

INTERIM REPORT OF THE FACT FINDING MISSION ON THE DOUBLE MURDER IN SHIROL VILLAGE IN BALGAKOT DISTRICT IN KARNATAKA STATE

INTRODUCTION

A double murder of dalits in Shirol Village of Bagalkot district in Karnataka was reported in the media on 16th Oct 2019¹ when the following organisations took note of it, set up a fact finding team to undertake a fact finding mission to the village.

The organisation's representatives met several times and discussed the modalities of the visit and a detailed planning was done in which the staff members of the following dalit rights, womens rights and human rights groups joined as a coalition and team of organisations for the purpose:

- A) National Campaign for Dalit Human Rights (NCDHR) /National Dalit Movement for Justice (NDMJ)
- b) Human Rights law Network (HRLN)
- c) Peoples Union for Civil Liberties (PUCL)
- E) South India Cell for Human Rights Education and Monitoring (SICHREM)
- F) Human Rights Defenders Alert India (HRDA)
- g) Alternative Law Forum (ALF)

The main aim of the fact finding mission was to investigate into the heinous incident of the double murder of dalits that occurred on 15th of October 2019 in Shirol village, to ascertain the situation of the families of the deceased, the threats that they are facing, to look into the aspect of the precautions that were to be taken for the protection of the lives and property, the status of the arrest of the alleged accused and the legal initiatives that are taken, to look into the actions initiated by the police and the district authorities and the lacunas existing, if any.

<https://www.thenewsminute.com/article/month-after-two-dalit-men-are-murdered-karnataka-family-receives-more-threats-112988>

The team spent two days 7th and 8th of November 2019 in the village of Shirol, Bagalokot district.



OBJECTIVES of the Fact Finding Mission

Conduct a survey on how some of the government officials intervened /failed on their part to do their duties,

Preparation and submission of letters to the DC/SP

Interaction and Awareness program for the community

The team participated in this fact-finding mission to investigate the incident and the implementation of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (PoA Act) in this case.

BRIEF NARATION OF THE CASE

On the 7th May 2019 two youth from the dominant caste form the Shirol Vilage were were riding a two-wheeler haphazardly and rashly which was questioned by Nagappa Talageri, a Dalit who was standing by the side of the road. Prior to this incident, the dalit family of Talageri had questioned the practice of devadasi system and dalit women being pushed to continue being devadasis by the dominant castes, which was objected and complaints were filed in this regard with the district administration.

Having these incidents and the questioning in mind, the dominant caste group came in a large mob on 8th May 2019 to the house of Yallappa Bharamappa Talageri a Dalit farmer and resident of Shirol Village and attacked them with iron rods, logs and stones trespassing into their house and assaulting many of the family members including women and children, destroying their living house and bikes, cars, tractors and breaking their televisions, refrigerator, broke the doors, windows and severely assaulted YallappaThalageri from the Hattar (long sword) who sustained injuries on his body and on the head due to which he was admitted to hospital, his mother Smt.Sathyawwa was also injured and

admitted in the hospital. The accused then went on to Yallappa's brother Ashok's house with deadly weapons and assaulted them and broke open and damaged the compound railing and house articles.

Regarding this ,on 8th May 2019, two complaints were filed against 16 persons from the dominant caste mob in (Cr.no 0079/2019 and 0080/2019 annexure 1&2) regards the assault and raiding and damaging of articles, vehicles and the house. They were arrested, jailed and later came out on bail. (Annexure 1& 2)

After obtaining bail, these dominant castes were re-grouping and planning for a major assault on the dalit families and were on and off threatening the complainants and witnesses and also posing threats to eliminate the Dalit complainants.

There were several incidents of life threats to the dalit victim/ complainants to withdraw the said complaint /case, hence the dalit victims made a several representation and requested through letters to the Deputy Commissioner, The Superintendent of Police, The Directorate of Civil Rights enforcement Cell, and The Karnataka State Human Rights Commission and the State Commission for Scheduled Castes and Scheduled Tribes, Bangalore detailing the incidents and the threats and also seeking suitable action against the courts and to provide protection. (Annexure 3, 4, 5, 6&7)

Since the threats were looming large and was severe among the family members of the Talgeri family , On 15th October 2019 the Talgeri families almost all of them went to the police station with representation seeking police protection for the threats that they were facing ,they were waiting the whole day for the senior police officers to plead for protection, while they were waiting here at the police station, the accused from the dominant castes who were out on bail had re grouped and had planned along with others were allegedly hiding near the fields and waited for and ambushed them and brutally hacked in broad day light Vittal Talageri aged 51years and Malayappa Santhappa aged 60 years who were coming back home from the fields to their houses.



