

NATIONAL HUMAN RIGHTS COMMISSION
(LAW DIVISION)
MANAV ADHIKAR BHAWAN, BLOCK-C, G.P.O. COMPLEX,
INA, NEW DELHI- 110023

Dated 17/05/2016

Case No. 102/22/39/2012

To

✓ TEJANG CHAKMA, COMPLAINTS COORDINATOR
ASIAN CENTRE FOR HUMAN RIGHTS, C-3/441-C,
(2ND FLOOR), JANAKPURI,
NEW DELHI, DELHI

17 JUN 2016

Sir/Madam,

With reference to your complaint dated 03/01/2012, I am directed to say that the matter was considered by the Commission on 16/05/2016. The Commission has made the following directions.

1. *Through his complaint dated 3.1.2012, Shri Tejang Chakma, a Coordinator of the NGO "Asian Centre for Human Rights", alleged that houses of 10 Irula Tribal Families in Village Ariyakunjur, District Tiruvannamalai, Tamil Nadu, had been burnt on 1.12.2011 by a group of about 25 persons led by one Kannan because the assailants thought that the victims had voted against their candidate in the Panchayat elections.*

2. *During the inquiry by the Commission, reports dated 10.4.2012, 23.4.2014, 25.2.2015 and 3.11.2015 have been received from the Secretary to the Govt. of Tamil Nadu, Adi-Dravidar & Tribal Welfare Department. Reports dated 30.5.2012 and 8.4.2014 have also been received from the SP, Tiruvannamalai District. These reports confirm the incident in question. FIR No. 287/2011 u/s 147/294B, 323/427/436/506 IPC and sections 3/4 of the Prevention of Damage to Public Property Act was registered on the incident at PS Pachal on 2.12.2011 and after completion of the investigation, a chargesheet u/s 147/436 IC and section 3 of the Prevention of Damage to Public Property Act has been filed against the accused persons on 21.9.2013.*

3. *Since the assailants are also members of a Scheduled Tribe, no compensation was given to the victims under the SC/ST (PoA) Act. The Commission in its proceedings of 14.7.2015 observed as under :-*

"The incident took place on 1.12.2011. The victims were poor tribal families. Technically they may not be entitled to financial assistance under the provisions of SC/ST (POA) Act but the State government should have taken steps for their rehabilitation on humanitarian grounds. It is a matter of regret that the government has paid only Rs. 5000/- each to the victims whose houses were burnt. The amount of Rs. 5000/- is grossly inadequate for the loss of residence. The government claims to have allotted house pattas but it is not clear as to how many victims have received pattas. Moreover, the allotment of house pattas can have no meaning unless financial help is given for construction of houses. The government had reported earlier that arrangements were being made to construct concrete group houses but no progress in that regard has been reported.

The Commission hopes that the State government will take prompt steps to provide relief to the victims. Secretary, Adi-Dravidar and Tribal Welfare Deptt. Government of Tamil

Nadu shall submit action taken report within eight weeks."

4. Through his report dated 3.11.2015, the Secretary to the Govt. of Tamil Nadu, Adi-Dravidar & Tribal Welfare Department, has informed the Commission that all the victim families have been provided free "house site patta", old-age pension and Rs. 2,50,000/- each for construction of new houses.

5. The Commission has considered the material on record. Criminal as well as civil action in the matter has been taken. The State has provided old age pension to the eligible members of the victim families and house patta as well as a sum of Rs. 2,50,000/- each has also been provided to the victim families for construction of new houses. The Commission takes the Secretary on his word on the relief granted to the victim families and the needful having been done, the case is closed.

This is for your information.

Yours faithfully,



ASSISTANT REGISTRAR(LAW)