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REPORT OF

Justice K. S. RAMAMURTI

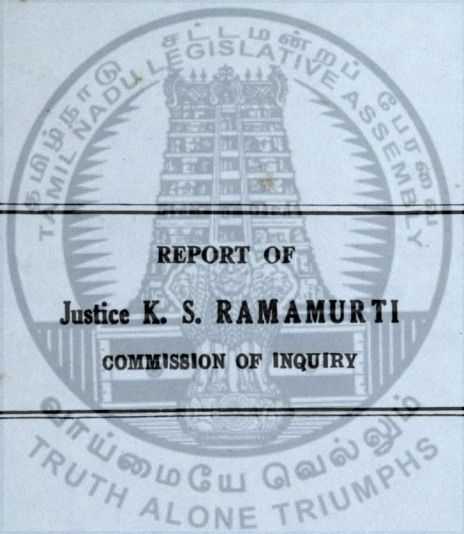
COMMISSION OF INQUIRY

Enquire into the allegations of rape upon
17 Harijan girls and murder of one Harijan Mani
in Sangankulam Village, Nanguneri Taluk, Tirunelveli District
during April - May 1980

REPORT, DATED 21st APRIL 1982

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1982


தமிழ்நாடு சட்டமன்றப் பேரவை
TAMIL NADU LEGISLATIVE ASSEMBLY
வாய்மையே வெல்லும்
TRUTH ALONE TRIUMPHS



REPORT OF

Justice K. S. RAMAMURTI

COMMISSION OF INQUIRY


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TRUTH ALONE TRIUMPHS


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REPORT OF

Justice K. S. RAMAMURTI COMMISSION OF INQUIRY, MADRAS.

In the month of September 1980, there was a big uproar and agitation by the Harijans of West Sanganankulam village, Tirunelveli district that the Thevars were committing all kinds of atrocities upon the Harijans of Sanganankulam village (Harijan Colony) and in that process, the Thevars have molested several Harijan girls and women, raped them and ruined their chastity and also murdered one Harijan Mani, the husband of one Rajaselvam.

2. In this Report, "THEVARS" means wherever the context permits, and in the absence of a repugnant context, the three brothers, Madasamy Thevar, Sankara Thevar and Ramachandra Thevar. They are wealthy, very influential and powerful people and living in East Sanganankulam village. They hold extensive lands in Sanganankulam East and in the neighbouring villages. In East Sanganankulam, there are about 150 houses and about 500 residents. The West Sanganankulam village, which is about a mile away consists only of a Harijan Colony of about 20 houses and about 60 residents. All Harijans are Christians. They live in small dilapidated huts. Many of these houses have already been vacated and the West Sanganankulam village is now a sad deserted place. The Harijans live as animals. They have to go out during day time for agricultural labour in the neighbouring villages.

3. The uproar and the agitation of the Harijans is that atrocities were committed upon them that in the month of March 1980, one Harijan Mani was murdered in the first week of Chithirai, i.e., in the end of March and beginning of April 1980 and several Harijan women and girls were raped.

4. In May 1980 elections, one Thiru John Vincent, A.I.A.D.M.K., was elected as M.L.A., for the Nanguneri Assembly Constituency. One Kasi, a near relative of Mani and who holds great influence amongst the Harijans formed an Association in West Sanganankulam village called "Young Blood M.G.R. Association". He took a prominent part in the formation of the Association and was naturally taking personal interest in the affairs of that Association which was formed to promote the welfare of the Harijans. He had arranged for a meeting held at West Sanganankulam village on 24th September 1980 for the purpose of changing the name West Sanganankulam village as "Anna Nagar" and also for hoisting the A.I.A.D.M.K. flag. That meeting was presided over by one Neelakanta Thevar, who is a prominent and rich person, residing at Tirunelveli Junction. Neelakanta Thevar and his brothers have got extensive lands in Sanganankulam village and in the surrounding villages. Kasi has been looking after these lands for the past seven years and Kasi is the main important salaried employee of Neelakanta Thevar and his brothers. For everything concerning cultivation of their lands, harvest, etc., Neelakanta Thevar used to mainly rely upon Kasi. Kasi had requested John Vincent, M.L.A., to address the meeting at Sanganankulam West, on 24th September 1980. The meeting was held as scheduled and presided over by Neelakanta Thevar and John Vincent addressed the meeting. After the meeting was over, the Harijan women and girls complained to John Vincent about the atrocities committed by Thevars, i.e., the murder of one Mani, in the first week of Chithirai, and the rape upon 17 Harijan women and girls. While complaining about these atrocities to John Vincent, M.L.A., he was taken inside the Church of West Sanganankulam village. The doors and windows of the Church were closed and John Vincent was informed secretly about the rape incidents. The names of the victims and the concerned assailants, i.e., Thevars, who committed the rapes were mentioned at that time with all details. As the matter related to the chastity of the Harijan women and girls and the complaint was one of rapes, the Harijan women and girls preferred not to say in public but only in secrecy and that was the reason why John Vincent was taken inside the Church and the matter was reported to John Vincent after the doors and windows of the Church were closed. John Vincent noted down all the particulars mentioned to him, in his diary, the names of the respective victims and the respective assailants. John Vincent was satisfied with the truth of the complaints of atrocities made to him by the Harijan women and girls. Thereupon, John Vincent, M.L.A., took up the matter as a very serious issue which required immediate and special investigation and thorough enquiry so that the sad and tragic state of affairs of the Harijans of West Sanganankulam village, being the victims of the atrocities of the Thevars would not continue any longer and that something serious and urgent action should be taken by way of protection for the Harijans. It was clear that so far as John Vincent, M.L.A., was concerned, he was *prima facie* and strongly inclined to believe the complaints against the Thevars. He thereafter took necessary action. He complained to the Collector and the Superintendent of Police, about their atrocities as to what he noticed and heard in West Sanganankulam village and his impressions of the visit to the village. Exhibit A-66, dated 25th September 1980, a letter was addressed by Thiru John Vincent, M.L.A., to the Collector with copies to other officials. Exhibit A-66 is set out hereunder—

"சங்கனாங்குளம் கிராமம், சங்கனாங்குளம் அரிஜனச் சேரிப் பகுதிக்கு 24-9-1980-ஆம் நாள் நாங்குநேரி யூனியன் ஜீப்பில் சுற்றுப் பயணம் போயிருந்தேன். அ அசமயம், 40 பெண்கள் என்னிடம் கண்ணீரும், கம்பலையுமாக இதனடியிற் கண்ட கோரிக்கையை சொன்னார்கள். அதனை உடனே நிவர்த்தி செய்ய சம்பந்தப்பட்ட

சங்கனாங்குளம் கிராம முன்சீப் திரு. ராமச்சந்திரன் மீது தகுந்த நடவடிக்கை எடுத்து அவர் கிராம முன்சீப் வேலையை ரத்து செய்து அரிஜன குலப் பெண்கள், வாலிபப் பிள்ளைகளின் கற்புக்கும். உயிருக்கும் பாதுகாப்பு கொடுக்கும்படி பணிவன்புடன் கேட்டுக் கொள்கிறேன்,

1. சங்கனாங்குளம் திரு. ராமச்சந்திரன் தேவர் என்பவர் வலுக்கட்டாயமாக பெண்களை இழுத்து சற்பழிப்பதாக பெண்கள் புகார் செய்தார்கள்.

2. இதனை நடை செய்கின்ற சுணவனை அடித்து விட்டைவிட்டு விரட்டுவது.

3. ஜனாதிபதி ஆட்சியின்போது 1980-ம் ஆண்டு ஏப்ரல் மாதம் ஒரு அரிஜன சகோதரன் மணியை அடித்துக் கொன்று எரித்தது (அரிஜன இருஸ்துவர்கள் எரிக்கமாட்டார்கள்) இதனை செய்தது கிராம முன்சீப் ராமச்சந்திரன்.

4. வேலைக்கு அழைத்து பேசிய சம்பளத்தை விட குறைவாக கூலியை கொடுப்பது, வேலை செய்யும்போது கற்பை சூறையாட பல வழிகளை கையாள்வது.

5. இது குறித்து பலமுறை சம்பந்தப்பட்ட அதிகாரிகளுக்கு புகார்கள் கொடுத்து இருக்கின்றார்கள்.

ஆகையால் மரியாதைக்குரிய மாவட்ட ஆட்சித் தலைவர் அவர்கள் கிராம முன்சீப் ராமச்சந்திரன் மீது நடவடிக்கை எடுத்து சரியான நெய்வந்தியான தீர்வு காணும்படியும், என் தொருதியிலுள்ள சங்கனாங்குளம் அரிஜன கிரிஸ்துவ சகோதரிகளுக்கும், தாய்மார்களுக்கும் தங்கள் கற்பை பிறர் பறித்துவிடாத வண்ணம் நடவடிக்கை எடுக்கும்படியும் அன்புடன் வேண்டுகிறேன்.''

5. In view of the serious nature of the allegations and charges levelled by John Vincent, M.L.A., the Collector, Tirunelveli district, at once convened a meeting on 27th September 1980 in the D.D.C. Meeting Hall, Tirunelveli. The meeting was attended by the Collector, Police and other officials of the district. The proceedings of the meeting and the charges levelled by John Vincent against the Thevars received wide publicity in the Press, Journals and Magazines. While matters stood thus, one Chellathurai, the brother of Neelakanta Thevar along with Murugan filed a petition before the Revenue Divisional Officer, Cheranmahadevi, complaining of the atrocities committed by the Thevars. In connection with that petition, the Revenue Divisional Officer, conducted an enquiry on 16th September 1980 at North Vijayanarayanam which is at a distance of about two miles from Sanganankulam village. Notices were issued to Madasamy Thevar and Sankara Thevar, to attend that meeting of the R.D.O. But, they successfully evaded the service of the notices and deliberately absented themselves at the hearing before the R.D.O., evidently for fear that they may not be able to answer the charges and the questions that may be put by the R.D.O. during the enquiry. Many Harijans of West Sanganankulam village, males and females attended the meeting, appeared before the R.D.O. and made complaints to him. The R.D.O. recorded several statements made to him by the Harijans and he also took their signatures in the respective statements. Kasi took a prominent part at that meeting and he was responsible for guiding the Harijans for making the Harijans to appear before the R.D.O. and make statements. As the enquiry by the R.D.O. could not be finished on that date, i.e., 16th September 1980, he conducted another inquiry with regard to the same matter at Cheranmahadevi on 22nd September 1980 and that inquiry too was successfully evaded by the members of Madasamy Thevar and his brothers. At that inquiry, the members of the family of Neelakanta Thevar appeared and complained about their problems and charges were made against the Thevars. After the inquiry was over, the R.D.O. submitted a detailed report to the Collector/ Exhibit G-23, dated 30th September 1980, pointing out "that the alleged atrocities of torture, eve-teasing, outraging of modesty, screening of murders, etc., cannot be easily brushed aside". As no concrete action was taken against the Thevars, the uproar and agitation of the Harijans continued. Of course, John Vincent, supported the Harijans. Several complainis were sent to the police authorities, Collector and the Chief Minister of Tamil Nadu, signed by males and females of West Sanganankulam village. Several petitions were also sent by John Vincent. In these petitions, Thiru John Vincent and the Harijans have also complained that the atrocities of the Thevars are mainly due to the fact of the support of one Vigilance Inspector Ramakrishnan, the brother-in-law of the Thevars and Ramakrishnan's services were utilised in hushing up the matters and to win over the police officials to the side of the Thevars, the suggestion being that the local police officers were terribly afraid of Ramakrishnan, and would not act in any way against the will and wishes of the three brothers. In the meanwhile, John Vincent, sent a petition to the Chief Minister of Tamil Nadu on 1st October 1980, highlighting the atrocities committed by the Thevars upon the Harijans, the rapes upon Harijan women and the murder of Harijan Mani. Based on the report of the R.D.O., on 30th September 1980, the Collector sent a report to the Government on 6th October 1980 referring to his visit to Sanganankulam village, the visit of the Superintendent of Police to Sanganankulam village and reported that there was no truth in the allegations of the Harijans. It may be mentioned that the Superintendent of Police visited Sanganankulam village on 1st October 1980 and made a detailed probe and examined several Harijans in the village and he submitted his report on 3rd October 1980 to the Director-General of Police, Madras, to the effect that his enquiry revealed that there was no substance in the complaints made by the Harijans. John Vincent and Harijans went on agitating and sent several petitions to the Hon'ble Chief Minister of Tamil Nadu. In view of the wide publicity given in the Press, journals and magazines and in view of the

consistent complaints and petitions sent one after another by the Harijans to the Hon'ble Chief Minister, the Government directed the Collector of Tirunelveli on 22nd October 1980 to make a thorough probe into the matter. On 1st December 1980, the Collector enquired the matter in detail in his office and also recorded the statements of the Harijans.

6. While matters stood thus, there was further publicity in the Press and the Harijans complained to the Hon'ble Prime Minister of India. Indeed, some of the Harijan girls, Rajaselvam and Manjula went to New Delhi, to make personal complaints to the Hon'ble Prime Minister and there they presented a written memorandum to the Prime Minister complaining about the atrocities of the Thevars, the alleged murder of Mani and the rapes committed upon them (Exhibits A-16 and A-48). At about the same time, questions were asked in the Parliament about the sad state of affairs in Sanganankulam village and as to the steps taken by Government of Tamil Nadu, to put an end to the atrocities by the Thevars upon the Harijans. Thereupon, the Government of Tamil Nadu on 11th December 1980, appointed this One-Member Commission (Annexure I) to inquire into the Sanganankulam rape complaints as well as the circumstances under which Mani met with his death. The terms of reference to the Commission are as follows :—

(i) to enquire into and report on the alleged incidents of rape of certain Harijan women and murder of one Mani in Sanganankulam village, Nanguneri taluk, Tirunelveli district, during April and May 1980, and thereafter ;

(ii) to find out whether there is any truth in the allegations made and if so, to identify the culprits responsible for the alleged incidents ; and

(iii) to recommend suitable measures to prevent such occurrences in future.

7. In pursuance of the notification issued, I took charge as One-Member Commission on 11th December 1980. My first visit to Sanganankulam was on 25th December 1980. The Harijan men and women assembled at the Salvation Army Church and I explained to them in detail the purpose of the Commission and the purpose of my visit to the village, i.e., to have a first-hand knowledge of the situation. Thereafter, usual notices were issued under the provisions of the Commissions of Inquiry Act, 1952 (Central Act 60 of 1952). Affidavits were called for from all parties interested and who know and can give relevant information in the inquiry. From the Thevars' side and from the Harijans' side—in all 75 affidavits were received, including the affidavit of John Vincent, M.L.A. On the Harijans side, 28 witnesses were examined while on the side of Thevars 14 witnesses were examined. Besides these witnesses, the Collector, the S.P., the R.D.O., and other officers were examined in all numbering 10. In all about 250 exhibits were marked by all the parties. All the sittings were held at Tirunelveli except the sittings for the examination of the Government witnesses, which were held at the Commission's Office at Madras. The Commission inspected Sanganankulam village six times. The Commission concluded its sittings and arguments on 5th March 1982. Detailed arguments were heard on all the aspects of the matter. Mr. Ashok Kumar and Mr. David, Advocates appeared on behalf of the Harijans. Mr. Venkatachari appeared on behalf of the Thevars. Mr. John Ponniah appeared on behalf of the Commission and Mr. Perianayagam, appeared on behalf of the police and Government. In all, the arguments lasted for 26 days. Mr. David and Mr. Ashok Kumar, had furnished written arguments containing detailed notes of points on behalf of the Harijans.

8. Thiru Venkatachari, the counsel for the Thevars argued for several days between 9th February 1982 till 26th February 1982. On the 25th February 1982, after lunch, Commission passed an order for the issue of a notice to Thiru S. Ramachandra Thevar, brother of Sankara Thevar, to show-cause why the former should not be prosecuted for perjury under section 193 of the Indian Penal Code.

9. Thiru Venkatachari argued the rest part of the day on 25th February 1982 and also continued his arguments on 26th February 1982. The case was adjourned to 1st March 1982 and on 26th February 1982 to a question by the Commission, Mr. Venkatachari said that he has already fully covered all his points and only some minor points remain to be explained by him and that he will take one hour on 1st March 1982.

10. On 1st March 1982, before the commencement of the argument, Thiru Venkatachari, presented a petition before the Commission to the effect that Thiruvalargal Madasamy Thevar and Sankara Thevar are withdrawing from the proceedings in view of the notice issued by the Commission on 25th February 1982, to Thiru S. Ramachandra Thevar, as to why he should not be prosecuted for perjury. Thereafter, from 1st March 1982 to 4th March 1982, Thiru Perianayagam, Counsel for Government and police, continued his arguments and on 5th March 1982, Thiru Ashok Kumar, counsel for the Harijans, argued for some time and concluded his reply arguments.

11. Arguments were concluded on 5th March 1982 and judgment was reserved.

12. I shall first take up the complaint of rape upon 17 Harijan women and girls by the Thevars. The complaint of rape is only against Sankara Thevar and Chinnathambi Thevar. At the outset, it has to be stated that even though the big agitation and complaint of Harijans both oral and in writing, i.e., innumerable petitions sent to the authorities, Collector, Police Officials, the Chief Minister of Tamil Nadu, and the Prime Minister of India, etc., was that mention was made of 17 incidents of rape ; incidents of rapes relied upon before the Commission and evidence adduced on the side of the Harijans during the trial related only to seven specific cases.

