarcane in 20 cents of this land. Presently, because of shortage of water the crops are drying up, I am finding it very difficult to eke out a living.

In this circumstance, on 06.04.2015 Mahendran (22), S/o. of Sivaji of our village who is related to me came to our house at about 8.00 a.m. and asked me if I wanted to go along with him for work outside the village to Chennai. When I asked him what kind of work it was, he said that it was construction work. I agreed and I told my wife and left at about 12.00 in the noon along with Mahendran. I did not take any belongings while leaving. I left with just the shirt and dhoti that I was wearing. Mahendran was clad in pants and shirt.

Both of us were standing at Kannamangalam Bus Stand, waiting for the bus at about 1.00 p.m. when I saw Murthy (40) and Munusamy (35) who are from my neighbouring village Murugampatti, standing in the shade of a tree on the opposite side of the road. When the bus came Mahendran and I boarded the bus through the steps at the front and sat on 2-seater seats. The other two men got on to the bus through the steps at the back and sat on the seats that were at the back. We reached Arcot Bus Stand at about 2.30 p.m.

In 10 minutes of reaching Arcot Bus Stand, we found a bus to Tiruthani. Murthy and Munusamy also got into that bus along with us. The bus reached Tiruthani at about 5.30 p.m. From Tiruthani Bus Stand we took another bus. Mahendran and I got onto the bus through the steps at the back and sat on a 3-seater seat at the middle. Mahendran was seated by the side of the window while I sat next to him. In 15 minutes after the bus left, a woman who looked about 40 years old came and sat next to me. Only when the conductor of the bus called out 'Tirupathi' at the bus stop did i realise that the bus was going to Andhra Pradesh.

Mahendran and I were travelling in silence without talking anything. In 1 hour when we reached a stop, a man who looked about 30 years old, with a thick moustache, medium height and closely cropped hair and was not clad in any uniform, boarded the bus and came near the seat where we were sitting and asked Mahendran to come with him. Mahendran asked him who he was and the man caught hold of his shirt and said that he needed to talk with him and took him out of the bus.

I was shocked and agitated. I felt afraid. I did not know who took Mahendran. I was unable to speak anything and remained silent. Mahendran got down from the bus without saying anything to me. Ten minutes after the bus left I looked back to see whether Murthy and Munusamy were still in the bus. They too were not to be seen in the bus. I felt more afraid. I did not know what to do because I did not have any money with me and the persons who came with me too were now gone. When the bus reached the next stop I got down through the steps at the front. I did not have a ticket. I only had Rs.90/- with me which I had brought with me while leaving from home.

With that I went to the opposite side of the road and when a bus came I ascertained with the conductor that it would go to Tiruthani and got on to it. I took a ticket for Rs.26/- and reached at about 9.00 p.m. Since I felt that there wouldn't be many buses plying via Arcot at that night time, I took a ticket for Rs.47/- to Vellore in a bus and reached Vellore at about 11.30 p.m. Then I boarded a bus going to Tiruvannamalai and took a ticket to Kandamangalam for Rs.10/-. After reaching Kandamangalam I walked all the way from there to my house, a distance of about 13 kilometers, without food, anxious about the fact that someone had taken away the person who came with me. I reached home at about 2.00 a.m. I narrated all that had happened to my wife and told her that someone had taken Mahendran away. My wife served me supper and I slept later.

The next day, i.e. on Tuesday at about 6.00 a.m., I met Chitra, Mahendran's mother and told her that both of us were going for work and on the way from Tiruthani to Tirupathi someone took her son from the bus and so I had returned. She said that it would have been someone who knew him and she returned calmly saying that she would take care of it. Later at about 7.30 p.m. on Tuesday, Policemen showed Mahendran's photograph and said that he had been shot down in the forest region in Tirupathi.

There was a lot of commotion in the village. I did not go there.

When I heard about Mahendran's death I fainted at my house. Then I took ill. My son took me to the hospital on a two-wheeler. After getting treatment there, I was made to stay at Ammapalayam at my mother-in-law's place situated at a distance of 3 kilometres. Since Mahendran was my relative I went for his last rites and paid my respects. After that

the Panchayat President, who saw my condition and learnt that I was the only witness who saw the Andhra Police taking Mahendran, felt that I could be harassed and introduced me to Mr. Aseervatham, the State Coordinator of the Citizens for Human Rights Movement, whom the panchayat president knew from before.

After that, with the help of persons from People's Watch, my wife, son and I travelled, changing 4 vehicles and stayed in a safe place. Persons from people's watch are currently also providing safety to our person and property. We have come here with their help. I have come here with full consent.

I fear for my life and that of my family members. I am placing my submission seeking protection for myself and family members. I fear that the police who killed 20 people will try to harm my life and threaten me.

Since I wanted justice for what had happened to Mahendran and others I took the help of persons from People's Watch to get my statement reduced into writing. This statement has been reduced into writing on my instructions, I have made the statement in Tamil and the same has been translated and written in English. The full statement has been read out and explained to me in Tamil and I affirm its contents.

Sd/-

P. Sekar

ANNEXURE 5

Statement given by Mr. Sitherimalai Balachandran, S/o. Harikrishnan before the National Human Rights Commission regarding the Tirupathi Encounter case taken Suo Moto by the Hon'ble Commission

I, Balachandran, S/o. Harichandran, residing at Arasanatham Village in Sitheri Panchayat of Pappireddipatti Taluk in Dharmapuri District do hereby solemnly state as follows:

My name is Balachandran. I am 29 years old. Mr. Harikrishnan (55), S/o. Vellaiyan is my father and my mother is Mallika (40), W/o. Harikrishnan and I have a younger brother named Prabakaran (27). I have studied till 8th grade. I got married to Nirmala (25), the eldest daughter of Sadaiyanand Lakshmi who are residents of a village situated near mine in the year 2008. We have two children. My eldest child is Priyadarshini (7) and my second born is my son Ilayarasan(3).

I belong to the Malayali Scheduled Tribe community. Around 150 families reside in our village. All of them belong to the Scheduled Tribe Malayali community. A majority of the residents depend upon agriculture for their livelihood. All of us in our village own some agricultural holdings. Since rains have failed in recent times many of the villagers who had been doing agriculture are now in a situation where they are moving out of the village for other work in construction sites, brick kilns, poultry farms and coffee estates. We are extremely poor and live a hand to mouth existence.

When I went to Tirupaththur town for work a few months ago I got acquainted with one Mr. Palani. Coming to know that he was an Agent who recruited villagers for work in companies I left my contact number with him. Subsequently on 04.04.2015 when I was at home, at around 2.00 p.m. in the afternoon I received a call from Agent Palani. He said that there was work in Pondicherry and asked if I could bring men for work immediately. I agreed and Palani said that I should bring six men with me on Sunday to Alangayam and that he would wait for me there. So eight of us, i.e., I, along with my father Harikrishnan, S/o. Vellaiyan, my relative Sivakumar, S/o. Siththan, Lakshmanan who is my younger brother Prabakaran's father-in-law,

Velayudham of Melavalavu, Sivalingam of Karkapatti and Venkatesan of Arasanatham got together at Koppanampatti Junction on 05.04.2015 at about 11.00 a.m. and got into a private bus to Tiruppur and alighted at Tiruppur Bus Stand. From there we caught a bus and went to a place called Alangayam. Agent Palani, was waiting at a teashop there, and took us to a village called Nambiyampattu in Jamanamarathar Hills. Agent Palani put us up in a house on

the outskirts of Nambiyampattu village. There was a woman in this house, we ate the food that she cooked for us and slept there.

The next morning i.e. on 06.04.2015 at about 10.00 a.m. we caught a bus from Nambiyampattu and came to a village called Kannamangalam. We ate at a hotel near the bus stand and then caught a bus to Arcot. At that time a person known to Agent Palani also joined us. I do not know his name, he but he was aged about 5 years and I I can identify him if I see him. This person and I went to a TASMAL outlet situated at a distance of half a kilometer from the bus stand without telling anyone and had liquor. Around half an hour later we came back to Arcot Bus Stand and looked for Agent Palani and the others who had come with us, however they were not to be seen at the bus stand.

Then the person who was with me called Agent Palani on his phone and Agent Palani told him that they had looked for us at the bus stand and since we were to be found nowhere they left by bus for Tiruthani and asked us to catch a bus and come to Tiruthani. So both of us caught a bus to Tiruthani and reached Tiruthani Bus Stand at about 7.00 p.m. Since no one who came with us were to be found at the bus stand, the person with me called up Agent Palani again. He seems to have replied that they were on their way to a place called Nagariputhur and asked both of us too to come by bus to Nagariputhur, however I am not sure about the entire content of the conversation between Agent Palani and the man with me. So from Tiruthani we caught a bus to Nagariputhur and upon reaching Nagariputhur Bus Stand I called my relative Sivakumar, who was with Agent Palani, from my mobile phone ([9655637356](tel:9655637356)) to his number ([8098329262](tel:8098329262)). At that time Sivakumar told me that Agent Palani had made the seven of them wait at one place and was coming to fetch me. Then I asked the person with me to speak to Agent Palani. After he spoke to Agent Palani he said to me, "Come let's go back to Tiruthani". I asked him why and he said that the Agent Palani had asked us to come back in the morning and that if we remained in Nagariputhur the police would arrest us. I could not understand why agent Palani said that the police would arrest us. Therefore we caught a bus from there and reached Tiruthani Bus Stand at about 11.00 p.m.

On the way, when the person with me called Agent Palani over phone, he did not pick up. Because of this the person who was with me said that the Police had caught Agent Palani but the persons who had accompanied me were not caught. He also said that if we waited for them the police would catch us too and went away leaving me. Then I called my relative Sivakumar over phone and the person who answered the call said, "Your men are here. So come to Tirupathi immediately." Since the voice was new to me I asked who it was but the person switched off the phone without replying. By this time I was extremely worried about what had happened to Sivakumar, my father and others.

I stayed back at Tiruthani Bus Stand that night and at about 4.30 a.m. I came to Arcot by bus. Then from there I caught a bus to Kannamangalam and reached at about 9.00 a.m. When I was having tea at Kannamangalam Bus Stand I saw the news being telecast on TV that 15 persons who had gone to smuggle red sandalwood were killed in an encounter with the police. At this time I did not identify my father from any of the persons shown on TV. I was very worried about my father since from what Agent Palani seems to have told the person with me, I feared that they had been picked up by the Police. However when I did not see my father or relatives on TV I called my brother Prabhakaran and told him that none of our people were amongst the deceased who were being shown on TV.

Then I went to Nambiyampattu village in Jamunamarathur hills which was the path by which we were brought. At about 2.00 p.m. a person called me from an unknown number. The person asked me, "Are you Balachandran?" When I said yes, he said that Sivakumar had died in the encounter and further asked me to identify from a newspaper if it was in fact Sivakumar who had died. I was able to locate a copy of the Dinakaran newspaper and realised with shock that these were people from my village who had died. After some time this person called again and I told him that the men whose photos were published in the newspaper were in fact people from my village including my father and relative and also identified them by name. I was at Nambiyampattu Village in Jamunamarathur Hills at this time. At the same time I heard some people in Nambiyampattu village saying that some persons who had gone from Nambiyampattu to cut wood were killed in an encounter and that when persons from Nambiyampattu village had been detained at the police station, one of them had escaped from there and others who were with him had been killed in the encounter. Since I was extremely scared and in a state of shock I did not tell any of them that the persons who were killed in the encounter were from my village.

On Tuesday I came back to my village at about 7.00 p.m. Before I reached the village the Panchayat President of our village Mr. Murugesan had been informed by the Police Station. My younger brother Prabakaran had also been informed. I heard that Murugesan and Prabakaran had left for Tirupathi to claim the bodies of the deceased.

I came to know from the newspapers that the eight persons - my father Harikrishnan, S/o. Vellaiyan my relative Sivakumar, S/o. Siththan, Lakshmanan who is my younger brother Prabakaran's father-in-law, Velayudham of Melavalavu, Sivalingam of Karkapatti and Venkatesan of Arasanatham - whom I had taken along for work had been killed in the encounter in Tirupathi. I was the one who had last seen the eight deceased persons alive on the night of Sunday 06.04.2015 at Arcot Bus Stand.

I want to seek justice for what has happened to my father and my relatives, however I am extremely fearful that the police who killed them or other persons will try to harm me and my family members from preventing me from exposing the truth.

This statement has been reduced into writing on my instructions, i have made the statement in Tamil and the same has been translated and written in English. The full statement has been read out and explained to me in Tamil and I affirm its contents.

My Phone Number: [9655637356](tel:9655637356)

My relative Sivakumar's Phone Number: [8098329262](tel:8098329262)

Sd/-

A. Balachandran

ANNEXURE 6

Affidavit given by Mr. Ilango S/o. Muthu before the National Human Rights Commission regarding the Tirupathi Encounter case taken Suo Moto by the Hon'ble Commission

I, Ilango S/o. Muthu, residing at Malakanavayoor village, Kanamalai Panchayat, Jawathu block, Paloor Taluk in Thiruvannamalai District do hereby sincerely state as follows.

My name is Ilango, S/o. Muthu, residing in the above address with our father Muthu (45), Mother Rajammal and my siblings Chidambaram (18), Ajitha (15), Simbu (5) and my sister Vennila (8). We are Hindu tribals. I have studied upto the 9th grade. My family are agricultural labourers. Because of no rain, we are financially struggling to make two ends meet. Looking at my poor economic condition my friend Panneerselvam of Malakanavayoor called me promising to get me a masonry job and I agreed to go along with him.

In the situation on 06.04.2015 around 9 am I took a set of clothes a shirt and a vaisti and put into a bag, at the same time Panneerselam came dressed in a white shirt and a blue jeans pant. We both went in an auto to Kannamangalam, and Panneerselvam took my telephone (the number is 9843583029) and kept talking to people till we reached Kannamangalam, where we had breakfast and were waiting.

In the afternoon around 1 pm, he told me to board a bus going to Vellore so I ran and boarded the bus. It was crowded so I got in at the back and Panneerselvam got in at the front and were seated in the bus. When we reached Vellore he asked me to get off the bus. From there we boarded a bus to Thirutheni. Around 6 pm, from Thirutheni we boarded a bus to Thirupathy. Around 8 pm the bus stopped and Panneerselvam asked me to get off the bus. Then I asked him the name of the place and he said that it was Nagariputhur. Panneerselvam then caught sight of two policemen in uniform, carrying guns standing near a Panipuri shop and he told me lets go, and we got into an auto. Within a few seconds the auto was surrounded by about 8 policemen with small guns who asked us where we have come from. Panneerselvam said that we have come for coolie work. They made us stand aside and kept talking on the phone to someone. In a few minutes a big vehicle (Eicher) came, and they threw us into the vehicle like dogs and there were about 30 people or more in that vehicle. About 10 of them had guns so I presumed that they were policemen and the others were seated on the floor of the vehicle and we sat in a corner. It was very dark and we were unable to see each other's face.

This vehicle reached Kezhthirupathy around 10 pm (I had visited this temple earlier to I recognized the place) to the foot hills where the Ranger's Office was situated. Then the policemen standing there took photographs. I turned my face away. Then the police men who came with us got off the vehicle I jumped off the vehicle and sprinted away and hid behind a rock. It was around 4 am with no food, no water and in fear, later I reached the bus road. Around 8 am I saw 2 people on a two wheeler they were bald headed. I requested for a lift. They asked me where do I want to go. I told them that I wanted to go to Vellore. They told me that they would drop me off at Kezhthirupathy bus station and that I could board a bus for Vellore from there. They took me on their two wheeler and dropped me off at the bus station. From there I boarded the bus to Vellore and reached at about 1 pm. Then I boarded the bus to Kannamangalam and reached around 7 pm. From there I reached Melkanavayur around 8 pm and went home. I shared all this with my father and mother.

That night the bodies reached my village and I came to know that the men who were taken were shot down by the Andhra Pradesh police and my friend Panneerselvam was also one among the dead.

Yours truly,

Sd/-

(M.Ilango)

ANNEXURE 7

7.1 Details of Mahendran, S/o. Sivaji who was shot dead by the Police of the Andhra Pradesh Government:

Name of the deceased : S. Mahendran
Father : Sivaji
Age : 21
Caste : Vanniyar (MBC)
Educational Qualification : 12th Standard (Had applied for a job in the Police Dept.)
Occupation : Coolie
Address : Pudur Gandhinagar, Padaveedu Panchayat, Polur Taluk, Tiruvannamalai District
Contact No. : 80989 27538 (Belongs to Madhavan, the deceased's brother)
Mahendran's Phone No. : 84890 74633

Details of the family of the deceased:

| S.No. | Name | Age | Caste | Educational Qualification | Occupation | Relationship |
|-------|----------|-----|----------|---------------------------|-------------|-----------------|
| 1. | Chithra | 45 | Vanniyar | - | Agriculture | Mother |
| 2. | Sivaji | 55 | Vanniyar | - | Agriculture | Father |
| 3. | Madhavan | 25 | Vanniyar | - | Agriculture | Elder brother |
| 4. | Devan | 10 | Vanniyar | 5 th Standard | - | Younger brother |

I, Chithra, mother of the deceased Mahendran, S/o. Sivaji who was shot dead by the Andhra Police, do hereby sincerely state and solemnly affirm as follows:

Chithra

W/o. Sivaji,

Pudur Gandhinagar,

Polur Taluk,

Tiruvannamalai District

I reside at the above mentioned address with my husband Sivaji and sons Madhavan, Mahendran and Devan. We belong to the Hindu Vanniyar community. We own 6 acres of agricultural holdings. Since my husband is indisposed he is unable to do any work and we were dependent solely upon agriculture for a livelihood. My eldest son and I look after the agriculture. My second son Mahendran had studied till the 12th standard and had

applied for a job in the police dept. Also, he was pursuing collegiate education through correspondence. From time to time he worked for a company in Chennai too for the past five years. Since he did not get adequate pay, he went to Pondicherry for painting work. After that he had come home just 2 days before his death.

In these circumstances, due to lack of rain the well had gone dry and the motor too was in a state of repair and we were unable to do agriculture. Therefore Mahendran was saying that he would go back to work just after two days of returning from Chennai. I too did not oppose.

So, on Monday 06.04.2015 at about 11.00 AM he seems to have gone from home. None of us were at home at that time. He left all by himself. We too were unperturbed, thinking that he must have gone back only to Chennai.

The next day, 07.04.2015, at about 6.00 AM, my maternal uncle Sekar came home and said that our men had been caught by the Police at a place called Nagari which is on the way to Tirupati and that Mahendran too had been caught. We were distraught and did not know what to do, because of fear. I thought that they would send back my son after enquiry and waited for his return.

After that at about 7.00 PM that evening, Kannamangalam Police came and showed us a photograph of a dead body. I identified that body as my son's and cried. The Police then said that the Andhra Police had shot dead 20 persons who had gone to cut wood and left after asking us to come to Kannamangalam Police Station.

Then my eldest son and Panchayat Members went to Kannamangalam Police Station where they seem to have said that the persons going to receive the body should take their Ration Card and Voter Identification Card along with the Ration Card and Voter Identification Card of the deceased.

Accordingly on 08.04.2015 at about 5.00 AM my son Madhavan and 4 of our relatives set out to the Andhra Govt. Hospital. They reached there at about 12.00 in the noon and told the policemen who were there that they wanted to see Mahendran's body but they seem to have refused to let them see the body. Later they got the Identification Cards of my son Madhavan and deceased Mahendran and then given the death certificate and FIR.

Later that night, at about 7.00 PM, my son's body was tied like a bundle after the postmortem and my eldest son Madhavan was taken and showed the face alone. Madhavan later told me that the face looked black as if it was charred by fire. Then they brought the body to our village by Tamil Nadu Ambulance in the early morning.

We said that we had suspicions in the death of my son and that we would not perform the final rites until we got justice. At that time, people were protesting on the road with the dead bodies of two persons from Vettagiri who were also shot dead by the Andhra

Police. When we too attempted to take Mahendran's body there, the policemen prevented us and forced us to cremate the body. We said that we would not cremate it and did not take it down from the Ambulance.

Later my son's body, along with the bodies of 5 other persons, was taken to Tiruvannamalai Govt. Hospital because Mr. Balu, the Pattali Makkal Katchi Lawyer, had filed a case in the Chennai High Court, asking for re-postmortem.

They did not seek any permission before doing the postmortem on my son. They did not show us the body too. Also, from what Sekar who had accompanied my son told us, the Andhra Police had made my son and the others get down from the bus and beaten and tortured them to death and then staged a drama to make it appear as if they had shot them to death.

Therefore I request that legal action should be taken against the Andhra Police who took my son, beat and tortured him and then shot him to death and they should be punished and also that protection should be given so that no danger befalls my other two sons or my family.

7.2 Details of Pazhani, S/o. Velu who was shot dead by the Police of the Andhra Pradesh Government:

Name of the deceased : Pazhani
 Father : Velu
 Age : 36
 Caste : Boyar
 Educational Qualification : B.Ed
 Occupation : Tailor
 Address : Kalasamuthiram, Polur Taluk, Tiruvannamalai District
 Contact No. : 96008 70576 (Belongs to Balaji, the deceased's brother)

Details of the family of the deceased:

| S.No. | Name | Age | Caste | Educational Qualification | Relationship |
|--------------|--------------------------|------------|--------------|----------------------------------|---------------------|
| 1. | Sampoornam | 58 | Boyar | - | Mother |
| 2. | Velu | 65 | Boyar | - | Father |
| 3. | Balaji | 32 | Boyar | 10 th standard | Younger brother |
| 4. | Lokanayaki | 22 | Boyar | - | Wife |
| 5. | Pazhani's 30 day old son | | | | |

I, Lokanayaki, wife of the deceased Pazhani, S/o. Velu who was shot dead by the Andhra Police, do hereby sincerely state and solemnly affirm as follows:

Lokanayaki (22)

W/o. Pazhani,

Kalagamuthiram,

Polur Taluk,

Tiruvannamalai District

I reside at the above mentioned address with my 30 days old newborn son, my mother-in-law Sampooram and father-in-law Velu. My husband was a B.Ed degree holder and was running a Tailor Shop of his own in Kalagamuthiram. We belong to the Hindu Boyar community.

On 06.04.2015, Monday, at about 2.00 PM my husband set out alone on his two-wheeler (TN 25 AT 4806 Hero Honda Apache) saying that he was going to Kannamangalam to buy silk thread and buttons. Since he did not return till 9.00 PM that night, I called up Balaji, the younger brother of my husband and told him that my husband had not returned yet and asked him to find out his whereabouts. When he contacted my husband's number (90036 32770), replying from the other end my husband said, "I am on my way to Tirupati now. Ask mother" and hurriedly disconnected the call. When we contacted my husband's phone number again at 10.00 P.M., it was switched off. In the belief that he would certainly return, all of us went to sleep.

The next day, 07.04.2015, my husband Pazhani did not return even after all of us woke up. He never used to switch off his phone while going out. Also, he would never stay the night outside anywhere but would return home. Therefore, the fact that he did not return home that night caused me great anxiety and fear. When we contacted his phone at 9.00 AM too his phone was switched off. My fear began to increase. At about 11.30 AM news was being telecast on television channels that 20 Tamils who had gone to cut Red Sanders in Andhra had been shot dead by Andhra Police. They were showing their bodies strewn around in the forest region.

Then at about 2.00 PM, two policemen from Kannamangalam came to our house and asked us if it was the residence of Pazhani. When we said yes, they showed me a photo where only the face of a deceased was taken and asked me if it was my husband. I looked at the photo intently, in fear and tension and I could not identify clearly. Then they showed the full picture on the cell phone. In that photo I identified the pants and shirt that my husband was wearing when he set out from the house. Also, there was a mole on the left arm of my husband and with that I confirmed that it was my husband. All of us were distraught and wailing. All night we were crying, not knowing what to do.

Later, on the next day, 08.04.2015, the policemen came and left after asking us to come to Kannamangalam Police Station. So my husband's brother Balaji and Iyappan went to the Police Station. After getting the documents from the Police Station, Balaji and Iyappan went to Tirupati Govt. Hospital at 2.00 PM in the afternoon. As soon as they reached there at about 7.00 PM, they were taken to the postmortem room to show the body. There, the body was swathed up and postmortem had already been done. His face was also covered. The police cut the cover over his face and showed it to them. They later told us that his face was dark and eyes were bulging out and blood had come out of his mouth and had dried up.

Later at about 9.00 PM they sent my husband's body by Tamil Nadu Ambulance. Early the next morning they brought home my husband's dead body. His face looked as if it was charred. We could see only his face. The rest of his body was tightly swathed in cloth.

Later officials and policemen came and told us in threatening tones to cremate the body. Also, as per our custom, the eldest child in the family is cremated. So we cremated my husband's body in Kayasamuthiram crematorium at about 11.00 AM.

