



*speed post*

भारत सरकार  
Government of India  
राष्ट्रीय अनुसूचित जनजाति आयोग  
National Commission for Scheduled Tribes

(A Constitutional Commission set up under Art 338A of the Constitution of India)

छठी मंजिल, बी विंग, लोकनायक भवन,  
खान मार्केट, नई दिल्ली -110003

6th Floor, 'B' Wing Lok Nayak Bhawan,  
Khan Market, New Delhi -110003

Dated 19.03.18

No.PC/1/2018/STGKL/ATMURD/RU.IV

To

✓ The Chief Secretary,  
Government of Kerala,  
Thiruvananthapuram.

Sub: Murder of Shri Madhu Kadukumanna (ST) in Attapadi, Palakkad District (Kerala).

Ref: Chief Secretary, Government of Kerala letter No.2265805/F3/ 18/SCST dated 26.2.2018.

Sir,

I am directed to enclose the Tour Report of the National Commission for Scheduled Tribes to Attapadi, Palakkad District from 26<sup>th</sup> to 28<sup>th</sup> February, 2018 to enquire into murder of Shri Madhu Kadukumanna on 22<sup>nd</sup> February, 2018. In addition to the recommendation for the development of Scheduled Tribes in the area, the Commission has made the following specific recommendations in respect of late Madhu Kadukumanna.

- Basic pension amounting to Rs.10,000/- per month to the dependent (mother) of Shri Madhu Kadukumanna belonging to Scheduled Tribe with admissible dearness allowance;
- Employment to one member of the family of the deceased;
- Provision of agricultural land amounting to 2 acres by outright purchase by the State Government; and
- Provision of utensils, rice, wheat, dals, pulses, etc. for a period of year.

2. Since this Report will form part of the Annual Report of the Commission to be submitted to the President, a memorandum explaining the action taken or proposed to be taken by the Government of Kerala on the recommendations and the reasons for non-acceptance, if any, may be submitted to the Commission within a period of one months for appraisal of the National Commission for Scheduled Tribes.

Yours faithfully,

*S.K. Ratho*  
19.03.18  
(S.K. Ratho)

Joint Secretary to the Government of India

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किया  
ISSUED



✓  
Copy to the Principal Secretary, SC/ST Backward Classes and Tourism Department,  
Government of Kerala, Thiruvananthapura (Kerala).

*S.K.Ratho*  
19.03.18  
(S.K.Ratho)  
Joint Secretary

*of*

NIC, M.C.S.T.



भारत सरकार

Government of India

राष्ट्रीय अनुसूचित जन जाति आयोग

National Commission for Scheduled Tribes

**Tour report of Commission from 26.02.2018 to 28.02.2018 to visit Block - Attapadi District - Palakkad (Kerala) regarding murder of Tribal youth on 22.02.2018 by mob.**

(No. PC/1/2018/STGKL/ATMURD/IV)

A news item published in Mathrubhumi Newspaper, Thiruvananthapuram Edition (Kerala) on 23.02.2018 and social media reports on the murder/death of Shri Madhu Kadukumanna (S/o late Shri Mallan), Chindakki Ooru, Mukali, Agali Panchayat in Attapadi District Palakkad (Kerala), wherein it was reported that the victim was mercilessly beaten by mob on the allegation of theft of edible items like rice, oil, egg etc. in small quantity. Hon'ble Chairperson, National Commission for Scheduled Tribes (NCST) took this issue seriously and decided to visit the place of incidence. Accordingly, Shri Nand Kumar Sai, Hon'ble Chairperson, NCST accompanied by Shri Harshadbhai Chunilal Vasava, Hon'ble Member, Shri Raghav Chandra IAS, Secretary to the Govt. of India, NCST and Shri R.S. Misra, Sr. Investigator visited the District Palakkad and place of incidence from 26.02.2018 to 28.02.2018.

2. On 26.02.2018 at 5.30 P.M Hon'ble Chairperson, NCST held a meeting with Dr. Venu Vasudevan, Principal Secretary, SC/ST Backward Classes and Tourist Department, Govt. of Kerala, Shri B. Srinivas, Principal Secretary, Health and Family Welfare, Govt. of Kerala, Shri Rajesh Diwan, Director General of Police (North Range), Kerala, Shri Ajit Kumar, IG Police, Dr. P. Suresh Babu, Collector, District – Palakkad, Shri Pratheesh Kumar, Superintendent of Police, District – Palakkad and Shri Geromic George, Sub-Collector, Ottapalam and other Senior Officers of the District Administration of Palakkad District at Collectorate, District - Palakkad on the status of reservation and measures taken by Kerala State for development safeguards for welfare of Scheduled Tribes and prevention of atrocities against Scheduled Tribes and in the context of atrocity committed on Shri Madhu Kadukumanna Scheduled Tribes and Particularly Vulnerable Tribal Group in Palakkad District.