13. Mr. Ashok Kumar, learned counsel appearing for the Harijans both in the course of the evidence and at the time of the arguments mentioned that the charges are restricted to seven incidents only because the reference was restricted to the period of April--May 1980, and thereafter, thereby suggesting that the other rape incidents had taken place prior to March--April 1980. I see no substance in this contention. When there was such a big uproar and agitation by Thiru John Vincent, M.L.A., and the Harijans that as many as 17 rapes had occurred due to the atrocities committed by the Thevars, and especially when Thiru John Vincent, M.L.A., noted the details of the incidents in his diary, i.e., the victims and the respective assailants, the Harijans and Thiru John Vincent, M.L.A., would have certainly moved the Government to enlarge the period of reference so as to date back from January 1980.

14. If, as many as 10 rape incidents had taken place in the earlier period, the matter would not have been left at that and the Harijan leaders, aggrieved Harijans and M.L.As., etc., would have moved the Government to modify the terms of reference. There is no problem at all in this direction, and I have no doubt that the Government would have extended the period only if the Harijans were keen and serious about this aspect. The inference, is therefore, clear that no rape incident took place prior to 31st March 1980 and that the first rape incident took place in the first week of Chithirai, i.e., the alleged rape of Rajaselvam on 31st March 1980. I have adverted to this aspect at the threshold only to emphasise that the Harijans are making wild allegations as they choose and in that context their evidence particularly interested oral evidence requires careful scrutiny. The clear inference is that the Harijans have exaggerated 7 instances to 17 instances of rape.

15. One general comment has to be made at this stage itself. No complaint of rape was made immediately after the occurrence even in respect of the seven incidents of rapes either to the police or to the other authorities. Admittedly, in none of the cases, any complaint was made immediately after the rape and there was no immediate medical examination of the private parts of the assailants or the victims concerned; and the truth or otherwise of the version has to be ascertained, without the aid of valuable medical evidence and evidence about the injury either on the person of the assailants or on the victims. Medical evidence of this kind is very valuable evidence in assessing the truth and also in sifting and evaluating the oral evidence of the victims. In normal cases, the failure to give immediate complaint, immediately after the occurrence and the non-examination of the assailant or the victim and the total absence of any medical examination of the vital parts of the assailant and the victim coupled with long delay in making the complaint will be regarded as fatal in a rape case and in such cases, no complaint of rape can be satisfactorily examined to prove the guilt of the accused beyond reasonable doubt.

16. In the instant case, for the reasons mentioned hereunder, I have not attached much importance to the question of the absence of medical examination and the question of long delay in making the complaint.

17. The family of Sankara Thevar and brothers is a very powerful family. Sankara Thevar and Madasamy Thevar are history sheeted rowdies for more than 2 decades and the comments made by the Police Officers in the Village Crime History—Part IV and in the History sheets reveal and would prove to what dishonest means the two brothers would descend to achieve their nefarious purposes. They are tyrants and desperados. The report of the Assistant Superintendent of Police Mr. Gopalakrishna, Exhibit G-25, dated 5th August 1980, will prove that the Thevars are men of muscle power, money power and political power and the Police Officers are acting hand in glove with the Thevars. The Thevars are capable of committing serious crimes and doing serious harm to any person who acts against the dictates or the orders of the Thevars. Relevant portion of Exhibit G-25, dated 5th August 1980, may be set out hereunder—

"It is true that Volley-ball Madasamy of Sanganankulam and his brother Sankaran are anti-social elements of that area and they are wielding power in that area due to their caste politics and muscle power. Besides that, they feel psychologically powerful since their brother-in-law is an Inspector, working in V. & A.C., Tirunelveli. They often interfere in police work of Vijayanarayanam P.S. and Thisayanvilai P.S. Only anonymous and pseudonymous petitions like this, alone will come against them and direct evidence will not come against them for fear of their goondaism. They are doubtud to be organising bootleggers in that area."

18. The Village Crime History—Part IV of Sanganankulam village contains very nasty and very serious remarks about Sankara Thevar and Madasamy Thevar. The History sheet, dated 26th June 1976 highlights the bad and notorious character of the Thevars and their audacious feeling that there should be nobody in the locality bigger than them and everybody should be under their beak and call. The History sheet contains also remarks that the residents of the locality are terribly afraid of the Thevars and parties who were affected and suffered by the acts of the Thevars dare not and will not have the courage to give any complaint against the Thevars out of fear and that the movements of the Thevars will have to be watched carefully. There are innumerable remarks in the Village Crime History—Part IV as well as in the Rowdy sheets about the Thevars for more than 2 decades. It may be seen at this stage itself that the Police Officials, viz., Inspector Arunachalam and Sub-Inspector Krishnaswamy have totally surrendered themselves to the Thevars and were acting as mere puppets of the Thevars. The records exhibited in the enquiry show that Sub-Inspector Krishnaswamy (G.W. 2) and Inspector Arunachalam (G.W. 6) were throughout acting hand in glove with the Thevars, completely colluding with the Thevars even to the

extent of fabricating false documents and creating false evidence. The Assistant Superintendent of Police has recorded that the Thevars are anti-social elements of the area and are wielding mischievous power due to their caste, politics and muscle power. The record shows that the Thevars used to interfere in police work in Vijayanarayanam and Tisayanvilai Police Stations.

19. Ramachandra Thevar was no better; he fully exploited his position as Village Munsif which office he held for about 17 years. He too fabricated false records and actively helped his other two brothers in their nefarious activities.

20. Only anonymous and pseudonymous petitions would come against them and it will be very difficult to secure direct evidence against the Thevars because people are terribly afraid of their goondaism. The A.S.P. has also remarked that the Thevars are organising bootleggers and illicit distillation in that locality.

21. The entries in the Rowdy sheets and the evidence before the Commission reveal that with the help of his brother-in-law Ramakrishnan, Inspector of Police (Vigilance and Anti-Corruption) the Thevars had even gone to the extent of ill-treating the local police and that the Thevars freely stifled and interferred with the investigation of cases and tampering the witnesses, thereby seriously handicapping the police.

22. The History sheets and rowdy sheets also refer to the faction in the village and how the Thevars are responsible for disturbing the peace of the village and how the police are impotent, being afraid of the Thevars. They are cowards and are not bold enough to interfere, to check and prevent the atrocities of the Thevars.

23. Learned counsel Mr. Ashok Kumar in the course of his arguments referred in full detail to the innumerable entries in the Rowdy sheets and Village History records of the Thevars.

24. The Police Officers, who are concerned with Sanganankulam village have noted that the Thevars are very bad anti-social elements and that their movements should be watched.

25. In the course of his arguments, Ashok Kumar drew my attention to the fact recorded in the History Sheet that in one murder case, Madasamy Thevar interfered with the prosecution witnesses and the case ended in acquittal as Madasamy Thevar induced the witnesses to become hostile. In the report (Exhibit A-166), it is mentioned that—

"It is also learnt that Madasamy group worked against the murder case in Tisayanvilai limits, at Athukudiyiruppu, in which some 10 persons of Sanganankulam under the directions of Madasamy went to the Court to terrorise the witnesses. This case was also acquitted."

26. During the relevant period 30th January 1980 to 18th December 1980, Krishnaswamy was the Sub-Inspector of Tisayanvilai Police Station. Later on, I will advert to the complete surrender of S.I. Krishnaswamy to the Thevars and how on a very crucial matter during the stage of investigation, Krishnaswamy acted hand in glove with the Thevars and there was complete collusion between the Thevars and Krishnaswamy and Krishnaswamy fabricated documents. It is unnecessary to further comment upon the bad and notorious conduct of the Thevars and what an amount of influence they wielded over the local police and how it is impossible to expect an aggrieved party to give a complaint to the police at the risk of violence, even risk of life, at the instance of the Thevars.

27. I am therefore of the opinion that no value should be attached to the aspect that the poor Harijans did not give any immediate complaint to the police. The evidence of the Harijans, who are illiterates and living like animals and under such fear complex will have to be scrutinised and sifted in a very generous and liberal manner.

28. Mr. Ashok Kumar invited my attention to some of the recent decisions of the Supreme Court cases (1980) S.C.C. 947, in which it has been emphasised that corroborative evidence is not an imperative component of judicial credence in rape cases. In this decision, it was pointed out that corroboration is not as a matter of law, but as a credence and prudence under given circumstances. In 1980 Supreme Court cases page 948, Justice Krishna Iyer has made the following observations :—

"Corroboration as a condition for judicial reliance on the testimony of a prosecutrix is not a matter of law, but a guidance of prudence under given circumstances. Indeed, from place to place, from age to age, from varying life-styles and behavioural complexes, inferences from a given set of facts, oral and circumstantial, may have to be drawn not with dead uniformity but realistic diversity lest rigidity in the shape of rule of law in this area be introduced through a new type of precedential tyranny. The same observation holds good regarding the presence or absence of injuries on the person of the aggressor or the aggressed."

29. Thiru Ashok Kumar also drew my attention to the following statement of the law by Justice Krishna Iyer (1980 Supreme Court cases, pages 667 and 668) :—

"A socially sensitized judge is a better statutory armour against gender outrage than long clauses of a complex section with all the protection writ into it. The Court must bear in mind human psychology and behavioural probability when assessing the testimonial poteney of the victim's version. The inherent bashfulness, the innocent naivete and the feminine tendency to conceal the outrage of masculine sexual aggression are factors which are relevant to improbabilise the hypothesis of false implication".

30. Thiru Ashok Kumar also relied upon the following observations by Justice Krishna Iyer (1980 S.C.C., page 669) :—

"It would be impossible, indeed it would be dangerous to formulate the kind of evidence which should, or would, be regarded as corroboration. Its nature and extent must necessarily vary with circumstances of each case and also according to the particular circumstances of the offence charged".

31. In 1973 Supreme Court cases, page 417, it has been pointed out that the view that as a matter of law, no conviction without corroboration is possible has not been accepted.

32. Mr. Ashok Kumar also drew my attention to some of the decisions of the Supreme Court to the effect that normally a woman or a girl will not easily or readily get into the box and depose that she was raped and that general approach of the Court should be that such a statement would be normally true and that liberal standards should be applied in sifting the evidence in the light of the other evidences and the attendant circumstances in the case.

33. It is unnecessary to dilate upon the legal aspect and refer to the cases in detail ; it is sufficient to state that recent decisions have taken a very liberal view of the problem and do not insist upon corroboration and proceed on the theory that women and girls are not likely to come to the Court and give evidence that they were victims of rape, the details of the rape, how it was committed, etc., unless it was true and that independent corroboration may not be available in the majority of cases. But, one important point and outstanding aspect remains that the evidence which the victim gives without corroboration must be carefully scrutinised and that the evidence should stand the test of credibility and bear the impress of truth. If this test is wanting, a finding of rape against the assailant cannot be given on the interested and uncorroborated oral testimony of the victim especially when the complaint is made after considerable delay. The evidence given by the victim must be very natural, absolutely honest, intrinsically true ; there should no embhishment or development in the story as put forward by the victim in the course of the evidence. It is in the light of these comments that I propose examining the seven cases of rape.

34. I would like to repeat that as the two brothers are History-sheeted rowdy elements, commanding tremendous influence and men power in the village and with the police, much significance cannot be attached to the delay in the complaint of rapes. This reasoning will apply only till 5th August 1980 and not thereafter ; from the first week of August 1980, the situation completely changed ; Kasi, the leader of the Harijans became bold, gave complaints to the police ; there was no fear complex.

35. The victims of rape are (1) Rajaselvam, Mani's wife, examined as P.P.W. 1 ; (2) Prema, sister of Rajaselvam, examined as P.P.W. 7 ; (3) P.P.W. 8 Vasantha, daughter of Raj and sister of Rajaselvam ; (4) P.P.W. 9 Manjula, daughter of Muthiah, sister of Vasanthi (cousin-sister of Rajaselvam) ; (5) P.P.W. 10 Vasanthi, cousin-sister of Rajaselvam, daughter of Muthiah ; (6) P.P.W. 12 Grace, sister of Kasi and (7) P.P.W. 22 Michael Ammal, daughter of Poornammal, examined as P.P.W. 23.

36. It is crucial to mention at this stage that all the alleged victims are very near relatives of one Kasi, who is the leader and protector of the Harijans. It is indeed very strange no complaint of rapes comes from any other family who is not connected with Kasi. One Muthiah and Raj are brothers. Pushpam is the daughter of Muthiah, through his first wife Sornam and Pushpam is married to Kasi. Manjula and Vasanthi are the daughters of Muthiah through his second wife Kannammal and it will be seen that Pushpam, Kasi's wife, Manjula and Vasanthi are step-sisters, born of different wives but to the same father. Rajaselvam, Prema, Vasantha are the daughters of Raj, born from his wife Jebamani (P.P.W. 2). Thus, Rajaselvam, Prema, Vasantha are step-sisters of Pushpam, Manjula and Vasanthi. Kasi and Grace are the children of one Perumal. Thus, they are brother and sister. One Michael Ammal is the daughter of Poornammal, who is the sister of Sornam, Kasi's mother-in-law. The genealogical tree appended herewith shows the close relationship of the alleged victims to Kasi. (Annexure II.)

37. Kasi has been taking a prominent and controlling part and has been bringing the witnesses in the inquiry before the Revenue Divisional Officer and the Assistant Superintendent of Police, as well as in the course of the inquiry before the Commission. Indeed, he has been actually conducting the inquiry on behalf of the Harijans ; he has been getting the witnesses ready and tutoring the witnesses also as the evidence to be given before the Commission. I have formed the distinct impression that Kasi is a shrewd and intelligent person. I have also gained the impression in the course of my inquiry that all the witnesses are mere puppets and tools in the hands of Kasi. Indeed, the R.D.O. as well as the A.S.P. (in their report) have adverted to the controlling and prominent party played by Kasi in getting the witnesses and deposing before the officers. Kasi himself has given a statement before the R.D.O. and in respect of other witnesses before the R.D.O. and A.S.P., he has attested in the statements of the witnesses.

38. Seeing that these Harijan women and girls are illiterates, are living like animals and are labouring under a serious fear complex that sooner or later the Thevars will do serious harms to them by beating them even will murder them, if they give statements against them, I have applied a very liberal and generous standard in assessing and sifting their evidence. At the same time, I have given some significance to the dominent part played by Kasi during the official enquiries and in the inquiry before the Commission.

39. On a very anxious and careful analysis of the evidence, I am clear in my mind that the Harijans have miserably failed to establish any case of rape.

40. I shall now first take up the charge of rape of Rajaselvam by Sankara Thevar. The affidavit filed by Rajaselvam before the Commission has been marked as Exhibit A-1. Her complaint is that she was raped by Sankara Thevar about 2-30 p.m. in the first week of Chithirai, meaning thereby 31st day of March 1980. Before, I discuss her oral evidence, it is necessary to extract Rajaselvam's version in her affidavit Exhibit A-1—

"போன வருடம், சித்திரை மாதம், என் புருஷன் மனுவேல் என்ற மணி, மீளகு செடி பயிரிட்டு, தண்ணீர் பாய்ச்சும் வேலைக்குப் போயிருந்தார். மதியம் சுமார் 2 மணிக்கு அவருக்கு கஞ்சி கொண்டு போனேன். தோட்டத்தில் சங்கரத் தேவரும் இருந்தார். சங்கரத் தேவர் என்னைக் கண்டதும் என் கணவரை உடனே சிவந்தியாபுரத்தில் போய் கெரோட் வாங்கிவரும்படி அனுப்பினார். என் கணவர் சென்று விட்டார். நான் கஞ்சி கலயத்தை மோட்டார் ரூமில் பக்கத்தில் போய் வைக்கப் போனேன். அவர் ரூமிற்குள் வைக்கச் சொன்னார். நான் ரூமிற்குள் வைத்தேன். திடீரென்று உள்ளே வந்து கதவை அடைத்துவிட்டு என்னைக் கட்டிப் பிடித்தார். நான் சத்தம் போட்டேன். அவருடன் போராடினேன் என்னை விட்டுவிடும்படி கெஞ்சிக் கேட்டேன். ஆனால் அவர் பலாத்காரமாக என்னை மேற் தள்ளி என் சட்டையை கிழித்து. என் மார்பை பிடித்து மார்பில் நகம் பட்டிருந்தது. என்னுடைய சேலையில் இந்நியம் பட்டிருந்தது. நான் எவ்வளவோ திமிரியும் என்னால் மீள முடிய வில்லை என்ன பலாத்காரமாக சம்பவம் பண்ணினார். என்னை கற்பழித்துவிட்டார். யாரிடமும் சொல்லக் கூடாது என்று சொன்னார், கொன்றுவிடுவேன் என்று பயமுறுத்தினார். நான் என்ன செய்வது என்று தெரியாமல் நின்று கொண்டிருந்தபோது என் புருஷன் வந்துவிட்டார். சங்கரத் தேவர் என் புருஷனை வீட்டிற்குப் போகும்படி சொன்னார். நானும் என் கணவரும் வீட்டிற்குப் போனோம்".

(Relevant portion alone extracted.)

41. Her definite case therefore, is that Sankara Thevar on seeing her, had well planned to rape her and for that purpose conveniently sent away her husband Mani to fetch cigarettes from a nearby village and the absence of her husband was fully utilised as planned by Sankara Thevar and he committed rape. Her evidence before the Commission is almost similar as stated by her in her affidavit Exhibit A-1, the portion extracted above.

42. In her oral evidence, Rajaselvam stated that after she returned home, she told about the rape incident, to her step-sister Pushpam (P.P.W. 11) as well as to her mother Jebamani (P.P.W. 2).