Presently I am in a distraught state with my infant, without any idea of what to do. The Tamil Nadu Govt. has given us Rs.3 lakhs, Jayalalithaa Rs.2 Lakhs, Kalaignar Rs.1 Lakh and Vijayakanth, Rs. 50,000/- I request that the Govt. of Tamil Nadu should not stop with just providing the compensation and should file case on the perpetrators for murder and get them punished.

7.3 Details of Sasikumar, S/o. Annamalai who was shot dead by the Police of the Andhra Pradesh Government:

| | |
|------------------------------------|---|
| Name of the deceased | : Sasikumar |
| Father | : Annamalai |
| Age | : 34 |
| Caste | : Vanniyar (MBC) |
| Educational Qualification | : 8 th Standard |
| Occupation | : Agricultural labourer |
| Address | : Kaliyamman Kovil Street, Vettagiripalayam Village, Arjunapuram Post, Polur Taluk, Tiruvannamalai District |
| Panchayat | : Padaveedu |
| Contact No. | : 9751646285 (Belongs to Sampanth, the deceased's father-in-law) |
| The deceased's mobile phone number | : 8220808096 |

Details of the family of the deceased:

| S.No. | Name | Age | Caste | Educational Qualification | Occupation | Relationship |
|-------|-----------|-----|----------|---------------------------|------------|--------------|
| 1. | Muniammal | 30 | Vanniyar | - | - | Wife |
| 2. | Rohith | 7 | Vanniyar | - | - | Son |
| 3. | Surendran | 4 | Vanniyar | - | - | Son |

I, Muniammal, wife of the deceased Sasikumar, S/o. Annamalai who was shot dead by the Andhra Police, do hereby sincerely state and solemnly affirm as follows:

Muniammal
W/o. Sasikumar (Late),
Kaliyamman Kovil Street,
Vettagiripalayam Village,
Arjunapuram Post
Polur Taluk,
Tiruvannamalai District

I resided at the above mentioned address with my late husband Sasikumar and children Rohith (7) and Surendran (4). We belong to the Hindu Vanniyar community. We have one acre of agricultural holdings. My parents-in-law and us did agriculture on this land. My husband used to go for painting work inside and outside our village. He used to get Rs.400/- as wages for that per day. Sometimes when he did not get such work, he would go outside the village, saying that he was going for 'supplier' work. We were running the household with this income.

In these circumstances, my husband went along with one Murugan @ Beeman who lives near our house on 06.04.2015 (Monday) at about 12.00 in the noon saying that they were going for painting work. Since I had gone for agricultural labour, I could not speak to him. We were unperturbed thinking that he had gone for work as usual.

The next day, on 07.04.2015, we watched news on television where it was being reported that 20 labourers who had gone to cut trees to Andhra had been shot dead by the Andhra Police. They had mentioned just that the deceased were from Tiruvannamalai and Dharmapuri districts.

That evening at about 7.00 PM policemen from Kannamangalam Police Station came to our village and asked if anyone from our village had gone outside the village for work. We said no. Then they showed us photos saying that 20 Tamils who had gone to cut trees in Andhra had been shot dead by the Andhra Police. But we could not identify anyone from the photos. Then the policemen left. Only later at about 1.00 AM when the DSP of Arani came with larger sized photographs we could identify my husband's body. Murugan's family who

live nearby also cried upon seeing the photograph. Murugan's photo was also there. We came to know that my husband and Murugan had gone together for work. Then the DSP left saying that whoever was coming in the morning to receive the body should bring documents for proving identity of themselves and the deceased. We were crying all night.

My father Sampath and Murugan's family members went to Kannamangalam Police Station and showed them the identification cards and got documents from them after which the police took them to Tirupati to see the bodies. But postmortem had already been done on my husband's body when they went there and the face appeared as if it had been charred by fire. Then they brought the body at about 1.00 AM in the midnight by Tamilnadu Ambulance.

One Mr. Sekar who had gone with one Mahendran from our neighbouring village Pudur had said that he had seen the police apprehending the deceased persons from a bus in a place called Nagari and that he had escaped from there. So we were able to know that my husband had been apprehended already and beaten and tortured to death.

Only because of this, without cremating or burying the body, we staged a road roko at Vettagiripalayam with the bodies of my husband and Murugan. Also we made a petition in my name in the Chennai High Court through our PMK Lawyer Mr. Balu asking for re-postmortem of my husband's body and for case to be booked against the concerned policemen for murder. Acting on that, the Chennai High Court ordered for the body to be preserved in Tiruvannamalai Govt. Hospital as case had not been filed in Tamil Nadu. Together with that the Court also ordered that the other six bodies too be preserved. The Judge also asked us to approach the Hyderabad High Court since case had been filed in Tirupati.

Accordingly, along with my husband's body, the bodies of the 6 others were also taken to Tiruvannamalai Govt. Hospital. I went along with Balu Sir to Tirupati and submitted complaint at the Chandragiri Police Station, asking for case to be filed against the persons who killed my husband. I filed a petition in the Hyderabad High Court seeking re-postmortem. On the basis of the order of the High Court in that case, medical experts from Usmania Hospital, Hyderabad, Dr. Sasyuddin, Dr. Abhijit Kabedar and Dr. Ramanamoorthy performed re-postmortem on the bodies of 6 persons including my husband which were at Tiruvannamalai on 18.04.2015 and returned the bodies to us that night. We wanted to cremate the body there itself at the electric crematorium. But because of the doubt on whether the medical team would submit a proper authentic report, we buried the bodies of my husband and Murugan in the burial ground in Kamandalanadhikkarai. Perumal's body was buried in Vettagiripalayam burial ground, Moorthy and Munusamy's bodies were buried in Murugapadi and Mahendran's body was buried in the burial ground in Pudur.

Therefore it is clear that the 7 persons of our area including my husband were already apprehended in a place called Nagari, beaten and tortured in Tirupati and killed and later taken to the forests where they staged a fake encounter. Therefore we will not let this matter go until we get due punishment for the Andhra Police who shot dead 20 persons including my husband. We will continue to fight.

7.4 I, Govindasamy, Vice President of the Panchayat do hereby solemnly state and sincerely affirm as follows on behalf of Mr. Chinnasamy, S/o. Chinnaiyya, Mr. Govindasamy, S/o. Sadaiyan, Mr. Rajendran and Vellimuthu, S/o. Ramasamy who belong to Melakuppachanur Village and were shot dead by the Andhra Police:

Details of Vellimuthu, S/o. Vellaiyan:

Name of the deceased : Vellimuthu (Speech and Hearing impaired)
 Father : Vellaiyan (Late)
 Age : 21
 Caste : Hindu Malaiyali (ST)
 Educational Qualification : 2nd Standard
 Occupation : Mason
 Address : Melakuppachanur, Nambiyampattu Post, Via Kannamangalam, Polur Taluk, Tiruvannamalai District
 Contact No. : 9751401173 (Belongs to the deceased's paternal uncle – father's elder brother)

Details of the family of the deceased:

| S.No | Name | Age | Caste | Educational Qualification | Relationship |
|------|------------------------------------|-----|----------------|---------------------------|-----------------|
| 1. | Venkatesan | 28 | Malaiyali (ST) | - | Elder Brother |
| 2. | Krishnamoorthy (Differently abled) | 24 | Malaiyali (ST) | - | Elder Brother |
| 3. | Sakthi | 13 | Malaiyali (ST) | - | Younger Brother |
| 4. | Chinnappillai | 45 | Malaiyali (ST) | - | Paternal Aunt |

Details of Rajendran:

Name of the deceased : Rajendran (Married for 1 year)
 Father : -
 Age : 24

Caste : Hindu Malaiyali (ST)
 Educational Qualification : -
 Occupation : Worked as a coolie in Kerala
 Address : Melakuppachanur, Nambiyampattu Post, Via Kannamangalam, Polur Taluk, Tiruvannamalai District
 Contact No. : 9751577897 (Ramesh, younger brother of the deceased)

Details of the family of the deceased:

| S.No. | Name | Occupation | Age | Caste | Educational Qualification | Relationship |
|-------|---------|------------|-----|-------|---------------------------|--------------|
| 1. | Nadhiya | Coolie | 20 | (ST) | - | Wife |

Details of Govindhasamy, S/o. Sadaiyan:

Name of the deceased : Govindhasamy
 Father : Sadaiyan
 Age : 35
 Caste : Hindu Malaiyali (ST)
 Educational Qualification : -
 Occupation : Masonry labourer
 Address : Melakuppachanur, Nambiyampattu Post, Via Kannamangalam, Polur Taluk, Tiruvannamalai District
 Contact No. : 9843571959 (Sivaraj)

Details of the family of the deceased:

| S.No. | Name | Age | Occupation | Caste | Educational Qualification | Relationship |
|-------|-------------|-----|------------|-------|---------------------------|--------------|
| 1. | Muthammal | 30 | Coolie | ST | - | Wife |
| 2. | Vellaiyan | 13 | Coolie | ST | - | Daughter |
| 3. | Chidambaram | 10 | - | ST | 3 rd Standard | Son |
| 4. | Shrija | 7 | - | ST | - | Daughter |
| 5. | Samy | 3 | - | ST | 1 st Standard | Son |

Statement given by Govindhasamy, Vice President of the Panchayat, Nambiyampattu:

I reside in Melakuppachanur Village. We belong to the Hindu Malaiyali community. Our Panchayat is the Nambiyampattu Panchayat. Out of the 20 persons shot dead by the Andhra Police on 07.04.2015, 4 persons were from Melakuppachanur Village.

Our Panchayat is a hilly place. Our people live in these hills, depending solely upon agriculture. But we can sow millets and corn only if it rains. When rains fail, there is severe drought in these parts and our people go to Kerala in droves for work like plucking coffee, cutting trees and construction. They also go to Bangalore and Madras for centering and painting work. The above deceased were such persons who went for work.

1. Deceased Mr. Chinnasamy was 48 years old. He belonged to the Malaiyali community. He is survived by two daughters and a son. His widow's name is Malar (35). He had married off a daughter. His son is studying in the 3rd standard. He left home at about 1.00 p.m. on Monday telling his wife that he was going for construction work.
2. Muthammal is the widow of the deceased Mr. Govindhasamy, S/o. Sadaiyan and his elder son Vellaiyan (13) has not gone to school and Chidambaram (10) his younger son studied till 4th standard and then dropped out. He does not go to school now. His daughter Shrija (7) has not gone to school and his youngest son Samy is studying 1st Standard in Melakuppachanur. They belong to the Hindu Malaiyali community. He too left at about 1.00 p.m. on Monday (06.04.2015) telling his wife that he was going for construction work.
3. Deceased Mr. Rajendiran (24) had got married just one year ago. He has no children. His widow's name is Nadhiya. He had been working since childhood in a Coffee Estate in Kerala. He too left on 06.04.2015 on 01.00 p.m., telling his wife that he was going with Chinnasamy to Chikmangalam to get his dues.
4. Deceased Vellimuthu (21) was unmarried. He was differently abled and was both hearing and speech impaired. His parents had passed away recently. His elder brother Venkatesh (28) is married and is presently working in Kerala as a Coolie. Another elder brother of his, one Krishnamoorthy, is also speech and hearing impaired like Vellimuthu. His younger brother is Sakthi, aged 13. All four of them are illiterate. Two days before he died, he was doing masonry work in our Panchayat. He had left with his relative Mr. Rajendiran on 06.04.2015 at about 1.00 p.m.

All four of them set out at about 1.00 p.m. in the afternoon from Nambiyampattu to Kannamangalam in 'Renukambal' Bus. I do not know how and where they went after that.

On 07.04.15 at about 3.00 p.m. Kannamangalam police got in touch with me and asked me if anyone from our Panchayat had gone out of our village for work. I told them that our

men go to Kerala and Karnataka for work. Then the policemen said that Andhra Police had shot dead 20 persons who were cutting Red Sanders in Andhra and that they would bring the photos of the persons. I waited for the policemen in Nambiyapattu. Then the DSP and about 8 policemen came. When I looked at the photos that they brought I saw that the men lying down in the photos were black as if they had been charred. There were injuries too on the bodies of some of them. We took the policemen to Melakuppachanur. There Rajendran was identified first. Then the other 4 persons' bodies too were identified one after another. The whole village was engulfed by grief. The cries of elders and children were unbearable to listen to. Wails echoed across the whole of Nambiyampattu Panchayat.

Then the next day 08.04.2015 at about 4.00 p.m. 2 persons each from the families of the deceased were asked to come with Ration Cards and Voter Identification Cards to Jamunamarathu Police Station. From there the President of the Panchayat Mr. Chellan, the Chairman and I took the letters that the policemen gave us and went to Tirupathi Govt. Hospital at about 10.00 p.m. More than a thousand police personnel and reporters were standing there. We said to the policemen who were standing there that we wanted to see the bodies. But they denied us permission. Then the Govt. officials got copies of the Ration Card and Voter Identification Card from the persons who had come to receive the bodies and gave them copies of the Death Certificates and the First Information Reports.

After that at about 11.00 PM, they called relatives of the deceased one by one to show the bodies. The persons who went into the post-mortem room came out and told us that post-mortem had already been performed on the bodies and that the bodies were all bundled up in such a way that only the face was visible. After that they sent the bodies of the deceased to their homes in Tamil Nadu at the rate of two each in an ambulance.

The next morning at about 2.00 AM the bodies reached the village. It was heartbreaking to see the whole village wailing all at once on seeing the bodies. Then we returned home after asking them to do whatever they wanted to do as per rituals of the village. Some persons seem to have removed the covering on the bodies and seen them. They said that there were cuts on the arms, legs and the sexual organ. They also said that the post-mortem on Chinnasamy's body seemed to have been done when it was in a bent-over position itself.

Later arrangements were done to bury the bodies at the burial ground in Melakuppachanur at about 3.00 PM. The rituals that the villagers perform for each body would take about one hour. Since there were four bodies and there weren't enough people to take all the bodies at once, it was 6.00 PM when the rituals for all the 4 bodies were completed.

After that many politicians came and made enquiries. They left after words of consolation. In these circumstances, the Govt. has given Rs.3,00,000/-, Jayalalithaa has given Rs.2,00,000/-, Karunanidhi has given Rs.1,00,000/- and Vijaykanth has given Rs.50,000/- to the families of the deceased. Yet the village is still engulfed in grief. The

families of the deceased are willing to go to any court to get punishment for the persons who were responsible for the death of their family member.

7.5 Details of Panneerselvam, S/o. Ramasamy who was shot dead by the Police of the Andhra Pradesh Government:

Name of the deceased : Panneerselvam
Father : Ramasamy
Age : 23
Caste : Hindu Malaiyali (ST)
Educational Qualification : 10th Standard
Occupation : Agricultural labourer
Address : Melakanavayur, Polur Taluk, Tiruvannamalai District
Contact No. : 8489614932 (Belongs to Ramasamy, the deceased's father)

Details of the family of the deceased:

| S.No. | Name | Age | Caste | Educational Qualification | Occupation | Relationship |
|-------|------------|----------|-------|---------------------------|-----------------------------|-----------------|
| 1. | Lakshmi | 21 | ST | 7 th Standard | Coolie | Wife |
| 2. | Sanjana | 8 months | ST | - | - | Daughter |
| 3. | Ramasamy | 45 | ST | - | Coolie | Father |
| 4. | Rani | 43 | ST | - | Coolie | Mother |
| 5. | Pazhani | 24 | ST | B.E. | Working in the Postal Dept. | Elder Brother |
| 6. | Krishnaraj | 13 | ST | 7 th Standard | Student | Younger brother |

I, Ramasamy, father of the deceased Panneerselvam who was shot dead by the Andhra Police, do hereby sincerely state and solemnly affirm as follows:

Ramasamy
S/o. Aandi,
Melakanavayur,
Kanamalai Panchayat,
Polur Taluk,
Tiruvannamalai District

I reside at the above mentioned address with my wife Rani (43). My elder son Pazhani completed B.E. degree and is currently employed in the Postal Department in

Chennai. He is married and lives with his family in Chennai. My second son Panneerselvam (22) studied till the 10th standard. We belong to the Hindu Malaiyali (ST) community. My third son is Krishnaraj (13). He is studying in the 7th standard in a Christian School in Chennai.

We do not own any agricultural holdings. We brought up our children and gave them education only by toiling as agricultural labourers. Since my eldest son was good in studies he got a Govt. job. But when Panneerselvam was studying in the 10th standard, crops dried up since rains failed and we could not get any work. Because of the poverty that we were in, we could not educate Panneerselvam further. Then for some time he went to Chennai where his elder brother works and worked in a company. Then, since he disliked that job, he went for construction work in Chennai and Coimbatore. He then went for work in a Wine Shop in Ellayur. Later went back to the masonry job that he was doing earlier. He used to come home for a month and then go back for work.

In these circumstances, we finalized a bride named Lakshmi for him in the village Mallimedu and got him married to her. He is survived by an 8 months-old daughter. Even after marriage he used to go for masonry work. He also used to recruit persons for work. Since the NREGA scheme was stopped in our village, we faced severe famine. Because of this many men started going to Kerala in search of work often. They also went to places like Bangalore for coffee plucking and construction labour. But it is to Kerala that men went often. It is Kerala which is like a motherland that is providing us food. When our people go to Kerala they work there for one month at a stretch and return home only after that. My son Panneerselvam also went for work like this.

In these circumstances, after returning home, Panneerselvam left in just two days, taking along his friend Elango, saying that he was going for masonry work. My wife and I had gone to my parents' home at that time. It was at that time, i.e. on Monday 06.04.2015 at about 9.00 a.m. that they left. We too remained unperturbed thinking he had gone for work like usual.

Later on Tuesday 07.04.2015 at about 3.00 PM a policeman came from the Jamunamarathur Police Station. He had a photo of a deceased person which he showed us. The body of the person in the photo looked like it had been charred. We told him that we did not know who it was. Then the Jamunamarathur Police came back with a computer and showed us an enlarged version of the same photo. Only at that time we identified that it was Panneerselvam's body.

After that On 08.04.2015 we went to Jamunamarathur Police Station, got the documents and went to Tirupati at 7.00 PM that evening. Family members of the persons from Polur Taluk who had gone for work and had been shot dead were present there already, crying. We told the policemen who were there that we wanted to see Panneerselvam's body. But they refused to let us see the body. Later at about 8.00 PM they took us to the post-mortem room. There my son's body was all bundled up after post-

mortem. They showed the face that had been covered. It seemed as if the eyes were bulging out. Then we received the body and brought it to Melakanavayur by Tamilnadu Ambulance. Then we buried the body in our burial ground.

If my son had committed an offence, they could have given him any punishment that was lawful but they have unlawfully shot him dead. Also, Elango who had gone with my son but had escaped said that 20 persons along with son had been caught by the Andhra police, beaten up, tortured and murdered and then shot dead after which they were left in the forest to hide that. The persons who were responsible for this fate of my son should definitely be punished as per law.

7.6 Details of Sivalingam who was shot dead by the Police of the Andhra Pradesh Government:

Name of the deceased : Sivalingam
 Age : 45
 Marital Status : Married
 Caste : Hindu Malaiyali
 Educational Qualification : Illiterate
 Occupation : Agriculture, Coolie work, Masonry work
 Address : Karukkampatti, Kalasappadi post, Paappireddipatti Post, Dhamapuri District
 Contact No. : 7898076417 (Belongs to Duraisamy)

Details of the family of the deceased:

| S.No. | Name | Age | Caste | Educational Qualification | Occupation | Relationship |
|--------------|--------------|------------|--------------|----------------------------------|-------------------|---------------------|
| 1. | Chinnapaappa | 35 | Malaiyali | - | Agriculture | Wife |
| 2. | Latha | 22 | Malaiyali | 7 th Standard | Agriculture | Daughter (Married) |
| 3. | Sudha | 19 | Malaiyali | 9 th Standard | Agriculture | Daughter (Married) |
| 4. | Ashokan | 17 | Malaiyali | 6 th Standard | Agriculture | Son |
| 5. | Deepa | 13 | Malaiyali | 9 th Standard | Agriculture | Daughter |
| 6. | Ajith | 08 | Malaiyali | - | Agriculture | Son |

I, Chinnapaapa, wife of the deceased Sivalingam who was shot dead by the Andhra Police, do hereby sincerely state and solemnly affirm as follows:

Mrs. Chinnapaapa
W/o. Sivalingam (Late),
Karukkampatti,
Kalasappadi Post,
Pappireddipatti Taluk,
Dharmapuri District

I was residing in the above said address with my late husband Sivalingam and children Latha (22), Sudha (19), Deepa (13), Ashokan (17) and Ajith (08). My daughters Latha and Sudha are married. We belong to the Hindu Malaiyali community. We do not own any land. From the day of my marriage we have been living in my father Pazhani's house. My father has half an acre of agricultural land. We did agriculture on this land. For the past one year there have been no rains and therefore we could not do agriculture. So, to eke out a living, my husband used to go to places like Kerala and Mysore for jobs like making bricks and plucking coffee beans. He would get Rs.300 – Rs.500 as wages per day. If he went for such work he would stay there and work for 10 days and return to the village only after that.

On 06.04.2015, my husband left home saying that he was going with Harikrishnan, Balachandran, his brother-in-law Sivakumar, Lakshmanan and another Lakshmanan of our village and one Velayudham of Alamarathuvalavu to Mysore for plucking coffee beans.

The next day 07.04.2015, at about 10.00 AM, Prabhakaran, the younger brother of Balachandran who had taken my husband for work came home and said that the Andhra Police had caught all the persons who had gone to work. He also said that they would get all the persons released somehow.

The next day 08.04.2015 at about 8.00 AM, Prabhakaran, the younger brother of Balachandran agitatedly told me that all the men from our village who were taken by the Andhra Police had been shot dead by them. He also said that this news had been reported in the newspapers and the names of all the persons who had gone from our village had also been mentioned in the reports. My son Ashokan and my father Pazhani went along with Prabahakaran. When they reached Arur Main Road, policemen who came there asked them to come with the required Identity cards that evening to Kootturoad, since they had to go to Tirupati to receive the bodies. They returned to the village, took the identity cards and went to Tirupati with the police.

The next day, 09.04.2015, at around 11.00 AM my husband's body was brought to our village. When I saw the body it was covered by a plastic sheet. I went near and looked. There was a cut injury on his cheek. The left arm was broken. The blood from the hole where the bullet had entered had dried over his head and eyes. When we were taking my

husband's dead body to perform the final rites, the policemen stopped us and forced us to cremate the body. So, at about 1.00 PM we cremated my husband's body.

The Andhra police who unfairly killed my husband who had gone for coolie work should not be spared. They should be taken to court and hanged to death. The Tamilnadu Police who threatened us should also be punished.

7.7 Details of Velayudham, S/o. Aandi who was shot dead by the Police of the Andhra Pradesh Government:

Name of the deceased : Velayudham, S/o. Aandi
 Age : 22
 Marital Status : Married
 Caste : Hindu Malaiyali
 Educational Qualification : 9th Standard
 Occupation : Agricultural Coolie work
 Address : Alamarathuvalavu, Kalasappadi post, Paappireddipatti Post, Dhamapuri District
 Contact No. : -

Details of the family of the deceased:

| S.No. | Name | Age | Caste | Educational Qualification | Occupation | Relationship |
|-------|---------------|-----|-----------|---------------------------|-------------|---------------|
| 1. | Padma | 19 | Malaiyali | 9 th Standard | Agriculture | Wife |
| 2. | Trisha | 1 ½ | Malaiyali | - | - | Daughter |
| 3. | Aandi | 60 | Malaiyali | - | Agriculture | Father |
| 4. | Mallika | 50 | Malaiyali | - | Agriculture | Mother |
| 5. | Unnamalai | 33 | Malaiyali | 5 th Standard | Agriculture | Elder brother |
| 6. | Santhi | 28 | Malaiyali | 5 th Standard | Agriculture | Elder sister |
| 7. | Ramamurthy | 27 | Malaiyali | 5 th Standard | Agriculture | Elder brother |
| 8. | Sakunthala | 25 | Malaiyali | 5 th Standard | Agriculture | Elder brother |
| 9. | Krishnamurthy | 24 | Malaiyali | 7 th Standard | Agriculture | Elder brother |

I, Padma, wife of the deceased Velayudham who was shot dead by the Andhra Police, do hereby sincerely state and solemnly affirm as follows:

Mrs. Padmaa
 W/o. Velayudham (Late),
 Alamarathuvalavu,
 Kalasappadi Post,

Pappireddipatti Taluk,
Dharmapuri District

I was residing in the above said address with my late husband Velayudham, daughter Trisha, my father-in-law Aandi and my mother-in-law Mallika. All my husband's siblings are married. We belong to the Hindu Malaiyali community. We do not own any land. We ran the household by working as agricultural coolies.