Image 3: Hacked body of victim Vittal Talageri, aged 51 years



Image 4: Hacked body of victim Malayappa Santhappa, aged 60 years

The attack and murder was informed to the families who were waiting at the police station by passer-by's and they rushed back to see the murdered persons on the side of the road with blood all over them and the vehicle fallen on one side, After this incident, on the same day 15th October, four complaints were filed by the deceased family members:

The following are the FIR's raised in the said complaints:

1) Complaint dtd 15th Oct 2019, registered as CR No. 0160/2019, complainant Yallappa Talageri s/o Bharamappa registered under IPC.1860(U/S-143,147,148,302,120B,149): SC&ST (PoA) Act 1989(U/S-3(2) (v-a))

2) Complaint dated 17th Oct 2019, registered as CR NO. 0161/2019, complainant Mahantesh Gachappam Talageri under IPC 1860 (U/S-143,147,504,506,307,149)): SC &ST (Prevention of Atrocities) Act, 1989(U/S-3(2) (v-a))

3) Complaint dated 17 Oct 2019, registered as CR No. 0162/2019, complainant Ms.Satyawwa Talageri d/o Bharamappa,provisions of IPC 1860 (U/S-143,147,323,504,506,149):SC AND THE ST (PoA) Act, 1989(U/S-3(1)(s),3(1)(r).

4) Complaint dated 17th Oct 2019, registered as CR No. 0163/2019, by the complainant Duragappa Siddappa Talageri s/o Siddappa, under provisions of IPC 1860 (U/S-143,147,504,506,149) SC & ST (PoA) Act, 1989(U/S-3(1)(s),3(1)(r). (Annexures 8, 9, 10&11)

Based on these complaints, the cases were registered and an FIR was raised against 13 accused and families in the above mentioned case, they have been released on the bail in early case and form among the dominant castes, till date 8(Eight) of them have been arrested and the rest are alleged to be absconding (actually they are in the same village when the victims are showing them directly and asking the police men to arrest, the police are telling we need higher permission to arrest them. This is the complaint Yellappa's statement)

After the brutal inhuman murders of two dalits, the victim families comprising of men, women and children have a serious life threat in spite of deployment of police, the victims have no trust on police until the arrest of all the remaining accused. In this context another set of letters and representation were given by the dalit families to the SP, DC, DCREC Bagalkote by narrating the incidents and take action on the police who were neglecting in their duties to arrest the accused even though they were roaming freely in the village attempting to show their power and indulging in threats after the murder of the two persons.

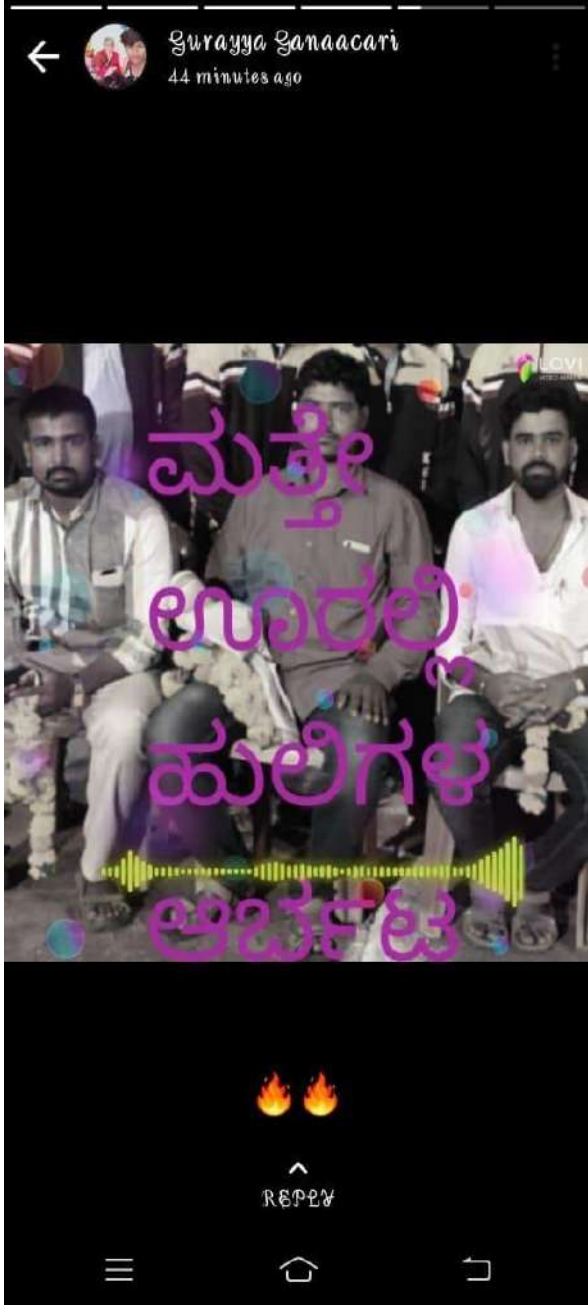




Image 5 & 6: Accused posting series of threats on whatsapp status updates

Since the life threats continued and they were being seriously pressurised to withdraw the complaint and the case, the victim families again made a several requisition letters to the DC SP, DCREC (annexures – 12,13,14,15,16 and the local newspaper cuttings as mentioned as annexure 17)