43. I have already made the comment that the fear complex against the Thevars disappeared in the first week of August 1980, and when Kasi had come out in the open to charge the Thevars with atrocities and when complaints were given by Kasi to police, there is no explanation why Rajaselvam did not appear before the R.D.O. to make a statement especially when she happens to be the main victim and it was Kasi who was taking the prominent part in the inquiry before the R.D.O. getting witnesses, etc. This is strong point in favour of the Thevars.

44. The next event is the statement made by Rajaselvam before the Assistant Superintendent of Police (Exhibit A-9, dated 29th September 1980). The Assistant Superintendent of Police of Valliyoor Sub-division held his post for the period 25th March 1980 to 20th January 1981. This is a powerful and decisive pointer to the truth of the charge. It is necessary to extract the whole statement of Rajaselvam before the Assistant Superintendent of Police (Exhibit A-9, dated 29th September 1980) —

"எனக்கு சொந்த ஊர் சங்கனாங்குளம், என்னை என் ஊரைச் சேர்ந்த சுடலை மதன் மணி என்பவருக்கு கல்யாணமாகி ஒரு வருடம் ஆகிறது. மை மணி சங்கனாங்குளத்தில் சங்கரத் தேவர் வீட்டில் வேலை பார்த்து வந்தார். சம்பளப்பணம் கேட்ட தாவா சம்பந்தமாக சங்கரன் வீட்டிலேயே தகராறு ஏற்பட்டு என் ஊருக்கு திரும்ப கொண்டு வரும்போது என் புருஷனுக்கு உயிரில்லை. அவரது இறப்பு சம்பந்தமாக இதுவரைக்கும் நேரில் எந்த அதிகாரியிடமும் சம்பவம் நடந்தவுடன் புகார் கொடுக்கவில்லை. மை மணியின் பிரேதத்தை சங்கனாங்குளம் தேவர்களும், எங்கள் ஊரைச் சேர்ந்த பூதத்தான், செல்லையா, முத்தையா, சுந்தரராஜ் இவர்களும் சேர்ந்து எரித்து விட்டார்கள். சமீபத்தில்தான் இது சம்பந்தமாக அதிகாரிகளுக்கு தபால் மூலம் மனு செய்திருக்கிறார்கள். நானும் மை சங்கரத்தேவர் வீட்டில் புருஷன் இருந்த காலத்தில் வேலை செய்தேன். இரண்டு மாதத்திற்கான கூலி ரூ. 180, இது வரைக்கும் சங்கரத் தேவர் கொடுக்கவில்லை. எனது வீட்டிலிருந்து இரண்டு தோட்டை நெல்லையும் சங்கரத் தேவர் எடுத்துக் கொண்டு போய்விட்டார். என்னுடைய புருஷன் என்னை தோட்டத்தில் வைத்து சங்கரத்தேவர் என்னை கற்பழிக்க முயன்றபோது அடித்தார். இது சம்பவம் என் புருஷன் சாவதற்கு சுமார் 8 நாட்களுக்கு முன்னால் மதியம் 3 மணிக்கு எங்க ஊர் சோலியுக்கு தென்புறமுள்ள தோட்டத்தில் வைத்து நடந்தது. நானாவது, என் புருஷனாவது இது சம்பந்தமாக பயந்து கொண்டு யாரிடமும் அப்போது தெரிவிக்கவில்லை. இன்று 29—9—80 தேதி என்னைக் கூப்பிட்டு விசாரிக்க இந்த வாக்கு மூலத்தில் தெரிவிக்கிறேன்".

45. Thus it is clear that the charge is only an attempt to rape and not a rape actually committed upon Rajaselvam.

46. It is in evidence that as many as 30 people on the side of the Harijans came to North Vijayanarayanam when the R.D.O. conducted inquiry and the inquiry was also continued in Cheranmahalevi on 22nd September 1980.

47. Before I deal with the statement of Rajaselvam (Exhibit A-9) before the Assistant Superintendent of Police, it is necessary to refer to the context in which the Assistant Superintendent of Police, visited Sanganankulam village. On 24th September 1980, Thiru John Vincent, M.L.A., visited West Sanganankulam village and heard in detail about the atrocities committed by the Thevars upon the Harijans, made a note of the same in his diary, complained to the Collector and delivered speeches and complaints at a meeting convened at the D.D.C. Meeting Hall on 27th September 1980, about the sad state of affairs of West Sanganankulam village, viz., the rape upon the Harijan women and girls and the murder of Mani. The Assistant Superintendent of Police came to the village Sanganankulam (West) without loosing any time on 29th September 1980. He came there to personally investigate into the matter and to find out for himself what the true position was. A visit of a senior officer like Assistant Superintendent of Police, closely following Thiru John Vincent's speech and charges is not an insignificant event. The Assistant Superintendent of Police visited the village Sanganankulam (West) to find out the matter, i.e., true position and also to inspire confidence in the Harijans that they need not have any fear complex and may frankly tell their grievances to the Assistant Superintendent of Police.

48. Indeed, it is not seriously argued by the Counsel appearing for the Harijans that at the time when the A.S.P. visited the village, the Harijans were labouring under any fear complex and were not free and therefore, did not and could not speak out frankly their mind and grievances. No such contention was put forward by the Counsel appearing for the Harijans and I am also of the opinion that on 29th September 1980, when the Assistant Superintendent of Police, visited the village, there was no fear whatever in the Harijans telling the truth to the Assistant Superintendent of Police.

49. I see no substance whatever in the evidence of the witnesses of the Harijans or the arguments of the learned counsel for the Harijans that the Harijans stated one thing before the Assistant Superintendent of Police, but the police authorities recorded differently. It is only a desperate attempt to wriggle out the difficult situation, which arose while giving statements before the Assistant Superintendent of Police. I see no substance in the charge that the Assistant Superintendent of Police, was either partial or was deliberately recording the evidence falsely with a view to help the Thevars. I am of the clear opinion that all the statements recorded by the Assistant Superintendent of Police, will have to be accepted as correct and true statements, made by the concerned Harijan women and girls.

50. The evidence of the Assistant Superintendent of Police Mr. Gopalakrishna (Government witness 8) shows that Kasi was throughout present at the time when the Harijans made statements before the A.S.P., and Kasi had also attested the statements of many of the witnesses, after the statements were read over to the Harijans and they admitted that what was recorded by the A.S.P. was correct. G.W. 8 Gopalakrishna, A.S.P. in his evidence has stated before the Commission that during his investigation, Kasi was mainly responsible for procuring the witnesses and that G.W. 8 Assistant Superintendent of Police, distinctly remembers the whole episode and the prominent part played by Kasi in securing the witnesses and making statements before the Assistant Superintendent of Police. G.W. 7 Thiru Thiruvengadam, Revenue Divisional Officer, has also given evidence to a similar effect in the inquiry before the Commission, that Kasi was taking a prominent part and was procuring the Harijans to make them statements before the R.D.O. The position is thus clear that the Harijans gave statements before the authorities without any kind of fear complex.

51. Before I discuss the evidence of Rajaselvam regarding the rape by Sankara Thevar, it is necessary to refer to the Confidential Report of the Revenue Divisional Officer (G.W. 7 Thiru Thiruvengadam), Exhibit G-23, dated 30th September 1980, to the Collector. The R.D.O. (G.W. 7) has commented that though the Harijans complained that rapes were committed upon the Harijan girls and women, *nobody has come forward to speak about the alleged rape incidents.* In Exhibit G-23 (Report to the Collector), the R.D.O. has made the following comment :—

"10. The alleged atrocities of torture, eve-teasing, outraging modesty, screening of murders, etc., cannot be easily brushed aside. A *prima facie* case has however been made out regarding the second sale of fisheries for the higher amount and also the auction of duck-rearing. *None has come forward about the alleged rape which is being freely published in newspapers.* No complaints have also been lodged to the police on this."

52. In Exhibit G-23 in paragraph 6 of his Report G.W. 7 Thiru Thiruvengadam, R.D.O., has stated that even according to Kasi, the complaint was only a case of an attempt to outrage the modesty of Kasi's sister-in-law and some alleged eve-teasing by Chinnathambi. Kasi does not refer to any rape having been committed upon Harijan women and girls. If actually any of the Harijan women and girls had been victims of rape by the Thevars, nothing prevented Kasi and/or the Harijan women and girls from saying so to the R.D.O. They would not have made such useless statements of some eve-teasings or attempt of rapes. Learned counsel for Harijans, Thiru Ashok Kumar, could not explain

why the Harijan women and girls did not categorically state that they were raped and also did not mention the place, the time, the assailant concerned and the other details of the incidents. As already stated, the R.D.O. has stated "that none came forward to depose about any rape, which is being freely published in the newspapers".

53. We thus, start with this important background that in the first important inquiry conducted by the R.D.O., no complaint of rape was made to the R.D.O. In the second place in the enquiry before the A.S.P., the language employed by Rajaselvam in Exhibit A-9 is very simple and clear and does not present any problem of interpretation. It is precise and unambiguous and the complaint is only "an attempt to commit rape", thus completely ruling out any theory of rape committed upon Rajaselvam. No explanation was attempted by Thiru Ashok Kumar on this aspect that in Exhibit A-9, there was only "a complaint of *attempt* to rape".

54. There is another important aspect which emerges from Exhibit A-9. In Exhibit A-9, Rajaselvam states that this attempt by Sankara Thevar (Note, only an attempt) to commit rape upon Rajaselvam took place 8 days prior to the death of her husband Mani at 3 p.m. in the garden, south of the temple. This is a vital and serious discrepancy and cuts at the root of the case of Rajaselvam. Her case in the affidavit (Exhibit A-1) and the evidence before the Commission is that the rape of Rajaselvam and the murder of Mani formed, part and parcel of one single inseparable transaction and that it is only because of the rape that Manj decided to sever his connections with Sankara Thevar once for all and when he went to settle his salary account, Mani was murdered by Sankara Thevar. In other words, the incident of rape of Rajaselvam and the murder of Mani are inseparable. The vital discrepancy revealed in Exhibit A-9 about the day of the rape only shows that Rajaselvam had not made up her mind how to shape her case and she is saying things at random and uttering lies. Exhibit A-9 itself in my opinion contains powerful intrinsic evidence that no reliance can be placed upon the evidence of Rajaselvam. This aspect of the alleged attempted rape having taken place 8 days prior to the death of Mani has a serious impact upon Rajaselvam's case about the charge of murder, to which I will refer in detail, when I discuss the evidence regarding the murder of Mani.

55. Her oral evidence is useless, false and does not impress me.

56. Rajaselvam was cross-examined with respect of Exhibit A-9 and other connected aspects, but she was totally unable to withstand the cross-examination. Her evidence is full of discrepancies and contradictions. Further, the evidence is demonstrated to be false in the light of her statement in Exhibit A-9.

57. As the evidence of Rajaselvam itself is proved to be absolutely false and unreliable, there is no question of any acceptable corroboration of testimony. Pushpam (P.P.W. 11) like Rajaselvam has been freely uttering lies and I am totally unimpressed with her evidence. She is the wife of Kasi (P.P.W. 3) and no further comment is required. Rajaselvam does not say in Exhibit A-9 that she told Pushpam anything about the attempt at rape. Pushpam herself has given statement before the Assistant Superintendent of Police and in that statement Pushpam does not say that Rajaselvam told Pushpam that Rajaselvam was the victim of rape by Sankara Thevar. Pushpam's evidence as corroborative evidence is false, useless and unacceptable.

58. When the main evidence itself is worthless, useless and false, there can be no question of acceptable corroborative testimony of the main version which is demonstrated to be false.

59. Rajaselvam has made a statement (Exhibit A-7) before the Tahsildar (II Class Executive Magistrate), Nanguneri, at the time of his Inquest on 14th November 1980. In this statement, Rajaselvam spoke to a different version. She said rape was on the previous day and the murder was on the succeeding day, i.e., on two different dates, viz., rape and murder took place on two different days and that there was a wordy quarrel by Mani with Sankara Thevar. It only shows that Rajaselvam is uttering lies freely and no reliance can be placed upon her statements. Exhibit A-38, dated 22nd October 1980 is the petition sent by Rajaselvam to the Hon'ble Chief Minister of Tamil Nadu.

60. A reading of the petition (Exhibit A-38) shows that it is the work of a very intelligent person and not the natural statement of Rajaselvam. In this petition (Exhibit A-38), full of details and exhaustive, Rajaselvam would have it that the rape was committed upon her at 2 p.m. and the murder of Mani took place at about 6 p.m. that is the rape and the murder took place on one day as part and parcel of a single transaction. It is significant to notice that in Exhibit A-38, there is a vital omission. Rajaselvam does not say that after a discussion between herself and her husband Mani, they took the decision to sever their connections with Sankara Thevar and in pursuance thereof Mani went to Sankara Thevar's house to settle his salary account and on that occasion Sankara Thevar felt humiliated at the manner in which Manj asked for salary and therefore, Sankara Thevar murdered Mani for the alleged behaviour of Mani. This is a very serious and significant omission. I am clear in my mind that Exhibit A-38, dated 22nd October 1980 the petition sent to the Chief Minister of Tamil Nadu is carefully worded with a narration of all the details and with the deliberate intention of making use of it in some judicial or other inquiry. There are obvious false developments in this petition (Exhibit A-38). In this petition, it is alleged that in the next morning, the Thevars assembled at Rajaselvam's place and demanded reimbursement in respect of the cremation expenses and also in respect of moneys paid to "Sub-Inspector" to hush up the whole incident. This reference to payment of Sankara Thevar to the police is an obvious false

embelishment to support the false version that at the time when the dead body was dropped in her house, Sankara Thevar said that police will come, that Rajaselvam will have to answer the police ; to suggest in that context, it was Sankara Thevar, who negotiated with the police, paid some bribe to the police to hush up the matter, viz., the unnatural death and the hastly cremation of the dead body the very night itself.

61. The more vital and crucial development in the petition (Exhibit A-38) is the statement that Kasi and Rajasingh told Rajaselvam that they were actually eye-witnesses to the murderous assault of Sankara Thevar, as a result of which Mani died. In Exhibit A-38 Rajaselvam would have it that Kasi and Rajasingh told her that they actually saw Mani being beaten to death by Sankara Thevar and told Rajaselvam.

62. When I discuss the evidence of murder particularly this aspect, whether Kasi and Singh were eye-witnesses to the murder, it will be noticed that the statement in Exhibit A-38 the petition to the Chief Minister concerning Kasi and Singh as eye-witnesses is a deliberate false statement and Rajaselvam had been tutored to make the false statement with an ulterior purpose for making use of this statement on a future occasion for some inquiry. In my opinion the several averments in Exhibit A-38, the petition to the Chief Minister demonstrate that Rajaselvam is an unscrupulous woman and capable of saying different things at different times and uttering lies freely and that very often she has been a mere tool in the hands of scheming, designing persons.

63. Reference may next be made to the trip to Delhi by Rajaselvam. In Delhi, a petition (Exhibit A-16) on behalf of Rajaselvam was prepared in English and signed by her and given to the Prime Minister of India (Tmt. Indira Gandhi). It is in the evidence that Thiru Ashok Kumar, counsel for Harijans, also accompanied her to Delhi at that time.

64. It is a very carefully prepared petition (Exhibit A-16) in English and it cannot be said that the petition was prepared in a hurry or negligent manner. The petition (Exhibit A-16) was subjected to a very careful scrutiny ; indeed, there are manuscript corrections thereon. The petition has been prepared only after a careful scrutiny, verifying and checking of the contents of the petition, it was presented to the Prime Minister.

65. In this petition (Exhibit A-16), Rajaselvam alleges that the rape and murder took place on two different dates. The false statement that the rape and murder took place on two different dates is itself sufficient to condemn Rajaselvam's evidence as false.

66. The allegations made against Thiru R. V. Swaminathan, the Deputy Minister as well as Thiru K. T. Kosalram, M.P., in this petition show that some persons politically motivated are behind this petition and a reading of this petition shows that Rajaselvam has been used as a tool in a political episode.

67. In Exhibit A-39, dated 1st December 1980 (statement before the Collector), Rajaselvam has stated that the rape and murder took place on two different dates. It is impossible to understand how in respect of such a basic fact, which goes to the very root of the matter whether the rape and murder took place on two different dates or on the same day, Rajaselvam could commit a mistake, if really, her version was true.

68. In her statement before the Collector (Exhibit A-39), Rajaselvam would have it that the incident took place on the 31st March 1980. This statement before the Collector too was given by her tutored by scheming, designing persons.

69. In this statement too, Rajaselvam says that Kasi told her that he was a direct eye-witness to the murder and he actually witnessed Mani being beaten to death by Sankara Thevar.

70. This is an obvious false invention and embelishment introduced with a view to make Kasi an eye-witness to the occurrence. If Kasi is not an eye-witness, as found by me in the succeeding paragraphs, there is no question of Rajaselvam being told at the time of Exhibit A-39 that Kasi told her that he was an eye-witness. All these comments lead to the irresistible conclusion that no reliance can be placed upon the evidence and statements of Rajaselvam and her evidence and several statements she made before the police are discrepant and prevaricating and are full of falsehood.

71. For all these reasons, I have no hesitation whatever in rejecting the charge of Rajaselvam, as totally false. As already observed, her admission in Exhibit A-9 statement before the A.S.P. is conclusive and dead against the case made by Rajaselvam.