My husband met with an accident two years ago and a surgery was performed on his leg wherein a steel plate has been inserted. Later in 2014, he also underwent a surgery for his intestine. So he was unable to do any work and lift even slightly weighty objects. In such circumstances he had been going for petty coolie work.

On 06.04.2015, my husband left home saying that one Balachandran of our village had told him that there was food supply work available in Pondicherry and he was going with Balachandran there, for the same. The next day, 07.04.2015, at about 10.00 AM, Prabhakaran, the younger brother of Balachandran, who had taken my husband, met my husband's elder brother Krishnamurthy and told him that my husband had been caught by the police.

The next day, 08.04.2015, Prabhakar, the younger brother of Balachandran, came to our house again and in tears said that the Andhra Police had shot dead all the persons who had gone for work from our village including my husband. We were shocked and in grief and did not know what to do. Then the family members of the deceased persons went to Tirupati to bring the bodies. From our house, my brother-in-law Krishnamurthy went with them.

That night at about 1.00 AM, when they went to the Govt. Hospital in Tirupati, they were shown the photographs of the deceased persons. When my brother-in-law was shown my husband's photograph, he was unable to identify him and said that it was not his brother. Later, only when they showed an enlarged version of the photograph on the computer, he identified it as his brother's body on seeing the heart-shaped tattoo on his left arm. They showed only the face of his body on which post-mortem had already been performed. My brother-in-law Krishnamurthy noticed that blood had oozed out from the eyes. When he asked to be shown the whole body, they said that we could see it after we took the body home. Then they sent the body to our village in an Ambulance that had gone from Tamil Nadu.

On 09.04.2015 at about 11.00 AM my husband's body reached our village. They lowered the body and placed it at the entrance of our house and I saw that the body was wrapped in a plastic sheet. When I went near I saw that the left arm was completely severed. Blood had oozed out from his eyes and dried up, indicating that he had been poked with something sharp in his eye. The eyes appeared to be bulging too. Six teeth were broken.

When we were getting ready to perform the final rites, the policemen came and shouted that the body should be cremated without any delay. Because of the fear created by their threats, we hurriedly finished the final rites and cremated my husband's body.

I have lost the head of our family and I do not know how we will lead the rest of our lives. Stringent action should be taken against the Andhra Policemen who are responsible for this fate of ours and they should be punished.

7.8 Details of Moorthy, S/o. Gopala Goundar who was shot dead by the Police of the Andhra Pradesh Government:

Name of the deceased : Moorthy
 Father : Gopala Goundar
 Age : 32
 Caste : Hindu Vanniyar
 Educational Qualification : 10th Standard
 Occupation : Coolie
 Moorthy's cellphone number : 9789214034
 Address : Murugapadi, Vettagiripalayam Post, Polur Taluk, Tiruvannamalai District
 Panchayat : Anandapuram
 Contact No. : 7708246745 (Belongs to Kothandaraman, the deceased's brother-in-law)
 Dhanapal: 9092364129

Details of the family of the deceased:

| S.No. | Name | Age | Caste | Educational Qualification | Occupation | Relationship |
|-------|-------------|----------|----------|---------------------------|------------|--------------------------|
| 1. | Patchiammal | 21 | Vanniyar | - | Coolie | Wife |
| 2. | Kaviya | 8 months | Vanniyar | - | - | Daughter |
| 3. | Vijaya | 50 | Vanniyar | - | Coolie | Mother |
| 4. | Devi | 35 | Vanniyar | - | Coolie | Elder Sister (Married) |
| 5. | Saraswathi | 25 | Vanniyar | - | Coolie | Younger Sister (Married) |

I, Patchiammal, wife of the deceased Moorthy, S/o. Gopala Goundar who was shot dead by the Andhra Police, do hereby sincerely state and solemnly affirm as follows:

Mrs. Patchiammal
W/o. Moorthy (Late),
Murugapadi, Polur Taluk,
Tiruvannamalai District

I was residing in the above said address along with my late husband Moorthy, daughter Kaviya, and my father-in-law and mother-in-law. We belong to the Hindu Vanniyar Community. My husband had studied up to 10th standard. We own 70 cents of land. Due to lack of rains we were unable to do agriculture. Therefore we are facing trouble in eking out a livelihood and hence my husband used to go for coolie work for whoever offered him work. Often he went for painting work and for catering work in marriage functions. He went to Vellore often for work and he always used to inform me where they had allotted him work. He returned home in the night after finishing his work there. He went to work as a daily wager and earned Rs.3.00/- per day whenever he got work.

In the said circumstance, I came to know that on 06.03.2015 (Monday) at about 2.00 PM my husband had gone to Arjunapuram for catering work and then went to Kannamangalam by 'Kannaki' bus, from Sekar who escaped from there,.

After that the next day i.e., on 07.04.15 at about 7.00 PM Kannamangalam Police came to my home and showed a photo. The photographs were that of the faces of deceased persons. I couldn't identify the persons clearly. After that the police went back to Kannamangalam and brought a big sized photo and showed me. Only then we came to know that my husband had died and we cried in grief. Kannamangalam police left, asking me to come to the police station the next day.

After that the next day i.e., on 08.04.15 at about 9.00 AM my sister-in-law Saraswathi's husband and one Dhanapal went to Kannamangalam Police station. The Police got the Voter's Identification card of Moorthy and the Ration Card and Voter's Identification Card of my sister-in-law's husband Kothandaraman and Dhanapal and sent them to Tirupati Govt. Hospital at about 1.00 PM. When they said that they wanted to see my husband's body the police, who were there, refused to let them.

After that at about 5.00 PM a Tahsildar who was there, issued my husband Moorthy's death certificate and the FIR after collecting a photocopy of the Voter's ID of my husband and my relatives who went to receive my husband's body. After completing the process, at about 7.00 PM they were taken to the post-mortem room. There they saw that already post-mortem had been completed and the body was tightly swathed in cloth.

Then they were shown the face after removing the plastic that was covering it. They later said that the face appeared as if it had been charred and that they brought the body to our village at about 1.00 AM by Tamil Nadu Ambulance.

The next day, i.e., on 09.04.15, at about 08.00 AM the relatives of Sasikumar and Murugan, who were murdered along with my husband, staged a road roko with their bodies at Vettagiripalayam. When we tried to take my husband's body too, the police did not permit us. Moreover the police officers also forced us to cremate the body. We refused to cremate the body and kept it at home.

Sekar, who had also gone for work with the deceased but had escaped from there, said that all the 7 deceased persons were asked to get down at a place called Nagari where they were caught alive, beaten, tortured and killed by the police. On the basis of the same, our Panchayat members staged a protest demanding that a re-post-mortem should be done since we had suspicions regarding the nature of the death of the deceased. On the basis of the order of the Chennai High Court regarding the same, on 10.04.2015 the bodies of 6 persons who died from our area were taken to Tiruvannamalai Govt. Hospital at about 5.00 PM for re-post-mortem.

Therefore it is clear that the Andhra Police apprehended my husband, who had gone for work, midway to Tirupati and killed him by beating and torturing him and later took him to the forest area and shot at him from close range. Case should be filed against the policemen who murdered my husband and due action should be taken against them.

7.9 Details of Sasikumar, S/o. Sannasi who was shot dead by the Police of the Andhra Pradesh Government:

Name of the deceased : Sasikumar
Father : Sannasi (57)
Age : 33
Caste : Malaiyali (ST)
Educational Qualification : 7th Standard
Occupation : Agriculture
Address : 6/3, Kallukattu Village, Pythoor Post, Athur Taluk, Salem District 636141
Contact No. : 9787221803 (Belongs to Rajkumar, the deceased's younger brother)
9444526238 (Parmelazhagan, Panchayat President)

Details of the family of the deceased:

| S.No. | Name | Age | Caste | Educational Qualification | Occupation | Relationship |
|-------|----------------|-----|-------|---------------------------|-------------|--------------|
| 1. | Ranjitham | 29 | ST | - | Agriculture | Wife |
| 2. | Devprakash | 6 | ST | - | Student | Son |
| 3. | Sharmin Kumari | 4 | ST | - | - | Daughter |

I, Ranjitham, wife of the deceased Sasikumar, S/o. Sannasi who was shot dead by the Andhra Police, do hereby sincerely state and solemnly affirm as follows:

Mrs. Ranjitham (29)
W/o. Sasikumar (Late),
6/3 Kallukattu Village,
Pythoor Post,
Athur Taluk,
Salem District

I was residing in the above said address with my late husband Sasikumar and children Devprakash and Sharmin Kumari. We belong to the Hindu Malaiyali (ST) community. We own 4 acres of agricultural land. We earn a livelihood by cultivating cucumber on it. All my family members used to work on the agricultural land.

On 06.04.2015, Monday, at about 6.00 AM my husband left saying that he was going to visit his grandmother in Yercaud, Salem District. I sent him off saying that the Cucumbers in the field were already ripe for harvest and asked him to return soon. Then he left. I was waiting for him, expecting that he would return home from Yercaud that night itself.

All the evening newspapers on 07.04.2015 carried reports of the killing of 20 Tamil labourers by Andhra Police in Tirupati, Andhra. My husband's younger brother read these reports and said that my husband Sasikumar's name was also there and there were photographs too and showed them to us. But the photographs in the papers were not clear and so I went along with my husband's younger brother and the President of the Panchayat to meet the District Collector that evening. There they showed me a photograph in which my husband's body lay on the ground. I confirmed that it was my husband Sasikumar. In the photograph it appeared as if both his eyes had been gauged out and there were injuries on his body too.

On the following day, 08.04.2015, Wednesday, Rajkumar, the Panchayat President and I went to Tirupati in the morning and reached the Tirupati Govt. Hospital at around 10.00 AM. There were many policemen there. Media persons were also present there. When we

asked the policemen who were standing there to show my husband's body, they refused. We waited there till 7.00 PM. Then the policemen got an account of what happened, in writing, from us. Then they handed over the Death Certificate and FIR of my deceased husband to me.

Then at about 7.30 PM they took us to see the body. There they showed us his face alone. The face appeared as if it had been charred by fire. The whole body was bundled up in cloth. When we asked the policeman who was there to open it, he said that since post-mortem had been done on the body, it could not be opened.

After that we brought the body home at about 1.00 AM in the midnight. After bringing the body home, we removed the covering and saw that both his eyes were missing. There were cuts on his arms and legs. There were burns on his body. The skin all over his body was torn too.

The elders in our village said that since my husband was a first-born, his body should not be buried but should be cremated. On 09.04.2015, Thursday, at about 10.00 AM, we cremated the body in our land. Only after that we learnt from the newspapers that the family members of the others who were killed along with my husband had approached the Court. If someone had advised us too, we would not have cremated the body at any cost and would instead have buried it. The Govt., politicians and police did not provide us any advice whatsoever.

In these circumstances, the day after my husband's body was brought to our village, we were given Rs.3,00,000/- by the Govt., Rs.2,00,000/- by Jayalalithaa, Rs.1,00,000/- by Karunanidhi and Rs.50,000/- by Vijayakanth. Money is not important to us. My husband has never gone for coolie work anywhere. How was my husband, who had gone to Yercaud, shot dead in Andhra? Legal action should be taken against the policemen who killed my husband. I am ready to come to any Court for this.

7.10 Details of Munusamy, S/o. Gopala Goundar who was shot dead by the Police of the Andhra Pradesh Government:

| | |
|---------------------------|---|
| Name of the deceased | : Munusamy |
| Father | : Gopala Goundar |
| Age | : 35 |
| Caste | : Vanniyar (MBC) |
| Educational Qualification | : 10 th Standard |
| Occupation | : Supplier (Coolie) |
| Address | : 546, Murugapadi, Arjunapuram Post, Polur Taluk, Tiruvannamalai District |

Contact No. : 9994470434 (Belongs to Murali)
8608631974 (Belongs to Raja, the younger brother of the deceased)
Munusamy's cellphone No. : 9688509790

Details of the family of the deceased:

| S.No. | Name | Age | Caste | Educational Qualification | Occupation | Relationship |
|-------|--------------|-----|----------|---------------------------|------------|--------------|
| 1. | Thanjaiammal | 25 | Vanniyar | - | Coolie | Wife |
| 2. | Janakiraman | 3 | Vanniyar | - | - | Son |
| 3. | Ezhilarasi | 2 | Vanniyar | - | - | Daughter |
| 4. | Padmavathy | 70 | Vanniyar | - | Coolie | Mother |

I, Thanjaiammal, wife of the deceased Munusamy, S/o. Gopala Goundar who was shot dead by the Andhra Police, do hereby sincerely state and solemnly affirm as follows:

Mrs. Thanjaiammal
W/o. Munusamy (Late),
546, Arjunapuram Post,
Murugapadi, Anandhapuram Panchayat
Polur Taluk,
Tiruvannamalai District

I was residing in the above said address with my late husband Munusamy, my children Janakiraman and Ezhilarasi and mother-in-law Padmavathy. We have a small agricultural land in which my mother-in-law and I did farming. My husband used to go for masonry work wherever he got work and we ran the household with the income that we earned thus.

Since rains failed we were unable to raise crops on our land. Due to the drought my mother-in-law and I would go for agricultural coolie work. My husband used to go for food supplying (catering) work in marriage halls in Vellore.

On 06.04.2015, Monday, my husband went to the Ration Shop, bought groceries and left them at home and at about 12.00 in the noon left saying that he was going for supply work. My mother-in-law and I were not at home. We had gone for Coolie work. Since he had gone for work, we did not speak to him over phone.

On Tuesday, 07.04.2015, since the children insisted on speaking to their father I called his number (9688509790) from the cell phone of my husband's younger brother Raja

(8608631976) but his phone was switched off. Later that afternoon, at about 2.00 PM two policemen in civilian attire came to our house and asked where Munusamy was and I told them that he had gone for supplier work and they left. Later at about 6.00 PM the same policemen came again to our house and showed us the photograph of a dead body. There were burn marks on the skin all over the body seen in that photo. Also, the eyes were bulging out. I said that it was not my husband. Then they showed the shirt that he was wearing when he left home. Only then I realized that it was my husband.

On the next day, 08.04.2015, my relatives were asked to come to Kannamangalam Police Station and they were asked to bring their Ration Cards and Voter's Identification Card when they came. We took the identity cards and went to the Police Station. There they got signatures and Ration Cards and Voter's Identification Cards and after that my younger brother Murali and brother-in-law Raja went to Tirupati. They demanded that my husband's body be shown to them. My brother Murali later told me that they refused.

Later at about 7.00 PM that night the officials present there got the copy of the Ration Card from my relatives and gave my husband's death certificate and FIR. After that they took them to show my husband's body. They had done post-mortem on the body before showing it to them and the body was bundled up in cloth. The police uncovered and showed his face alone to them. The eyes were bulging out and the teeth were broken. Then the body was brought to our village at about 12.00 in the night by Tamilnadu Ambulance.

Since we had suspicions on the death of my husband, we had kept the body without cremating or burying it. Kannamangalam Police exerted pressure on us to cremate the body. But we did not do so. Two other persons from Vettagiripalayam had also been killed by the Andhra Police who had killed my husband. Since a road roko had been staged with their bodies, the Panchayat Members told us that the body should not be disposed until the Govt. responded to this. So we kept the body at home all that day.

7.11 Details of Venkatesan who was shot dead by the Police of the Andhra Pradesh Government:

| | |
|---------------------------|--|
| Name of the deceased | : Venkatesan |
| Age | : 25 |
| Marital Status | : Married |
| Caste | : Hindu Malaiyali |
| Educational Qualification | : 5 th Standard |
| Occupation | : Agriculture, Coolie work, Masonry work |
| Address | : 3 rd Ward, Arasanatham Village, Kalasappadi Post, Paappireddipatti Post, Dhamapuri District |
| Contact No. | : - |

Details of the family of the deceased:

| S.No. | Name | Age | Caste | Educational Qualification | Occupation | Relationship |
|-------|------------|-----|-----------|---------------------------|-------------|--------------------------------------|
| 1. | Madhammal | 45 | Malaiyali | 5 th Standard | Agriculture | Mother |
| 2. | Kanakarani | 20 | Malaiyali | 12 th Standard | Agriculture | Wife (Married just 6 months earlier) |
| 3. | Sekar | 20 | Malaiyali | 3 rd Standard | Agriculture | Younger Brother |

I, Kanakarani, wife of the deceased Venkatesan who was shot dead by the Andhra Police, do hereby sincerely state and solemnly affirm as follows:

Mrs. Kanakarani
W/o. Venkatesan (Late),
3rd Ward, Arasanatham Village,
Kalasappadi Post,
Pappireddipatti Taluk,
Dharmapuri District

I was residing in the above said address with my late husband Venkatesan, mother-in-law Madhammal and brother-in-law Sekar. Only six months ago we got married. We belong to the Hindu Malaiyali community. We own six acres of agricultural land. We ran our household by doing agricultural work. Since rains have failed for the past one year, we were unable to do agriculture. Therefore my husband used to go for painting work to neighbouring districts like Coimbatore, Tiruppur, Erode and Salem. From that work he used to earn Rs.200 to 300 per day. If he went for such work, he would stay there and work for 10 days and return after that.

In these circumstances, our relative Balachandran came home and said that there was Food Supplier (Server) work in Pondicherry and for that one would get Rs.400-500 per day. Then on 05.04.2015, my husband Venkatesan, Balachandran's father Harikrishnan, Balachandran's brother-in-law Sivakumar, our relative Lakshmanan, another person named also named Lakshmanan and Velayudham and Sivalingam of Alamarathuvalavu left our village saying that they were going to Pondicherry for work.

On 07.04.2015, at about 10.00 AM, Prabhakaran, the younger brother of Balachandran who had taken my husband for work came to our house and said that the Andhra Police had caught my husband and the 6 others. He then left saying that he would arrange for a lawyer to get our people released.

Then the next day, i.e. 08.04.2015, at about 08.00 AM, Prabhakaran, Balachandran's younger brother came to our house and said that Anburaj, a policeman from our village, had told him that the Andhra Police had shot dead the persons who had gone

from our village. He also said, "It seems that the names of the persons who went from our village are mentioned in the newspaper. Come let's go to Arur Main Road and see what the matter is." Immediately my husband's younger brother Sekar went along with him. Arur police took them to Tirupati.

That evening at about 4.00 PM The DSP of Arur, the Village Administrative Officer and the RDO also went with our people (two persons for every deceased) to Tirupati. All of them including my brother-in-law reached the Govt. Hospital in Lower Tirupati at about 12.00 in the night. There the District Collector of Tiruvallur was seated under a Shamiana put up near the post-mortem room / mortuary.

Our people first went to the officials who were there and introduced themselves. They showed the photographs that they had with them to our relatives. My brother-in-law later told me that when he saw the photograph of my husband, the face seemed as if it had been injured. Then they showed my husband's body to our relatives but post-mortem had already been done on the body.

Then the bodies were taken from there at about 1.00 AM in four Ambulances that had gone from Tamil Nadu. The policemen and officials from Tamil Nadu, who had accompanied our people, came in a Jeep that followed the Ambulances.

The next day, 09.04.2015, at about 11.00 AM my husband's body was brought to our village. When I saw my husband's body it was covered in a zipped-up plastic cover. When I went nearer, I noticed that his lower jaw was torn. His mouth was open and all his teeth were missing. His eyes were open and there was blood in them. We cried aloud on seeing this condition of my husband.

Then when we were about to do the final rites for my husband as per our custom, the police prevented us from doing anything and forced us to cremate the body. So we cremated my husband's dead body at about 1.00 PM that afternoon, on our land.

Only because there were no rains for the past one year, we were unable to do agriculture and went to other places for work. Even if my husband had done any offence, they could have put him in prison. Now we are struggling with his loss. Case should be filed against the Andhra Police for murder and action should be taken also against the Tamil Nadu Police who forced us to cremate the body although as per our custom we bury our deceased and thereby justice should be done for my deceased husband.

7.12 Details of Lakshmanan, S/o. Theerthagiri who was shot dead by the Police of the Andhra Pradesh Government:

Name of the deceased : Lakshmanan, S/o. Theerthagiri
Age : 25
Marital Status : Unmarried

Caste : Hindu Malaiyali
 Educational Qualification : -
 Occupation : Agriculture, Coolie work, Painting work
 Address : Door No. 17/15, 3rd Ward, Arasanatham Village, Kalasappadi Post, Paappireddipatti Post, Dhamapuri District
 Contact No. : -

Details of the family of the deceased:

| S.No. | Name | Age | Caste | Educational Qualification | Occupation | Relationship |
|-------|--------------|-----|-----------|---------------------------|-----------------------|---------------|
| 1. | Theerthagiri | 65 | Malaiyali | -- | Agricultural Labourer | Father |
| 2. | Kuppayi | 50 | Malaiyali | -- | Agricultural Labourer | Mother |
| 3. | Pazhanivel | 30 | Malaiyali | -- Standard | Agricultural Labourer | Elder Brother |

I, Kuppayi, mother of the deceased Lakshmanan, S/o. Theerthagiri who was shot dead by the Andhra Police, do hereby sincerely state and solemnly affirm as follows:

Mrs. Kuppayi
 W/o. Theerthagiri
 Door No. 17/15, 3rd Ward,
 Arasanatham Village,
 Kalasappadi Post,
 Pappireddipatti Taluk,
 Dharmapuri District

I resided in the above said address with my husband Theerthagiri and sons Pazhanivel, aged 30 and Lakshmanan (late), aged 25. We belong to the Hindu Malaiyali community. We do not own any land. We ran the household by working as agricultural labourers. Since my husband is 65 years old he is unable to do any work. There were no rains for the past one year and severe drought prevailed because of which we struggled with no work.

Balachandran, who is also from our village, met one Pazhani from Tiruvannamalai District on his way back from masonry work in Tirupathur. He told Balachandran, "We need men for our company's work. They can earn Rs.400-500 per day. I need a lot of men. Can you bring them?" and left, taking Balachandran's cell phone number. Balachandran narrated this to my son who was already suffering with no work. My son decided to go for the work as

it was better than sitting idle at home and was waiting for the day Balachandran would take him.

On 04.04.2015, Balachandran came home and said to my son, "We have to go to Pondicherry tomorrow for food supplier work. Be ready to leave tomorrow." Then on 05.04.2015 along with my son, Balachandran's father Harikrishnan, Balachandran's brother-in-law Sivakumar, his father-in-law Lakshmanan, his wife's relative Lakshmanan, Venkatesan and Velayudham and Sivalingam from Alamarathuvalavu also went.

Then on 07.04.2015, at about 10.00 AM, Prabhakaran, the younger brother of Balachandran, who had taken my son for work, came to our house and said that the Andhra Police had caught my son and the 6 others. He then left saying that he would arrange for a lawyer to get our people released.

Then the next day, i.e. 08.04.2015, at about 08.00 AM, Prabhakaran, Balachandran's younger brother came to our house and said that Anburaj, a policeman from our village, had told him that the Andhra Police had shot dead the persons who had gone from our village. He also said, "It seems that the names of the persons who went from our village are mentioned in the newspaper. Come let's go to Arur Main Road and see what the matter is." Immediately my husband Theerthagiri and elder son Pazhanivelu went with him. They too did not return. But some persons who had gone to Arur came back to the village and said that the persons who had gone from our village had indeed been shot dead by the Andhra Police. The whole of the village was wailing.

The next day, i.e. on 09.04.2015 at about 11.00 AM they brought the bodies to our village. I wailed on seeing my dead son's body. When I hugged his body and cried, I noticed that his nose had been slit. The teeth in his lower jaw were broken. There was a cut in his neck. When I caught hold of his hands I found that the fingers were missing. When I touched his heels I sensed that there were pits in his heels. On the left side of his chest, a big wound, indicating that a bullet had pierced him, was there. Pus was coming out of that wound. I cried aloud that my son had been tortured and killed. Wails resounded from the whole of the village.

Later when we were about to perform the final rites for the deceased as per the customs of our community, the policemen prevented us from doing anything and forced us to cremate the bodies. We told them that since my son was unmarried we would not cremate the body. But the policemen threatened us and asked us to cremate the body without any further delay. So we cremated our son's body on the land near our house at about 1.00 PM in the afternoon.

My son had never gone to other places for work before this. He went for work only to alleviate the poverty at home because there was no agricultural work here. He did not do any offence other than going for coolie work. We are suffering with his loss today. Case

should be filed against the Andhra Police for murder and action should be taken also against the Tamil Nadu Police who forced us to cremate the body of my son hurriedly although as per our custom we should have buried his body and thereby justice should be done for my deceased son.