3. Hon'ble Chairperson in his inaugural speech briefed the role and activities of the NCST and pointed out that a man was attacked and lynched by a mob that clearly showed scant respect to law. Secretary, NCST requested the Secretary, SC/ST Development Department, Govt. of Kerala to explain the cause of incident and schemes being implemented by the Govt. of Kerala for welfare of Scheduled Tribes of the State as well as Attapadi Block District Palakkad. Secretary, SC/ST Development Department, Govt. of Kerala asked the Collector, Palakkad District and Director General of Police, Kerala to explain the background of the incident and the schemes being run by the Govt. of Kerala for the welfare of Scheduled Tribes in the District.




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अध्यक्ष/Chairperson  
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4. The District Collector, Palakkad briefed about the incident –

- (1) On 22.2.2018 afternoon, a group of men from in and around Mukkali at Attappadi caught hold of Mr. Madhu, (S/o late Shri Mallan), 30 years from the forest in Bhavani range close to Mukkali alleging some petty theft. At Mukkali Junction, Mr. Madhu was said to have been beaten up by the group mercilessly.
- (2) On getting information of the incident, Police team from Agali Police Station reached the spot and took Mr. Madhu into the Police Jeep. While he was being taken to Agali, Mr. Madhu started vomiting and the Police took him straight to the Community Health Centre, Agali for giving medical aid, before taking him to the Police Station. The doctor who examined Mr. Madhu declared before giving any medical aid that Mr. Madhu has expired.
- (3) The police registered an FIR for unnatural death u/s 174 Cr PC and started investigation on 22.2.2018. This being a case of 'custody death', a Magisterial level enquiry was initiated by the Judicial First Class Magistrate, Mannarkad. Also the District Magistrate has ordered the Sub Divisional Magistrate to enquire into the death of Mr. Madhu.
- (4) The inquest of the dead body of Mr. Madhu was done by the Sub-Divisional Magistrate Mr. Geromic George IAS and the body was sent to Medical College Hospital, Thrissur for Post-Mortem (PM) examination on 23.02.2018. PM examination was done on 24.02.2018 by a team of doctors and it was video recorded also. Doctors haven't issued the PM examination report. However, the Police took the statement of the doctor, who conducted the PM Examination, wherein the doctor revealed that there were several internal injuries, including rib fracture and brain edema with clear indication that the death of Mr. Madhu was due to internal injuries as a result of the assault. The dead body was buried on the evening 7 pm on 24.02.2018.
- (5) The police on getting the information as to the cause of death made a report to the Judicial Court- MANNARKAD SC/ST SPECIAL COURT of altering the Sections. The following sections have been added:  

IPC : 143, 147,148, 323,324,325,364,365,367,368 & 302 r/2 149  
SC/ST POA Act: 3(1) (d) (r) 3(2) (v)  
Kerala Forest Act: 27(2) (c).
- (6) It was informed that a financial assistance of Rs. 10 lakhs had been sanctioned/issued vide GO(Ms) No. 71/2019/RD dated 24.02.2018. Steps have already been taken by the District Collector to deposit Rs. 10 lakhs as Fixed Deposit in the name of Smt. Malli, mother of deceased Madhu. Expenses for the post mortem, burial etc. were borne by the Department. As per the SC/ST (POA) Act, also a sum of Rs. 4.25 lakhs was disbursed and

  
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handed over on 25.02.2018 by Shri. A.K. Balan, Hon'ble Minister of Kerala for SC/ST, Law, Culture and Parliamentary Affairs to Smt. Malli, mother and legal heir of deceased Shri Madhu (The balance amount would be paid on filing the charge sheet by the Police after investigation).


5. The Director General of Police, Kerala IG Police, and District Superintendent of Police, Palakkad explained about action taken by the Police Department in the matter. Superintendent of Police informed that a message was received that near about 75 – 100 people were watching the incident at Mukkali. The Agali Police rushed to spot and taken the deceased person in a Jeep for a medical treatment. The Police officials supported the incident's history as stated by Collector District Palakkad. There are 16 accused persons and all 16 have been arrested and produced before the Hon'ble Court and all the remanded to judicial custody. It was assured that the charge sheet will be submitted within 30 days in the matter. The Police officials also told that in addition to the accused persons, the Forest Officials have also to be questioned. The Police officers also informed that this issue would also be investigated in view of the LWE activities. The Police officers explained that Police Department also help the Tribal Children to bring/attend the school.