72. I shall next take up the charge of Prema (sister of Rajaselvam), who has been examined as P.W. 7. The charge is that she was raped by Chinnathambi, son of Sankara Thevar. Prema has filed an affidavit, Exhibit A-45 before the Commission and it will be convenient to extract hereunder the affidavit filed by her—

"எனக்கு சொந்த ஊர் சங்கனாங்குளம். நான் அரிஜன வகுப்பைச் சேர்ந்தவள். நான் கிருஸ்துவ மதத்தைச் சேர்ந்தவள். எனக்கு இன்னும் கல்யாணம் ஆகவில்லை. சுமார் 8 மாதத்திற்கு முன்பு ராமையாத் தேவர் கிணற்றிற்கு விறகுக்காகப் போயிருந்தேன். அப்போது சுமார் காலை 11 மணியிருக்கும். சங்கனாங்குளம் சங்கரத்தேவர் மகன் சின்னத்தம்பி தேவர் வயல் காட்டில் வயலைப் பார்த்துக் கொண்டிருந்தார். என்னைப் பார்க்கவும் எனக்கு வடபுறம் உள்ள உடைக்குள் இழுத்துக் கொண்டு போய் கீழே போட்டு பலாத்காரமாக கற்பழித்து விட்டார்.

எனக்கு ரத்தம் வந்தது. இந்தியம் என துணிகளிலும் துடையிலும் பட்டிருந்தது. நான் சத்தம் போடாமலிருக்க வாயில அவர் துண்டை வைத்து மூடிக்கொண்டார். நான் ஊரில் வந்து அந்தோணி அக்காவிடம் சொன்னேன். அவள் என் துணிகளில் பட்டிருந்ததைப் பார்த்தாள். அதன்பின் துணிகளை மாற்றினேன். என் அம்மாவிடமும் சொன்னேன். சின்னத்தம்பித் தேவர் பெரிய போக்கிரி, பணக்காரர், அவர் சித்தப்பா கி.மு. அதனால் நான் பயந்து புகார் செய்யவில்லை. அதன் பின்பு போலீஸ் அதிகாரிகளிடமும், அரசியல் தலைவர்களிடமும் சொன்னேன்''.

73. Her charge is that when she had gone to the fields to gather firewood near the well of Ramiah Thevar at about 11 a.m., Chinnathambi, son of Sankara Thevar, dragged her into the thorny bushes and forcibly committed rape against her wishes and there was also bleeding and evidence that the male organ of Chinnathambi came into contact with her thigh and that to facilitate the rape and prevent Prema from making any noise, a towel was pressed into her mouth by Chinnathambi. Her further version is that she immediately returned home and reported the matter to Anthony Ammal (P.P.W. 22) and that Prema also told her mother Jebamani (P.P.W. 2) on the same day.

74. It has to be mentioned at the outset that Prema made no statement about this rape incident before the R.D.O. or the A.S.P., even though she is the near relative of Kasi, who as already observed was responsible for procuring the witnesses and taking keen interest in the inquiries before the R.D.O. and the A.S.P.

75. It is true that in the report of the Collector (Exhibit G-32, dated 21st October 1980), there is a reference to the fact that Prema was a victim of rape by Chinnathambi. In the affidavit, Exhibit A-3 filed by her mother (P.P.W. 2) Jebamani, she states that Prema told her mother Jebamani that she was raped by Sankara Thevar. *Jebamani in her affidavit states that her daughter Prema was raped by Sankara Thevar in the field when she went for harvest.* If Prema had told her mother Jebamani at 6 p.m., when the mother returned home and narrated the whole episode, Jebamani (P.P.W. 2) would not have filed this affidavit that Prema told Jebamani that she was raped by Sankara Thevar. In view of this vital discrepancy, it is difficult to place any reliance upon Prema's statement before the Collector. Here too, the same comment has to be made that no complaint was made either before the R.D.O. or before the A.S.P. and there is no explanation for the same.

76. There is also the further fact that when the Superintendent of Police, Tirunelveli district, visited the village to conduct the elaborate inquiry on 1st October 1980, none of the victims of rape including Prema appeared before the Superintendent of Police and made any complaint of any such charge.

77. This witness Prema is also uttering lies quite freely. I am totally unimpressed with her evidence. She is only a tool in the hands of Kasi and quite ready to oblige him, to put forward a false case of rape. She could not withstand the cross-examination by counsel for Thevars about the bushes, about the thorny trees to focus the attention of the Commission on the point that the place where the rape was said to have been committed is most inconvenient and almost impossible for a person to lie down to facilitate a rape, etc., etc. The only point that requires comment is that Chinnathambi against whom the charge of rape is levelled has not been examined himself on oath or repudiated the charge. It is true that an adverse inference can be drawn for non-examination of a witness or suppression of a document only in the light of the established fact and not in the abstract. In the instant case, the established facts show that the case put forward by Prema is false and nothing turns upon the non-examination of Chinnathambi.

78. The next case of rape is the charge by Vasanthi that she was raped by Chinnathambi. Vasanthi is the second daughter of Muthiah, through his second wife Kannammal (D.P.W. 7). Vasanthi, aged 16, is the younger sister of Pushpam, the wife of Kasi. The affidavit filed before the Commission is marked as Exhibit A-46. The affidavit is set out hereunder—

''எனக்கு சொந்த ஊர் சங்கனாங்குளம். நான் அரிஜன வகுப்பைச் சேர்ந்தவள். நான் இருளர் மதத்தைச் சேர்ந்தவள். எனக்குக் கல்யாணம் ஆகவில்லை. சுமார் 9 மாதங்களுக்கு முன் என்னுடைய வெள்ளாடு சங்கரத்தேவர் வினற்றில் விழுந்துவிட்டது. மிளகு செடி பயிர் இருந்தது. மே சங்கரத்தேவர் மகன் சின்னத்தம்பி என் ஆட்டை பிடித்துப்போ என்றார். பம்புசெட் ரூம்பு பக்கம் கட்டிக் கிடந்தது. சுமார் 6 மணி இருக்கும். நான் அவிழ்க்கப் போனேன். அப்போ அவர் என்னை ரூம்புக்குள் இழுத்துக் கீழே படுக்கப் போட்டு கற்பழித்துவிட்டார். எனக்கு ரத்தமாக வந்தது. என் துணிகளிலும் ரத்தமும், இந்திரியமும் பட்டது. என்னால் எவ்வளவோ தப்ப முயன்றும் முடியவில்லை. என் மார்பை கடித்துவிட்டார். அதன்பின் நான் குட்டிய அவிழ்த்துக்கொண்டு வீட்டிற்கு வந்து நிரேடிம சொன்னேன். என் தாயாரிடமும் நடந்த விபரம் சொன்னேன். அதன் பின் போலீஸ் அதிகாரிகள், தலைவர்களிடமும் சொன்னேன். சின்னத்தம்பி தேவர் பெரிய போக்கிரி. பணக்காரர். அதனால் புகார் செய்ய வில்லை. கி.மு. அவர் சித்தப்பா. அவரிடம் பயந்து ரிப்போர்ட் செய்யவில்லை.''

79. Her case is that she had gone out for agricultural labour and at that time she had taken her goat for the purpose of grazing and for that purpose, i.e., to facilitate grazing, the goat was untied and that about 6 p.m. when she returned after work, the goat was missing. While she was

searching for the goat, Chinnathambi, son of Sankara Thevar accosted her that the goat was tied near the pumpset room. When she went to take the goat, she was forcibly pushed down by Chinnathambi and raped. Her further case is that there was blood coming and there were marks of blood in her saree. As soon as she returned home, she told about the incident to Kasi's sister Grace, who has been examined as P.P.W. 12. She also told her mother Kannammal (D.P.W. 7).

80. Vasanthi admits that she was well aware of the visit of the R.D.O. and that Harijan girls went to the R.D.O's. enquiry to make similar complaints about other incidents, in the context, meaning rape incidents. Vasanthi did not appear before the R.D.O. for making any statement before him. Similarly, she did not appear before the Assistant Superintendent of Police.

81. I have already observed that the visit of the Assistant Superintendent of Police to the village Sanganankulam is a very significant event and that his visit was made shortly after the visit of Thiru John Vincent and the speech made by Thiru John Vincent, M.L.A., and others at the D.D.C. Meeting Hall at Tirunelveli, on 27th September 1980.

82. The Assistant Superintendent of Police, visited Sanganankulam village on 29th September 1980; Thiru John Vincent, M.L.A., made a speech in the D.D.C. Meeting Hall on 27th September 1980. All the villagers knew full well the importance and the purpose of the visit of the Assistant Superintendent of Police to Sanganankulam. I have no doubt that if Vasanthi was a victim of rape in the hands of Chinnathambi, she would have certainly appeared before the R.D.O. or the A.S.P. and made complaints before them; especially when Kasi was the leader of the Harijans party and was leading the Harijan women and girls before the R.D.O. and the A.S.P.

83. Vasanthi is a very near relative of Kasi, Vasanthi would have it that she told Grace, about the rape. Grace in her statement before the A.S.P. in Exhibit A-61 does not refer to Vasanthi having told her that she was a victim of rape in the hands of Chinnathambi.

84. In the Collector's report (Exhibit C-32), dated 21st October 1980, Vasanthi's version was totally different, i.e., Vasanthi was raped by Sankara Thevar. It only shows that the Harijan girls are freely mentioning names and are freely uttering lies mentioning different names at different times. I am not inclined to place any reliance upon Vasanthi.

85. Reference may next be made to Kannammal, the mother of Manjula and Vasanthi, who is an unscrupulous woman and her evidence bears clinching, decisive intrinsic evidence, that the unscrupulous Thevars have won over Kannammal to their side. She was examined by the Thevars as D.P.W. 7.

86. Thiru Ashok Kumar, learned counsel for the Harijans contended that this episode of Thevars winning over Kannammal to their side is a glaring and daring attempt by the Thevars to stifle and thwart the proceedings before the Commission and put obstacles in the way of the Commission arriving at the truth. According to learned counsel this unhealthy and nasty conduct of the Thevars constitutes another crucial link in the chain of circumstantial evidence. I have no hesitation in accepting this contention of Thiru Ashok Kumar. This aspect has created a grave doubt in my mind that unless Kannammal's 161 statement that she saw the Thevars carrying the dead body of Mani and unloading it in Rajaselvam's house is true, the Thevars would not have resorted to the mean tactics of winning over Kannammal.

87. The evidence which she gave before me is totally false, every portion thereof and she has no regard for truth.

88. She has filed an affidavit on 7th March 1981, and it was marked as Exhibit A-132. The affidavit which she filed before the Commission, Exhibit A-132 is extracted hereunder—

"எனக்கு சொந்த ஊர் சங்கனாங்குளம். என் கணவர் திருமலாபுரத்தில் கொத்தனார் வேலை பார்த்து வந்தார். அவருடன் என் இரு மகள்களும் தங்கியிருந்து ஆடு மேய்த்து வந்தார்கள். நான் இரு மகள்களுடன் சங்கனாங்குளத்தில் தங்கி கூலி வேலை செய்து பிழைத்து வந்தேன். எனது மகள் மஞ்சுளா சுமார் 1½ வருடத்திற்கு முன்பு திருமண மானது. சுமார் 1 வருடமாக அவள் கணவனுடன் பேச்சு வார்த்தையில்லாமல் என்னுடன் வாழ்ந்து வந்தாள். சுமார் 7 மாதங்களுக்கு முன், ஒரு நாள் நானும், என் இளைய மகளும் என் கணவரைப் பார்க்க திருமலாபுரம் சென்றிருந்தோம். மறு நாள் மத்தியானம் ஊருக்குத் திரும்பியபோது என் மகள் தன்னை சங்கரத் தேவர் குமாரர் சின்னத்தம்பி; அருவாளை காட்டி மிரட்டி பயமுறுத்தி கற்பழித்து விட்டதாகவும், நெற்றியிலும், இடது மார்பிலும் காயம் ஏற்படுத்திவிட்டதாகவும் சொன்னாள். நான் இந்த விஷயத்தை யாரிடமும் சொல்லாதே, நமக்குத்தான் கேவலம், அவர் குடும்பத்தாரை நம்மால் ஒன்றும் செய்யமுடியாது என்று சொன்னேன். பின்னால் எங்கள் ஊருக்கு வீசார்ணைக்கு வந்த அதிகாரிகளிடமும், அரசியல் கட்சித் தலைவர்களிடமும் சொன்னேன். இதற்கு சுமார் 2 மாதம் முன்பு என் இளைய மகள் வசந்தியை ஒ. சின்னத்தம்பி என்பவர் அவருடைய சேரி இனற்று பம்பு செட்டில் வைத்து கற்பழித்து விட்டதாக என் மகள் சொன்னாள். நான் இந்த விஷயத்தை யாரிடமும் சொல்லாதே என்று சொல்லிவிட்டேன்".

89. This affidavit, Exhibit A-132 shows she corroborates the evidence of her daughters Manjula and Vasanthi in regard to the alleged rape committed by Chinnathambi on Manjula and Vasanthi.

90. In her 161 statement before the Inspector Arunachalam, Kannammal has stated that Mani went to Sankara Thevar's house for settlement of his salary and was brought dead in a bullock cart by the Thevars and that she saw the dead body being dropped by Sankara Thevar in Rajaselvam's house and that the dead body was cremated by Masanam, Nalliah, etc. She has also stated that Kasi was an eye-witness to the entire occurrence and told her about the same. Thus it will be seen that the affidavit filed by D.P.W. 7 Kannammal supports the Harijan's case of murder and her 161 statement also very significantly supports the Harijans; it is dead-against the Thevars because that statement distinctly refers to a crucial link in the chain of circumstantial evidence, i.e., the dead-body of Mani was dropped by Sankaran in Rajaselvam's house. Much elaboration is not required and it is very obvious and lies on the surface to notice that Kannammal is an important witness for the Harijans as to the proof of murder and the rape charges. In Exhibit A-133 the petition presented to the Hon'ble Chief Minister of Tamil Nadu by the Harijans, numbering all about 40, Kannammal is admittedly one of the signatories. That petition, Exhibit A-133 many other things, sets out in detail, the atrocities committed by the Thevars. Exhibit A-138 is another petition to the Hon'ble Chief Minister of Tamil Nadu sent in the first week of October 1980, signed by about 30 Harijans and admittedly Kannammal is one of the signatories in that petition also.

91. Thiru Ashok Kumar in his list of witnesses had indicated and also told me in Open Court that Kannammal is one of their important witnesses. But, as ill-luck would have it, Thiru Ashok Kumar could not examine this most important witness. At this stage, it has got to be stressed that the affidavit, Exhibit A-132 was signed by Kannammal before Thiru Ashok Kumar and that the affidavit was solemnly affirmed and Ashok Kumar has attested and signed in the affidavit. Needless to mention that Kannammal would have clearly understood the contents in the affidavit and that it is only after Kannammal understood the contents of her affidavit duly explained to her by Ashok Kumar that she signed before the Counsel Ashok Kumar. Kannammal cannot wriggle out of the contents of her affidavit, Exhibit A-132.

92. Kannammal declined to give evidence on behalf of the Harijans. Seeing that her affidavit and the statement, and the petitions she sent to the Chief Minister, were signed by her, and her 161 statement before the Inspector Arunachalam is fatal and dead-against, the Thevars won over Kannammal to their side and Kannammal was examined as D.P.W. 7. Helpless Harijans were seriously handicapped on account of this dishonest tactics resorted to by the Thevars by winning over Kannammal to their side. Otherwise, it is impossible to visualise why this lady who was sworn to an affidavit and signed in the representations to the Hon'ble Chief Minister of Tamil Nadu, supporting her daughters in the matter of rapes, etc., should give evidence against her own daughters and against the Harijans, but completely support the Thevars. This change of attitude on the part of Kannammal is not an outburst of affection for the Thevars or was it actuated by a noble desire as an honest citizen to appear before the Commission to help the Commission! It is nothing but mean tactics.

93. In her affidavit, Exhibit A-132 Kannammal did not say that Mani died a natural death due to heart attack, as she now deposed before the Commission. The matter does not stop there. In her 161 statement, Exhibit A-137 before the Inspector, she has stated just the reverse (directly contrary) that "Mani was murdered by Sankara Thevar and his henchmen and the deadbody was carried in a bullock cart and dropped in Rajaselvam's house". This demonstrates that in her evidence she has proved herself to be thoroughly unreliable.

94. In her further chief-examination (directly contrary to her own affidavit), she has stated that Manjula and Vasanthi had never told her that they were victims of rape at the hands of Chinnathambi. She admits Exhibit A-138 and Exhibit A-133, the petitions sent to the Hon'ble Chief Minister of Tamil Nadu, bear her signatures. She also admits that she has signed below the signatures of her daughters Manjula and Vasanthi. When confronted with her several statements before the Hon'ble Chief Minister and her 161 statement before the Inspector Arunachalam, she denied and stated that she never made those statements. This again shows how unscrupulous and unreliable Kannammal is and how she is prepared to oblige the Thevars contrary to her own prior 161 statement and her statements in the affidavit, Exhibit A-132.

95. It is a well-known fact that the Hon'ble Chief Minister of Tamil Nadu visited Sanganankulam, to enquire the Harijans, personally satisfied about the grievances of the Harijans and the alleged atrocities of the Thevars. She knew full well this purpose for which the Hon'ble Chief Minister of Tamil Nadu visited the village. She is standing in the photograph (in Exhibit A-134) along with her daughters, even this she has denied.

96. Exhibit A-140 is the photograph which was taken when Manjula, Rajaselvam, Ashok Kumar, etc., went to Delhi to make personal representations to Mrs. Indira Gandhi, the Prime Minister of India. The photograph taken is very very distinct and Manjula's standing in the photo is seen prominently and distinctly and there is no problem to identify Manjula in the photo. Yet, in her evidence, Kannammal pretended defectiveness of her vision, she falsely said she could not see Manjula, her daughter in the photograph and the photo is very dim. A mere look at the photo would show that she is a consummate liar well tutored by the Thevars.