7.13 Details of Harikrishnan, S/o. Vellaiyan who was shot dead by the Police of the Andhra Pradesh Government:

Name of the deceased : Harikrishnan, S/o. Vellaiyan
 Age : 50
 Caste : Hindu Malaiyali
 Educational Qualification : 6th Standard
 Occupation : Agriculture
 Address : Arasanatham Village, Kalasappadi Post, Paappireddipatti Post, Dhamapuri District
 Contact No. : 9787754088 – Mr. Prabhakaran (Son)

Details of the family of the deceased:

| S.No | Name | Age | Caste | Educational Qualification | Occupation | Relationship |
|------|---------------|-----|-----------|---------------------------|--|---|
| 1. | Mallika | 45 | Malaiyali | -- | Agriculture | Wife of the deceased |
| 2. | Balachandran | 29 | Malaiyali | 8 th standard | Coolie – Agriculture, painting and construction work | Son |
| 3. | Nirmala | 25 | Malaiyali | 5 th Standard | Agriculture | Daughter-in-law (Balachandran's wife) |
| 4. | Priyadarshini | 7 | Malaiyali | 2 nd Standard | -- | Granddaughter (Balachandran's daughter) |
| 5. | Ilaiyarsan | 3 | Malaiyali | Nursery School | -- | Grandson (Balachandran's son) |
| 6. | Prabhakaran | 26 | Malaiyali | 5 th standard | Agriculture | Younger son |
| 7. | Sangeetha | 19 | Malaiyali | Diploma in Nursing | Agriculture | Daughter-in-law (Prabhakaran's wife) |

I, Prabhakaran, son of the deceased Harikrishnan, S/o. Vellaiyan who was shot dead by the Andhra Police, do hereby sincerely state and solemnly affirm as follows:

Mr. Prabhakaran
S/o. Harikrishnan (Late)
Arasanatham Village,
Kalasappadi Post,
Pappireddipatti Taluk,
Dharmapuri District

I reside in the above said address with my wife Sangeetha. It is only one month since our marriage. My parents live alone in another house. My elder brother Balachandran (29) is married and he lives with his wife Nirmala and children Priyadarshini and Ilaiyaran in another house. We belong to the Hindu Malaiyali community. We own 45 cents of agricultural land. My parents' occupation was agriculture. I too do agriculture and along with that I also go for masonry work. My elder brother Balachandran would go to districts like Tiruppur, Coimbatore and Vellore for Masonry and Painting work as a coolie.

Our lands depend on rain alone for irrigation. We can do agriculture only if there are adequate rains. Since there have been no rains for the past one year we were unable to do agriculture. Severe drought struck. They also stopped the 100 day work (NREGA) scheme. So people began to go out of the village in search of work. Our people go to Kerala mostly because there they get coffee-plucking work and they get paid Rs.200-300 per day. So they stay there with family for a month for the work and return after that. While coming they bring Rs.10,000 to 15,000 for the household.

In these circumstances, while my brother Balachandran was returning from Tirupathur where he had gone for construction labour, he met one Pazhani of Tiruvannamalai District. He told my brother, "We need men for our company's work. They can earn Rs.400-500 per day. I need a lot of men. Can you bring them?" and left, taking my brother Balachandran's cell phone number. My brother narrated this to our father Harikrishnan, his brother-in-law Sivakumar, his father-in-law Lakshmanan, his wife's relative Lakshmanan, Venkatesan and Velayudham and Sivalingam from Alamarathuvalavu who were already worried that they were not getting work. The above said persons decided to go for the work as it was better than sitting idle at home and were waiting for Pazhani's call.

On 04.04.2015 Pazhani called my brother over phone and said that there was work in Pondicherry and asked if he could bring the men along. My brother too agreed to bring men. Since Pazhani asked them to come to Alangayam, my brother took the above said persons and went to Alangayam on 05.04.2015. Pazhani who met them there took them to Jamunamarathur.

Then the next day, i.e. on 06.04.2015 at about 10.00 AM, they went to Kannamangalam from where they went to Arcot and then went to Tiruthani. In between, when I contacted my brother Balachandran over phone at around 12.00 noon to 1.00 PM he said that he was in Tiruthani and that when he went to a TASMACHOP shop for a drink, the bus in which the 8 persons including my father and Pazhani were sitting, to go to Tirupati, had left. He said that he would follow them in the next bus and asked me to call on his brother-in-law Sivakumar's number. I tried his number. It was ringing but he did not pick up the call and speak.

A person who was with Pazhani and had accompanied by brother to the TASMACHOP shop said to my brother, "The Andhra police has caught our company owner Pazhani. So we needn't go to Tirupati. Let us return home" and left my brother there and went away. Then my brother Balachandran came to Arcot from Tiruthani and reached Kannamangalam at about 11.00 PM. At that time my brother got a call on his cell phone from his brother-in-law Sivakumar's number. The person who spoke over that phone in Telugu mixed Tamil said, "Your people are here in Tirupati. Come and take them." My brother became alert and asked him who he was. But the person at the other end of the line disconnected the call. Then my brother made continuous calls to Sivakumar's number but the phone was switched off always. Then my brother went to the house where Pazhani had made them stay on their way in Kannamangalam and stayed that night there.

The next day, i.e. on 07.04.2015, at about 8.00 AM when I contacted my brother Balachandran, he said that he was at Jamunamarathur at that time and that father, Pazhani and the others who had gone with him had been caught by the Andhra Police. I immediately contacted our Ward Member Mr. Manjunathan and narrated all this. He gave the number of a lawyer named Sujatha of Tirupathi whom he knew and asked me to contact the said lawyer. When I contacted Sujatha she asked me to speak half an hour later and disconnected the call. When I called half an hour later, Sujatha asked me to come to Nagariputhur the following day with my Ration Card and Voter's ID. I was hoping that we could bring all of them out the following day.

One Anburaj, who lives in the house opposite to ours, is working as a police constable in Salem. On 08.04.2015 he called me in the morning and said that it had been reported in the newspaper that persons from our village had been shot dead by the Andhra Police. He said that the report carried the names of Harikrishnan, Sivakumar, Lakshmanan, another Lakshmanan, Venkatesan, Velayudham and Sivalingam of our area. Immediately the family members of all the deceased rushed to Arur Main Road. The DSP, the Village Administrative Officer and policemen were already there. On seeing us they asked, "From which village are you coming?" We told them about our village and the deceased persons.

Later, that evening at about 4.00 PM the DSP of Arur, the VAO and the RDO along with us - two persons each for every deceased person went to Tirupati. While going there I

contacted my elder brother Balachandran and told him that the Andhra Police had shot dead our father and the others who had gone with him. We reached the Govt. Hospital in Lower Tirupati at about 12.00 in the night. There, the District Collector of Tiruvallur District was seated under a Shamiana erected near the post-mortem room.

First we went to the officials there and introduced ourselves. At that time they showed the photographs that they had with them. When I looked at my father Harikrishnan's photo, I saw that there was blood near his neck. Also, there were burns near his jaw as if acid had been poured there. His right eye had been gouged out. The portion of his right arm, including the hand, below the elbow had been severed. There was blood on the back of his neck too.

After that at about 1.00 PM we were permitted to see the bodies of my father and the others from our village. When we looked at the bodies we found that post-mortem had already been done. When we were about to touch the bodies, the policemen who were there shouted that we should not touch the body since post-mortem had already been done. So, none of us touched the bodies after that. Then they tore the plastic covering my father's face and showed it to me. The face appeared as if it had been charred. Blood was coming out of the mouth too.

After that the policemen who were there asked for our signatures. We signed on the papers that they gave us. A policeman also signed on the papers that we signed. There was one paper each for every dead body. The policeman who signed for my father was stout, dark and appeared to be aged about 45 years. He came to me and said in Telugu mixed Tamil that he was the one who shot my father.

Ambulances from Tamil Nadu had come to Tirupati. The bodies of my father and Lakshmanan were placed in the same Ambulance. Likewise each Ambulance carried two bodies. We set out from there by Ambulance at about 1.00 AM. The officials and Tamil Nadu police who had come with us to Tirupati followed our Ambulances in a Jeep.

The following day, 09.04.2015, at about 11.00 AM we brought the bodies to our village. There, when we were about to perform the final rites for the deceased as per the customs of our community, the policemen prevented us from doing anything and forced us to cremate the bodies. We told them that as per our custom we bury the deceased and we would not cremate the body. But the policemen threatened us and asked us to cremate the body without any further delay. So we cremated our father's body on our land at about 1.00 PM in the afternoon.

Seven of our families are suffering with the loss of our loved ones. As per my brother Balachandran, the seven persons including my father were tortured and then killed. Therefore case should be filed against the Andhra Police for murder because they subjected these 7 families to this fate and departmental action should be taken also against the Tamil

Nadu Police who forced us to cremate the body of our deceased hurriedly although as per our custom we should have buried their bodies and thereby justice should be done for the deceased. We also humbly seek that we should be provided protection so that we can live without fear of further attacks by the Andhra and Tamil Nadu Police.

7.14 Details of Lakshmanan, S/o. Lakshmanan who was shot dead by the Police of the Andhra Pradesh Government:

Name of the deceased : Lakshmanan, S/o. Lakshmanan
 Age : 45
 Marital Status : Married
 Caste : Hindu Malaiyali
 Educational Qualification : --
 Occupation : Agriculture, Coolie work, Masonry work
 Address : Door No. 3/1659, 3rd Ward, Arasanatham Village, Kalasappadi Post, Paappireddipatti Post, Dhamapuri District
 Contact No. : 9047544302 – Mr. Shanmugam (Deceased Lakshmanan's Son)

Details of the family of the deceased:

| S.No. | Name | Age | Caste | Educational Qualification | Occupation | Relationship |
|-------|-----------|-----|-----------|---------------------------|-------------|---|
| 1. | Unnamalai | 35 | Malaiyali | -- | Agriculture | Wife of the deceased |
| 2. | Shanmugam | 20 | Malaiyali | 12 th standard | Agriculture | Son |
| 3. | Sangeetha | 19 | Malaiyali | Diploma in Nursing | Agriculture | Daughter (She is the deceased Harikrishnan's Daughter-in-law) |

I, Shanmugam, son of the deceased Lakshmanan, S/o. Lakshmanan who was shot dead by the Andhra Police, do hereby sincerely state and solemnly affirm as follows:

Mr. Shanmugam
 S/o. Lakshmanan (Late)
 Door No. 3/1659, 3rd Ward,
 Arasanatham Village,
 Kalasappadi Post,
 Pappireddipatti Taluk,
 Dharmapuri District

I used to reside in the above said address with my late father Lakshmanan, mother Unnamalai and younger sister Sangeetha. We belong to the Hindu Malaiyali community. We own 25 cents of agricultural land. We ran the household by doing agriculture. It is only one month since we got my younger sister Sangeetha married to Prabhakaran, the son of Harikrishnan, who was also shot dead by the Andhra Police. Since there have been no rains for the past one year, crops failed. Also, because of the expenses we incurred because of my sister's marriage, my father would go for any coolie work that he was called for.

In these circumstances, Balachandran, S/o. Harikrishnan, who is also from our village, met one Pazhani from Tiruvannamalai District on his way back from masonry work in Tirupathur. He told Balachandran, "We need men for our company's work. They can earn Rs.400-500 per day. I need a lot of men. Can you bring them?" and left, taking Balachandran's cell phone number. Balachandran narrated this to my father. My father decided to go for the work as it was better than sitting idle at home and told Balchandran that he would come.

On 04.04.2015, Balachandran came home and said to my father, "We have to go to Pondicherry tomorrow for food supplier work. Be ready to leave tomorrow." Then on 05.04.2015 along with my father Lakshmanan, Balachandran's father Harikrishnan, Balachandran's brother-in-law Sivakumar, our relative Lakshmanan, Venkatesan and Velayudham and Sivalingam from Alamarathuvalavu also went to Pondicherry.

On 07.04.2015 at about 8.00 AM, Prabhakaran came to us and said that when he contacted his elder brother Balachandran over phone he said that he was at Jamunamarathur at that time and that his father Harikrishnan, Pazhani and the others who had gone with him had been arrested by the Andhra Police. I asked him why they had caught our people. Prabhakaran said that he did not know. He then left saying that he would arrange for a lawyer to get our people released.

Then the next day, i.e. 08.04.2015, at about 08.00 AM, Prabhakaran, Balachandran's younger brother came to our house and said that Anburaj, a policeman from our village, had told him that the Andhra Police had shot dead the persons who had gone from our village. He also said, "It seems that the names of the persons who went from our village are mentioned in the newspaper. Come let's go to Arur Main Road and see what the matter is." So, we too set out.

Later that evening at about 4.00 PM the DSP of Arur, the Village Administrative Officer and the RDO took us - 2 persons each for every deceased person – to Tirupati. We reached the Govt. Hospital situated in Lower Tirupati at about 12.00 in the night. There, the District Collector of Tiruvallur District was seated under a Shamiana erected near the post-mortem room.

First we went to the officials there and introduced ourselves. At that time they showed the photographs that they had with them. When I looked at my father Lakshmanan's photo, I saw that his whole body had darkened. They permitted us to see the bodies of my father and the other deceased from our village at about 1.00 AM. Post-mortem had already been performed on the bodies.

Four ambulances had come to Tirupati from Tamil Nadu. The bodies of my father and Balachandran's father Harikrishnan were placed in the same Ambulance. Likewise each Ambulance carried two bodies. We set out from there by Ambulance at about 1.00 AM. The officials and Tamil Nadu police who had come with us to Tirupati followed our Ambulances in a Jeep.

The following day, 09.04.2015, at about 11.00 AM we brought the bodies to our village. It was only then that I looked closely at the face of my deceased father. His mouth was open. Half of his tongue was cut. We saw this condition of our father and cried.

Then when we were about to perform the final rites for the deceased as per the customs of our community, the policemen prevented us from doing anything and forced us to cremate the bodies. So we cremated our father's body on our land at about 1.00 PM in the afternoon.

My father went for coolie work to alleviate the poverty that befell us because of drought. We have now lost him. Murder case should be filed against the Andhra Police who tortured and killed my father and action should be taken also against the Tamil Nadu Police who forced us to cremate the body of my father hurriedly although as per our custom we should have buried his body and thereby justice should be done for our family.

7.15 Details of Sivakumar, S/o. Siththan who was shot dead by the Police of the Andhra Pradesh Government:

| | |
|---------------------------|--|
| Name of the deceased | : Sivakumar, S/o. Siththan |
| Age | : 32 |
| Marital Status | : Married |
| Caste | : Hindu Malaiyali |
| Educational Qualification | : 5 th Standard |
| Occupation | : Agriculture, Coolie work, Masonry work |
| Address | : 3 rd Ward, Arasanatham Village, Kalasappadi Post, Paappireddipatti Post, Dhamapuri District |
| Contact No. | : 8940067482 – Jayshankar (Elder brother of the deceased) |

Details of the family of the deceased:

| S.No. | Name | Age | Caste | Educational Qualification | Occupation | Relationship |
|----------|------------|-----|-----------|---------------------------|-------------|-------------------------|
| 1. | Vijaya | 27 | Malaiyali | 5 th Standard | Agriculture | Wife |
| 2. | Jeeva | 10 | Malaiyali | 5 th Standard | -- | Son |
| 3. | Shanmitha | 2 | Malaiyali | -- | -- | Daughter |
| 4. | Saroja | 50 | Malaiyali | -- | Agriculture | Mother |
| 5. | Siththan | 60 | Malaiyali | -- | Agriculture | Father |
| Siblings | | | | | | |
| 6. | Chithra | 36 | Malaiyali | -- | Agriculture | Elder Sister (Married) |
| 7. | Jayshankar | 35 | -- | Malaiyali | Agriculture | Elder brother (Married) |

I, Vijaya, wife of the deceased Sivakumar, S/o. Siththan who was shot dead by the Andhra Police, do hereby sincerely state and solemnly affirm as follows:

Mrs. Vijaya

W/o. Sivakumar

3rd Ward,

Arasanatham Village,

Kalasappadi Post,

Pappireddipatti Taluk,

Dharmapuri District

I used to reside in the above said address with my late husband Sivakumar, children Jeeva and Shanmitha, my mother-in-law Saroja and father-in-law Siththan. We belong to the Hindu Malaiyali community. We have half an acre of agricultural land. We ran our household by doing agricultural work on it. Since rains have failed for the past one year we did not cultivate any crops. So, to run the household my husband used to go for any work like masonry work, painting and all other coolie work in places like Coimbatore, Tiruppur, Erode and any place where he was called for work. On days that he got work he earned Rs.200 to 300. He would go for painting work, taking contract of a building. When he went for such work, he would stay at the place of work itself for 10 to 15 days and work there. Lastly he had gone to Coimbatore for painting work and returned only for his younger sister's marriage.

In these circumstances, Balachandran, who is also from our village, told my husband that there was supplier work available in Pondicherry and one could earn Rs.400-500 per day and that my husband could come if he was interested. Then on 05.04.2015 along with my husband Sivakumar, Balachandran's father Harikrishnan, his relative Lakshmanan,

Venkatesan and Velayudham and Sivalingam from Alamarathuvalavu also left saying that they were going to Pondicherry for work.

On 07.04.2015 at about 8.00 AM, Balachandran's younger brother Prabhakaran came to our house and said that his father Harikrishnan, one Pazhani who had taken them and the others who had gone with him had been arrested by the Andhra Police. He then left saying that he would make arrangements to get our people released.

Then the next day, i.e. 08.04.2015, at about 08.00 AM, Prabhakaran came to our house again and said that Anburaj, a policeman from our village, had told him that the Andhra Police had shot dead the persons who had gone from our village. He also said, "It seems that the names of the persons who went from our village, including your husband Sivakumar are mentioned in the newspaper. I am going to Arur Main Road to see what the matter is." My husband's elder brother Jayshankar also went along with him.

Later that evening at about 4.00 PM the DSP of Arur, the Village Administrative Officer and the RDO asked us - 2 persons each for every deceased person – to come with Voter's ID and Ration Card so that we could go to Tirupati to bring the bodies. My husband's elder brother went with them and they reached the Govt. Hospital in Lower Tirupati at about 12.00 in the night. There, the District Collector of Tiruvallur District was apparently seated under a Shamiana erected near the post-mortem room.

Our people introduced themselves to him. He seems to have shown them some photographs that he had with him. When my husband's elder brother looked at the photograph of my husband which was among them, he saw that my husband's body had marks that appeared like burns and there were welts too. There were injuries on his back too indicating that he was beaten with batons. His lower jaw was torn. At about 1.00 AM my husband's elder brother Jayshankar was taken to see my husband's body on which post-mortem had already been performed.

Then they left from there with my husband's body in an ambulance that had come from Tamil Nadu. Jayshankar told me that the ambulance was followed by a Jeep in which the officials and police who had come from Tamil Nadu were travelling.

The following day, 09.04.2015, at about 11.00 AM they brought my husband's body to our village. His body was zipped-up in a plastic cover. When I went closer to his body I saw that his mouth was torn and teeth were broken. There were cuts in several places. I wailed on seeing this condition of my husband's body.

Then when we were about to perform the final rites for my husband as per the customs of our community, the policemen prevented us from doing anything and forced us to cremate the bodies, issuing threats too. So we cremated my husband's body on our land at about 1.00 PM in the afternoon.

If my husband had done any offence they could have punished him as per law. We are orphaned now because instead of that they tortured and killed him. Murder case should be filed against the Andhra Police who did this heinous act and action should be taken also against the Tamil Nadu Police who forced us to cremate the body of my husband hurriedly although as per our custom we should have buried his body.

7.16 The details of deceased Mr. Perumal, S/O. Mr. Krishnan Gounder who was arrested, tortured and killed by the Andhra Pradesh Special Task Force

Name of the deceased : Perumal, S/o. Krishnan Gounder
 Age : 37
 Caste : Hindu – Vanniar
 Educational qualification : 8th standard
 Occupation : Agriculture and construction work
 Cell No : 80566 85397
 Address : Nuzhambu, Vettagiripalayam Village, Padaveedu Post, Padaveedu Panchayat, Polur Tauk, Thiruvannamalai District
 Contact No : 99945 51241

Family Details of the deceased

| S.No | Name | Age | Caste | Education Qualification | Occupation | Relationship |
|------|------------|-----|---------|--------------------------|-----------------|--------------|
| 1 | Selvi | 32 | Vanniar | 5 th standard | Agriculture | Wife |
| 2 | Sindhu | 14 | Vanniar | 9 th standard | Going to school | Daughter |
| 3 | Sarala | 12 | Vanniar | 7 th standard | Going to school | Daughter |
| 4 | Sivasankar | 9 | Vanniar | 4 th standard | Going to school | Son |
| 5 | Ellammal | 65 | Vanniar | - | - | mother |

I, Selvi (32) W/O deceased Mr. Perumal, S/o. Mr. Krishnan Gounder who was arrested, tortured and killed by the Andhra Pradesh Special Task Force who give statement with full conscious.

Mrs. Selvi
 W/o. Perumal
 Nuzhambu
 Vettagiripalayam Village, Padaveedu Post,
 Padaveedu Panchayat
 Polur Tauk, Thiruvannamalai District

I am residing at the above address with my husband Mr. Peruma (37), and my children Sindhu, Sarala, and Sivasankar. We belong to Hindu Vanniar caste. My mother – in-law Mrs. Ellammal is living with us. We have 4 acres of agriculture land and we lived with the income from the crops produced in our land.

There is water scarcity in our well since there is no rain recently and we were unable to cultivate any crop in our land. There were two cows in our house. My husband went and sold the cow milk to milk society every day. There was also insufficiency in the income and so he often went outside for work and told us that he worked as a food supplier. He earned 400/- rupees per day from that work. We lived with that money. But we could not educate our children.

He went to sell the cow milk on 06.04.2015 at 5.p.m. I went to attend two of our relations' marriage functions at 9.a.m in the morning. My husband brought our son Sivasankar with him to attend the marriage function held in NKK Kombu Marriage Hall.

Then he returned to home at 12.p.m approximately and has told that he goes for working as food supplier. I was told that he went to Padaveedu and then went by Kannaki bus.

Then on the next day (07.04.2015) Mr. Venkatesh from Pudur Morkolam came to our house 7 o'clock in the morning approximately and told us that my husband and seven other men have been captured by Nagari Police of Andra Pradesh. He also told that he escaped and run from them. I asked him who captured and about the reason for the arrest. He told that they will send my husband after enquiry and went in a hurried manner.

My son came to me and told that Mr. Venkatesh talked separately with my husband and four others in the marriage hall. I thought they were talked together while attending the function.

I called him in his cell phone at 4 p.m but the phone was switched off. Further, there was a running headline in all the television channels that there were twenty men who went to cut red sander trees in Andhra Pradesh forests killed in encounter by the police.

Then polices from Kannamangalam police station and Inspector of Police, Arani District came to our house at 7.00 p.m and showed a photo of a person's head. That photo clearly showed that the person is dead. The policemen asked me whether I can identify the man in the photo. I told them that I did not know. Then they showed me the full figure in their cell phone. I identified that it was my husband. Also I saw there were cut wounds in his body. One of his hands was hacked. We were crying with shock.

The police men told to my husband's younger brother that to seek the body, he should come to the Kannamangalam police station with the identity card of my husband and the identity card of the recipient. Then the next day (08.04.2015) morning 9.a.m my brother

in – law and the panchayat representatives went to Kannamangalam Police station. They showed the ration card and voter's id and the police have taken the Xerox copy of the identity cards and gave them a letter. They reached Thiruppathi at 6.p.m in the evening.

They met the Tamil Nadu police who were sitting under a shamiana tent and showed the documents received from Kannamangalam police station. The police men gave them the FIR copy and death certificate to them. Then the Andra Pradesh police showed the body after seeing the documents. The body was already finished with post mortem and covered by white cloth. The police showed the face of the body and gave the body with another one's body named Mr. Munusamy. They were sending the bodies in an ambulance came from Tamil Nadu to Thiruppathi.

My husband's body came to our village at 3.00 a.m approximately. I touched my husband's body and felt that there was one leg missing. They had given the intestines as a bundle separately. His eyes were come out and so I suspected about my husband's death. I remembered what Mr. Venkatesh told me and I understood that the police arrested, tortured, hacked legs and killed my husband. There was a protest held on the killing of Mr. Sasikumar and Mr. Murugan. So we did not bury my husband's body and kept it with suspicion. We tried to lift the body to the protesting place but the police stopped us to take the body. So, we kept the body in our house.

Since Mrs. Muniammal, w/o Mr. Sasikumar filed a case in High court of Chennai, the judge ordered to keep the bodies in Government Hospital, Thiruvannamaai. So, my husband's body, and the bodies of Mahendran, Munusamy, Sasikumar, Murugan and Murthy were taken to the Government hospital, Thiruvannamalai.

Then the order for post mortem from Hyderabad court, the doctors from Hyderabad done re-post mortem and gave the body on 19.04.2015. We buried my husband's body in Vettakipalayam burial ground.

