



Speed Post

Government of India
National Commission for Scheduled Tribes
(A Constitutional Commission set up under Art. 338A
of the Constitution of India)

File No. PDB/1/2016/STGTN/ATPHHR/RU-IV

Dated: 17/11/2016

To,

1. The Chief Secretary,
Government of Tamil Nadu,
Secretariat,
Chennai.
2. The Principal Secretary,
Forest Department,
Government of Tamil Nadu,
Chennai.
3. The Director General,
Forest Department,
Government of Tamil Nadu,
Chennai.
4. The District Collector,
Theni District,
Tamil Nadu.
5. The Superintendent of Police/SSP,
Theni District,
Tamil Nadu.

Sub: Proceedings of the sitting taken by the Vice-Chairperson, National Commission for Scheduled Tribes (NCST) on 31.08.2016 at 2.00 P.M. in the matter of Shri P. Delli Babu, President, TN Tribals Association, West Thambaram, Chennai regarding sexual harassment on tribal people in Theni District by Forest Officials.

Sir,

I am directed to enclose a copy of the Proceedings of the Sitting held in the National Commission for Scheduled Tribes on 31.08.2016 on the above mentioned subject for necessary action. Action taken report in the matter may be intimated to the Commission, at an early date.

Yours faithfully,


(V.P. Shahi)
Assistant Director

7999 8003
21/11/16
जारी
ISSUED

Copy to:-

Shri P. Delli Babu,
President,
Tamil Nadu Tribals Association,
46A, VOC Street, Kasturibai Nagar,
West Thambaram,
Chennai - 600 045 (TN).

o/c

NATIONAL COMMISSION FOR SCHEDULED TRIBES

File No. PDB/1/2016/STGTN/ATPHHR/RU-IV


Proceedings of the Sitting taken by the Vice-Chairperson, NCST on 31.08.2016 in the matter of Shri P. Delli Babu, President, TN Tribals Association, West Thambaram, Chennai regarding sexual harassment on tribal people in Theni District by Forest officials.

Date of sitting: 31.08.2016

List of the officers present: (Annex I)

Representation received from Shri P. Delli Babu, President, Tamil Nadu Tribals Association, West Thambaram, Chennai regarding atrocity committed on tribal people by forest officials in Theni district of Tamil Nadu. He alleged that on 16/07/2016, seven (7) tribal women and 5 tribal men were assaulted. They were dishonoured and humiliated in the middle of the road. Even a minor girl, 13 years old, was not spared. The crime was committed by the forest officials.

- 2) A notice dated 5/8/16 was sent to the DGP of Tamil Nadu calling for action taken report within 20 days.
- 3) Noting the seriousness of the case, the Hon'ble Vice Chairperson of the Commission, Shri Ravi Thakur decided to hold a sitting in the case with the Chief Secretary, Government of Tamil Nadu, the Principal Secretary of Forest Department, The Director General, Forest Department, the District Collector, Theni district, and the Superintendent of Police, Theni district along with the petitioner.
- 4) The sitting was fixed on 31/08/2016 at 2.00 pm in the Office of the National Commission for Scheduled Tribes in New Delhi.
- 5) Vide letter dated 29/08/2016 the Commission was informed that the Chief Secretary to the Government of Tamil Nadu and the Principal Secretary, Environment and Forests Department would not be able to attend the meeting as they had to be present in the Headquarters as the Legislative Assembly session


रवि ठाकुर/RAVI THAKUR
उपाध्यक्ष/Vice Chairperson
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National Commission for Scheduled Tribes
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नई दिल्ली/New Delhi

was going on. So they sought exemption from appearance and it was granted by the Commission.

6) The petitioner Shri Delli Babu said that he had been working for the welfare of the tribals for nearly 30 years and it was the first time he had taken up a case with the National Commission for Scheduled Tribes and he thanked the Hon'ble Vice chairperson for his grace to listen to the issue.

7) The petitioner explained that there is no owner of land in Paliyar and people have been living for decades on forest produce. On this the Hon'ble VC interrupted and questioned the officials whether the Forest rights Act, 2006 was implemented or not. To this the respondents replied that the implementation of the Forest rights Act was going on and land would be allotted shortly.

8) The respondent added that The Forest Department have been having good relations with the tribals.