97. She pretended not to distinctly see the photos which were hanging prominently in the D.D.C. Meeting Hall. Indeed, Thiru Periyanayagam, Counsel for Government and police, cross-examined Kannammal and suggested to her that her 161 statement is the true and correct version and her evidence before the Commission is false. When

confronted with her affidavit, Exhibit A-132, *she told the most atrocious lie that she did not sign an affidavit, but she merely signed a sheet of paper* on the representation that a house was going to be allotted to her by the Government and that a petition by her is necessary for allotment of a house to her and so she signed.

98. Thiru Ashok Kumar seeing that she has been won over by the Thevars, cross-examined her in great detail and on every aspect of the case and his cross-examination demonstrated and proved beyond any reasonable doubt that she has been won over by the Thevars and well tutored by the Thevars to utter falsehood ; every portion of her evidence is full of lies and she was only a tool in the hands of the Thevars.

99. I have stated enough to show that it is simply meaningless, clownish and ridiculous to suggest that a dishonest witness like Kannammal, who had been obviously won over by the other side, should be examined by the Commission.

100. Thus, to reiterate this nasty conduct of the Thevars in winning over Kannammal to their side is an attempt to stifle or thwart the investigation of the crime and constitutes an important link in the chain of circumstantial evidence as stated by Messrs. Woodroffe & Amir Ali's "Law of Evidence" (Volume III) (14th edition—1981) at page 2812, rule 112.

101. The case of Manjula, aged 19, may be next taken up. She is the daughter of Kannammal and younger sister of Pushpam, Kasi's wife. Admittedly, she is living under the protection of Kasi, after having left her husband. Her charge is that on a particular day, when her mother had gone to Thirumalapuram, to see her husband (Muthiah), Chinnathambi, son of Sankara Thevar, at midnight lifted the door of the house of Manjula, got entrance into the house and forcibly committed rape upon her, when she was alone in her house. Her affidavit before the Commission (Exhibit A-47) may be set out hereunder—

"எனக்கு சொந்த ஊர் சங்கனாங்குளம். எனக்கு திருமணமாகி 1½ வருடமாகிறது. எனக்கும் என் புருஷனுக்கும் மனஸ்தாபம் ஏற்பட்டு சுமார் ஒரு வருட காலமாக என் தாயாருடன் சங்கனாங் குளத்தில் வசித்து வருகிறேன். என் அப்பா திருமலாபுரத்தில் தங்கியிருந்து கொத்தனார் வேலை பார்த்துவந்தார். அவருடன் என் தம்பி மார்களும் தங்கியிருந்தார்கள். போன மாதம் ஒரு நாள் காலை என் அம்மாவும் தங்கையும் என் அப்பாவைப் பார்த்துவரப் போனார்கள். அவர்கள் திரும்பி வராததால் நான் தனியாக வீட்டில் படுத்திருந்தேன். என் வீடு அரிஜன தெருவில் தேடியோ நிலையத்திற்கு வடபுறம் இருக்கிறது. அன்று என் வீட்டில் சுவரொட்டி மண்ணெண்ணை விளக்கு எரிந்துகொண்டிருந்தது. இரவு சுமார் 11 மணிக்கு நான் தூங்கிக்கொண்டு இருக்கும் போது, எங்கள் வீடாமுன் வாசல் கதவைத் தூக்கி இறந்துகொண்டு ஒரு ஆள் வீட்டிற்குள் வரும் சப்தம் கேட்டு பயந்து அது யார் என்று சத்தம் போட்டு உடனே நான் எழுந்தேன். வீட்டிற்குள் அரிவாளுடன் வந்த சங்கரத் தேவர் மகன் சின்னத் தம்பி "சத்தம் போடாதே" என்று என் வாயைப் பொத்தினார். நான் அவரிடமிருந்து திமிறி விடுவிக்க முயற்சிக்கும்போது, என்னை வேகமாகத் தள்ளினார். நான் கதவில் போய் மோதி கீழே விழுந்தேன். என் நெற்றியில் நீண்ட வெட்டுக் காயம் ஏற்பட்டது. அதன் தழும்பு இன்னும் இருக்கிறது. நான் கீழே விழுந்தவுடன் என் கேலை முந்தானையை வைத்து என் வாயில் சின்னத்தம்பி அமுக்கினார். அரிவாளைக் காட்டி "நெருங்கி பிள்ளை, சத்தம் போட்டால், துண்டா வெட்டி விடுவேன்" என்று மிரட்டி, என்னை பலவந்தமாக கற்பழித்தார். என்னுடைய இடது மார்பில் அவருடைய நகம் பட்டு கோரை ஏற்பட்டது. என்னுடைய பாவாடையிலும், தொடையிலும் இந்நிரியம் பட்டிருந்தது. என்னைக் கற்பழித்து விட்டு பின்வாசல் கதவைத் திறந்துகொண்டு வெளியில் போய்விட்டார். நான் உடனே பக்கத்து வீட்டில் இருந்த என் அக்காள் புஷ்பத் திடம் விபரத்தைச் சொன்னேன். அவள் என் நெற்றியில் இருந்த காயத்தைத் துடைத்து மருந்து போட்டாள். நான் என் வீட்டைப் பூட்டிவிட்டு, என் அக்காள் புஷ்பம் வீட்டிலேயே படுத்துக் கொண்டேன். மறுநாள் ஊரிலிருந்து வந்த என் அம்மாவிடமும் சொன்னேன். நிராம முன்சீப் சேஷி சின்னத் தம்பியின் சித்தப்பாவானதாலும், ஏற்கனவே எங்கள் ஊரில் என் சொந்தக்காரி ராஜசெல்வம் கற்பழிக்கப்பட்டு, அதைத் தட்டிக் கேட்ட அவள் கணவர் மனுவேல் என்ற மணியை சேஷி சின்னத்தம்பி குடும்பத்தார் கொலை செய்த விபரம் எனக்குத் தெரிந்ததாலும், நாங்கள் பயந்து கொண்டு உடனடியாக புகார் கொடுக்கவில்லை. சுமார் 1 மாதம் கழித்து, நிசையன்வேலி போலீசார் என்னை விசாரிக்கும்போது விபரத்தைச் சொன்னேன். அதிலிருந்து ஒரு மாதம் கழித்து ஆர்.டி.ஓ. விசாரணையிலும் எங்கள் ஊர் எம்.எல்.ஏ. விடமும், அதன்பின் வந்த அதிகாரி களிடமும், அரசியல் தலைவர்களிடமும் சொன்னேன். சுமார் 3 மாதத்திற்கு முன்பு பிரதமர் இந்திரா காந்தியை டில்லியில் சந்தித்து "புகார் மனு கொடுத்தேன்".

102. Manjula's further version is that when she protested to Chinnathambi, he showed an aruval and frightened her and so doing Chinnathambi raped her, despite her protest. Her further case is that in the tussle she fell upon the door frame and on the floor and sustained some injuries in her fore-head. After the rape was over, Chinnathambi ran away through the back-door of the house and that immediately Manjula reported to her sister Pushpam and also showed the injuries in her fore-head, for which Pushpam put some medicine. Her further case is that immediately after the rape, she slept in her sister Pushpam's house. Next day, her mother returned from Thirumalapuram and she told about the incident to her.

103. The only corroborating evidence is her sister Pushpam, who is cited as the corroborative evidence in every case, she being Kasi's wife. It is simply amazing that in every case Pushpam is cited as corroborative witness. In her statement before the R.D.O., dated 16th September 1980 (Exhibit A-70), Manjula has stated the following :—

''எங்கள் வீட்டு முன்னால் சங்கரபாண்டியன் ணிறு உள்ளது. அவரது மகன் சின்னத்தம்பி தேவர் ணிறற்குக் எப்போதும் வந்து இருப்பார். வில் அடித்து என்னை வா என்று கூப்பிடுகிறார். நான் போகாமல் இருந்த ல் என் வீட்டுக்கு வந்து நான் வேலைக்கு கூப்பிட்டால் ஏன் வரவில்லை என்று கூறுகிறார். உவக்கு அவ்வளவு திமிரா என்றெல்லாம் ஏசுறார். ஒரு நாள் நானும் எங்கள் பாட்டியும் ஊருக்குப் போய்விட்டு வந்தோம். சின்னத்தம்பி தேவர் எதிரில் வந்தான். நான் பின்னால் வந்தேன். என்னை கையை நீட்டிக் கூப்பிட்டார்கள்; நான் ஏவிட்டு வந்தேன். மறுநா ள் வீட்டுக்கு வந்து நான் வேலைக்கு வா என்று கூப்பிட்டேன். நீ ஏன் வேலைக்கு வரவில்லை என்று கேட்டார்கள். எங்கள் அம்மா வீட்டில் இருக்கிறார்கள், எங்கள் அம்மாவிடம் சொல்ல வேண்டியதுதானே என்று கேட்டேன். நீங்கள் எத்தனை நாளைக்குக் கூப்பிட்டால் வராமல் போவார்களா. ஒத்தையில் எப்படியும் வந்துதானே ஆகணும், நான் பார்த்துக் கொள்கிறேன் என்று கூறுகிறார்கள். ஊருக்கு வடக்கே கொஞ்ச தூரம் தள்ளி குடிதண்ணீர் ணிறு உள்ளது. ணிறற்குப் பக்கத்தில் அவர்களது வயக்காடு உள்ளது. பயிர் ஒன்றும் இடவில்லை. நான் தண்ணீருக்குச் சென்றேன். அப்போது அவர்கள் சைக்கிளில் வந்தார்கள். சைக்கிளை நிப்பாட்டிவிட்டு ணிறற்குக் வந்தார்கள். 'நில் நீ' என்று கூறினார்கள்; நான் குடத்தை எல்லாம் வத்துவிட்டு பயந்து ஓடி வந்துவிட்டேன். ஊரிலிருந்து எங்கள் அம்மாவைக் கூட்டிக்கொண்டு போனேன். அவர் அங்கிருந்து போய்விட்டார், நாங்கள் தண்ணீர் எடுத்து வந்துவிட்டோம். மறுநாள் காலையில் வந்தார்கள். நீங்கள் வேறு எங்கும் வேலைக்குப் போகக் கூடாது. நாங்கள் எங்கு கூப்பிட்டாலும் வரவேண்டும் என்று கூறினார்கள். சரி என்று சொல்லிவிட்டு நாங்கள் அவர்கள் கூப்பிடும்போது போகவில்லை. அடித்து விடுவோம் என்று பேசுகிறார்கள். எங்களுக்குப் பாதுகாப்புத் தேவை.

என் தம்பி ணிறற்றில் விழுந்து இறந்து போனான். அன்று இரவு 10 மணிக்கு மேற்கே இருந்து சங்கரபாண்டியன் வீட்டுக்கு வந்தார்கள். எங்கள் அப்பா வீட்டில் அழுதுகொண்டு இருந்தார்கள். எங்கள் அப்பாவை அனுப்பிவிட்டு, எங்கள் அக்கா வீடு மெத்தே இருக்கிறது. அங்கு போய் கதவு தட்டியிருக்கிறார்.

படிக்கக் கேட்டேன். சரியாக உள்ளது''.

104. I have no hesitation in rejecting the entire version of Manjula as totally false. In her statement, Exhibit A-70 before *the R.D.O. she has only spoken about some eve-teasing by Chinnathambi. There is no question of rape, there is no question of Chinnathambi gaining entrance into the house, in the dead of night and there is no question of pushing her and committing rape, etc., as deposed in detail before the Commission by Manjula.*

105. Similarly, in the statement before the Assistant Superintendent of Police, Exhibit A-69, dated 29th September 1980, she did not refer to any rape by Chinnathambi. The extract of Exhibit A-69 is as follows :—

''எனக்குச் சங்கனாங்குளம். என்ன சங்கனாங்குளத்தில் முத்தையா என்ற நபருக்குக் கல்யாணமாகி 1 வருடமாகிறது. எனக்கும் என் புருஷனுக்கும் விவாகரத்து நடந்து சுமார் 7 மாதகாலமாகிறது. நான் தற்சமயம் என் தாயார் கண்ணம்மாவுடன் குடியிருக்கிறேன். சங்கனாங்குளத்தைச் சேர்ந்த சங்கரத் தேவர் மகன் சின்னத் தம்பி சுமார் 3 மாதங்களுக்கு முன்பு என் ஊருக்குத் தெற்கேயுள்ள அவருடைய தோட்டக் ணிறற்றில் இருந்தார். மேல ஓர ணிறற்றிலிருந்து பார்த்தல் என் வீடு தெரியும். என்னை ஷை சின்னத்தம்பி ஸில் அடித்துக் கூப்பிட்டார். அப்போது சுமார் மாலை 4 மணி இருக்கும். முத்தம் தூத்துக்கிட்டிருந்தேன். நான் பாராது மாதிரி இருந்ததைப் பார்த்துஷை சின்னத்தம்பி என் வீட்டிற்கு வந்த ர். வீட்டிற்கு வந்து நா கூப்பிட்டேனே காது கேட்க வில்லையா, அவ்வளவு திமிரு என்று என்னக் கேட்டார். நான் செல்வத்துரைப் பாண்டியனுக்கு வேலை செய்து வருகிறேன். என் வீட்டுக்கு வேலக்கு வராமல் அவர் கூட்டு வேலை செய்றாயே என்று கேட்டுப் போய்விட்டார். மறுநாள் காலை வீட்டுக்கு வடக்கேயுள்ள ணிறற்றில் தண்ணீர் எடுக்கப் போகும்போது ஷை சின்னத்தம்பி ணிறற்றுக் சைக்கிளில் வந்தவர் சைக் ள ஊருக்குக் மேற்பக்கம் வைத்துவிட்டு தண்ணீர் இறைத்துக்கொண்டிருந்த என்னை ஏய் நில்லு என்று கூப்பிட்டார். நான் பயந்து ஓடி வந்துவிட்டேன் அந்த நேரத்தில் வேறு யாரும் ணிறற்றுப் பக்கம் இ லை. இது விபரத்தை என் தாயாரிடம்தான சொன்னேன். என் மாமாவிடம் காசியி ம் சுமார் 1 மாதம் கழித்துத்தான் தெரிவித்தேன். என் மாமா என்னைப் பார்த்து நீ ஏன் பயந்து வந்துவிட்டாய். உன்னை வேலைக்கு தான் கூப்பிட்டிருப்பாங்க என்று என்னிடம் சொன்னார். இது சம்பந்தமாக நான் இன்றுதான் தங்களிடம் தாங்கள் விசாரிக்க நான் சொல்லுகிறேன். தம்பி இறந்து சுடுகாட்டிற்கு சங்கர் தேவர் வரவில்லை. படிக்கக் கேட்டேன். நான் சொன்னபடி சரி.''

106. Here also, she speaks of only eve-teasing. In the face of the two statements of Manjula before the R.D.O. and before the A.S.P., it is impossible to accept her oral evidence of a rape. No explanation is forthcoming as to why she did not refer to this incident of rape before the R.D.O., or before the A.S.P. In the face of Exhibit A-70 and Exhibit A-69, the statement before the R.D.O., and the statement before the A.S.P., it is simply amazing how the case of Manjula being raped by Chinnathambi was put forward before the Commission.

107. It is clear that the entire version is false and baseless. Manjula's case is worthless and the above discussion exposes her evidence as totally false and unreliable.

108. To make the story appear true, in her affidavit, Manjula conveniently says that her mother had gone to Thirumalapuram, to see her father as if Chinnathambi knew this and availed of this convenient opportunity of Manjula sleeping alone for Chinnathambi to come and lift the door. In her evidence Manjula makes a stupid statement that Manjula was sleeping with Pushpam. It only shows that Manjula is making statements at random, false, discrepant and inconsistent.

109. The next incident is the charge of rape upon Vasantha (raped by Sankara Thevar). The affidavit filed before the Commission is Exhibit A-51, which is extracted hereunder—

"எனக்கு சொந்த ஊர் சங்கனாங்குளம். நான் அரிஜன வகுப்பைச் சேர்ந்தவள். எனக்கு இன்னும் கல்யாணம் ஆகவில்லை. என் வீடு இறில்துவ குரு தேவதால் வீட்டிற்கு மிக்கே இருக்கிறது. சுமார் 7 மாதத்திற்கு முன்பு என் சொந்தக்காரப் பையன் இறந்து போய்விட்டான். அது விஷயமாக தெருவில் உள்ளவர்கள் எல்லோரும் போய்விட்டார்கள். இரவு சுமார் 2 மணிக்கு நான் தனியாக வீட்டில் இருந்தேன். அது சமயம் சங்கனாங்குளம் சிவசுப்பிரமணியத் தேவர் மகன் சங்கரத்தேவன் என் வீட்டுக் கதவைத் தட்டி தண்ணீர் கேட்டார். நான் கதவைத் திறக்கவும், வீட்டிற்குள் நுழைந்து என்னை மேலே தூக்கிப் போட்டு பலாத்காரமாக கற்பழித்து விட்டார். நான் தடுத்தும் முடியவில்லை. என் துணிகளில் இந்தியம் பட்டிருந்தது. துடையிலும் பட்டிருந்தது. ரத்தக்கறையும் பட்டிருந்தது. அதன்பின் அவர் போய்விட்டார். என் வீட்டிற்குள் லைட் இருந்தது; அதன் பின் நான் மதக் குருவிடம் என்னை மானபங்கப்படுத்திய விஷயத்தைச் சொன்னேன். நான் என் தாயாருக்கும் இந்த விவரம் சொன்னேன். அதன்பின் போலீஸ்காரர்களிடமும் மற்றும் அரசியல் தலைவர்களிடமும் சொன்னேன். சங்கரத் தேவர் பெரிய பணக்காரர். பெரிய போக்கிரி. அதனால் பயந்துகொண்டு புகார் கொடுக்கவில்லை".