We have received 3 lakh rupees from Government of Tamil Nadu, 1 lakh from Jeyalalitha, one lakh from Karunanithi and 50,000/ from Vijayakanth.

She finished her statement with angry that the Tamil Nadu government should not stop its action by giving money and should take necessary actions to severely punish the Andra Pradesh police who captured, tortured and killed my husband and dramatized that my husband was cutting red sander trees.

7.17 The details of deceased Mr. Murugan, S/o. Mr. Manickam who was arrested, tortured and killed by the Andhra Pradesh Special Task Force.

Name of the deceased : Mr. Murugan, S/O. Mr. Manickam
Age : 40
Caste : Hindu – Vanniar
Educational qualification : 5th standard

Occupation : Agriculture peasant
Address : Kaliasman Koil Street, Vettagiripalayam Village,
Archunapuram Post, Polur Tauk, Thiruvannamalai District
Contact No 9629679396 – Krishnan
8489579770 – Murugan Settu

Family Details of the deceased

| S.No | Name | Age | Caste | Edn. Qualification | Occupation | Relationship |
|------|----------------|-----|---------|--------------------------|------------|--------------|
| 1 | Thanchaiyammal | 35 | Vanniar | - | | Wife |
| 2 | Hemalatha | 19 | Vanniar | 3 rd standard | | Daughter |
| 3 | Kumutha | 13 | Vanniar | 8 th standard | | Daughter |
| 4 | Padmavathi | 70 | Vanniar | - | | Mother |

I, Thanchaiammal (35) W/O deceased Mr.Murugan, S/O. Mr. Manickam who was arrested, tortured and killed by the Andra Pradesh Special Task Force who give statement with full conscious.

Mrs. Thanchaiammal

W/o. Murugan (late)
Kamatchiammankovil street,
Vettagiripalayam Village
Archunapuram Post
Polur Taluk, Thiruvannamalai District.

I am residing at the above said address with my husband Murugan, Children Hemalatha (married), Kumutha(13 yrs and studying in 8th standard). We belong to Vanniar community. We live in a rental house. There is no agriculture land for us. My husband was going to painting work, mason work and agriculture coolie work.

On Monday, my husband and Sasikumar who was residing near our house told to my daughter Kumutha that they go to a painting job. I went to agriculture coolie work. My husband did not return from the job till 7 p.m. So we contacted him in his cell phone but it was switched off.

The next day morning (07.04.2015), there was the news in the television channels about the encounter of 20 red sander wood cutters in Andra Pradesh who went from Tamil Nadu. They showed dead bodies and some red sander woods. Since there was no person in our village go as wood cutters we did not take it into consideration.

There were polices came to our village at 9.00p.m approximately and asked if there were men went outside for job. I told them that my husband and our neighbor Murugan have gone out for painting work but they did not go to outstation. They showed some photos to us. I saw the photos and they were the photos of head of men. I said that I did know them. Then they showed me a full photo in their cell phone.

My husband was wearing a brief with brush pictures. His left hand little finger was slightly bended. I confirmed that it was my husband. Then the police asked to come two persons from our family and Sasikumar's family to receive the bodies. On the next day morning at 4.00 my brother-in-law Chinnappan and some relatives went to Kannamangalam police station to receive the body. Then they went to Thiruppathi. Then they went to Government hospital, Thiruppathi.

They showed the body of my husband to my relative Chinnappan at 7 O'clock approximately. He told me that my husband's body was tied as a bundle. They showed the face of my husband. His face was blackened like acid thrown face.

Our relatives were arrived our house with my husband's body at 11.00 p.m approximately. Sasikumar's family members opened the body as our relatives said. There was only one leg in Sasikumar's body. His body was severely damaged. There were knife cut wounds in his body. His ears were damaged. His skin was damaged like acid poured skin. So we got suspicion and protested in the middle of the Vettakiripalayam road with their dead bodies. Sasikumar's wife filed a case in High court, Chennai. They took their bodies with other four persons bodies to government hospital, Thiruvannamalai.

On 18.04.2015, they gave my husband's body with others' bodies after re-postmortem. We thought to bury the body in fire since it was severely damaged. But we did not know the content of re-postmortem and so we buried the body in the ground near Kamandalam river shore.

Hence, I ask the Tamil Nadu government to take necessary actions to severely punish the Andra Pradesh police who captured, tortured and killed my husband and dramatized that my husband was cutting red sander trees.

ANNEXURE 8



People's Watch

No.6, Vallabai Road, Chokkikulam, Madurai - 625 002.
Phone: 0452-2531874 & 2539520 Fax: 0452- 2531874
E.mail: info@pwttn.org Web: www.pwttn.org

Human Rights and Democracy Program in Tamilnadu

Intimation for High Level Human Rights Fact Finding

To,

1.The Director General of Police (DGP)
Andhra Pradesh
ig@pcs.appolice.gov.in

2. **Sri B.Balakrishna, IPS**
D.I.G./I.G./Additional D.G. of Police,
digatp@appolice.gov.in igp@pcs.appolice.gov.in

3.**Sri P.H.D. Ramakrishna, IPS**
The Superintendent of Police, Chittoor District
spctr@appolice.gov.in

4. A.V.Joseph, IFS
Principal Chief Conservator of Forests,
(WI, CWLW) i/c (Hoff)
Aranya Bhavan,
Opp. To R.B.I., A.G.Office Road, Saifabad, Hyderabad
prlccf_wlcww_apfd@ap.gov.in

Dear Sir,

People's Watch is a national human rights organization with its inception in the year 1995. It is engaged in the area of human rights monitoring, legal intervention, human rights education, campaigning, research and rehabilitation. It also undertakes human rights fact finding undertaken under our ***fundamental rights in Art 19 & 21 of the Indian Constitution, under the Fundamental Duties in Art 51(a) of the Indian Constitution, Article 19 of the Universal Declaration of Human Rights 1948 and under Art 6 and 13 of the United Nations Declaration on the Rights and Responsibilities of Individuals, Group and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms 1998.***

It has been brought to the attention of Tamilnadu Program of human rights and democracy that there is a case of 'Encounter death' that is alleged to have taken place in Seshashalam Forest in Chandragiri Mandal, Chittoor District of Andhra Pradesh. It is therefore proposed by us to depute a high level fact finding team led by **Justice H.SURESH, [Former Judge of the Mumbai High Court]** **Mr. SATYABRATA PAL, [Former Member of the NHRC]** **ADV.AJEETHA, [Advocate, Madras High Court]** **Dr. SAVIOUR SURESH, [Forensic Expert]** **Prof. JAWAHIRULLAH, [MLA – Tamilnadu], Mr. RAM MOHAN IPS [Retd DG, BSF]** and myself accompanied by five of our assistants to undertake a human rights fact finding on **14th & 15th April'15** and report the same to the headquarters. The Mobile No of the contact - 9894025859

We wish to bring this fact finding to your kind attention and also inform you that the Members of the FF who are very respected citizens of the country will be meeting your police officials at the Jurisdictional Police Station or Sub Divisional Office of the DSP or in case of need even at the District level for ensuring that the fact finding team also "know, seek and obtain" information about the version of the police in this incident before concluding our fact finding report on the incident. In case our fact finding report indicates the possibility of a human rights violation having taken place, we wish to also inform you that the complaint shall be provided to your good self for seeking remedy according to the law established in our country and on the basis of both national and international human rights standards.

We wish to also inform you that we plan to visit the encounter spot tomorrow in the morning and if there are any objections to the same, the same may be communicated to us in writing so that we seek redress from the Hon'ble NHRC in this regard urgently.

Madurai
Date: 13.04.2015



[Henri Tiphagne]
Executive Director, People's Watch, Tamil Nadu
(Mobile Number: 9894025859)
Copy to:

1. The Chairperson
National Human Rights commission
Manav Adhikar Bhawan Block -C,
GPO Complex, INA, New Delhi -110023
E-Mail: covdnhrc@nic.in, ionhrc@nic.in
2. Shri A. K. Parashar
National Focal Point - Human Rights Defenders & Joint Registrar
National Human Rights Commission
Manav Adhikar Bhawan,
Block-C, GPO Complex, INA, New Delhi – 110 023 Email: hrd-nhrc@nic.in

ANNEXURE 8



People's Watch

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Human Rights and Democracy Program in Tamilnadu Intimation for High Level Human Rights Fact Finding

To,

1. Mr. Ashok Kumar IPS
Director General of Police
Dr. Radhakrishnan Salai,
Maylapore, Chennai -600 004
dgp@tn.gov.in
2. M.N. Manjunatha, IPS
Inspector General of Police
Railway Station Road, Alandhur,
Chennai-600 016.
nzcontrol@gmail.com
3. R. Tamil Chandran, IPS
Deputy Inspector General of Police,
Officer's Lane,
Tollgate, Vellore - 1,
digvellore@gmail.com
4. The Superintendent of Police,
O/o The Superintendent of Police
Dharmapuri
sboffdpi@gmail.com
5. The Superintendent of Police,
O/o The Superintendent of Police
Thiruvannamalai
sptvmsptvm@rocketmail.com
6. The Superintendent of Police,
O/o The Superintendent of Police
Vellore District.
spvellore@gmail.com
7. The District Collector,
Collectorate,
Dharmapuri District.
collrdpi@tn.nic.in
8. The District Collector,
Collectorate,
Thiruvannamalai District.
collrtvm@tn.nic.in
9. The District Collector,
Collectorate,
Vellore District.
collrvel@tn.nic.in

Dear Sir / Madam,

People's Watch is a national human rights organization with its inception in the year 1995. It is engaged in the area of human rights monitoring, legal intervention, human rights education, campaigning, research and rehabilitation. It also undertakes human rights fact finding undertaken under our ***fundamental rights in Art 19 & 21 of the Indian Constitution, under the Fundamental Duties in Art 51(a) of the Indian Constitution, Article 19 of the Universal Declaration of Human Rights 1948 and under Art 6 and 13 of the United Nations Declaration on the Rights and Responsibilities of Individuals,***

Group and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms 1998.


It has been brought to the attention of Tamilnadu Program of human rights and democracy that there is a case of 'Encounter death in Seshashalam Forest in Chandragiri Mandal, Chittoor district of AP' that is alleged deceased victims from Vellore, Thiruvannamalai and Dharmapuri Districts of Tamil Nadu. It is therefore proposed by us to depute a high level fact finding team led by **Justice H.SURESH, [Former Judge of the Mumbai High Court] Mr. SATYABRATA PAL, [Former Member of the NHRC] ADV.AJEETHA, [Advocate, Madras High Court] Dr. SAVIOUR SURESH, [Forensic Expert] Prof. JAWAHIRULLAH, [MLA – Tamilnadu], Mr. RAM MOHAN IPS [Retd DG, BSF] and myself accompanied by five of our assistants** to undertake a human rights fact finding on **14th & 15th April' 15** and report the same to the headquarters. The Mobile No of the contact - 9894025859

We wish to bring this fact finding to your kind attention and also inform you that the Members of the FF who are very respected citizens of the country will be meeting your police officials at the Jurisdictional Police Station or Sub Divisional Office of the DSP or in case of need even at the District level for ensuring that the fact finding team also "know, seek and obtain" information about the version of the police in this incident before concluding our fact finding report on the incident. In case our fact finding report indicates the possibility of a human rights violation having taken place, we wish to also inform you that the complaint shall be provided to your good self for seeking remedy according to the law established in our country and on the basis of both national and international human rights standards.

We wish to also inform you that we plan to visit the encounter spot tomorrow in the morning and if there are any objections to the same, the same may be communicated to us in writing so that we seek redress from the Hon'ble NHRC in this regard urgently.

Madurai

Date: 13.04.2015



[Henri Tiphagne]

Executive Director, People's Watch, Tamil Nadu

(Mobile Number: 9894025859)

Copy to:

1. The Chairperson
National Human Rights commission, GPO Complex, INA, New Delhi -110023
E-Mail: covdnhrc@nic.in, ionhrc@nic.in
2. Shri A. K. Parashar, National Focal Point - Human Rights Defenders & Joint Registrar, National Human Rights Commission, New Delhi – 110 023 Email: hrd-nhrc@nic.in

ANNEXURE 9



Hired TN labourers to be sensitised

AP police plan meet with TN counterparts to curb red sanders smuggling

14-3-2015

K. Umashanker

CHITTOOR: Deputy Inspector General of Police (Red Sanders Task Force) M. Kantha Rao has said that a high-level meeting is being planned with the DIG (Vellore) of Tamil Nadu to sensitise the labourers who are being hired from north-western districts of Vellore, Tiruvannamalai and Salem for felling red sander trees in AP. The move aims at educating the labourers not to fall prey to the smugglers.

Speaking to *The Hindu*, Mr. Kantha Rao said that even as armed police parties were combing the Seshachalam Hills to curb the smuggling activities, many a times poor labourers were getting killed during encounters. "We want to avoid opening fire at the labourers on humanitarian grounds as most of them are poor and mis-

Awareness DRIVE

Red Sanders Task Force plans meeting with TN police to educate labourers being hired for felling red sander trees

- ▶ Many poor labourers are being hired from north-western districts of TN such as Vellore, Tiruvannamalai and Salem
- ▶ The move aims at educating the labourers not to fall prey to the smugglers

HUMANITARIAN ACTION PLAN

- ▶ Police want to avoid opening fire at the labourers on humanitarian grounds as most of them are misguided by smugglers, says the Deputy IGP

By educating the hired labourers and providing them with alternative livelihood in Tamil Nadu itself, the smuggling menace can be curtailed to the maximum level

M. KANTHA RAO, Deputy IGP (Red Sanders Task Force)

guided by smugglers. With the hired work force getting killed in encounters, their family members suffer a lot," he said, adding that the combing parties open fire as the last resort to defend themselves from the unpredictable

attacks by the smugglers.

"With an aim of implementing a humanitarian action plan, we are going to hold a meeting with our TN counterparts at Vellore soon. By educating the hired labourers and providing them with al-

ternative livelihood in Tamil Nadu itself, the smuggling menace can be curtailed to the maximum level," the DIG observed.

The official pointed out that local political influence had become a major concern while dealing with the smuggling activities. Citing an example, he said that three local leaders in Bhakarapet were found to be involved in indiscriminate red sander smuggling. "The trio have allegedly amassed more than Rs 200 crore in a few years. Two of them have been booked under the Preventive Detention Act, while another is still at large," he said, adding that the personnel had been strictly instructed not to yield to political pressures.

Mr. Rao held a meeting with the police and forest officials of Piler division on Friday morning and took the stock of anti-smuggling drive.

ANNEXURE 11











ANNEXURE 12



ANNEXURE 13



மரக்கட்டைகளைக் காப்பாற்ற, தமிழகத்தைச் சேர்ந்த 20 தொழிலாளர்களைச் சுட்டுக் கொன்று கரிக்கட்டைகளாக்கி காட்சிக்கு வைத்தது ஆந்திர போலீஸ். அவர்கள் செய்தது கொலை அல்ல... என்கவுண்டர் என்று அதை நியாயப்படுத்திக்கொண்டிருக்கிறது சந்திரபாபு நாயுடு தலைமையிலான ஆந்திர அரசு.

இரண்டு மாநிலங்களில் பதற்றத்தை ஏற்படுத்தி இருக்கும் இந்த விவகாரத்தை நீதிமன்றத்துக்குக் கொண்டு சென்று, சரியான பாதையில் அடியெடுத்து வைத்திருக்கிறது ஏ.பி.சி.எல்.சி என்று அழைக்கப்படக்கூடிய ஆந்திர மாநில மனித உரிமைகள் குழு. அந்த அமைப்பின் பொதுச் செயலாளர் சிக்கல சந்திரசேகர் தாக்கல் செய்த வழக்கில்தான், “என்கவுண்டரில் ஈடுபட்ட அனைவர் மீதும் கொலை வழக்குப் பதிவு செய்யவேண்டும்” என்று ஆந்திர உயர் நீதிமன்றம் உத்தரவு பிறப்பித்தது. அந்த வழக்குத் தொடர்பாக ஏ.பி.சி.எல்.சி அமைப்பின் இணைச் செயலாளரும் வழக்கறிஞருமான கிரந்தி சைதான்யாவிடம் பேசினோம்.

“சுட்டுக் கொல்லப்பட்ட 20 தமிழர்களும் உண்மையில் செம்மரக் கட்டை கடத்தல்காரர்களா?”

“அனைவரும் அப்பாவிக்கூலித் தொழிலாளிகள். அவர்களில் பலர் தாங்கள் எதை வெட்டிக்கொண்டிருக்கிறோம் என்று அறியாதவர்கள். தச்சு வேலை, தையல் வேலை என்று சொல்லி, காட்டுக்குள் அழைத்து வந்து மரங்களைச் வெட்ட நிர்ப்பந்திக்கப்பட்டவர்கள்.”

“செம்மரம் வெட்டியவர்கள் எங்களைத் தாக்கியதால், நாங்கள் அவர்களைச் சுட்டுக் கொன்றோம்” என்று போலீஸ் சொல்கிறதே?”

“கூலித் தொழிலாளிகள் எங்களைத் தாக்கினார்கள் என்று சொல்வது சுத்தப் பொய். தாக்குதல் நடந்திருந்தால், அது என்ன மாதிரியான தாக்குதல்? ஆயுதங்களை வைத்துத் தாக்கினார்களா? ஒருவேளை அவர்கள் தாக்குதல் நடத்தியிருந்து, அதன் காரணமாக போலீஸ்காரர்கள் எதிர்த் தாக்குதல் தொடுத்திருந்தால், அந்தத் துப்பாக்கிச் சூடு கண்மண் தெரியாமல்தான் நடந்திருக்கும். அதில் பலியானவர்களுக்கு தலை, முதுகு, மார்பு, கை, கால்கள் என்று பல இடங்களில் தோட்டாக்கள் பாய்ந்திருக்கும். ஆனால், இங்கு

கிடத்தப்பட்டுக் கிடந்த எந்தத் தொழிலாளியின் உடம்பிலும் அப்படி கண்ட இடங்களில் காயம் ஏற்படவில்லை. சரியாக மார்பில் தோட்டாக்கள் பாய்ந்துள்ளன. வரிசையாக நிற்க வைத்து, பின்னால் கைகளைக் கட்டி, அவர்களுக்கு நேருக்கு நேர் நின்று சுட்டால்தான் இது சாத்தியம்.”

“தற்போது ஆந்திர உயர் நீதிமன்றம் என்கவுண்டரில் ஈடுபட்டவர்கள் மீது கொலை வழக்குப்பதிவு செய்யச் சொல்லி உள்ளது. இது உங்கள் முயற்சிக்குக் கிடைத்துள்ள வெற்றிநானே?”

“2014-ம் ஆண்டு பி.யூ.சி.எல் அமைப்பு vs மகாராஷ்டிர மாநில

அப்பாவி உயிர்கள் என்கவுண்டர் என்ற பெயரில் பறிபோவது முற்றிலுமாக நிறுத்தப்படுவதே எங்கள் நோக்கம்.”

“இந்தப் பிரச்னை இரு மாநிலங்களுக்கு இடையிலான பிரச்சனையாக உருவெடுத்துள்ளது பற்றி?”

“இறந்த கூலித் தொழிலாளர்களை தமிழர்கள் என்றோ, தெலுங்கர்கள் என்றோ பார்ப்பது தவறு. அவர்கள் மனிதர்கள். அநியாயமாக அவர்களின் உயிர்கள் பறிக்கப்பட்டுள்ளன. அதற்கு நீதி கேட்டுப் போராட வேண்டியது

இது தமிழர், தெலுங்கர் பிரச்னை அல்ல!

ஆந்திர மனித உரிமை அமைப்பு வழக்கறிஞர் பேட்டி

அரசு வழக்கில் தீர்ப்பளித்த உச்ச நீதிமன்றம், என்கவுண்டர் விவகாரத்தில் சில விதிமுறைகளை வகுத்தளித்து தீர்ப்பளித்தது. அதில், என்கவுண்டர் திட்டம் தீட்டியது முதல் போலீஸ் டைரி மெயின்டெயின் செய்ய வேண்டும். என்கவுண்டரில் ஈடுபட்டவர்கள் மீது கொலை வழக்குப்பதிவு செய்யவேண்டும். அவர்கள் மீது துறைநீதியான நடவடிக்கைகள் மேற்கொள்ள வேண்டும். அவர்களிடம் இருக்கும் ஆயுதங்கள் அனைத்தும் பறிமுதல் செய்யப்பட வேண்டும் என்று கூறியுள்ளது. அதன்படி, இந்தத் தீர்ப்பு வந்துள்ளது. இதையடுத்து இதில் எத்தனைபேர் மீது போலீஸ் வழக்குப்பதிவு செய்யப்போகிறது? அவர்கள் மீது துறைநீதியாக என்னென்ன நடவடிக்கைகள் எடுக்கப்படப் போகின்றன என்பதை எல்லாம் பார்க்க வேண்டும். அத்துடன் வழக்கை சரியான திசையில் கொண்டு சென்று, இந்தக் குற்றத்தில் ஈடுபட்டவர்களுக்குத் தண்டனை வாங்கித் தர வேண்டும். இனிமேல் இதுபோன்று அரசியல், அதிகாரவர்க்கம், மாஃபியாக்கள் கூட்டுச் சேர்ந்து நடத்தும் நாடகத்தில்

ஓவ்வொருவரின் கடமை. அந்த 20 உயிர்களும் ஆந்திர எல்லையில் ஆந்திர மாநிலக் காவல் துறையால் பறிக்கப்பட்டுள்ளன. ஆந்திராவில் அந்தத் தொழிலாளர்களுக்கு அநீதி இழைக்கப்பட்டு உள்ளதால், அவர்களுக்கான நீதியைப் பெற்றுத் தர வேண்டிய தார்மீக கடமை ஆந்திர மக்களுக்குக் கூடுதலாக உள்ளது. ஆனால், இதை இரண்டு மாநிலப் பிரச்சனையாகப் பார்க்க முடியாது.”

“தமிழக அரசாங்கத்திடம் இருந்து என்ன மாதிரியான நடவடிக்கைகளை எதிர்பார்க்கிறீர்கள்?”

“தமிழக அரசு இந்த விவகாரத்தில் நீதி விசாரணை முறையாக நடக்கிறதா என்பதைக் கண்காணிக்க வேண்டும். செம்மரங்கள் விளைவது ஆந்திரா என்றாலும் அவை வெளிநாடுகளுக்குக் கடத்தப்படும் வழித்தடங்கள், ரயில் பாதைகள், கடல் வழிகள் எல்லாம் தமிழகத்தில்தான் உள்ளன. தமிழகத்தில் இருந்துதான் அதிக எண்ணிக்கையில் கூலித்



ANNEXURE 14

A tragedy at midnight-shoot and kill!

Orders given by Mr. Chandrababu Naidu

Nakeeran, 17.4.2015

The AP, STF's statement:

The encounter of 20 red sanders in a gruesome manner shocked the country (by the STF of AP).

On the 6th of April, the coolies from Vellore, Thiruvannamalai where travelling via Thirutheni to Andhra Pradesh in search of work.

Specifically the labourers from Jamunamalai and Kannamangalam boarded the bus proceeding from Thirutheni to Tirupathi.

The STF stopped this bus at Nagariputhur on the Tamil Nadu, Andhra border at the check post.

Police boarded the bus and asked a few persons to get off. No one knows where they were taken but the next day it was known that they were killed in an encounter.

Eye witnesses Sekar and Balachandar are the only men who can vouch that they were taken off the bus, because no one knows about what happened thereafter and that is why we have decided to conduct a serious enquiry.

Talking and conversing with the Andhra STF personnel was very very difficult. One of them who was married to a Tamilian as a result of a love marriage, slowly began to openly talk about the incident.

Recently we had arrested 10 agents who were engaged in smuggling red sanders wood. They are the agents who are helping to reveal the men who are involved. At this time a mason said that on the 6th there are 6 persons travelling via Nagari.

Acting on this information, the DIG, Kantha Rao constituted a team of 10 STF, to nab these men. In the same manner a team of 20 STF was also constituted one team was sent to the Nagari check post.

The mason who gave this information was dragged and taken to the check post at Nagari and was made to watch the buses and identify the bus in which these men were travelling. He pointed out to 6 of them who were made to get off the bus by this special team.

As they were forced to board a black and blue van, they were protesting saying that we have not done anything wrong, we have come to work in these forests near the temple, why are you catching us and they were beaten up.

They were brought to the entrance of the Thirupathy hill Kabilaththeertam temple where the STF office bungalow was situated and all of them were kept here.

In the meanwhile, the special teams brought 14 others persons, they were stripped to their underwear and electric shock was administered until they cried out in agony.

They blind folded the men who were given shock treatment so that the others could watch or be silent spectators and they were traumatised more than the victims. A welding rod which was red hot was used on their bare bodies and they were tortured.