9) The petitioner alleged that forest officials stopped the share auto of the tribals. And one or two of the officials were drunk. Their names were Prince Selvakumar and Duraidinga. The petitioner alleged that one forest guard asked one of the ladies to open her saree with blouse and the sari was thrown away. The gents were left with only their underwears.

10) The petitioner questioned that if they had done something illegal, why didnt the authorities opt for the police. One of the ladies had a few kilos of rice and that was also not spared.

11) The Superintendent of Police explained that in the evening of 17/7/2016, he received a complaint from Prince Selvakumar, the forester that a few tribal people shouted at Subash, a forest watcher in the Forest Ranger office. So Subash and also a few other forest officials ran away. So in this case an FIR was registered 6 tribals (Pandeewaran and 5 others) on the complaint of Subash.

12) Subsequently , the SP explained, on 23/07/21016 a complaint was received by post at Royappanpatty Police Station in which it was stated that on 16/07/2016 there was an assault on the tribals by the forest officials on their way back from


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the forest by removing their dresses and keeping them naked for about 2 and a half hours in the road, seized their cell phones and cash of about Rs. 2000/-

13) A case was registered in Royanpatty Police station. The DSP was nominated as the investigating officer. He recorded statements from the womenfolk and there was a contradiction in the statements given by them. Some said they came by auto and some said they came by walking. There were also contradictions on the alleged harassment. The auto driver also said that only the male members were harassed.

14) On the question raised by the Hon'ble VC of what was the need for searching the tribals on their way back from the forest, the respondent explained that Meghamalai is a wildlife sanctuary and smuggling of pangolin scales have been going on. Pangolin is a protected animal and therefore there had to be checking done.

15) The Principal Chief Conservator of Forests added that from 17th July, 2016 he has been monitoring the issue. He made a team under the Chief Conservator of Forests and recollection of the victims found no supporting evidence or witnesses as such.

16) The District Magistrate also gave details that the incident allegedly happened on 16/07/2016 and the tribal people came to meet him on 25/07/2016. He deputed the SDM, Selvi Anandi of Periyakulam sub-division to enquire over the matter and ordered her to go to the residences of the people concerned and the place of event to conduct an enquiry. She said that out of the 6 women, 4 of them did not state any sexual harassment during enquiry while 2 of them said that at the time of checking by forest officials they were frisked but not as the complaint as alleged in the petition.

17) One of the respondents mentioned that this seems to be a case of vendetta in response to the FIR filed by Subash, the forest watcher against them. Also there is no single witness who saw the offences being committed as claimed by the alleged victims. The point in the Surulipatti-Yaanaigajam Road where the check was conducted by the Forest Officials is a stretch with fenced farms on both sides and there is a habitat within 250 meter distance. It is a place where two


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wheelers and four wheelers are frequently plying. Hence if any incident occurred at the place the news would have spread to the entire village in some minutes.

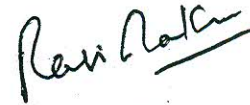
18) On being asked by the Commission the respondents also said the POSCO Act 2012 has also been registered in the case i.e Protection of children against sexual offences Act for the alleged offense against the girl child.

19) The Hon'ble VC added that for sexual offences against women there is no need of proof or witnesses.

20) The Commission noted that under SC/ST POA Act investigation should be done within 2 months. Also under the same Act relief should be given. The Hon'ble VC also advised the authorities to speed up the process of allotting land to the tribals under the Forest Rights Act, 2006.

21) the petitioner showed photos of bruise of the alleged victims.

22) The Hon'ble VC directed that a compliance report should be sent within 1 month, and if no report is submitted within the same time frame, a special investigation team could even be set up to look into the case.



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NATIONAL COMMISSION FOR SCHEDULED TRIBES

Annexure-1

List of participants

NCST

1. Shri Ravi Thakur, Hon'ble Vice Chairperson (In chair)
2. Mrs. K.D. Bhansor, Director
3. Ms. N. Singsit, Assistant SO

Officers of Government of Tamil Nadu

1. Dr. N. Krishna Kumar, Secretary, (HOD)
2. Shri N. Venkatachalam, Dist. Magistrate
3. Shri V. Baskaran, Superintendent of Police, Theni Dist.,

Petitioner

Shri P. Dilli Babu.