VICTIMS STATEMENTS bmmappa, brother of the deceased who stated that his brothers who are now murdered had been assaulted several times in the past by the accused members and he was the next target and further explained how they had been attacked by the accused who had come to their house and assaulted them and their family and that they also destroyed their furniture and house hold articles.

Nagesha Talegeri

Satyavva the deceased mother explained how they were always having land disputes with their neighbour's and explained that the dominant caste families wanted to encroach into their own yard. They were always waiting for an opportunity to fight with them and they were also aloof in disallowing them into trespassing into their own share of land.

Police deployed at the victim's house, all the police were deployed at the four houses of the victims and they had to mention that we are doing and trying our level best to provide security to the victims.

On the 6th of November 2019, the team visited the Magistrate Court since it was the date of the hearing of the cases and the accused were also seeking bail, it was also the date where the Talageri families were asked to reply on the bail applications filed (The bail which is a temporary release upon which the victims will be awaiting trial under section 439 of the code of criminal procedure. The case was later Adjourned after the victims had pleaded that if the accused are released it would put their lives in danger, a threat to their lives and property.



Image 7 & 8: The team in conversation with the deceased's mother

The team on the same day, visited the victims and spoke to the deceased mother who in detail narrated on how the incident leading to the murder took place from May this year till the death of their two members and also mentioned the two FIR's had been filed in the month of May and the four FIR's that were later filed in the month of October.

She further went on to say that one of the villagers had the intention of taking part of their land as he was already farming on their land. Despite all this threats and complaints raised in this regard, there were police recently assigned to be with the families for the protection of the victims.

She also mentioned that no necessary precautions were taken, even one of the deceased had written a letter mentioning that their lives were in danger but no precautions were taken by the police. As the Thalagere family was a large one with brothers, their wives and children including the aged which adds to the vulnerability of the families.

On the 7th of November the team went to the district court to meet the Public Prosecutor who was not in his office but had travelled to another village Chikkode belgum district court there where he was assigned duties to attend few days in a week and that he would be back the following Monday. From the Office Superintendent, we found the details of the case, FIR's and the filing of charge sheet and the procedure that would be followed in charge-sheet and appeal, bail, etc



Image 9: Team with the Director of Civil Rights Enforcement

Later the team met the Superintendent of Police with whom had a detailed interaction regards the incident and explained the incident, the threat faced by the families, the non-arrest of the accused who remain at large, and found that he understood us and was ready to take other precautionary measures such as fixing CCTV's and police protection . The team sought to know from the SP, why some of the suspects in the murder case had not been arrested, to which he replied that some people had not been found to have directly connected to the crime but these people even though they were not arrested were being watched.



He further shared that the police was taking into confidence the survivors families and had made several changes and had changed investigating officers, also that police had been deployed at the each of the family's house to safeguard the lives of the victims.

The team confided with him on the need for having a peace meeting and march by the police in the village of Shirol to send a right message for confidence building among the dalits and for the dominant castes not to indulge in unlawful activities, the SP agreed that shortly a village meeting would be conducted to spread awareness.

The team also shared that some sections which had to include in the FIR's likeIPC section 320 that is grievous hurt were not included which was very important and it could not be left out .He agreed to the suggestion and said he would look into it and also assured us that they were doing everything in their power to make sure that the murderers face the law and the victims/survivors get justice.



Image 10 & 11: The team in conversation with the Superintendent of Police

During this interaction with the SP, the victim's surviving family members shared their fears and anxieties and the threats that were being posed by the dominant castes. The Superintendent of Police concluded by sharing that he was planning to have a peace meeting but he was waiting for the issue to cool and then would conduct a series of meetings with the Deputy Commissioner of the district.

The team then met the Deputy Commissioner & District Magistrate, who explained how the crimes like murder should never be justified and that society was losing the value of life and youth especially are being blinded by different influences and end up getting hired to kill some people which is against nature. The team shared with the Dc different aspects of necessities such as as the peace meeting, compensation and employment, etc for the victims and survivors families. The DC assured the team that he would take all measures to protect and would ensure that acts such as these would not occur again. He also assured the victims/survivors that their life and property would be protected and that the victims would have to face the law and need to be punished for the heinous crimes that are committed.