Their cries of agony reverberated in the forest but it did not reach anywhere. They were beaten with bamboos and were told that no one should enter the forests of Andhra Pradesh in the future. Their bodies were scarred with wounds from the thrashing and the burning. The special team stopped the torture only when they all swooned or fell unconscious.

The special teams received the instructions to bring all the people who were in their custody to Thirupathi. At 8.20 pm on the 6th they all reached Kabilatheertham bungalow. At 8.30, Kantha Rao arrived and there was an emergency discussion Kantha Rao told DGP Ramadu "If we give them a shot no one would survive, the FIR can be filed in the morning and we can remand them in the jail", he said.

He responded saying, Venkataih Naidu the Central Minister has come to Thirupathy along with the CM Chandrababu to meet Smurthy Rani so I will consult him and get back to you.

At once, he spoke to the first secretary Sathish Chandra one of the CM's secretaries looking after home affairs, who gave the phone to Chandrababu Naidu and the DGP talked to him.

He told him that there have been certain decisions which have been taken regarding Red sanders smuggling, so go ahead and stage an encounter and at 9.30 pm the CM left Thirupathy. Kantha Rao was informed of the instruction of the CM.

Immediately, he gave instructions to the special team to load the logs of red sanders into the van. (This wood was already cut and piled up by the forest department). The special team told Kantha Rao, that these logs were marked and codified and he asked them to destroy the markings and to load the logs into the van.

They were unable to wipe out the markings for lack of time and so they loaded them on to the van. At 12 pm, the 20 men's hands were tied tightly behind and they were loaded into the van and taken into the thick forest area. All of them were in a state of shock.

They must have understood the grave situation, in their eyes there was a stark fear of death. They were falling at the feet of the police officers, begging for mercy, begging them not to kill them as they had children who would become orphans and pleaded for mercy.

On the way in the deep forest, the 20 of them were made to walk for 3 kms. At Ethalakunda, they were all blind folded by the special team.

9 of them were led further away and each of them made to kneel at a distance from each other. The special team with 9 officers standing 5 feet away from these 9 men shot each of them at point blank range and they were scattered all over.

At once, they collected their foot wear and scattered them all over the place. Some of them carried the red sanders logs and placed them beside each body.

Later the special team made the 11 persons to walk for a kilometer and at Chachinavapanda area they carried out the same exercise as they had done to the 9 other men, this officer narrated this incident with fear and anguish.

Other officers, on instructions from the top, Nagapatla area forest officer Nadaraja, Chandragiri police station inspector told Harinathbabu that the lower rank officers while climbing the hill, early morning on the 7th at 5.30 am, saw 100 men in a gang who were climbing down, and they attacked the police who in retaliation had to shoot at them in defence. When the day dawned he was told to give a complaint and that is what is in the FIR.

No one amongst the local police know of this encounter. This problem has exploded not only in Tamilnadu but also in Andhra, when YSR Congress leader Jaganmohan Reddy while constituting a special fact finding team has nominated his friend Balaji from Tamil Nadu to be on this team.

Regarding this, when Jegan Mohan Reddy spoke to Balaji he said, that Chandra Babu Naidu had organized a discussion in March about the Red sanders smuggling with high level officers. At that discussion, he had ordered that hereafter, the Tamil wood cutters should be done away with, in an encounter, and these higher officials had accepted this decision.

Later on DIG Kantha Rao, head of the STF was given the shooting orders from the government and this decision was conveyed to the Tamilnadu Government.

With anger and anguish he comments looking at the gruesome, merciless killings it reminds one of how Rajapaksa killed the Tamils in Sri Lanka and here Chandrababu Naidu has hunted the victims, killing them in a cold blooded encounter.



FIRST INFORMATION REPORT

(Under Section 154 and 157 Cr.P.C)

A.P.P.M. Orders 470,500

1. District : Tirupati Urban Year : 2015 FIR No : 42/2015 Date : 07-APR-2015
2. P.S : Chandragiri PS Acts and Section : 147, 148, 307, 332 r/w 149 IPC and Sec. 20 (1), (2), (3), (4) and 44 of AP Forest Act, Sec. 7, 24(1), 55 of Biological Diversity Act and Police Firing.
3. a) Occurrence of offence: Day: TUESDAY Date From: 07-APR-2015 Date To: 07-APR-2015
Time Period : Time From: 05:30 Time To: 06:00
Prior To :
- b) Information received at PS : Date : 07-APR-2015 Time : 12:00
- c) General Diary Reference Entry No: 12:00
4. Type of Information : Written
5. Place of Occurrence : (a) Distance and direction from PS : 8 KMs North Beat No. -----
(b) Place Cheekatigala kona,
Street/Village Seshachalam forest area
Area/Mandal : Chandragiri Mandal
City/District : Tirupati Urban
State : ANDHRA PRADESH Pin : -----
(c) If Outside the limits to this Police Station, then the name of concerned police station :
District : -----
6. Complainant / Informant :
(a) Name : K.Nataraja
(b) Father's / Husband's Name : -----
(c) Date / Year of Birth : ----- Age : -----
(d) Nationality : INDIAN (e)Caste : -----
(f) Passport No : ----- Date of Issue : ----- Place of Issue : -----
(g) Occupation : -----
(h) House No : Forest section Officer,
Street/Village : Nagapatla section
Area/Mandal : Chandragiri Mandal
City / District : Tirupati Urban
State : ANDHRA PRADESH Pin : -----

7. Details of known/suspected/unknown accused with full particulars:

Physical features, deformities and other details of the Suspect :

| Sl. No. | Sex | Date/Year of Birth | Build | Height (cms) | Complexion | Identification Marks(s) |
|---------|-----|--------------------|-------|--------------|------------|-------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |

| Deformalities/ Peculiarities | Teeth | Hair | Eyes | Habit(s) | Dress Habit(s) |
|------------------------------|-------|------|------|----------|----------------|
| 8 | 9 | 10 | 11 | 12 | 13 |

| Languages/ Dialect | Place of | | | | |
|--------------------|-----------|------------|------|------|--------|
| | Burn Mark | Leucoderma | Mole | Scar | Tattoo |
| 14 | 15 | 16 | 17 | 18 | 19 |

8. Reasons for delay in reporting by the complainant / informant :

No delay

9. Particulars of properties stolen/involved(Attach separate sheet, if necessary) :

10. Total value of property stolen :

11. Inquest Report/ U.D. Case No. if any :

12. Contents of the complaint / statement of the complainant or informant :

Occurred on 07-04-2015 in between 5-30 A.M to 6-00 A.M at Cheekatigala kona, Seshachalam Forest, Chandragiri Mandal and reported in the PS on 07-04-2015 at 12-00 Noon in which Sri K.Nataraja, Forest Section officer, Nagapatla section, Chamala Range, Tirupati with the assistance of DSP G.Harinath Babu and his staff i.e. Special task force Party Police personnel were combing in Seshachala Forest Area, Tirumala noticed hundreds number of persons speaking Tamil language at the up hillock area uttered as "VETTUDI, KONNUDI". On that Sri G.Harinath Babu, DSP, Task force party has deposed his identity cried loudly that they are Police party. For which there is no response from the other side and simultaneously the red sandal smugglers who were already trespassed into the prohibitory zone of the forest area, formed themselves into an unlawful assembly, armed with deadly weapons like axes, sickles and stones with an intention to cut and commit theft of forest produce like red sander logs, hurled big stones, arrows, axes towards the combing task force special party. In order to prevent the act of the sandal wood smugglers, initially the combing task force party opened fire in air for 03 rounds, to scare them and to stop their acts. But they continued their virulent hurling of stones and axes towards the task force party. Due to hurling of sickles, axes and stones axes on the combing task force party, the combing staff sustained injuries. Upon that, under no other circumstances, on the orders of the in-charge task force asked the special party to open fire towards the opponent group in the right of private defense and to safe guard their lives by themselves and also himself opened fire along with the party towards the opponents. After some time the pelting of axes, sickles and stones etc., were stopped on them. Due to opening of fire in the right of private defense by the Police personnel who were on duty, nine unidentified red sandal wood culprits were died on the spot and the remaining persons escaped from the above place, leaving the red sanders logs at the scene of offence.

13. Action Taken: Since The above information reveals commission of offence(s)U/s as mentioned at item No.2,

(1) Registered the case and took up the investigation or

(2) Directed (Name of I.O.) : V.Siva Prasad

Rank : CI

No. :

to take up the Investigation or

(3) Refused investigation due

To -----

or

(4) Transferred to P.S. ----- District -----

on point of -----

jurisdiction.

F.I.R. read over to the complainant / informant, admitted to be correctly recorded and a copy given to the complainant / informant, free of cost.

K. Nalanoja 7/4/2015

14. Signature / Thumb impression of the complainant / informant.

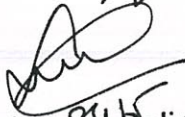
V. Sivaprasad
Signature of Officer in charge, Police Station
Name : V.Sivaprasad

Rank : CI

No : -----

15. Date and time of dispatch to the court :

True Copy



Sub-Divisional Police Officer
TIRUPATI WEST



FIRST INFORMATION REPORT

(Under Section 154 and 157 Cr.P.C)

A.P.P.M. Orders 470,500

~~PROFESSOR~~
Professor
DI to D-11
Not D-10

1. District : Tirupati Urban Year : 2015 FIR No : 43/2015 Date : 07-APR-2015

2. P.S : Chandragiri PS Acts and Section : 147, 148, 307, 332 r/w 149 IPC, Sec. 20 (1), (2), (3), (4) and 44 of AP Forest Act, sec. 25(1) (b) of Indian Arms act 1959, Sec. 7, 24(1), 55 of Biological Diversity Act and Police Firing.

3. a) Occurrence of offence: Day: TUESDAY Date From: 07-APR-2015 Date To: 07-APR-2015

Time Period : Time From: 05:30 Time To 06:00

Prior To :

b) Information received at PS : Date : 07-APR-2015 Time : 12:30

c) General Diary Reference Entry No: 12:30

4. Type of Information : Written

5. Place of Occurrence : (a) Distance and direction from PS : 8 KMs North Beat No.

(b) Place at Sachinodi Banda

Street/Village Seshachalam forest area

Area/Mandal : Chandragiri Mandal

City/District : Tirupati Urban

State : ANDHRA PRADESH Pin :

(c) If Outside the limits to this Police Station, then the name of concerned police station :

District :

6. Complainant / Informant :

(a) Name : C.Kodandan

(b) Father's / Husband's Name : C.Bheema Naiker

(c) Date / Year of Birth : Age : 53

(d) Nationality : INDIAN (e)Caste :

(f) Passport No : Date of Issue : Place of Issue :

(g) Occupation :

(h) House No : Forest Beat Officer,

Street/Village : Nagapatla section

Area/Mandal : Chandragiri Mandal

City / District : Tirupati Urban

State : ANDHRA PRADESH Pin :

7. Details of known/suspected/unknown accused with full particulars:

Physical features, deformities and other details of the Suspect :

| Sl. No. | Sex | Date/Year of Birth | Build | Height (cms) | Complexion | Identification Marks(s) |
|---------|-----|--------------------|-------|--------------|------------|-------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |

| Deformalities/ Peculiarities | Teeth | Hair | Eyes | Habit(s) | Dress Habit(s) |
|---------------------------------|-------|------|------|----------|----------------|
| 8 | 9 | 10 | 11 | 12 | 13 |

| Languages/ Dialect | Place of | | | | |
|-----------------------|-----------|------------|------|------|--------|
| | Burn Mark | Leucoderma | Mole | Scar | Tattoo |
| 14 | 15 | 16 | 17 | 18 | 19 |

8. Reasons for delay in reporting by the complainant / informant :

No delay

9. Particulars of properties stolen/involved(Attach separate sheet, if necessary) :

10. Total value of property stolen :

11. Inquest Report/ U.D. Case No. if any :

12. Contents of the complaint / statement of the complainant or informant :

Occurred on 07-04-2015 in between 5-30 A.M to 6-00 A.M at Sachinodi Banda, Seshachalam Forest, Chandragiri Mandal and reported in the PS on 07-04-2015 at 12-30 P.M in which Sri C.Kodandan, age 53 years, s/o C.Bheema Naiker, Forest beat Officer, Nagapatla section, Chamala Range, Tirupati. N/o M.Bandapalli village, Puthaplapattu Mandal, Chittoor district with the assistance of DSP and his staff i.e. Special task force Party Police personnel were combing in Seshachala Forest Area, Tirumala noticed hundreds number of persons speaking Tamil language at the up hillock area uttered as "VETTUDI, KONNUDI". On that DSP, Task force cried loudly that they are Police party. For which there is no response from the other side and simultaneously the red sandal smugglers who were already trespassed into the prohibitory zone of the forest area, formed themselves into an unlawful assembly, on the instructions of some persons in the background showed three firearms with intention to do away with their lives and threatened them on the point of deadly weapons like fire arms axes, sickles and stones with an intention to cut and commit theft of forest produce like red sander logs, hurled big stones, arrows, axes towards the combing task force special party. In order to prevent the act of the sandal wood smugglers, initially the combing task force party opened fire in air for 03 rounds, to scare them and to stop their act. But they continued their hurling of stones and axes towards the police special party could not be stopped by the smugglers. Due to pelting of sickles, axes and stones axes on the combing special party, the combing staff sustained injuries. Upon that, under no other circumstances, on the orders of the in-charge task force asked the special party to open fire towards the opponent group in the right of private defense and to safe guard their lives by themselves and also himself opened fire along with the party towards the opponents. After some time the pelting of axes, sickles and stones etc., were stopped on them. Due to opening of fire for right of private defense by the Police personnel who were on duty, 11 unidentified red sandar culprits were died on the spot, along with 13 red sander logs were lying on the spot and the remaining persons escaped from the above place, leaving the red sanders logs at the scene of offence.

13. Action Taken: Since The above information reveals commission of offence(s)U/s as mentioned at item No.2,

(1) Registered the case and took up the investigation or

(2) Directed (Name of I.O.) : V.Siva Prasad

Rank : CI

No. :

to take up the investigation or

(3) Refused investigation due

To -----

or

(4) Transferred to P.S. ----- District -----

on point of -----

jurisdiction.

F.I.R. read over to the complainant / informant, admitted to be correctly recorded and a copy given to the complainant / informant, free of cost.

C. K. Kondaiah F-30

14. Signature / Thumb impression of the complainant / informant.

V. Sivaprasad 2/11/15
Signature of Officer in charge, Police Station
Name : V. Sivaprasad

Rank : CI

No : -----

15. Date and time of dispatch to the court :

True copy
[Signature]
2/11/15

Sub-Divisional Police Officer
TIRUPATI WEST

FIRST INFORMATION REPORT

A.P.P.M. Orders 470,500

(Under Section 154 and 157 Cr.P.C)

1. District : Tirupati Urban Year : 2015 FIR No : 46/2015 Date : 14-APR-2015

2. P.S: Charuiragiri PS Acts and Section : 364-IPC, 302-IPC, 34-IPC

3. a) Occurrence of offence: Day: MONDAY Date From: 06-APR-2015 Date To: 06-APR-2015

Time Period : Time From: 18:00 Time To: 18:30

Prior To :

b) Information received at PS : Date : -12-APR-2015 Time : 14:15

14-APR-2015 11:30

c) General Diary Reference Entry No: 11:30

4. Type of Information : Written

Place of Occurrence : (a) Distance and direction from PS : 60 KMs East Beat No....

(b) Place Andhra Pradesh border

Street/Village

Area/Mandal: Nagari Mandai

City/District : Chittoor

State : ANDHRA PRADESH Pin :

(c) If Outside the limits to this Police Station, then the name

of concerned police station:

District :

6. Complainant / Informant :

(a) Name: Muniyammal

(b) Father's / Husband's Name : late Sashi kumar

(c) Date / Year of Birth : Age : 29

(d) Nationality : INDIAN (e)Caste:

(e) Passport No : Date of Issue : Place of Issue :

(g) Occupation :

(h) House No : Vetagiripalayam, Padavedu Post,

Street/Village: Potur tatuk,

Area/Mandal : Tiruvanannamalai district

City / District :

State TAMILNADU Pin :

7. Details of known/suspected/unknown accused with full particulars:

Serial No : 1

Some Unknown Andhra Pradesh STF Police personnel (Name and address not known)

Name of

Accused :

Father's Name : Occupation

Caste : Sex : Age: Nationality : INDIAN

Present H. No :

Present Street :

Present Area/

Village :

Present City/

District :

Present State : Pin : 0

Phone(Off) : Phone (Resi): Cell No. :

Email :

Physical features, deformities and other details of the Suspect:

| Sl. No. | Sex | Build | Date/Year of Birth | Height (cms) | Complexion | Identification Marks(s) |
|---------|-----|-------|--------------------|--------------|------------|-------------------------|
| 1. | 2. | 3. | 4. | 5. | 6. | 7. |

| Deformalities/ Peculiarities | Teeth | Hair | Eyes | Habit(s) | Dress Habit(s) |
|------------------------------|-------|------|------|----------|----------------|
| 8. | 9. | 10. | 11. | 12. | 13. |

| Languages/ Dialect | Place of | | | | |
|--------------------|-----------|------------|------|------|--------|
| | Burn Mark | Leucoderma | Mole | Scar | Tattoo |
| 14. | 15. | 16. | 17. | 18. | 19. |

8. Reasons for delay in reporting by the complainant / informant:

After obtaining legal opinion and instructions from Superior Officers

.....

9. Particulars of properties stoterdinvolved(Attach separate sheet, if necessary) :

.....

10. Total value of property stolen :

11. Inquest Report/ U.D. Case No. if any :

12. Contents of the complaint I statement of the complainant or informant : Occurred on 6-04-2015 in between 6-00 P.M to 6-30 P.M at the Andhra Pradesh border, Nagari Mandat, information received in the PS on 12-04-2015 at 2-15 P.M through the complaint of S.Muniyarnrnal, age 29 yrs, Vettaigiri palyem, Padavedu post, Potur taluk, Tin.Nannamalai district, Tamilnadu state and after obtaining legal opinion and instructions torn Superior Officers, registered in the PS on 14-04-2015 at 11:30 A.M where in some unknown SiF Police

Personnel stopped the bus and picked up Shashi kumar(husband of D-3), Moorthy, Munuswamy, Mahendran, Perumal, Beernan, Murugan and Patani who were travelling in the bus along with one Sekhar. Later the Police might have gathered another 13 persons somewhere and all the above said persons i.e. 20 persons were kilted them on the name of encounter by opening fire in the name of self defense at the forest area of Sesachatam situated near Srivari mettu, Chandragiri Mandel, Hence the FIR.

ANNEXURE-16
GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

SPECIAL INVESTIGATION TEAM – Constitution of Special Investigation Team for thorough investigation into the incident that lead to opening of fire by Red Sanders Anti Smuggling Task Force (RSASTF) at Chalamala Range, Nagapatla Section in Seshachatam Forest Area on 07-04-2015 in Chittoor District - Orders - Issued.

GENERAL ADMINISTRATION (LAW AND ORDER) DEPARTMENT

G.O.Rt.No. 1171

Dated: 20-04-2015.

Read:

**From the DIG Et Head of RSASTF, Tirupathi Radio Message
C.No.72/Admn/DIG/RSATSF-TPT/2015, dated 07-04-2015.**

ORDER:

In the reference read above, the DIG Et Head of Red Sanders Anti Smuggling Task Force (RSA5TF), EF S Et T Department, has informed that the Task Force along with local Forest officials white combing the Seshachatam Reserve Forest Area of Chandrasiri Mandal on the intervening night of 617-4- 2015, opened fire in self defence and to protect the lives of Forest officials.

2. The Chandragiri Police have registered cases vide Crime No. 4212015 and 43/2015 dated 7.4.2015 of Chandragiri PS under Sections 147, 148,307,332 read with 149 IPC, Section 20(1)(2)(3)(4) and 44 of A.P. Forest Act, Section 25 (1)(b) of Indian Arms Act, 1959, Section 7, 24 (1), 55 of Biological Diversity Act and Police Firing, on the complaint of forest officials in tune with the guidelines issued by the Hon'ble Supreme Court of India.

3. Government after careful examination of the Matter held the view that this case needs detailed and comprehensive investigation and accordingly decided to constitute a Special Investigation Team (SIT) under the provisions of Criminal Procedure Code,

4. Accordingly Government hereby constitute a Special Investigation Team with the following police officers under the provisions of Criminal Procedure Code to investigate the cases that have been registered in this connection on 7- 4-2015 and afterwards:-

- 1) Dr. Ravi Shankar Ayyanar, IPS, Inspector General of Police, repatriated from Central Deputation, National Investigation Agency;
- 2) Sri B.V. Ramana Kumar, IPS, D.I.G., Kurnool;
- 3) Sri G. Pala Raju, Superintendent of Police, Technical Services;
- 4) Sri L. Chandrasekhar, Additional Superintendent of Police, West Godavari district;
- 5) Sri N. Yugandhar Babu, Deputy Superintendent of Police, C.I.D;
- 6) Sri K. Raghu, Deputy Superintendent of Police, C.I.D;
- 7) Sri G. Madhusudan, Inspector, Karukonda, East Godavari district;

8) Sri S. Chandrasekhar, Circle Inspector of Police, Chittoor district.

5. The above constituted Special Investigation Team (SIT) shall conduct a comprehensive investigation into all the cases registered in connection with the above incidents and file its report in the Court of Law, having jurisdiction.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

KRISHNA RAO,
CHIEF SECRETARY TO GOVERNMENT

To

The Special Chief Secretary to Government,

Environment, Forests, Science & Technology Department.

The Principal Secretary to Government, Home Department

The Principal Chief Conservator of Forests, Andhra Pradesh, Hyderabad.

The Director General of Police, A.P., Hyderabad.

All the Members of the Special Investigation Team.

Copy to:

The Environment, Forests, Science & Technology Department.

The Home Department, Andhra Pradesh.

The Inspector General of Police. Rayalaseema Region.

The Deputy Inspector General (RSASTF).

The Superintendent of Police, Tirupathi (Urban)

The Conservator of Forests, WLM, Tirupathi

//FORWARDED: BY ORDER//

(SECTION OFFICER)



NATIONAL HUMAN RIGHTS COMMISSION
(LAW DIVISION)

Tel.No.: 011-2338 5368

Fax.No.: 011-2338 5368

Telegraphic Add: HUMANRIGHTS

Homepage: <http://nhrc.nic.in>

Case No. **475/1/3/2015-afe**

NOTICE

To

THE CHIEF SECRETARY
GOVT. OF ANDHRA PRADESH, HYDERABAD

Whereas the Complaint/Intimation dated 07/04/2015 received from SUO-MOTU, TIMES OF INDIA, DATED. 07/04/2015 in respect of TWENTY RED SANDERS SMUGGLERS was placed before the Commission on 13/04/2015.

And Whereas upon perusing the Complaint the Commission has passed the Following order:

The two persons who have given statements before the Commission apprehended threat to their life and to their family members and relatives. Therefore, in continuation of the order passed in the morning of 13th April, 2015, we direct that the two persons and their family members and relatives be given Police protection by the Director General of Police, Tamil Nadu. These two persons also stated before us that they have given the statement pursuant to the help and assistance given by the respective Presidents of the Panchayats where they live. Therefore, the police protection may be extended to the Presidents of the Panchayats also. Considering the gravity of the situation and the large number of persons involved in the incident we direct that :-

(1) A Magisterial Enquiry be conducted by a Judicial Magistrate Ist Class as laid down u/s 176(1)(A)Cr.P.C.; (2) Ensure that names of all forest officials and police officials who were on duty and were part of the STF be submitted to the NHRC on or before 22nd April, 2015; (3) Post-mortem, if any, of the dead persons may be conducted as per the Guidelines issued by the NHRC; (4) Ensure that all the weapons allegedly used by the STF and the deceased persons be placed in safe custody; and (5) Police Register, Log Books, GD Entries and any other documents relating to the incident shall not be destroyed, tampered with or weeded out during the pendency of the NHRC proceedings. It was submitted by the complainant that one more witness who is liable to divulge details regarding the incident is there but he is unable to reach Delhi. He is at present in the custody of the NGO- The People's Watch. An Officer of the NHRC will be deputed to record his statement. The Officer is at liberty to fix the date, place and time of the recording of the statement. He is also at liberty to take assistance of any Tamil knowing officer of the NHRC for the purpose.

Now therefore take notice that you are required to submit the requested information / Report within from the date of receipt of this notice.

Take further notice that in default the Commission may proceed to take such action as it deems

proper.

Given under my hand and seal of the Commission this the day of 4/13/2015.

(BY ORDER)

ASSISTANT REGISTRAR (LAW)

Encl: Copy of the Complaint

Note->

The Principal Secretary HOME(HRC)
DEPTT. AP SECTT. HYDERABAD
500022.