110. Her version is that on a particular day a boy by name Joseph died falling into a well and that at that time at about 2 a.m. people were sitting in the street and talking. At that time, Sankara Thevar came to West Sanganankulam (Harijan Colony), knocked the door of the house in which Vasantha was sleeping and when the door was opened, Sankara Thevar asked for water and thereupon, she was forcibly raped by Sankara Thevar, despite her protests. She says that thereafter, she told about the incident to the Pastor, who has been examined as P.P.W. 17. The whole story appears to be unnatural and artificial in extreme. How did Sankara Thevar get to know that Vasantha was sleeping alone in her house, her mother had gone out to Thirumalapuram and nobody will come to ask for water at an inconvenient time, viz., at 2 a.m., all the way from East Sanganankulam.

111. Here too, Vasantha did not make any statement before the R.D.O. or A.S.P. even though Vasantha is a near relative of Kasi and Kasi was responsible for procuring the witnesses and bringing them during the inquiries by A.S.P. and R.D.O. and played a prominent part. A perusal of Exhibit G-32, the report of the Collector shows that she has not made any complaint before the Collector.

112. In respect of every such incident concerning the daughters of Kannammal, the same explanation is repeated that the mother had gone to Thirumalapuram and the assailant took advantage of the absence of the mother, gained entrance to the house and committed rape. The whole story is fantastic and artificial, in the extreme. When rape was alleged to have been committed, parrot-like, the mother is conveniently said to be absent from the village. It passes my comprehension how Chinnathambi or Sankara Thevar came to know that the girls are sleeping alone in the house and also about the presence of their mother at Thirumalapuram.

113. In the affidavit of Jebamani (P.P.W. 2) there is a crucial discrepancy to the effect that Jebamani said that Vasantha was raped by Chinnathambi, and Prema was raped by Sankara Thevar. It only shows that the Harijans are making statements indiscriminately, committing obvious mistakes which expose the falsity of their case.

114. It is amazing to visualise that every time, the mother conveniently goes to some place outside and stays away the night, for the obvious purpose of facilitating commission of rape upon her daughters. It is needless to say that if one case of rape had taken place in her absence, the mother would not have left West Sanganankulam at all during night time, leaving her daughters alone.

115. The evidence of Pastor (P.P.W. 17) is worthless, false and I am totally unimpressed. No further comment is necessary and it is sufficient to state that in the statement before the A.S.P. (Exhibit A-79), dated 29th September 1980, Devadoss is the first person, who signed in the

statement, which states that no incident of rape, etc., took place in West Sangarankulam. Several others have signed after him having stated this before the Assistant Superintendent of Police, Captain Devadoss (P.P.W. 17) falsely gave evidence before the Commission as though he is a true corroborative witness, corroborating the rape upon Vasantha.

116. The next incident of rape is that of Grace, P.P.W. 12, sister of Kasi, alleged to have been committed upon her by Sankara Thevar, in his Rice Mill at Sivanthiapuram. The affidavit filed by her before the Commission is Exhibit A-59. I have already adverted to the fact that she has admitted that she is living in Kasi's house and is wholly dependent upon him. Her affidavit, Exhibit A-59 is set out hereunder—

"எனக்கு சொந்த ஊர் சங்கனாங்குளம். சுமார் 8 மாதங்களுக்கு முன்பு நான் தெற்கு விஜயநாராயணம் சங்கரத் தேவர் ரைஸ் மில்லுக்கு மதியம் 2 மணிக்கு நான் புழுங்கல் அரைப்பதற்கு சொன்று போயிருந்தேன். அங்கு கீழ் வாசல் மட்டும் திறந்திருந்தது. மற்றதெல்லாம் அடைத்திருந்தது. நான் புழுங்கல் சாக்கை மேலே போட்டு உட்கார்ந்திருந்தேன். சங்கர் தேவர் நாற்காலியில் இருந்தார். 'தம்பி, அரைப்பதற்கு குரிய ஆள் எங்கே?' என்று கேட்டேன். அவர் 10 நிமிஷம் பொறு. மோட்டார் ரிப்பேராக இருக்கிறது, இப்பொழுது ஆள் வந்துவிடுமென்று சொன்னார். நான் அப்பொழுது மெதுவாக எழுந்து வெளியே சென்றேன். உடனே கதவை அடைத்து, என்னை மேலே தள்ளி படுக்கவைத்து பலாத்காரமாக கற்பழித்துவிட்டார். என் துணிகளிலும், துடையிலும் இந்திரியம் பட்டது. அதன்பின் நான் வீட்டில் போய் என் தாய் பேச்சியிடம் காண்பித்து சொன்னேன். அவள் வேறு துணிகளை மாற்றும்படி சொன்னாள். வெளியில் சொல்லாதே, சொன்னால் வீண் வம்பு வந்து சேரும் என்று அறுதல் கூறினாள்."

(Relevant portion alone is extracted.)

117. The version of Grace is that when she went to the Rice Mill of Sankara Thevar, he was sitting in a chair and asked Grace to wait stating that the motor was under repair and the concerned man would come soon. Her further case is that there was nobody except Grace in the Rice Mill. At that time, Sankara Thevar closed the door and forcibly raped despite her protests and that immediately thereafter, she ran away and narrated the whole episode to her mother Petchi (who, however, has not been examined). It is worth mentioning that in her statement before the A.S.P., Exhibit A-61, Grace has put forward a totally inconsistent and destructive version. In the statement before the Assistant Superintendent of Police, she has mentioned that when she entered the rice mill, Sankara Thevar sent out the driver and taking advantage of the situation that she was alone and gathering paddy, Sankara Thevar called her to come near Sankara Thevar thereby suggesting that Sankara Thevar was acting with an ulterior motive and called her near him to commit rape upon her. Her version is that at once she left and ran away from the mill without even taking her paddy. Her further evidence is that she has mentioned about the rape to her mother Petchi and she told her not to disclose to anybody. Thus, it will be seen that even according to Grace, her first version is that it was only an attempt to commit rape; it cannot even be described as an attempt, it is merely an attempt by Sankara Thevar asking Grace to come near Sankara Thevar. This incident has been falsely magnified into a case of rape. Her affidavit before the Commission, Exhibit A-59 is a thoroughly irresponsible, reckless and false statement without any regard for truth.

118. The above discussion will show that all these Harijan girls and women as tutored by Kasi, have given false version to Thiru John Vincent, M.L.A., in a big group making him believe that the Harijan girls and women are the victims of rape by Sankara Thevar and his son Chinnathambi. Thiru John Vincent, M.L.A., made the complaint in the D.D.C. Meeting Hall and sent several petitions to the higher authorities, honestly believing in what the Harijan women and girls told him.

119. Thiru John Vincent is not an eye-witness to any of the incidents, which took place in March-April 1980, i.e., the murder and the rapes. He came upon the scene late, only in September 1980, when representations were made to him by the Harijan men and women. He simply believed those representations and as an M.L.A. of the Constituency, he took interest and made representations to the authorities so that the complaints may be investigated and truth found out. It is unnecessary to discuss his oral evidence, in detail, because his oral evidence only relates to what the Harijan girls and women and Harijans Kasi and Singh, etc., told him orally. Harijan women and girls and Kasi and Singh had been examined before the Commission and the evidence of John Vincent is only hear-say and the probative value of his evidence is not much seeing that he was told by the Harijans about six months after the alleged occurrences. For these reasons, I am of the view that a detailed discussion of John Vincent's oral evidence is not necessary and it will not serve any useful purpose. The Commission of inquiry is not the forum for political partymen to settle their scores of political differences and mutual villification.

120. The case of rape of Michael Ammal is the last in the series. The affidavit filed before the Commission is Exhibit A-122. The same is extracted hereunder—

"எனக்கு சொந்த ஊர் சங்கனாங்குளம். எனக்கு கல்யாணம் ஆகவில்லை. நான் அறிஜன வகுப்பைச் சேர்ந்தவள். போன வருடம் பங்குனி மாதத்தில் சங்கரத் தேவருக்கு சங்கனாங்குளத்தில் கருங்கல் கிணற்றில் விஜயநாராயணபத்தில் அறுவடை கூலி வேலைக்குப் போயிருந்தேன்;

சுமார் 3 மணிக்கு வேணுகோபால் தேவர் வாழைக் கிணற்றிற்கு தண்ணீர் குடிக்கப் போனேன். அங்கு சங்கரத் தேவர் மகன் சின்னத்தம்பி தேவர் வயலில் இருந்து டெ. வாழைக் கிணற்றிற்கு தண்ணீர் குடிக்க வந்தவர் என்னை வாழைக்குள் இழுத்துக்கொண்டு போய் பலாத்காரமாக கற்பழித்து விட்டார். என்னை சத்தம் போடவிடாமல் என் வாயில் கையை வைத்து அமுக்கிக் கொண்டார். என்னுடைய பாவாடையில் இந்திரியம் பட்டிருந்தது. என்னுடைய பாவாடையில் ரத்தம் பட்டிருந்தது. என்னை பலவந்தமாக சம்பவம் செய்ததால் எனக்கு இரத்தம் வந்து கொண்டே யிருந்தது. எனக்கு வேதனை தாங்க முடியவில்லை. நான் களத்தில் இருந்த என் தாயார் பூரணத்திடம் விபரத்தைச் சொன்னேன். அவள் என்னை வீட்டிற்குப் போகுமாறு சொன்னாள். நான் வீட்டிற்குப் போய் என் அண்ணனிடம் சொன்னேன். அதன்பின் நான் குளித்துவிட்டுத் துணிகளை மாற்றினேன். டெ. சங்கரத் தேவர் மகன் சின்னத்தம்பி தேவர் பெரிய பணக்காரர். பெரிய போக்கிரி. இராம முன்சீப் அவர் சித்தப்பா. அதனால் அவரிடம் பயந்து கொண்டு புகார் செய்யவில்லை. சுமார் நான்கு மாதங்கள் கழித்து திசையன்விளை போலீஸ்காரர் வந்து விசாரித் தார்கள். அவர்களிடம் நடந்த விபரத் தச் சொன்னேன். அதன்பின்பு ஊருக்கு வந்த அதிகாரி களிடமும், அரசியல் தலைவர்களிடமும் சொன்னேன்''.

121. Michael Ammal, aged 18, is related to Kasi. Pushpam's (wife of Kasi) mother and Michael Ammal's mother are sisters. Michael Ammal is the sister-in-law of Kasi.

122. Her case is that when she had gone out for agricultural work (harvest season) in Vijayanarayanam, she felt thirsty at about 3 p.m. and so took a trip to a well of Venugopala Thevar at some distance for drinking water and that at that time, Sankara Thevar's son Chinnathambi noticed her and came from the fields, took her to the plantain plantation and forcibly raped her despite her protests.

123. She says that she told about the incident to her mother Poornammal, who has been examined as P.P.W. 23.

124. For the reasons mentioned hereunder the whole story is false from start to finish. I made a local inspection of the village East Sanganankulam with a view to find out where the well situate and the facility for persons to get down into the well to take water and such other particulars.

125. The distinct impression I formed after seeing the well is that it is impossible for any person to get into the well to take water. In my Inspection Notes, I have noted all the serious problems and the difficulties, which a person will have to encounter, if he wants to get into the well. The foot-steps are very risky. There is no parapet wall and the distance between the first foot-step and the second and so on is easily in the range of 1½ feet and these foot-steps are not used generally and will be used only rarely. It is not a well than can be used for getting down into it and taking water. To reach the water itself, is a serious problem and climbing up to reach the top of the well again is a very serious problem and very risky. The steps are used only for rare and grave emergency and the foot-steps are not intended to be used as a routine matter. In the course of cross-examination, it has been established that there are many wells nearby where from Michael Ammal can take sweet drinking water and the water in these wells is very sweet and the wells have easy access and are in the immediate neighbourhood of the field where Michael Ammal was working on that day.

126. The cross-examination also shows that it is wholly improbable and unlikely that Michael Ammal without taking water from the wells in the neighbourhood, would have gone all the way walking two furlongs to the well of Venugopala Thevar. Michael Ammal did not make any statement either before the A.S.P. or the R.D.O., even though admittedly she was well aware of the inquiries.

127. Further, in her statement before the Collector, Exhibit G-32, Michael Ammal has stated that she was raped by Sankara Thevar, while her present evidence is that she was raped by Chinnathambi Thevar. This again shows that the charges of rape levelled by the Harijan women and girls are freely changing, different names and different times indiscriminately involving the Thevars some way or other. If there is any truth in the charge, one cannot notice serious discrepancies about the names and the particular occasions, etc.

128. I find it impossible to accept the evidence of Michael Ammal.

129. Thus to sum up the documentary and the oral evidence clearly show that the charge of rape of Harijan females and girls cannot possibly be accepted. It is significant to reiterate that all the alleged victims are close relatives of Kasi, his family members, many living under his protection and roof and no stranger woman has levelled the charge of rape.

130. I shall now take up for consideration the question as to the circumstances under which Mani met with his death.

131. The version of the Harijans is that in the Thevars Colony, Mani was brutally beaten to death by the Thevars, near the lamp post, in the junction of the four roads leading to Sanganankulam West (Harijan Colony), that after Mani died on account of this brutal beating, Sankara Thevar directed his henchmen to get the bullock cart from his house, that as soon as the bullock cart came, the deadbody was put in the cart which as directed by Sankara Thevar was driven to Mani's house, the deadbody was dropped in front of Mani's house and shortly, thereafter, Sankara Thevar took the initiative and

commanded to cremate the deadbody as expeditiously as possible, that he arranged for getting firewood and kerosene, that he directed his men to carry the deadbody to a place near one Sundararajan's well, that the deadbody was cremated there between 10 p.m. and 2 a.m. and the ashes and the bones were thrown into the well. The further case of the Harijans is that everything relating to the cremation was done at the command and dictation of Sankara Thevar and that neither Rajaselvam, her mother, her father, etc., etc., and none of the Harijans had any voice or say in the matter. In view of the command of Sankara Thevar and his control of the situation, the Harijans dare not even whisper that the cremation may take place the next day after information was conveyed to the near relatives of Mani, who reside in the neighbouring villages.

132. Rajaselvam's further case is that Kasi, Rajasingh and Stalin are direct eye-witnesses to the occurrence, i.e., Sankara Thevar beating Mani to death and that the next day after the cremation, Kasi and Rajasingh told her that they actually witnessed Sankara Thevar and his men beating Mani to death and Sankara Thevar commanding the bullock-cart to be brought to the scene of occurrence and thereafter, directing the deadbody to be placed in the bullock-cart which was driven to Mani's house under the command and directions of Sankara Thevar and the deadbody was dropped in Rajaselvam's house.

133. Alternatively, the Harijans contended that the circumstantial evidence in the case taken along with the conduct of the Thevars and the attendant circumstances clearly prove that Sankara Thevar murdered Mani.

134. I shall first take up the case of the direct eye-witnesses, Kasi, Rajasingh and Stalin.

135. I inspected the East and West Sanganankulam villages several times with particular reference to the four roads junction and the spot near the lamp post where Mani was alleged to have been mercilessly beaten to death.

136. The sketch prepared by Special Branch Inspector S. Ramaswamy, contains reference to the Kalam, the junction of four roads near the lamp post, the scene of occurrence; Kanthiah Thevar's house; the road leading to West Sanganankulam and other relevant and connected details. That sketch which is herewith annexed is very useful for understanding the case and for appreciating the true facts of the version. Mr. Ramaswamy has done an excellent job. (Annexure III.)

137. The evidence of Kasi (P.P.W. 3) is that at about 5 p.m., in the evening, he and his brother Rajasingh, were at the Kalam, loading the paddy chaff into the bullock-cart of Chellathurai, which is about 200 feet from the junction of the four roads and the lamp post, that at that time, Sankara Thevar was pushing Mani holding the back of Mani's head and neck, through the backyard of Sankara Thevar's house, Sankara Thevar and Mani came near the Kalam, then turned towards west at the junction of the four roads and electric post, that at that place, Sankara Thevar and his party, his son, his brothers, henchmen, etc., beat Mani, Sankara Thevar was shouting in an angry mood "Is this the way of Cherruki's son asking for salary", that so saying Sankara Thevar and party severely beat Mani on the back, that Mani was weeping aloud not being able to bear the beating, Mani fell down, facing upwards, Sankara Thevar saying that Mani should die, put his legs firmly on the neck of Mani and that thereupon Mani died breatheless.

138. Kasi's further case is that thereafter, Sankara Thevar asked Shanmugasundaram to bring the bullock-cart, the bullock-cart was brought to the scene of occurrence, that the deadbody was put in the cart and the bullock-cart was driven to West Sanganankulam (Harijan Colony), that Sankara Thevar and party accompanied the deadbody and the deadbody was dropped in Mani's house and the deadbody was placed in the verandah.

139. Kasi's further version is that while unloading the deadbody from the bullock-cart, Sankara Thevar told Rajaselvam that Mani died consuming poison, that Rajaselvam immediately protested saying that Mani died only on account of heavy beating which he received at the hands of Sankara Thevar and party. Kasi and Singh would have it that both of them witnessed the entire occurrence from the Kalam while loading the paddy chaff into the bullock-cart.