6. The Secretary, NCST asked the officers regarding welfare programmes/schemes being run by the Govt. for the welfare of Scheduled Tribes. A short Power point presentation was given by the Health Department, which focus on activities taken by the Govt. on Sickle Cell Anaemia, Janani Janmaraksha Project, Community Kitchen, Comprehensive Health Care Project, nutritious food to pregnant women and children etc. As a result, measures taken by the Govt., the reduced number of infant death from 31(2013) to 14 (2017); Number of abortion from 77(2013) to 24 (2017); Home delivery from 64 (2013) to 5 (2017); and SAM from 299 (2013) 26 (2017).

A Government Tribal (100 bedded) Speciality Hospital is set up at Kottathara. Camps are also organized by the Govt. for mal-nutritious children to bring the Centre for improvement. Janamaithry Excise Squad is being organized by the Police/District Administration to eradicate alcohol habit.

7. In addition to the health programme, the Govt. of Kerala was also informed regarding implementation of Forest Rights Act, Land distributed to landless families during 2013-14 and 2017-18 Housing activities (since 2011-12 to 2016-17), Hamlet Development Scheme, Ambedkar Settlement Development Scheme etc.

The schemes namely Pre-Matriculation studies, Post-Matriculation studies, Nursery Schools, Supply of cloth, Incentive to parents of ST students, Incentive and assistance to ST students, Ayyankali Memorial Scheme, Assistance to Study Tour, Assistance to Orphans, Gothrasarathy and Pre-Matric Scholarship for IX, X Students (100% CSS) for education of Scheduled Tribes are being implemented by the Govt. One Model Residential School for girls is functioning in Attapadi. One more new Model Residential School at Agali has been sanctioned by the Govt. of India during 2017-18. Sixteen Pre-Matric Hostel is functioning in

  
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Attapadi Block having the average sanctioned strength 40 intake. One Post-Matric hostel functioning at Attapadi. Two more Post-Matric Hostels sanctioned for Attapadi recently. Thirty five children have been identified from Attapadi for Girl Child Endowment Scheme during 2017-18. The steps have also been taken to implement Gothrabandhu (engaging Tribal Teachers in Primary Schools) in 26 schools in Attapadi. The Community Study Centre will be started functioning in 15 colonies in Attapadi (Paloor, Melemully, Ummathmpadi, Karathoor, Kallakkara, Sholayar, Varakampadi, Nallashinka, Bhoothivazhi, Karara, Nakkupathi Oore, Adiyakandi Oore, Hachvazhi, Kthirampathi, Mamana.)

8. The Government informed about the schemes run for the Livelihood and Skill Development for Scheduled Tribes. The status of funds received under Special Central Assistant to Tribal Sub-Plan (SCA to TSP) during 2012-13 to 2017-18 (upto 31.01.2018) and the various projects implemented under Grands-in-aid Article 275 (1) of the Constitution during 2012-13 to 2016-17 was also informed.

9. It was informed that the Training Courses provided to the STs for sustainable livelihood by Govt. of Kerala i.e. Tourism and Hospitality Management-30 Nos.; Training in IT related subjects like DCA – 50 Nos.; Industrial & Technical Training – 1 Nos.; Coaching for PSC, UPSC, SSC, RRB, Bank Examinations-60 Nos. (Training materials provided for 400 Nos.); Masonry, Carpentry, Electrician, Plumbing, Motor Driving (Gothrajeevika) – 90 Nos.

10. Apparel park is a Developmental Project for providing employment opportunity to 250 ST Women at Attapadi Block in Palakkad District. Under the scheme 6 months Intensive Training Programmes is provided for 250 ST Women with 3 Months job training in Factory. During 2017-18, Administrative sanction was issued for Rs. 255.00 lakh for implementing this project in Attapadi.

11. The Hon'ble Chairperson drawn the attention of State/District Administration officers for taking preventive measures for Malaria and diarrhoea diseases in Scheduled Tribes. The status of infrastructure like road, electricity, drinking water are also needs to be considered on top priority in Scheduled Tribes colonies.

12. It was informed that main source of income of scheduled tribes living in Attapadi areas is from agriculture and allied sectors and collection of Minor Forest Produce. Lack of irrigation and deforestation are the serious constraints to Agricultural Development in this area. The main water sources are the river Bhavani, Siruvani and Varagar. In summer season, these rivers remain almost lean and dry. The people resort to rain water and natural sources for drinking water and irrigation purposes. Revenue Department ensures potable drinking water supply to Hamlets. Though there is scarcity of water, the people follow traditional style of cultivation. Cultivation of Plaintain, Coconut, Cereals, Ragi are noticeable. Along with agricultural activities cattle rearing is also the main source of income.