CC:

SUO-MOTU, TIMES OF INDIA,
DATED. 07/04/2015 CAPTIONED.
POLICE KILL 20, SANDALWOOD
SMUGGLERS IN ANDHRA
PRADESH,

ANNEXURE 18

To,

13th April 2015

National Human Rights Commission
Manav Adhikar Bhawan,
Block-C, GPO Complex, INA,
New Delhi – 110 023

Subject: Seeking intervention and protection of NHRC in the fake encounter by Andhra Pradesh STF causing death of 20 persons in Seshachalam forest on 7 April 2015.

Hon'ble Chairperson and Respected Members,

I am writing to you in reference to the killing of 20 persons by a joint Special Task Force (STF) comprising of police officers and forest personnel in the Seshachalam forests of Chittoor District, Andhra Pradesh in the early hours of 7th April, 2015.

It is most encouraging that given the gravity of the situation the NHRC has already taken *Suo Motu* cognizance of this matter on 7 April 2015, issuing notice to the Chief Secretary and DGP of Andhra Pradesh and scheduled 23 April 2015 for hearing the matter.

On the 7th April itself, I on behalf of People's Watch submitted a written complaint praying that the NHRC take cognizance of this brazen and arbitrary killing of 20 persons for which I wait patiently for the complaint registration number.

A team of human rights activists from People's Watch immediately set out to conduct a fact-finding into the incident, and the Governments and concerned officials of Andhra Pradesh and Tamil Nadu were duly intimated about the same. During the fact finding mission, the People's Watch team visited the scene of the alleged encounter, the concerned police stations, hospitals and post-mortem centres as well as the villages that the deceased victims belonged to and met with the family members of the victims. The Report of the ongoing fact-finding mission will be submitted to the NHRC during its hearing on 23 April 2015 in Hyderabad.

Witness Testimonies:

During the fact finding mission, People's Watch team learnt about three men who due to sheer providence and luck escaped, otherwise they too would have been among the corpses that lay in Seshachalam forest. The testimonies of these three witnesses bring to light shocking facts which demolish the claim of the STF and the A.P. State government that the 'encounter' killing of 20 persons was carried out in self-defence. The three Witnesses face a very serious and real threat to their life and to the lives of their family members.

Witness 1

Mr. Sekar's testimony shows that some of the men who were killed by the police in this incident were in fact picked up by policemen in plain clothes from a bus travelling from Tiruvannamalai District in T.N to Tirupati in A.P and that they were not caught in the act of smuggling red sanders wood as put forth by the STF.

Witness 2

Mr. Balachandran's testimony shows that 8 of the men who were killed by the police in this incident had been detained at a Police Station prior to being killed and that they were not caught in the act of smuggling red sanders wood as put forth by the STF. Mr. Balachandran's father and relative are among the 20 persons who have been killed by the STF.

Witness 3(identity being withheld)

Witness 3, along with about 20 others had been taken into police custody, however he managed to escape from police custody. He is now with People's Watch and requires protection.

The Andhra Pradesh government continues to claim that the 20 men who were killed were caught smuggling red sanders wood and attacked the STF with stones, sickles and axes and that the members of the STF were forced to open fire in self-defence. Senior Andhra Pradesh police officials have repeatedly justified the killings by the STF as a successful combating operation and the DGP of A.P Mr. J.V.Ramudu is reported to have stated that the STF had done a "commendable job".

Many facts that have since emerged seriously contest the 'encounter' version of the AP police - no member of the STF has sustained any serious injury; bullet marks have been found on the neck and upper part of the torso of the deceased; bullet marks are indicative of the deceased having been shot from close range; many of the bodies bear marks on the limbs which indicate the victims limbs were tied with ropes; the red sanders logs found at the site of the offence already bear the government stamp and number in white colour as in done in the case of logs only after being seized and stored in the godowns belonging to the Forest Department. Several media reports and photographs have also raised serious questions challenging the genuineness of the 'encounter'. Further the police version that the deceased were armed with stones, sickles and axes, reinforces that the police firing did not respect the principles of necessity and proportionality, which must guide use of force by law enforcing personnel.

The NHRC in its '**guidelines/procedures to be followed in cases of deaths caused in police action**' issued in 2003 and revised in 2010 clearly state the need for encounter killings by the police to be investigated by an independent investigation agency and

mandate for a magisterial enquiry to be held within three months. The guidelines also prescribe the manner in which the post-mortem examination is to be conducted. The guidelines' specifically state that all deaths in police action shall be reported to the Commission by the Senior Superintendent of Police/ Superintendent of Police within 48 hours. It is not clear whether the same has been complied with and report received by the NHRC.

These guidelines have been upheld and reiterated by the Hon'ble Supreme Court of India in **PUCL v. State of Maharashtra** (2014) 10 SCC 635.

The '**UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials**' lays down detailed guidelines on instances of encounter killings. It clearly directs the police officials to exercise restraint in use of force and firearms and act in proportion to the seriousness of the offence and the legitimate objective to be achieved causing minimum damage and injury, and respect and preserve human life.

The testimonies of the two witnesses, who have been presented before this Hon'ble Commission by Mr. Henri Tiphagne and Advocate Vrinda Grover, prima facie demonstrate that this incident is one of cold blooded murder by the police. From their testimonies it becomes clear that the victims were initially abducted by Police officials, and then murdered while in custody, after which their bodies were placed at the scene of offence to give the appearance of an encounter conducted in self-defence.

There is an urgent need for a credible enquiry to be conducted into the incident since there is an apprehension that the Andhra Pradesh Police which has a long history of impunity will not conduct a fair and unbiased investigation into the matter.

Further, given the nature of the crime where 20 ordinary poor labourers, the profile of the perpetrators, the political contours of this case and the inter-state tension and friction that has emerged after the incident, that the investigation should not be conducted by the Andhra Pradesh Police, but instead in a time bound manner, by an SIT comprising of handpicked senior Police Officials from different Cadre and which is monitored by the Supreme Court.

We pray to the Hon'ble National Human Rights Commission of India to: –

1. Record the oral statements of the two witnesses, Mr.Sekar and Mr. Balachandran in its presence and take them on record.
2. Direct that adequate and appropriate protection, including police protection be provided to the three witnesses, Mr. Sekar, Mr. Balachandran and Witness 3 as well as their families. As People's Watch has been facilitating the witnesses' submission before the hon'ble NHRC, the NHRC direct that necessary legal aid and shelter required by the three witnesses be provided by People's Watch.

3. Direct the appropriate authority to initiate legal proceedings for prosecution against all policemen and others responsible for the killing of the 20 persons. (S.18(a)(ii) of the Protection of Human Rights Act, 1993.)
4. Direct that a magisterial enquiry be conducted by a Judicial Magistrate as laid down under S.176(1)-A of the CrPC as mandated by law and not a magisterial enquiry by an executive magistrate.
5. Direct that the statements of all relevant survivors and witnesses be recorded before a Judicial Magistrate u/s.164 CrPC having jurisdiction over the area where they are presently located/residents of.
6. Direct that the investigation cannot be conducted by the AP police in light of the NHRC guidelines to be followed in cases of police action, which specifically emphasise the principle of impartiality of the agency investigating into an alleged encounter.
7. Recommend that an independent, impartial investigation be conducted in a time bound manner, by a Special Investigation Team (SIT) comprised of carefully identified senior police officers inspiring confidence.
8. Ensure that the names of all police officers and forest officials who were on duty and were part of the encounter team (STF), be submitted by the concerned authorities to the NHRC within one week.
9. Direct that a report detailing the manner in which the post-mortem has been conducted be submitted to the NHRC along with a copy of the post mortem report and videograph of the same, as prescribed in the NHRC guidelines on cases of death in police action.
10. Direct that forensic examination be conducted at the earliest, by a Forensic institute of repute, located outside the State of AP, to ensure compliance with NHRC guidelines that mandate impartiality.
11. Ensure that duly attested, official and certified copies of the register, diary and log book recording the departure and arrival of the vehicles used by the STF from the relevant authorities, be submitted by the concerned authorities to the NHRC within one week.
12. Ensure that official, attested and certified copies of the register, diary and log book noting the details of the number, description of and timing when weapons and ammunition were taken and returned by the STF.
13. Ensure that all the weapons used by the STF in this incident be seized and placed in safe custody until further direction.

14. Direct that all documents, records, police register, log books and other documents relating to this incident shall be seized and placed in safe custody until further direction.
15. Direct that no records, police registers, log books or any other documents relating to this incident shall be destroyed, tampered with or weeded out pending the conclusion of all legal proceedings pertaining to this incident.
16. Direct that specific directions and permission shall be obtained from the NHRC prior to making or allowing any change to be made to the status of any document or other evidences relating to this incident.
17. Direct that all Policemen involved in the encounter be immediately placed under suspension and not be reinstated during the pendency of legal proceedings relating to this incident.

These reliefs are necessary not only in order to ensure a fair investigation, justice for the victims and to bring the perpetrators to book, but also because there is a growing erosion of the faith of citizens in legal systems.

Thanking You,

Henri Tiphagne
Executive Director
People's Watch

Vrinda Grover
Advocate

ANNEXURE 19

**IN THE HIGH COURT OF JUDICATLURE AT HYDERABAD FOR THE
STATE OF TELANGANA AND STATE OF.ANDHRA PRADESH**

PIL. 91 OF 2015.

RUNNING INDEX

| SI.No. | Description of The Document | Date of Document | Date of filing |
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| 1. | Proof of Service | 08-04-2015 | 08-04-2015 |
| 2. | Court fee | 08-04-2015 | 08-04-2015 |
| 3. | Writ Petition | 08-04-2015 | 08-04-2015 |
| 4. | Annexure I & II | 08-04-2015 | 08-04-2015 |
| 5. | Affidavit | 08-04-2015 | 08-04-2015 |
| 6. P1 | Copy of the News Paper | | 08-04-2015 |
| 7. | Copy of the Identity Card | 08-04-2015 | 08-04-2015 |
| 8. | Vakalathnama | 08-04-2015 | 08-04-2015 |
| 9. | Respondent Address | 08-04-2015 | 08-04-2015 |

Place: Hyderabad

Dated: 08-04-2015

COUNSEL FOR THE PETITIONER

Memorandum of Writ Petition
(Petition filed Under Art.226 of the Constitution of India)
Special Original Jurisdiction
IN THE HIGH COURT OF JUDICATURE AT: HYDERABAD FOR THE STATE OF
TELANGANA AND STATE OF ANDHRA PRADESH
PIL.No. OF 2015

Between:

Chilka Chandra Shekar
S/o. Late Devaiah,
Aged about 49 years,
Occ: Advocate
And State General Secretary, (CLC),
R/o. Sattenapally village,
Guntur District.

...Petitioner

AND

1. The State of Andhra Pradesh,
Principal Secretary,
Home Department,
Secretariat, Hyderabad.
2. The District Superintendent of police
Chittoor District.
3. The Station House Officer,
Chandragiri Police Station,
Chandragiri, Chittoor District,
4. The Red Sanders Anti smuggling
Task force (RSASTF),
Rep. by its officer,
Chittoor Range, A.P.
5. The Director,
Central Bureau of Investigation (CBI),
New Delhi.
6. The S.V.R.R. Government General
Hospital Rep. by Superintendent,
Tirupathi, Chittoor District.

...Respondents

The address for service of all notices etc., on the above named petitioner is that of its Counsel V. Raghunath (6054), Ch.Ramchander, TVS, Lakshmi, Advocates, 16-2-705/A/1, Sri Residency, Near Mumtaz College, Hyderabad -36.

extra judicial killing of nearly 20 people in the name of encounter on 07-04-201 at Seshachalam hill ranges near Tirupathi, Chittoor District, as being illegal, arbitrary and violative of Article 21 of the Constitution of India and as also violation of international covenant on Human rights ratified by Union of India and further direct the respondent No. 3

herein to register a crime Under section 302 IPC and under appropriate section of law and pass such other order or orders deem fit and proper in the circumstances of the case in the interest of Justice.

Place: Hyderabad
Date: 08-04-2015

COUNSEL FO THE PETITIONER

**CHITTOOR: DISTRICT
IN THE HIGH COURT OF JUDICATURE
AT: HYDERABAD FOR THE STATE OF
TELANGANA AND STATE OF ANDHRA
PRADESH**

PIL.No. OF 2015

PET PETITION

Filed on: 08.04.2015

FILED BY:

**M/s.V.RAGHUNATH (6054)
TVS LAKSHMI (15295)
Ch. Ramachander,
Advocates**

**Off: 16-2-705/A/1, Sri Residency,
Near Mumtaz College, Malakpet,
Hyderabad-60**

COUNSEL FOR PETITIONER

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD FOR THE
STATE OF TELANGANA AND STATE OF ANDHRA PRADESH
PIL. No. OF 2015**

Between:

Chilka Chandra Shekar
S/o. Late Devaiah,
Aged about 49 years,
Occ: Advocate
And State General Secretary, (CLC),
R/o. Sattenapally village,
Guntur District.

...Petitioner

AND

7. The State of Andhra Pradesh,
Principal Secretary,
Home Department,
Secretariat,
Hyderabad.
8. The District Superintendent of police
Chittoor District.
9. The Station House Officer,
Chandragiri Police Station,
Chandragiri,
Chittoor District,
10. The Red Sanders Anti smuggling
Task force (RSASTF),
Rep. by its officer,
Chittoor Range, A.P.
11. The Director,
Central Bureau of Investigation (CBI),
New Delhi.
12. The S.V.R.R. Government General
Hospital Rep. by Superintendent,
Tirupathi, Chittoor District.

...Respondents

AFFIDAVIT FILED BY THE PETITIONER HEREIN,

I, Chilka Chandra Shekar Sib. Late Devaiah, Aged about 49 years, Occ: Advocate And State General Secretary, (CLC), R/o. Sattenapally village, Guntur District now having temporarily come down to Hyderabad do hereby solemnly affirm and state an oath as follows:

2. I submit that this public interest law writ won is filed challenging action of the respondent in carrying out extra judicial, killing of nearly 20 people in the name of encounter on 07-04-2015 at Seshachalark hill ranges near Tirupathi, Chittoor District, as being illegal,

arbitrary and violative of Article 21 of the Constitution of India and as also violation of international covenant on Human rights ratified by Union of India.

3. I submit that I am general secretary of civil sties committee working in the State of A.P. and Telangana for the last fo.tr decades. The organization has come into existence against the state violence and repression on its people. The aims and objectives of the organization is struggle for the civil, democratic and human rights. Our organization has filed several public interest law petition before this Hon'ble Court and as well as the Hon'ble Supreme Court challenging the extra judicial killings through writs and Habeas Corpus Petitions and raised issues pertaining to the atrocities against Daliths and more particularly state violence. I further submit that there are several noted cases represented by this organization and important landmark judgments rendered on the issues raised by this organization and reported in prominent journals. Therefore our organization has no vested interest except to strive for the protection of the rights which are guarantee by the constitution of India.

4. I respectfully submit that owing to joint operation of the respondents No. 3 & 4 in the wee hours of 07-04-2015 about 20 hapless persons all of whom belong to coolie category were gunned down mercilessly and brutally killed on the spot. Respondents have now come out to justify the hideous and gruesome killing by putting the killing in the name of encounter alleging that the deceased were carrying out smuggling to red sander logs. Even a prima facie ascertainment has revealed that respondents have cooked up a ruse and trying to cover up the cold blooded killing of innocent people. Under no circumstances the matter can be left the wisdom of the respondents No: 3 & 4 as they are part of the illegal operation. There is every likelihood of respondents 3 & 4 influencing the investigation to detriment of deceased. An impartial investigation by the 5the Respondent - dispensable and only that establish the truth which his the Endeavour of law.

5. I further respectfully submit that an on spot investigation has revealed that the deceased were barely dressed and were huddled to a place and killed mercilessly at point blank range The alleged red sander logs purporting to have been smuggled by the deceased are evidently and demonstrably are not freshly cut but the logs were seized long back and painted yellow signify their identity. Curiously none of the police offices belonging to the anti-smuggling task force was injured muchless even bruised. The entire encounter is one sided and the plea of self-defense if any is too specious and self-serving to escape the liability. The brutal killing of the deceased was unprovoked, unwarranted and unprecedented. About seven months similar killings were carried out by the respondents herein and about five people were killed who were posthumously accused of smuggling the red sander logs. The present instance had sunk the respondents to new depths in violating man rights. The action of the respondents are entirely bereft of any semblance of human

sensibilities. If the action of the respondents is not checked the blood thirstiness the respondents will reach new heights.

6. I further respectfully submit that as though the killing was not enough violation of human right the respondents are now all set to destroy traces of postmortem report total breach of guidelines laid down by in Hon'ble Supreme Court and as also violations of human rat. Shoe kingly none of the relatives of the deceased are around in as 'much as all of them hail from Tamil Nadu, In the absence of relatives the respondents are rushing through post mortem to hush up any evidences of illegal killing. The action' of the respondent is in total breach of not only human rights but also rule and jaw laid down by Hon'ble Supreme Court in the matters of extra judicial killing. The respondents are acting law unto themselves. If their illegal action is not check the day will be far when they will also claim to be above law.

7. I further respectfully submit that upon coming to know about the encounter and when we sought to enquire the ne of allegations against the deceased we were shocked to know that they were booked ii/s. 307 IPC but no case whatsoever has been lodged against the police themselves which is contrary to law of the land activities post haste it is just and necessary that the said respondents are immediately interdicted against hushing up of the entire incident and brushing the evidence under the carpet. Hence the illegal action of the said respondents is amenable to extra ordinary jurisdiction of this Hon'ble Court.

8. I Submit that our Organization committee of Chittoor District visited Mortuary wherein the deceased bodies were dumped and requested the Hospital authorities to conduct postmortem by the team of forensic experts and video graphs and also requested the respondent police to public the deceased individual photographs in the prominent News, papers of the Tamilnadu State and State of Andhra Pradesh state so that the deceased family members able to identify their people and can came forward for receiving the bodies. But till today the respondent police have not published. More over the bodies are not properly preserved as to keep in Dee Edge so that the bodies may not be composed. I further submit that the respondent police standing orders prescribes procedure to preserve and publish the news in case of unknown dead bodies.

9. I hereby affirm and state on oath that petitioner herein has no personal interest in the subject matter of this petition. The petitioner hereby undertake to pay exemplary cost and or compensatory damages a:s directed by this court in the event of contrary finding upon adjudication by the court, that the Writ petition filed for extraneous/ personal consideration or with any oblique motive.

Verified in my presence at Hyderabad on this the 086 day of April, 2015

Advocate.

Deponent

10. It is submitted that I have no other effective tentative remedy except to invoke the extraordinary jurisdiction Under Art.226idf Constitution of India.

11. It is submitted that, I have not filed any writ or civil suit or any other Proceedings relating to the subject matter of this writ petition.

It is prayed that this Hon'ble Court may pleased to issue order or orders encounter on 07-04-2015 at Seshachalam hill ranges near Tirupathi, Chittoor District, as being illegal, arbitrary and violative of Article 21 of the Constitution of India and as also violation of international covenant on Human rights ratified by Union of India and further direct the respondent No. 3 herein to register a crime Under section 302 IPC and under appropriate section of law and pass such other order or orders deem fit and proper in the circumstances of the case in the interest of Justice.

12. Pending disposal of the above Writ Petition, It is prayed that this Hon'ble court may be pleased to direct the respondents herein to conduct the post mortem of the deceased persons ,by the team of forensic experts of the 6th Respondent Hospital by publishing the photographs of the deceased in the prominent daily newspapers of Tamilnadu State and Andhra Pradesh State respective by keeping in a proper preservation, hand over the bodies to the deceased family Members pending disposal of writ petition and pass such other order or orders deem fit and proper in the circumstances of the case in the interest of Justice.

13. It is also prayed that this Hon'ble Court may be pleased to 'direct the Respondent No 1 to hand over the investigation of the encounter killing to the respondent No. 5 herein forthwith pending disposal of the writ petition and pass such other order or orders deem fit and proper in the circumstances of the case in the interest of Justice.

DEPONENT

The deponent sworn and singed before me
on this the 08th day of April, 2015, at
Hyderabad.

ADVOCATE/HYDERABAD

VERIFICATION STATEMENT

I, Chilka Chandra .Shekar Sid. Late Devaiah, being the hereby verify that the contents in Para No. 1 to 13 filed in support of the writ petition are true and correct to the best of my knowledge and legal advise given to me.

Memorandum Writ Petition, Miscellaneous Petition
(Petition filed Under Section 151 of C.P.C)
IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND STATE OF ANDHRA PRADESH
PIL.MP.No. 133 OF 2015

In
PIL.No. 91 OF 2015

Between:

Chilka Chandra Shekar S/o. Late Devaiah,
Aged about 49 years, Occ: Advocate
And State General Secretary, (CLC),
R/o. Sattenapally village, Guntur District.

...Petitioner

AND

13. The State of Andhra Pradesh, Principal Secretary, Home Department, Secretariat, Hyderabad.
14. The District Superintendent of police Chittoor District.
15. The Station House Officer, Chandragiri Police Station, Chandragiri, Chittoor District,
16. The Red Sanders Anti-smuggling Task force (RSASTF), Rep. by its officer, Chittoor Range, A.P.
17. The Director, Central Bureau of Investigation (CBI), New Delhi.
18. The S.V.R.R. Government General Hospital Rep. by Superintendent, Tirupathi, Chittoor District. ...Respondents

For the reason stated in the accompanying affidavit, It is also prayed that this Hon^{ble} court may be pleased to direct the respondents herein to conduct the post mortem of the deceased person by the team of forensic experts of the 6th respondent Hospital by publishing the photographs of the deceased in the prominent daily newspapers of tamilnadu state and Andhra Pradesh State respective by keeping in a proper preservation,

hand over the bodies to the deceased family members pending disposal of writ petition and pass such other order or orders deem fit and deem in the circumstances of the case in the interest of Justice.

THE HINDU

NATIONAL • ANDHRA PRADESH

Chittoor, April 7, 2015

20 woodcutters from TN gunned by A.P. police

A. D. RANGARAJAN

11.
Ex-P1



The Hindu
The scene of encounter at Eethakunta in Seshachalam hills in Chittoor district on Tuesday. Photo: K.V. Poornachandra Kumar



The Hindu
The scene of encounter at Eethakunta in Seshachalam hills in Chittoor District on Tuesday. Photo: K.V. Poornachandra Kumar



The Hindu
A file photo of red sanders logs, which are made ready for illegal transportation, in Seshachalam forests.

Twenty woodcutters from Tamil Nadu, found felling red sanders, were killed in an alleged encounter in the Seshachalam forest at the foot of

DISTRICT :: CHITTOOR
IN THE HIGH COURT OF
JUDICATURE AT HYDERABAD
FOR
THE STATE OF TELANGANA AND
STATE OF ANDHRA PRADESH
PIL.MP.NO. 133 OF
2015
IN
PIL.NO. 91 OF 2015

DIRECT PETITION

Filed on: 08-04-2015

FILED BY:

M/s V.RAGHUNATH [6054]
TVS LAKSHMI (15295)
CH. RAMACHANDER

Advocates

Off: 16-2-705/A/1, Sri Residency,
Near Mumtaz College. Malaknet

**Memorandum Writ Petition, Miscellaneous Petition
(Petition filed Under Section 151 of C.P.C)
IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND STATE OF ANDHRA PRADESH
PIL.MP.No. 132 OF 2015**

In

PIL.No. 91 OF 2015

Between:

Chilka Chandra Shekar S/o. Late Devaiah,
Aged about 49 years, Occ: Advocate
And State General Secretary, (CLC),
R/o. Sattenapallyvillage, Guntur District.

...Petitioner

AND

1. The State of Andhra Pradesh,
Principal Secretary,
Home Department,
Secretariat, Hyderabad.
2. The District Superintendent of police
Chittoor District.
3. The Station House Officer,
Chandragiri Police Station,
Chandragiri,
Chittoor District,
4. The Red Sanders Anti smuggling
Task force (RSASTF),
Rep. by its officer,
Chittoor Range, A.P.
5. The Director,
Central Bureau of Investigation (CBI),
New Delhi.
6. The S.V.R.R. Government General
Hospital Rep. by Superintendent,
Tirupathi, Chittoor District.

...Respondents

For the reason stated in the accompanying affidavit, It is also prayed that this Hon'ble court may be pleased to direct the respondents No. 1 to hand over the investigation of the encounter killing to the respondent No.5 herein for with pending disposal of the writ petition and pass such other order or orders deem fit and deem in the circumstances of the case in the interest of Justice.