140. It is in this manner, they claim to be the eye-witnesses to the occurrence. It will be relevant at this stage to emphasise that so far as Rajaselvam is concerned, after Mani and she reached their house, Mani went to Sankara Thevar's house, with a view to meet him and settle the salary account, she personally knows nothing thereafter and all that she claims to know is that at 6 p.m., the deadbody of Mani was dropped in her house from the bullock-cart, which was driven by Shanmugasundaram and Sankara Thevar was dictating and commanding at her house as to what should be done to the deadbody, the unloading of the deadbody, the cremation of the deadbody without delay, etc. In other words, so far as Rajaselvam is concerned, there is a big iron-curtain about the events which occurred after Mani left her house and the time of the unloading of the deadbody in front of Mani's house. She knows nothing except the dropping of the deadbody from the bullock-cart. She only speaks as to what happened and what part Sankara Thevar and his party played in unloading the deadbody and in commanding and controlling and directing the cremation of the deadbody in the night itself as expeditiously as possible.

141. Kasi would have it that when the bullock-cart was driven by Shanmugasundaram and the deadbody was unloaded at Mani's house, he saw it, but out of fear, he did not tell anything to Rajaselvam or her mother Jebamani, or others, who were weeping over the deadbody of Mani. But, he and his brother Rajasingh out of fear immediately left for Sivanthiapuram, a place about three furlongs from Sanganankulam, that they stayed the night in a school there and returned in the morning at about

7-30 a.m. and at that time, the two brothers narrated to Rajaselvam and others, the whole episode as to the circumstances under which Mani met with his death and how he and Rajasingh happened to be direct eye-witnesses to the occurrence, i.e., Sankara Thevar and his party brutally beating Mani to death.

142. A portion of Rajaselvam's affidavit (Exhibit A-1) has already been extracted in connection with the rape incident; the affidavit containing the narration of the relevant portion of Mani's death is extracted hereunder—

''நானும் என் கணவரும் வீட்டிற்குப் போனோம். அவரிடம் கற்பழித்த விபரத்தை அழுது கொண்டே சொன்னேன். இந்த ஊரில் இருக்க முடியாது. வேறு எங்காவது போய் விடலாம் என்று சொன்னேன். தான் போய் சங்கரத் தேவரிடம் சம்பவப் பாக்கியை கணக்கு தீர்த்து வாங்கி வருவதாகச் சொல்லிவிட்டுப் போனார். அப்பொழுது மாலை சுமார் 4 மணி இருக்கும். நான் என் வீட்டில் என் அம்மாவிடமும் எங்க ஊர் புஷ்பத்திடமும் கற்பழித்த விபரத்தைச் சொன்னேன். சங்கரத் தேவரும், அவருடைய ஆட்களும் பொல்லாதவர்கள். ஆதலால் நாங்கள் எங்கும் போய் சொல்ல முடியாத நிலை. தவிரவும் போலீஸ் அதிகாரிகளுடன் அவர்களுக்கு நெருங்கிய பழக்கம் உண்டு. அன்று மாலை சுமார் 6 மணிக்கு சங்கரத் தேவர், அவர் தம்பிகள், ராமச்சந்திரன், சந்திரன் அவர்களும், சங்கரத் தேவர் மகன் சின்னத்தம்பியும் வள்ளிநாயகத் தேவர் மகன் சண்முகசுந்தரத் தேவர், சித்திரைத் தேவர் மகன் பலவேசக்கண்ணு தேவர், அவர் மகன் சித்திரைத் தேவர் இன்னும் சில பேர்களும் ஒரு மாட்டு வண்டியில் என் புருஷனை கொண்டு வந்து என் வீட்டு முத்தத்தில் போட்டார்கள். வண்டியை வள்ளிநாயகத் தேவர் மகன் சண்முகசுந்தரத் தேவர் ஓட்டி வந்தார். என் புருஷனுக்கு உயிர் இல்லை. என் கணவர் அடிபட்டு உடம்பில் விக்கமாக இருந்தது. சங்கரத்தேவர் ''உன் கணவன் மருந்து குடித்து தற்கொலை செய்து கொண்டு விட்டான்'' என்று சொன்னார். நானும் என் அம்மாவும் ''நீங்கள் என் கணவரை நீங்கள் கொன்று விட்டீர்களே'' என்று சொல்லி அழுதோம். என் கணவர் மருந்து குடித்ததாக எந்த வீச்சமும் இல்லையே என்று நான் சொன்னதற்கு அவர்கள் கோபப்பட்டுக் கொண்டு உங்களை நான் என்ன செய்கிறேன் பார் என்று சொல்லி விட்டு வண்டியை எடுத்துக் கொண்டு சென்றார்கள். சேரியில் உள்ளவர்கள் பயந்து ஒடிவிட்டார்கள். கொஞ்சநேரம் கழித்து சங்கரத் தேவரும், மேலே சொன்ன தேவர்களும் மற்றும் சிலரும் கூட்டாக வந்தார்கள். அவர்களுடன் தேவமார்களுக்கு வேலை செய்யும் நாகுவன் மாட்சாமியும் கூட வந்தார். ஒரு மாட்டு வண்டியில் விறகும், மண்ணெண்ணையும் கொண்டு வந்தார்கள். என் புருஷனுடைய உடலை வண்டியில் தூக்கிப் போட்டு ஊருக்கு தெற்கே கொண்டு போனார்கள் அங்கு பேய் பிரேதத்தை எரித்து விட்டதாகவும், எலும்பையும், சாம்பலையும் பக்கத்து கிணற்றில் போட்டு விட்டதாகவும் எங்கள் தெருவில் மனமும் இன்னும் சிலரும் சொன்னார்கள். சங்கரத் தேவரிடம் சம்பள பாக்கி கேட்கப் போன என் புருஷனை இன்று சாயங்காலத்தில் சுமார் 5 மணிக்கு சங்கரத் தேவர் அவரது தம்பிகள் ராமச்சந்திரத் தேவர், சந்திரத் தேவர், மேற்படி சங்கரத்தேவரின் மான் சின்னத்தம்பி, சண்முகசுந்தரத் தேவர், சித்திரைத்தேவர் மகன் பலவேசக் கண்ணுத் தேவர், அவர் மகன் சித்திரை இவர்களும் மற்றும் சிலரும் சந்திரத் தேவர் வீட்டிற்கு கிழக்கும் தெருவில் வைத்து அடித்தார்கள் என்றும், அதனால் என் புருஷன் இறந்து போனார் என்றும் அதை நேரில் பார்த்ததாகவும், எங்கள் ஊர் பெருமாள் மகன் கருப்பையும், அவரது தம்பி சிங்கும் என்னிடம் வந்து மறுநாள் காலையில் சொன்னார்கள். சங்கரத் தேவர் தம்பி ராமச்சந்திரன், எங்கள் ஊர் கி. மு. ஆக இருப்பதாலும், அவர்களுக்கு நிசைபன்னிவிளை போலீஸ் வேண்டியவர்களாகவும் இருப்பதினால் என்ன செய்வது என்று தெரியாமல் இருந்தோம். சுமார் காலை 10 மணி அளவில் மேற்படி சங்கரத் தேவரும், அவரது மனைவும் எங்கள் வீட்டிற்கு வந்து உன் புருஷனை சுட்டு எரித்த வகைக்கு நிறைய ரூபாய் செலவாகி விட்டது, உன்னிடம் இருக்கும் பணத்தைக் கொடு என்றார்கள். பணம் இல்லை என்றதும். வேறு வழியில்லாமல் வீட்டில் இடந்த இரண்டு மூட்டை நெல் லயும், நான் சுழற்றி வைத்திருந்த என் தங்க பொட்டு தாலி ரூபாய் 100 பெறுமானதைக் கொண்டு போய்விட்டார்கள். சங்கரத் தேவரும், அவரது ஆட்களும் என் புருஷனை அடித்துக் கொலை செய்துவிட்ட அதை மறைப்பதற்காக இப்படிச் செய்து விட்டார்கள். எங்கள் குடும்பத்தினர் நிறைந்துவர்கள். என் கணவனும் நிறைந்துவன். எங்கள் ஊரில் பிரேதங்களை எரிப்பது இயாது. எங்கள் ஊரில் பிரேதங்களை எரிக்கும் சுடுகாடு இடையாது. கொலையை மறைப்பதற்காக எரித்து விட்டார்கள். சுமார் ஒரு வாரம் கழித்து கி. மு. இராமச்சந்திரத் தேவர் என்னை கூப்பிட்டு விட்டு என்னை என் புருஷன் இறந்துவிட்டதற்காக கையெழுத்து வாங்கினார். யார் கேட்டாலும் என் புருஷன் வாய்க்குத்தினால்தான் செத்தான் என்று சொல்லவேண்டும். இல்லையென்றால் உனக்கு ஆபத்து வரும் என்று மிரட்டி அனுப்பி விட்டார்கள். இது விஷயமாக நாங்கள் எந்தவித நடவடிக்கையும் எடுக்கமுடியாமல் இருந்து

விட்டோம். சில மாதங்கள் கழித்து நிலசையன்மீளை போலீஸ் இன்ஸ்பெக்டரும் மற்றும் போலீஸ், ரெவின்யூ அதிகாரிகளும், எங்கள் ஊரில் வந்து விசாரித்தார்கள். நானும் மற்றவர்களும் நடந்த விபரங்களை அவர்களிடம் சொன்னோம். சங்கரத் தேவர் வகையறாக்களால் கற்பழிக்கப்பட்டு துன்பப்படுத்தப்பட்ட எங்கள் தெருவில் உள்ள மற்ற பெண்களும் அவரவர் துன்பங்களைச் சொன்னார்கள். எங்கள் தெரு காரியும், அவர் தம்பி சிங்கும், என் புருஷன் கொலை செய்யப் பட்டது சம்பந்தமாக அவர்கள் பார்த்த விஷயங் களைச் சொன்னார்கள். ஆனால் சங்கரத் தேவரின் அண்ணன் மாடசாமித் தேவரும், அவருடைய நண்பருமான கோசல்ராம், எம்.பி. அவர்களும் திட்டமிட்டு மத்திய மந்திரி அவர்களை எங்கள் ஊருக்கு கூட்டி வந்து மாடசாமித் தேவர் வீட்டில் விருந்து வைத்து தவறான ஒரு பத்திரிகைச் செய்தியைக் கொடுக்கச் செய்துவிட்டார்கள். இது சம்பந்தமான அதிகாரிகள் விசாரணையை சரிவர நடத்தவிடாமல் செய்துவிட்டார்கள். போலீஸ் அதிகாரிகளும், ரெவின்யூ அதிகாரிகளும் எங்கள் கேஸ்களை சரியாக விசாரிக்காமல் வேண்டுமென்றே முன்னுக்குப் பின் முரண்பாடான தவறான ரிக்கார்டுகளை உண்டுபண்ணியிருக்கிறார்கள்''.

143. From the above extract of Rajaselvam's affidavit (Exhibit A-1) before the Commission it is also clear that admittedly, she does not claim to be an eye-witness to the occurrence and she speaks only to the events after the dead body was alleged to have been dropped down in her house from the bulloek-cart.

144. It is necessary to extract the relevant portion in the affidavit of Kasi (P.P.W. 3), Exhibit A-19, before the Commission, wherein Kasi claims to be a direct eye-witness to the occurrence of the murderous assault upon Mani—

''1980 டிசம்பர் மாதத்தில் மாலை சுமார் 5 மணிக்கு நானும், எனது தம்பி சிங்கும் சங்கனாங்குளம் சந்திரத் தேவர் வீட்டிற்கு மேற் புறமும், அவரது அண்ணன் சங்கரத் தேவர் வீட்டிற்கு பின்புறமும் உள்ள களத்தில் அடித்துப் போட்டிருந்த கழிவு நெல் பதரை சங்கனாங்குளம் டி.ஏ.கே. செல்லத்துரை தேவர் தோட்டத்திற்கு அள்ளிக்கொண்டு போவதற்கு வண்டியில் அள்ளிப் போட்டுக் கொண்டிருந்தோம். அப்பொழுது சங்கரத் தேவர் என் ஊர் ராஜசெல்வத்தின் கணவர் மனுவேல் என்ற மணியை தலையில் பின்பக்கம் கழுத்தைப் பிடித்து தள்ளிக் கொண்டு அவர் வீட்டு பின்வாசல் வழியாக வந்தார். அவருடன் அவரது மகன் சின்னத்தம்பியும் வந்தார். அவரை நாங்கள் வேலை செய்துகொண்டிருந்த களத்திற்கு மேல் புறம் உள்ள சந்தில் கொண்டு போனார்கள். அங்கு மனுவேல் என்ற மணியை நிறுத்திக் கொண்டு சங்கரத்தேவரின் சகோதரர்கள் ராமச்சந்திரன், சந்திரன் ஆகியோரை அங்கு வரும்படி கூப்பிட்டார். ''செருக்கி பிள்ளையை கொல்லுங்க, பறப்பயல் இதுதான் சம்பளம் கேட்கும் லட்சணமா?'' என்று சங்கரத்தேவர் சொல்லிக் கொண்டு மனுவேல் என்ற மணியின் முதுகில் கையால் அடித்தார். உடனே அவர் மகன் சின்னத்தம்பி, தம்பிகள் சந்திரத் தேவர், ராமச்சந்திரத் தேவர் ஆகியோரும் மனுவேல் என்ற மணியை மாறிமாறி கையால் அடித்தார்கள். மனுவேல் என்ற மணி வலி தாங்காமல் அலறினான். உடனே வள்ளிநாயகத் தேவர் மகன் சண்முக சுந்தரத் தேவர், சித்திரைத் தேவர் மகன் பலவேசகண்ணுத் தேவர், அவர் மகன் சித்திரை ஆகியோர் வந்து மனுவேல் என்ற மணியை அடித்து நொறுக்கினார்கள். மனுவேல் என்ற மணி வலிபொறுக்க முடியாமல் மேடை விழுந்தான். அவனை சங்கரத்தேவர் இதோடு சாவுலே என்று நெஞ்சில் ஏறி மிதித்தார். மனுவேல் என்ற மணிக்கு பேச்சு மூச்சு இல்லாமல் போய் இறந்துவிட்டான். உடனே சங்கரத்தேவர் மற்றவர்களைப் பார்த்து வண்டியில் போட்டுக் கொண்டு வாருங்கள் என்று சொன்னார். சண்முக சுந்தரத்தேவர் வண்டியைப் போட்டுக்கொண்டு வந்தார். அவர்கள் செத்துக்கிடந்த மனுவேல் என்ற மணியின் பிணத்தை வண்டியில் தூக்கிப் போட்டு சங்கனாங்குளம் சேரிக்கு வண்டியுடன் போனார்கள். நானும், என் தம்பி சிங்கும் பதர்களை அள்ளி வண்டியை டி. ஏ. கே. செல்லத் துரை வீட்டின் பக்கத்தில் விட்டுவிட்டு பின்னால் எங்கள் வீட்டிற்குப் போய்விட்டோம். வீட்டில் மனு வேல் என்ற மணியின் பிணம் அவன் வீட்டு முத்தத் தில் போடப்பட்டிருந்தது. சங்கரத்தேவர் மனுவேல் என்ற மணியின் மனைவி ராஜசெல்வத்திடம் 'உன் புருஷன் மருந்து குடித்து தற்கொலை செய்து கொண்டான்' என்று சொல்லிக்கொண்டிருந்தார். அவளும் அவளது தாயார் ஜெபமணியும் நீங்கள் தான் கொன்றுவிட்டீர்கள் என்று சொல்லிக் கொண்டு அழுதார்கள். உடனே சங்கரத்தேவரும், மற்ற தேவர்களும் உங்களை என்ன செய்கிறேன் பார் என்று சொல்லிவிட்டுச் சென்றார்கள். நாங்கள் அவர்கள் அடித்ததை நேரில் பார்த்ததினால் எங்களை ஏதாவது செய்து விடுவார்கள் என்று பயந்து பக்கத்து ஊர் சிவந்தியாபுரம் போய்விட்டோம். மறுநாள் காலையில் ஊருக்கு வந்தேம். முதல் நாள் இரவில் சங்கரத் தேவரும் அவரது அண்ணனும் மனுவேல் என்ற மணியின் உடலை எடுத்துக் கொண்டு போய் எரித்து விட்டதாகவும் கேள்விப் பட்டோம். ராஜசெல்வத்திடமும். அவளது அம்மாவிடமும் மனுவேல் என்ற மணியை சங்கரத் தேவர் வகையறா அடித்துக் கொன்ற விபரத்தைச் சொன்னோம். சங்கரத் தேவர் அவரது அண்ணன் வாலிபால் மாடசாமித் தேவர், அவரது தம்பி கி. மு. ராமச்சந்திரத் தேவர், அவரது தம்பி சந்திரத் தேவர் இவர்கள் அனைவரும் பொல்லாதவர்கள். பணக்காரர்கள். அவர்களை எதிர்த்து அந்த

ஊரில் நாங்கள் வாழ முடியாது. ஆகவே நாங்கள் உடனடியாக அவர்களை எதிர்த்து அந்த ஊரில் வ முடியாது என்ற காரணத்தினால் இந்த விஷயங்களை அதி ாரிகளுக்குத் தெரிவிக்கவில்லை. பல மாதங்கள் கழிந்து எப்படியோ, போலீஸ் அதிகாரிகள், திசையன்விளை இன்ஸ்பெக்டர், வள்ளியூர் ஏ.எஸ்.பி., சேரன்மகாதேவி ஆர்.டி.ஓ., மற்றும் சில பேர்கள் இது விஷயமாக விசாரித்தார்கள். அப்போது நானும், எனது தம்பி சிங்கும் நடந்த விபரங்களைச் சொன்னோம்''.

145. There is no need to extract the affidavit of Rajasingh (Exhibit A-25) filed before the Commission because the contents of his affidavit are of the same pattern as that of his brother Kasi, practically the same.