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A considerable portion of population is tribes. Tribal Population in Attapady area is estimated as 32956 i.e. 44% of total population. In 1951 their representation was 90.26% of the total population. The graph of tribal population titled due to the mass influx of settlers both from the nearby Tamilnadu and other parts of Kerala. The tribal population is dwelling in 192 Ooru (Hamlets). The main Scheduled Tribes communities in the area are Irular, Mudugar and Kurumbas. The Kurumbas community has also been identified as Particularly Vulnerable Tribal Groups (PVTG). The socio economic condition of Kurumbas community is backward than the other ST group.

The 100% electrification of all Tribal Hamlets are now under progress and an amount of Rs. 176.00 lakhs were allotted to Palakkad District including Attapadi.

13. Commission along with Collector and Superintendent of Police, District – Palakkad, Sub-Collector, Ottapalam and other District Administrative officers and Police officials visited the house of deceased Shri Madhu on 27.02.2018 at Chindakki Ooru, Mukkali in Attapadi Block, District- Palakkad (Kerala). Hon'ble Chairperson met Smt. Malli (mother of deceased) Smt. Sararu and Smt. Chandrika (sisters of deceased both are married) and asked about the financial assistance given by the Govt. of Kerala. Smt. Malli told that an amount of Rs. 4.5 lakhs disbursed to her, which was also confirmed by the Collector, District Palakkad. The Hon'ble Chairperson asked Smt. Malli about the land, ration facilities, drinking water, education, health and occupation status. Smt. Malli explain that she has no land, ration shop is away from the Ooru. Education and Health Centre is also away from the habitation. The drinking water facility is also not good. She has also requested Hon'ble Chairperson for installing statue of his son at Mukkali junction.

14. The Hon'ble Chairperson express concern for road from Mukkali to Chindakki Ooru. It was informed that the road under the Forest Department and no maintenance work has been done for the past several years due to legal issues with the contractor. It was informed that the land of Scheduled Tribes of this area is also taking by the outsiders without any fear. The migration of outsiders to Scheduled Tribes colonies/Oorus were also demanded to be stopped.

15. In respect of late Madhu Kadukumanna the Commission recommends the following:

- (a) Basic pension amounting to Rs. 10,000/- per months to the dependent (mother) of Shri Madhu Kadukumanna belonging to Scheduled Tribe with admissible dearness allowance;
- (b) Employment to one member of the family of the deceased;
- (c) Provision of agricultural land amounting to 2 acres by outright purchase by the State Government; and
- (d) Provision of utensils, rice, wheat, dals, pulses etc. for a period of one year.


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16. In respect of the area the Commission recommends the following:-

- (i) Road from Mukkali to Chindakki Ooru should be completed on topmost priority. The administration should take this issue suitably with the Hon'ble Court to be able to do it.
- (ii) Agricultural Land should be allotted to the surviving family within the Chindakki Ooru as per the prevalent law in Kerala for giving land to STs.
- (iii) Drinking water facilities should be provided immediately at Chindakki Ooru.
- (iv) Public Distribution System (PDS) needs to be strengthened in the Scheduled Tribes hamlets/Ooru through mobile vans or other sources.
- (v) Forest officials should be prosecuted in respect of the incident occurred on 22.02.2018 as to (A) why they allowed people to enter the Reserved Forest (B) Why Forest Staff silently observed the murder of the tribal Madhu.
- (vi) Copy of FIR and charge sheet in this matter should be sent to the Commission with an English translation.
- (vii) Alienated land of Scheduled Tribes should be restored (as per provisions of Kerala Restriction on Transfer by and Restoration of Lands to Scheduled Tribes Act, 1999 and other respective rules) to the tribals scrupulously in compliance with the letter and spirit of the Act and all pending allotment and restoration cases should be completed in the next 3 months.
- (viii) Process should be initiated to declare "Buffer Zone" of Tiger Reserve areas in Kerala State as Scheduled Areas because of the dense forest and presence of primitive tribes so as to protect scheduled tribes living in villages in the "Buffer Zone" of these Reserve from the outsiders.
- (ix) The Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (FRA) should be implemented in letter and spirit.
- (x) Occupation/employment avenues needs to be chalked out for unemployed ST youth in the state.
- (xi) Police should closely monitor the prosecution of the miscreants in the Court.

  
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