Image 12: Team in conversation with the Deputy Commissioner

The team also met the officers in the office of the Women Welfare Commissioner who was not around but shared the grievances of the abuse of women and assault and threats especially on the women in the Dalit community, the staff promised to share the grievances with the Commissioner.

The local leaders assured that they will be holding campaigns to spread awareness about the abolishment of the caste system.

The team met with the local Leaders of Bagalkot town comprising of dalit faction, individuals and activist and lawyers. The team intervened with them to share and seek their advice on how to go ahead with the cases including awareness meetings in the area so that the people would respect and protect each other.

OBSERVATIONS

The pace of action taken by the government officials especially the police is slow or shows lacking in their intervention. The police officers who are meant to give protection to every citizen especially of protecting

the dalit victims of the Thalegeri family shows no appreciation to be mentioned.

Lack of proper monitoring system by the government officials, has led to the killing of the two male earning members of the Thalegeri family.

Lack of awareness programmes about the rights to equality, non-discrimination are known as per the constitution and law. Dalits majority of them do not know the implementation procedure and benefits available under various schemes and law.

Backwardness and ignorance among the rural populace, caste- system and other social barriers still persist in these areas. People still believe in male dominance, presence of gender discrimination.

Devadasi system still is prevalent in these parts of the district especially Shirol Village which was one of the reasons responsible of tensions flaring up against the dalits by the dominant caste.

Police who were supposed to be protecting the Thalegri family, were found to be working against their call of duty and had sided with the dominant caste who are the accused and had passed on information to them and were suspended and departmental enquiry was initiated.

There is the hinduvathva right wing Hindu Jagarana Vedithee is mostly involved in this case to murder Dalits. According to the victims there is evidence of accused posting the pictures with Swords by Stating “final victory is ours” on 12th October in their face book posting. This is just two days before the murder.



Image 10: The accused, members of the Jagarana Vedikee in a Facebook post

RECOMMENDATIONS

1. Urgent and serious need to do a proper, unbiased and detailed investigation and arrest the accused in order to prevent another atrocity
2. To strengthen protection given by the police to protection to the victims, Section 15A of the SC ST (PoA) Act imposes a duty on the State to protect victims, their dependents and witnesses against intimidation, coercion, inducement, and violence. The State is mandated to provide protection to victims and witnesses, travel and maintenance expenses during investigation, inquiry and trial, and socio-economic rehabilitation including relocation. However, despite receiving threatening phone call the family have not been provided with proper police protection.
3. To immediately visit the village and assess the situation of the dalit families and the Talageri families

4. To order for proper protection to the victims in line with the Scheduled and Scheduled Castes (Prevention of Atrocities) Act and other laws due to continuous threats to the lives and property; and to protect victims and their families from undue influence and threat to withdraw the complaints filed against the accused.

4. Guide and instruct the police and the concerned departments to do proper investigation and support the case in the court to punish the accused culprits and to give monetary relief and rehabilitation according to SC St (POA) Act and other laws.

5. Police to form teams and ensure arrest of all the remaining accused immediately since it sends a wrong signal about the police and the need for ensuring confidence in the victims;

6. The district administration to take precautionary measures, disburse compensation and rehabilitation according to the provisions of the SC ST (PoA) Act 1989 and Rules 1995 and amended Act, 2015 and Rules, 2016;

7. To order for conducting awareness programs in the village and peace meetings to be monitored by and seek the State Legislature Committee to be part of this.

8. To further, keep in mind the performance of the Public Prosecutors (PP), the family need to be provided with a de facto complainant lawyer to assist the PP or with legal aid as per Section 15A(11).

CONCLUSION

The team found that the accused have still not been arrested, the dalit families here are still in fear, proper compensation and rehabilitation measures have not been given among others. There is still life threat to the dalit families to withdraw the cases filed, if they do not withdraw the cases, then their family members especially three male members would be killed. The fact finding team resolved to meet the local leaders to build in a campaign to give confidence to the dalit community and the

Talgeri family and to meet higher officials at the district and state level in representing the case of the dalits double murder, to also assist the prosecution in the case and if required intervene as a intervener.

This incident of the double murder as well as other incident reveals that the justice delivery mechanism for an aggrieved SC/ST person, from filing a police complaint to approaching the court, receiving victim compensation on time and in full to testifying in court without intimidation or coercion, is nothing short of daunting and depressing for the victim and families.

The SC ST (PoA) Act was enacted to prosecute, prevent, and monitor atrocities against individuals from among the Scheduled Castes (SC) and Scheduled Tribes (ST). The Act outlines various obligations of the State Government to prevent atrocities, protect victims and witnesses, and provide relief, rehabilitation, and access to justice. However, the fact-finding exercise revealed that despite the exhaustive nature of the SC ST (PoA) Act and its rules, its implementation is lacking in several respects.