DISTRICT :: CHITTOOR
IN THE HIGH COURT OF
JUDICATURE AT
HYDERABAD FOR
THE STATE OF TELANGANA
AND
STATE OF ANDHRA PRADESH
PIL.MP.NO. 132 OF 2015
IN
PIL.NO. 91 OF 2015

DIRECT PETITION

Filed on: 08-04-2015

FILED BY:

M/s V.RAGHUNATH [6054]
TVS LAKSHMI (15295)
CH. RAMACHANDER

Advocates

ANNEXURE 20

REPORTABLE

IN THE SUPREME COURT OF INDIA CRIMINAL
APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1255 OF 1999

People's Union for Civil Liberties & Anr.

... Appellants

Versus

State of Maharashtra & Ors.

... Respondents

WITH

CRIMINAL APPEAL NO.1256 OF 1999

CRIMINAL APPEAL NO.1367 OF 1999

WRIT PETITION (C) NO.316 OF 2008

CONTEMPT PETITION (C) No.47 OF 2011

IN

WRIT PETITION (C) NO.316 OF 2008

TRANSFERRED CASE (C) NO.27 OF 2011

ORDER

R.M. LODHA, CJI.

On 03.09.2014, the arguments were heard on the question of the procedure to be followed in investigating police encounters. The present order is confined to the above question.

2. In the three writ petitions, which were filed by People's Union for Civil Liberties (for short, "PUCL") before the Bombay High Court, the issue of genuineness or otherwise of nearly 99 encounters between the Mumbai police and the alleged criminals resulting in death of about 135 persons between 1995 and 1997 was raised. *Inter alia*, the following prayers were made:

- i) directing the Respondent Nos. 1 to 3 to furnish the particulars regarding the number of persons killed in last one year in police encounters, their names, addresses, the circumstances in which they were killed, the inquiries, if any, conducted with respect to the said killings and any other relevant information and the action taken, if any, by them;

ii) directing the respondent No.1 i.e. State of Maharashtra to register offence under Section 302 of Indian Penal Code and other enactments against the police officers found *prima-facie* responsible for the violations of fundamental rights and other provisions of the Indian Penal Code and other relevant enactments;

iii) directing the 4th respondent viz., the Coroner of Mumbai to submit a detailed report and the details of action taken by him under the provisions of the Coroners Act 1871;

iv) directing an appropriate authority to enquire into and report to this Court in all the police encounters that have taken place not only in the city of Mumbai but also in the entire State of Maharashtra in which persons have been killed or injured in police encounters;

v) directing the State of Maharashtra to constitute the Maharashtra State Human Rights Commission as provided under Section 21 and other provisions contained in the Human Rights Act 1993,

vi) directing the State Government to frame appropriate guidelines governing planning and carrying out encounters for the purpose of protection of life and liberty guaranteed under Article 21 read with Article 14 of the Constitution of India.

(PARA 3 to 30 DELETED)

31. In light of the above discussion and having regard to the directions issued by the Bombay High Court, guidelines issued by NHRC, suggestions of the appellant – PUCL, *amicus curiae* and the affidavits filed by the Union of India, State Governments and the Union Territories, we think it appropriate to issue the following requirements to be followed in the matters of investigating police encounters in the cases of death as the standard procedure for thorough, effective and independent investigation:

(1) Whenever the police is in receipt of any intelligence or tip-off regarding criminal movements or activities pertaining to the commission of grave criminal offence, it shall be reduced into writing in some form (preferably into case diary) or in some electronic form. Such recording need not reveal details of the suspect or the location to which the party is headed. If such intelligence or tip-off is received by a higher authority, the same may be noted in some form without revealing details of the suspect or the location.

(2) If pursuant to the tip-off or receipt of any intelligence, as above, encounter takes place and firearm is used by the police party and as a result of that, death occurs,

an FIR to that effect shall be registered and the same shall be forwarded to the court under Section 157 of the Code without any delay. While forwarding the report under Section 157 of the Code, the procedure prescribed under Section 158 of the Code shall be followed.

(3) An independent investigation into the incident/encounter shall be conducted by the CID or police team of another police station under the supervision of a senior officer (at least a level above the head of the police party engaged in the encounter). The team conducting inquiry/investigation shall, at a minimum, seek:

(a) To identify the victim; colour photographs of the victim should be taken;

(b) To recover and preserve evidentiary material, including blood-stained earth, hair, fibers and threads, etc., related to the death;

(c) To identify scene witnesses with complete names, addresses and telephone numbers and obtain their statements (including the statements of police personnel involved) concerning the death;

(d) To determine the cause, manner, location (including preparation of rough sketch of topography of the scene and, if possible, photo/video of the scene and any physical evidence) and time of death as well as any pattern or practice that may have brought about the death;

(e) It must be ensured that intact fingerprints of deceased are sent for chemical analysis. Any other fingerprints should be located, developed, lifted and sent for chemical analysis;

(f) Post-mortem must be conducted by two doctors in the District Hospital, one of them, as far as possible, should be In-charge/Head of the District Hospital. Post-mortem shall be video-graphed and preserved;

(g) Any evidence of weapons, such as guns, projectiles, bullets and cartridge cases, should be taken and preserved. Wherever applicable, tests for gunshot residue and trace metal detection should be performed.

(h) The cause of death should be found out, whether it was natural death, accidental death, suicide or homicide.

(4) A Magisterial inquiry under Section 176 of the Code must invariably be held in all cases of death which occur in the course of police firing and a report thereof must be sent to Judicial Magistrate having jurisdiction under Section 190 of the Code.

(5) The involvement of NHRC is not necessary unless there is serious doubt about independent and impartial investigation. However, the information of the incident

without any delay must be sent to NHRC or the State Human Rights Commission, as the case may be.

(6) The injured criminal/victim should be provided medical aid and his/her statement recorded by the Magistrate or Medical Officer with certificate of fitness.

(7) It should be ensured that there is no delay in sending FIR, diary entries, panchnamas, sketch, etc., to the concerned Court.

(8) After full investigation into the incident, the report should be sent to the competent court under Section 173 of the Code. The trial, pursuant to the chargesheet submitted by the Investigating Officer, must be concluded expeditiously.

(9) In the event of death, the next of kin of the alleged criminal/victim must be informed at the earliest.

(10) Six monthly statements of all cases where deaths have occurred in police firing must be sent to NHRC by DGPs. It must be ensured that the six monthly statements reach to NHRC by 15th day of January and July, respectively. The statements may be sent in the following format along with post mortem, inquest and, wherever available, the inquiry reports:

(i) Date and place of occurrence.

(ii) Police Station, District.

(iii) Circumstances leading to deaths:

(a) Self defence in encounter.

(b) In the course of dispersal of unlawful assembly.

(c) In the course of affecting arrest.

(iv) Brief facts of the incident.

(v) Criminal Case No.

(vi) Investigating Agency.

(vii) Findings of the Magisterial Inquiry/Inquiry by Senior Officers:

(a) disclosing, in particular, names and designation of police officials, if found responsible for the death; and

(b) whether use of force was justified and action taken was lawful.

(11) If on the conclusion of investigation the materials/evidence having come on record show that death had occurred by use of firearm amounting to offence under the IPC, disciplinary action against such officer must be promptly initiated and he be placed under suspension.

(12) As regards compensation to be granted to the dependants of the victim who suffered death in a police encounter, the scheme provided under Section 357-A of the Code must be applied.

(13) The police officer(s) concerned must surrender his/her weapons for forensic and ballistic analysis, including any other under Article 20 of the Constitution.

(14) An intimation about the incident must also be sent to the police officer's family and should the family need services of a lawyer / counselling, same must be offered.

(15) No out-of-turn promotion or instant gallantry rewards shall be bestowed on the concerned officers soon after the occurrence. It must be ensured at all costs that such rewards are given/recommended only when the gallantry of the concerned officers is established beyond doubt.

(16) If the family of the victim finds that the above procedure has not been followed or there exists a pattern of abuse or lack of independent investigation or impartiality by any of the functionaries as above mentioned, it may make a complaint to the Sessions Judge having territorial jurisdiction over the place of incident. Upon such complaint being made, the concerned Sessions Judge shall look into the merits of the complaint and address the grievances raised therein.

32. The above guidelines will also be applicable to grievous injury cases in police encounter, as far as possible.

33. Accordingly, we direct that the above requirements / norms must be strictly observed in all cases of death and grievous injury in police encounters by treating them as law declared under Article 141 of the Constitution of India.

.....I. (R.M. Lodha)

NEW DELHI;
23, 2014.

.....J. SEPTEMBER
(Rohinton Fali Nariman)

ANNEXURE 21



NATIONAL HUMAN RIGHTS COMMISSION OF INDIA'S GUIDELINES OF ENCOUNTER DEATHS

II. On Cases of Encounter Deaths

Letter to Chief Ministers regarding the Procedure to be followed in cases of deaths in police encounters

Justice M.N. Venkatachaliah
Chairperson
(Former Chief Justice of India)

National Human Rights Commission
Sardar Patel Bhawan, Sansad Marg,
New Delhi-110001.

March 29, 1997

Dear Chief Minister,

The Commission has been receiving complaints from the members of the general public and from the non-governmental organisations that instances of fake encounters by the police are on the increase and that police kill persons instead of subjecting them to due process of law if offences are alleged against them. No investigation whatsoever is made as to who caused these unnatural deaths and as to whether the deceased had committed any offences.

2. Complaint Nos. 234 (1 to 6)/93-94 brought before the Commission by the Andhra Pradesh Civil Liberties Committee (APCLC), referred to one such instance. It was stated in the complaint that the police had shot and killed some persons alleging that they were members of the outlawed People's War Group who attempted to kill the police party that was attempting to arrest them. The case of the APCLC, on the other hand, was that these are cases of unjustified and unprovoked murders in what they describe as 'fake encounters'.

3. The practice obtaining in Andhra Pradesh, as perhaps elsewhere also, is that when an encounter death takes place, the leader of the police party engaged in the encounter furnishes information to the Police Station about the encounter and the persons that died. The stand taken by the police in all these cases brought by the APCLC was that the deceased persons, on sighting the police, opened fire at them with a view to killing them and were, therefore, guilty of the offence of attempt to murder under Section 307 IPC. The police justified their firing and killing as done in exercise of their right of self-defence. This information was recorded in the Police Station describing the persons killed by the bullets fired by the police as accused and FIRs were drawn up accordingly. Without any more investigation, the cases were closed as having abated, in view of the death of accused. No attempt whatsoever was made to ascertain if the police officers who fired the bullets that resulted in the killings, were justified in law to doing so, and if otherwise whether and if so what offences were committed by them.

4. Under our laws the police have not been conferred any right to take away the life of another person. If, by his act, the policeman kills a person, he commits the offence of culpable homicide whether amounting to the offence of murder or not unless it is proved that such killing was not an offence under the law. Under the scheme of criminal law prevailing in India, it would not be an offence if death is caused in the exercise of the right of private defence. Another provision under which the police officer

can justify the causing of death of another person, is Section 46 of the Criminal Procedure Code. This provision authorises the police to use force, extending upto the causing of death, as may be necessary to arrest the person accused of an offence punishable with death or imprisonment for life. It is, therefore, clear that when death is caused in an encounter, and if it is not justified as having been caused in exercise of the legitimate right of private defence, or in proper exercise of the power of arrest under Section 46 of the Cr.P.C., the police officer causing the death, would be guilty of the offence of culpable homicide. Whether the causing of death in the encounter in a particular case was justified as falling under any one of the two conditions, can only be ascertained by proper investigation and not otherwise.

5. The validity of the above procedure followed by the police in Andhra Pradesh was challenged before the Commission. After hearing all the parties and examining the relevant statutory provisions in the context of the obligation of the State to conform to Article 21 of the Constitution, the Commission, by its order dated 5.11.1996, found that the procedure followed in Andhra Pradesh was wrong and the Commission laid down and indicated the correct procedure to be followed in all such cases. A copy of the order of the Commission furnishing the reasons and the correct procedure to be followed is enclosed. These recommendations have been accepted by the Andhra Pradesh Government.

6. As the decision of the Commission bears on important issues of Human Rights which arise frequently in other parts of the country as well, the Commission decided to recommend the correct procedure to be followed in this behalf to all the States. The procedure, briefly stated, is as follows:

- A. When the police officer in charge of a Police Station receives information about the deaths in an encounter between the Police party and others, he shall enter that information in the appropriate register.
- B. The information as received shall be regarded as sufficient to suspect the commission of a cognizable offence and immediate steps should be taken to investigate the facts and circumstances leading to the death to ascertain what, if any, offence was committed and by whom.
- C. As the police officers belonging to the same Police Station are the members of the encounter party, it is appropriate that the cases are made over for investigation to some other independent investigation agency, such as State CID.
- D. Question of granting of compensation to the dependents of the deceased may be considered in cases ending in conviction, if police officers are prosecuted on the basis of the results of the investigation.

7. May I request you kindly to issue directions, through the Director General of Police, to all the Police Stations in your State to follow the procedure as indicated above in regard to all cases where the death is caused in police encounters and similar situations?

With regards,

Your sincerely,
Sd/-

(M.N. Venkatachaliah)

To

Chief Ministers of all States/Union Territories

ANNEXURE 22

Sub: Guidelines regarding conducting of Magisterial Enquiry in cases of Death in Custody or in the course of police action.

- I. Following guidelines should be followed while conducting the magisterial enquiry in case of custodial death or death in the course of police action.
 - i. Magisterial enquiry be conducted at the earliest without undue delay.
 - ii. The Enquiry magistrate should visit the place of occurrence to the acquaintance with the facts on ground. During the visit to the scene of crime, the Enquiry Officer should make an attempt to identify natural witnesses who are likely to have been present at the scene of crime. Enquiry Officer should take them into confidence and try to record their statements. Many a times members of the family of the deceased narrate the motive of the police officer who staged the encounter for killing the deceased. The motive so given should be thoroughly investigated for its veracity or otherwise.
 - iii. A public notice be issued through the vernacular newspapers to inform witnesses concerned with the enquiry. The enquiry magistrate should ensure that the information reaches all concerned particularly the close relatives of the victim. A free and fair opportunity should be given to the relatives of the victim while recording their statements.
 - iv. The magisterial enquiry should cover the following aspects.
 - a) The circumstances of death
 - b) The manner and sequence of incidents leading to death
 - c) The cause of death
 - d) Any person found responsible for the death, or suspicion of foul play that emerges during the enquiry.
 - e) Act of commission/omission on the part of public servants that contributed to the death
 - f) Adequacy of medical treatment provided to the deceased.
- V. The enquiry magistrate should examine and verify the following records.
 - a) Inquest Report
 - b) Post Mortem Report: It is seen that the Enquiry Officer does not analyze the Post Mortem report; no attempt is made to draw any inference about the genuineness or otherwise of the encounter. PM report should be thoroughly analyzed; if necessary, help of State FSL should be taken.

- c) Viscera Analysis Report
- d) Histopathological Examination Report e) Final cause of death
- f) MLC report/Initial Health Screening Report of the prisoner
- g) Medical treatment records
- h) Inquiry/Investigation report of the police
- i) FIR/General Diary (GD) entries/any other relevant police records.
- j) Ballistic examination reports of weapon and cartridges, if any, alleged to be used in the incident by the deceased.
- k) Forensic examination report of 'hand wash' of the deceased.
 - l) The finger print expert report on finger print impression available on weapon alleged to have been used by the deceased.

vi The magistrate should examine family members and relative of the deceased, eye witnesses having information of the circumstances leading to encounter, doctors who have conducted the post mortem/provided treatment to the deceased, concerned police/prison officials, independent witnesses, co-prisoners and other such relevant persons.

II Report Writing

The Magisterial Enquiry Report should contain the gist of statements recorded, documents examined, discussion on allegations proved/not proved and grounds on which conclusion has been arrived at. MER should also contain specific /definite opinion about circumstances leading to death, whether use of force was justified and action taken lawful. The act of commission/omission on the part of public servants should be specified and names of officials responsible for death/cause of death may also be indicated. The enquiry magistrate may also suggest any systemic changes or improvement that may need to be brought about to void any such incidents in the future.

III Annexure to be attached with the report:-

- a) The statements of the family members/relatives of the deceased, concerned doctors who rendered medical treatment/conducted post mortem, concerned police/prison official, co-prisoners, independent witnesses and other such relevant persons.
- b) All other external reports which have been referred to or relied upon by the enquiry magistrate in his/her magisterial enquiry.

Justice G.P. Mathur
Acting Chairperson
(Former Judge, Supreme Court of India)



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D.O. No.4/7/2008-PRP&P

12th May, 2010

Dear Chief Minister,

The National Human Rights Commission is concerned about the death during the course of a police action. The police does not have a right to take away the life of a person. Under the scheme of criminal law prevailing in India, it would not be an offence if the death is caused in exercise of right of private defence. Another provision under which the police officer can justify causing the death of a person, is section 46 of the Criminal Procedure Code. This provision authorizes the police to use reasonable force, even extending up to the causing of death, if found necessary to arrest the person accused of an offence punishable with death or imprisonment for life. Thus, it is evident that death caused in an encounter if not justified would amount to an offence of culpable homicide.

The Commission considered the issue and recommended a procedure to be followed in the cases of encounter death by all the States/UTs in the country. The guidelines were conveyed to all the States/UTs vide letter dated 29.3.1997, which were further revised vide letter dated 2.12.2003.

The Commission finds that most of the States are not following the recommendations issued by it in the true spirit. The matter was again considered by the Commission and it was felt that the existing guidelines require some modifications. After a careful consideration of the whole matter, the Commission has revised the procedure to be followed by the States/UTs in all cases of deaths in the course of police action. Revised guidelines are enclosed herewith.

It is requested that the concerned authorities of the State/UT may be given appropriate instructions to follow the enclosed guidelines in all cases where death is caused in police action.

With regards,

Yours sincerely,

G.P. Mathur

(G P Mathur)

Shri K. Rosaiah,
Chief Minister,
Government of Andhra Pradesh,
Secretariat,
Hyderabad-500 022.

and as per list attached

Revised Guidelines/Procedures to be followed in cases of deaths caused in police action.

- A. When the police officer in charge of a Police Station receives information about death in an encounter with the Police, he shall enter that information in the appropriate register.
- B. Where the police officers belonging to the same Police Station are members of the encounter party, whose action resulted in death, it is desirable that such cases are made over for investigation to some other independent investigating agency, such as State CBCID.
- C. Whenever a specific complaint is made against the police alleging commission of a criminal act on their part, which makes out a cognisable case of culpable homicide, an FIR to this effect must be registered under appropriate sections of the I.P.C. Such case shall be investigated by State CBCID or any other specialised investigation agency.
- D. A magisterial enquiry must be held in all cases of death which occurs in the course of police action, as expeditiously as possible, preferably, within three months. The relatives of the deceased, eye witness, witnesses having information of the circumstances leading to encounter, police station records etc. must be examined while conducting such enquiry.
- E. Prompt prosecution and disciplinary action must be initiated against all delinquent officers found guilty in the magisterial enquiry/ police investigation.
- F. No out-of-turn promotion or instant gallantry rewards shall be bestowed on the concerned officers soon after the occurrence. It must be ensured at all costs that such rewards are given/ recommended only when the gallantry of the concerned officer is established beyond doubt.
- G. (a) All cases of deaths in police action in the states shall be reported to the Commission by the Senior Superintendent of Police/ Superintendent of Police of the District within 48 hours of such death in the following format:
 - 1. Date and place of occurrence
 - 2. Police station, district

P.T.O.

3. Circumstances leading to death:
 - (i) Self defence in encounter
 - (ii) In course of dispersal of unlawful assembly
 - (iii) In the course of effecting arrest
 - (iv) Any other circumstances
4. Brief facts of the incident
5. Criminal case No.
6. Investigating agency

(b) A second report must be sent in all cases of death in police action in the state by the Sr. Superintendent of Police / Superintendent of Police to the Commission within three months providing following information:

1. Post mortem report
2. Inquest report
3. Findings of the magisterial enquiry/ enquiry by senior officers disclosing:-
 - (i) Names and designation of police official, if found responsible for the death;
 - (ii) Whether use of force was justified and action taken was lawful;
 - (iii) Result of the forensic examination of 'handwash' of the deceased to ascertain the presence of residue of gun powder to justify exercise of right of self defence; and
 - (iv) Report of the Ballistic Expert on examination of the weapons alleged to have been used by the deceased and his companions.

Sub: Guidelines for video-filming and photography of post-mortem examination in case of death in police action

In case of deaths in police action while conducting post-mortem examination of the deceased photographs of the deceased should be taken and the post-mortem examination of the deceased should be video filmed. The video film and photographs should be sent to the Commission. The aim of video-filming and photography of post-mortem examination should be:-

- i) to record the detailed findings of the post-mortem examination, especially pertaining to marks of injury and violence which may suggest custodial torture.
- ii) to supplement the findings of post-mortem examination (recorded in the post-mortem report) by video graphic evidence so as to rule out any undue influence or suppression of material information.
- iii) to facilitate an independent review of the post-mortem examination report at a later stage if required.

2. The following precautions should be taken before conducting post-mortem examination:

- i) Both hands of the deceased need to be wrapped in white paper bags before transportation. The dead body afterwards should be covered in special Body Bags having zip pouches for proper transportation.
- ii) Clothing on the body of the deceased should not be removed by the police or any other person. It should be collected, examined as well as preserved and sealed by the doctor conducting the autopsy, and should be sent for further examination at the concerned forensic science laboratory. A detailed note regarding examination of the clothing should be incorporated in the post-mortem examination report by the doctor conducting the autopsy.
- iii) In case of alleged firearms deaths, the dead body should be subjected to radiological examination (X-rays/ CT Scan) prior to autopsy.

3. Video-filming and photography of post-mortem examination should be done in the following manner:

- i) At the time of video-filming of the post-mortem examination the voice of the doctor conducting the post-mortem should be recorded. The doctor should narrate his prima-facie observations while conducting the post-mortem examination.

- ii) A total of 20-25 coloured photographs covering the whole body should be taken. Some photographs of the body should be taken without removing the clothes. The photographs should include the following:
 - a) Profile photo-face (front, right lateral and left lateral views), back of head.
 - b) Front of body (up to torso-chest and abdomen) - and back
 - c) Upper extremity - front and back
 - d) Lower extremity - front and back
 - e) Focusing on each injury/ lesion-zoomed in after properly numbering the injuries*
 - f) Internal examination findings (2 photos of soles and palms each, after making incision to show absence/ evidence of any old/ deep seated injury).

* In firearm injuries while describing, the distance from heel as well as midline must be taken in respect of each injury which will help later in reconstruction of events.

- iii) Photographs should be taken after incorporating post-mortem number, date of examination and a scale for dimensions in the frame of photographs itself.
- iv) While taking photographs the camera should be held at right - angle to the object being photographed.
- v) Video-filming and photography of the post-mortem examination should be done by a person trained in forensic photography and videography. A good quality digital camera with 10X optical zoom and minimum 10 mega pixels should be used.



Letter to all Home Secretaries regarding the revised instructions to be followed while sending post-mortem reports in cases of custodial deaths

N. Gopaldaswami, IAS
Secretary General

D.O. No. 40/1/1999-2000-CD (NRR)
राष्ट्रीय मानव अधिकार आयोग
National Human Rights Commission

January 3, 2001

Dear

As you are aware, the Commission had issued general instructions in 1993 that intimation be given to the Commission of any custodial death within 24 hours of its occurrence. These intimations are to be followed with the post-mortem reports, Magisterial Inquest Report/Videography report of the post-mortem etc. However, it is found that there is a considerable delay in sending the post-mortem report along with the videography and the Magisterial Inquest Report.

This causes delay in the Commission in processing the cases of custodial deaths and the awarding of interim relief wherever *prima facie* there is reason to conclude that the custodial death was a result of custodial violence. In order to streamline the procedure, the following instructions are issued:

- 1.1 The post-mortem report along with the videograph and the Magisterial Enquiry report must be sent within 2 months of the incident.
- 1.2 The post-mortem reports have to be sent in the new proforma which was circulated vide letter No. NHRC/ID/PM/96/57 dated 27.03.1997. All concerned authorities may be instructed to use the new proforma. A copy of the new proforma* is enclosed for ready reference.
2. In every case of custodial death, Magisterial Enquiry has also to be done as directed by the Commission. It should be ensured that the Magisterial Enquiry is completed as soon as possible but in such a way that within 2 months deadline mentioned in Para 1.1 the Magisterial Enquiry report is also made available.
3. In some cases of custodial death, after post-mortem the viscera is sent for examination and viscera report is called for. However, the viscera report takes some time in coming and therefore, this is to clarify that the post mortem report and other documents should be sent to the Commission without waiting for the viscera report. The viscera report should be sent subsequently as soon as it is received.

* For the new proforma refer to page nos.12 to 25.



Instructions may kindly be issued to all concerned authorities to adhere to the above guidelines.

Thanking you and with Season's Greetings,

Yours sincerely,

Sd/-

(N. Gopaldaswami)

To

All Home Secretaries