146. Kasi has given oral evidence corroborating and supporting what he has stated in his affidavit, Exhibit A-19. There are innumerable difficulties and problems in accepting the version of Kasi and Rajasingh.

147. On a careful analysis of the documentary and the oral evidence and particularly the documentary evidence, I find it extremely difficult to accept the version of Kasi; it is totally false and unacceptable and in every relevant aspect he is uttering lies freely; during my inquiry, I have formed the distinct impression that he (Kasi) is a person, who has no regard for truth and quite capable of saying different things at different times without any compunction.

148. In his affidavit (Exhibit A-19), Kasi has categorically stated that a few months after the occurrence, the police officials and other authorities, viz., R.D.O., Cheranmahadevi, Valliyoor A.S.P., inspected Sanganankulam and at that time, he and his brother Rajasingh, told the authorities as to what they actually saw and as to what happened, thereby clearly implying, in the context, that they are eye-witnesses to the murderous assault, i.e., Sankara Thevar beating Mani to death at the four junction of the road near the lamp post, etc. The crucial question is did Kasi and Rajasingh tell the authorities that they are eye-witnesses to the occurrence and that they with their own eyes witnessed the alleged beating of Mani to death.

149. I shall first refer to the statement made by Kasi (Exhibit A-20, dated 16th September 1980) before the R.D.O., at North Vijayanarayanam, as it is of most vital importance, the whole statement of Kasi is extracted hereunder—

''நான் டி. ஏ. கே. செல்லத்துரை பாண்டியன் வீட்டில் வேலை செய்கிறேன். என் அண்ணன் மணி சங்கரபாண்டியன் வீட்டில் வேலை பார்த்து வந்தார். சுமார் 6 மாதத்துக்கு முன் டை என் அண்ணன் மணியின் பிரேதத்தைக் கொன்று வண்டியில் தூக்கிப் போட்டுக் கொண்டு வந்தார்கள். இது சுமார் மாலை 4 மணி இருக்கும். சங்கரபாண்டியன் வண்டியில் போட்டு சங்கரபாண்டியனுடன் வண்டி வந்தது. பிரேதத்தைப் போட்டுவிட்டு போலீசு வரும் பொழுதுக்கு பதில் சொல்லுங்கள் என்று அவர் ஏவினார். நாங்கள் பயந்து போய் ஒன்றுக் கொண்டோம். அவர்கள் பிரேதத்தை எடுத்துக் கொண்டு போய், அவர்கள் சுட்டு எரித்துவிட்டார்கள். நாங்கள் காலையில்தான் வீடு வந்தோம். பெண்கள் தான் நடந்த விஷயத்தைக் கூறினார்கள். கிராம முன்சீப், சங்கரபாண்டியன் அவர்கூட சேர்ந்தவர்கள் ஒரு பத்து பேர் அங்கு இந்த வேலை செய்ததாகக் கூறினார்கள். இரண்டு மூன்று மாதங்களுக்குப் பிறகு போலீசில் இதுபற்றி வந்து விசாரித்தார்கள். ''நீ ஏதாவது மனு போட்டுவிட்டாயா'' என்று கேட்டுக்கொண்டு என்னை அடிக்க வந்தார்கள். நான் பயந்து ஒடி விட்டேன். நீ இந்த ஊரில் இருக்கக்கூடாது ஒடிவிடு என்று கூறிவிட்டுச் சென்று விட்டார்கள். 15 நாட்கள் கழித்து என் மைத்துனன் வயது 11 ஜோசப் கிணற்றில் விழுந்து விட்டான். நீ இறங்கி எடு என்று சங்கரபாண்டியன் கூறினார். ''எடுத்து சுடு'' நாள் போலீசெல்லாம் சொல்லி ஆச்சி நீங்கள் போய் எடுத்து சுட்டு விடுங்கள், நான் 10 மணிக்கு வருகிறேன் என்று அவர் கூறினார். நாங்கள் எல்லோரும் சுடுகாட்டுக்கு சென்றிருந்தோம். 10 மணிக்கு அவர் என் கொழுந்தியாள் வீட்டில் தனியாக இருந்தபோது அவரை அவர் கையைப் பிடித்து இழுத்திருக்கிறார். அந்தப் பெண் கூச்சல்போட்டுக் கொண்டு என் வீட்டுக்கு ஒடிவந்துவிட்டாள்'' நான் வந்த பிறகு என்னிடம் இது சம்பந்தமாகக் கூறினாள் ''நான் வெளியே சொல்லிவிடுவேன்'' என்று பயந்து ஆட்களை அழைத்துக் கொண்டு வந்து, என்னை அடிக்க வந்தார்கள். நான் அவர்களிடம் சிக்க வில்லை. பிச்சைபாண்டியன் என்பவர் அடிக்கவந்த ஆட்களில் ஒருவர். 7, 8 தடவை என்னை அடிக்க தேடி வந்தார்கள். நான் இவர்களைக் கண்ட வுடனே மறைந்துவிடுவேன். என் தம்பியிடம் என்னை வெட்ட வந்தாகக் கூறுவார்கள். எங்களுக்குத் தகுந்த பாதுகாப்பு அளிக்கவேண்டும் எனக் கேட்டுக்கொள்கிறேன், பெண்களுக்கும் பாதுகாப்பு தேவை'' படிக்கக் கேட்டேன், சரியாக இருக்கிறது.'.

150. The statement of Kasi, Exhibit A-20 is simple and precise and presents no problem of interpretation.

151. In this statement (Exhibit A-20), Kasi's knowledge is confined and restricted only to his seeing the dead body of Mani being carried in the bullock-cart. In the statement (Exhibit A-20), he states that he saw the dead body of Mani being carried in the bullock-cart belonging to Sankara Thevar, Sankara Thevar coming along with the bullock-cart which was being driven to the Harijan Colony.

152. In Exhibit A-20 curiously enough Kasi says that the ladies told him what happened after he returned next day while in the affidavit he would have it that he told the details to the ladies.

153. There is not a whisper in this statement (Exhibit A-20) that Kasi was loading paddy chaff into the bullock-cart in the Kalam and from there he observed the whole episode of Mani being pushed by Sankara Thevar from the backyard of Sankara Thevar's house, till the junction of the four roads near the lamp post and at that place, Sankara Thevar and party mercilessly beating Mani to death.

154. In this statement (Exhibit A-20), Kasi refers only to the carrying of the dead body of Mani to Mani's house. Rajasingh made a cryptic short statement before the R.D.O. (Exhibit A-24, before the R.D.O.), making a brief statement that whatever his brother Kasi stated in his statement, Exhibit A-20 is true.

155. It is obvious that if Kasi and Rajasingh had been eye-witnesses to the occurrence, i.e., the murderous assault, at the junction of the four roads near the lamp post, the portion of the episode would have been certainly mentioned in the forefront, by Kasi and Rajasingh before the R.D.O., at North Vijayanarayanam; and all the details, the entire story which Kasi refers to in such great detail in his affidavit, Exhibit A-19 and in his oral evidence, would have been mentioned to the R.D.O., who had specially come to the village to make an enquiry regarding the suspicious circumstances under which Manj met with his death.

156. I have already made a comment that Kasi was taking a prominent part in the inquiries conducted by the R.D.O., and the A.S.P., and that in many of the statements, Kasi has signed as an attesting witness and that Kasi was responsible for bringing the witnesses to depose before the R.D.O. and A.S.P.

157. At that time, there was no fear complex concerning the Thevars. Police picketing had been posted from 5th August 1980 and Kasi and Rajasingh had become bold enough to fight the Thevars in the open.

158. There was a huge gathering in North Vijayanarayanam over 40 people assembling at the enquiry by R.D.O. and if Kasi and Singh were eye-witnesses to the occurrence nothing prevented them from freely telling the entire episode to the R.D.O.

159. It is Kasi's case at one stage that he had already given a detailed complaint about the entire episode to the S.I. Krishnaswamy on 5th August 1980 and it was reduced to writing and there is no question of any fear complex after 5th August 1980. I have made the same comment that after 5th August 1980, there was no fear complex when I discussed the charge of rape.

160. In his statement (Exhibit A-20), he only refers to the aspect that the dead body was carried in Sankara Thevar's bandy and dropped in Mani's house under the directions of Sankara Thevar. There is no reason as to why Kasi should have omitted the most important portion of the episode, i.e., that he and his brother Singh were eye-witnesses to the murderous assault of Mani, in which Mani succumbed. From Exhibit A-20, the inference is irresistible that Kasi and Singh are not eye-witnesses of the alleged occurrence.

161. At this juncture itself, it may be mentioned that before the A.S.P., Kasi made no statement at all.

162. Here too, it will bear repetition to mention that all the witnesses before the A.S.P., were brought by Kasi and it is only through him (Kasi) they were made to depose and give statements before the A.S.P. and Kasi has also attested the statements given by Grace, Rajaselvam, Pushpam and Manjula.

163. The Assistant Superintendent of Police is a very senior officer and his visit to Sanganankulam village immediately after Thiru John Vincent, M.L.A's. speech at D.D.C. Meeting Hall, at Tirunelveli, is a very significant event. His visit was specially made to verify the truth of the charge that Harijan Mani was murdered by the Thevars. Indeed, Kasi was responsible for Thiru John Vincent, M.L.A., coming to West Sanganankulam (Harijan Colony) on the 24th September 1980, and also for Thiru John Vincent, M.L.A's., making speech in the D.D.C. Meeting Hall, at Tirunelveli, on 27th September 1980, charging the Thevars with brutal murder and the immediate cremation of Mani.

164. It passes my comprehension as to how, if he was an eye-witness to the murder he would have omitted to make any statement before the A.S.P. The same comments apply to his brother Rajasingh. I see considerable substance in the contention of the learned counsel Thiru Venkatachari that though Kasi took a prominent part in procuring the witnesses to make statements before the officers, he deliberately refrained from himself making any statement, so that when the convenient occasion arises, Kasi can make a statement appropriate to that occasion and expediency requires. In other words, I accept Thiru Venkatachari's contention that at the time of the visit of the A.S.P., Kasi was still planning and planning as to what version to give and he therefore, did not make any statement, still undecided as to what part Kasi should play on a future occasion.

165. It is interesting and important to mention that Exhibit A-66, dated 25th September 1980, a complaint given by Thiru John Vincent, M.L.A., to the Collector with copies to other authorities, viz., Revenue Divisional Officer, Superintendent of Police, Deputy Inspector-General, Assistant Superintendent of Police, etc., is in an unambiguous terms; it is categorically stated by John Vincent that it was the Village Munsif "Ramachandran", who murdered Manj by beating Mani to death. There is considerable force in the comment of Thiru Venkatachari, learned counsel for Thevars that this document, Exhibit A-66, gives a powerful clue to reject Kasi's evidence as totally false.

166. According to learned counsel for Thevars, Thiru Venkatachari, the inference is irresistible that when Thiru John Vincent, M.L.A., visited the village, the Harijans must have told Thiru John Vincent, that Ramachandran was the person, who committed the murder of Mani and that none had told John Vincent, M.L.A., that Sankara Thevar murdered Mani, and that was the reason John Vincent mentions the name of Ramachandran in particular, as the assailant in Exhibit A-66. The very fact that Thiru John Vincent, M.L.A., refers to Ramachandran as the culprit, proves that at that time nobody, none of the Harijans knew as to how Mani met with his death and the Harijans were tutored to say inconsistent and different versions at different times. I have no hesitation in accepting this argument.

167. The next important event was the visit of Thiru R. Rajagopalan, I.P.S., Superintendent of Police, Tirunelveli district, to the Harijan Colony on 1st October 1980.. He made a thorough and detailed investigation, examined several witnesses and submitted a report, which is very lucid and gives a true and correct picture of the situation.

168. In the course of the hearing, I could gather that the Superintendent of Police, was very sympathetic towards the Harijans, when he found that they are labouring under a very great fear complex and that unless he handled the situation, gently and with great sympathy for the Harijans, a mechanical investigation would not yield any result and out of fear, no Harijan would come against the Thevars. He, therefore, handled the situation with great care. He first inspired confidence in the minds of the Harijans and was thus able to secure a large number of Harijan men and women appearing before him for conducting his investigation.

169. The pity of it is that Kasi, the leader of the Harijans, who appeared before the S.P. did not narrate to the S.P., in detail that Kasi and his brother Singh were eye-witnesses to the entire episode.

170. Kasi did not tell the S.P., in my opinion deliberately, that Kasi and Singh witnessed the occurrence, i.e., Sankara Thevar pushing Mani by neck up to the point in the junction of the four roads and beating Mani at that point, Sankara Thevar trampling over Mani's neck, etc., etc., i.e., the entire episode right from the beginning till the death of Mani was watched by Kasi and his brother Singh, while they were loading paddy chaff into the bullock-cart in the Kalam.

171. Kasi is a shrewd person and cunning ; does know full well that the S.P. visited Sanganankulam village specially to investigate into the circumstances under which Mani met with his death and that out of fear of the Thevars, full story had not been told the R.D.O.. If really Kasi had been an eye-witness along with his brother Singh, he would have told the Superintendent of Police, the entire episode. Kasi would not have remained silent by making a cryptic statement that Mani was murdered by the Thevars. On this occasion too, as happened before the A.S.P., Kasi was still reserving his plans and was not willing or prepared to take any definite stand. Kasi's conduct is highly suspicious and dubious. The omission of Kasi to narrate the whole episode to Superintendent of Police, is sufficient to condemn and reject Kasi's evidence before the Commission is false and worthless.

172. As mentioned by me earlier, the Superintendent of Police did a good job, but on account of non-co-operation of Kasi, the Superintendent of Police could do nothing better than the report that he submitted. As will be seen presently, I have reached the conclusion that the cremation was done by the Thevars and Harijans. I am glad to note that the Superintendent of Police also came to the same conclusion. His report is also thorough. I may also say that the Superintendent of Police, handled the situation subsequently in a very able manner as a result of which, there was no further insecurity for the Harijans.

173. Reference may next be made to a very important document, Exhibit A-129, dated 15th October 1980, a petition presented by Kasi to the Hon'ble Chief Minister of Tamil Nadu. It is a most crucial and decisive document in the entire records of the case and this document conclusively proves that Kasi's version in his affidavit, Exhibit A-19 and his evidence before the Commission is absolutely false and Kasi is an unscrupulous person, who has no regard for truth and no reliance can be placed whatever on his evidence. It is necessary to extract paragraph 3 of Kasi's petition to the Hon'ble Chief Minister in Exhibit A-129—

"3. About one year ago, one Mani, son of Sudalai, Harijan was working under No. 2, Sankara Thevar for 4 or 5 months. About 7 months ago, while Mani was working in his field, his wife went there taking meals to him. Sankara Thevar, who was there fraudulently sent away Mani to purchase cigarettes and he molested the wife in the absence of the husband in the field. *On return finding his wife weeping, Mani came to know about the incident of rape from his wife and both went away without doing any work. Out of fear, they did not report the matter to the Village Munsif, who is the 3rd counter-petitioner. In the evening of the day, Mani went to 2nd C.P., Sankaran and asked to pay wages for the days he worked, Sankaran got enraged and he and others assaulted, in which Mani collapsed and died at the spot. They took the body in a bandy and placed the same before the house of Mani and told his wife and others that he had committed suicide. Then about 15 Thevars and their barber by name Madasamy, son of Samy buried the body at the instance of Sankara Thevar.* Next morning Sankara Thevar went to the house of Mani, extorted the gold thali of his wife and took away four bags of paddy from his house for the expenses met-out by him for the cremation. Fearing molestation from No. 3, Mani's wife went away from the village. Though the matter was known to the whole village, since the counter-petitioners including the Village Munsif, his brother are rude people and friends of the police, no report was made".

174. In the aforesaid petition, Kasi would claim to be an eye-witness to the murder of Mani by Sankara Thevar in a totally different context. He would have it that Mani was assaulted and died and collapsed on the spot, in the context clearly meaning *Sankara Thevar's house*. Kasi's statement in paragraph 3 in Exhibit A-129 is quite clear, specific and unambiguous. In other words, Kasi is clear and emphatic in saying that there was a wordy quarrel in Sankara Thevar's house between Sankara Thevar and Mani as regards the settlement of salary and that Mani was beaten to death, that Mani collapsed in Sankara Thevar's house and died at "the spot".

175. By this time, by 15th October 1980, it is clear that the Harijan's leader Kasi has planned to foist a false case of *Sankara Thevar murdering Mani at Sankara Thevar's house itself*. This version in Exhibit A-129 destroys and is wholly inconsistent with the version that Mani was pushed out by Sankara Thevar from the backyard of the house till the lamp post and that at that lamp post Mani was beaten to death. The two versions are mutually destructive. The version in Exhibit A-129 is wholly contrary to and destructive of Kasi's oral evidence before the Commission.

176. This scheme of things as planned by Kasi is also revealed in Exhibit A-38, dated 22nd October 1980, a petition sent by Rajaselvam to the Hon'ble Chief Minister of Tamil Nadu in which Rajaselvam for the first time states that Kasi and Rajasingh told Rajaselvam that they (Kasi and Rajasingh) were direct eye-witnesses to Sankara Thevar and party beating Mani to death. As observed already, by this time, Kasi has planned the future course of action, to claim and give evidence and support the theory that he and his brother Rajasingh are eye-witnesses to the murderous assault of Mani. The relevant portion of Rajaselvam's statement in Exhibit A-38 is set out hereunder—

"இதற்குப் பின், என் கணவர் எப்படி செத்தார் என்ற விபரத்தை எங்கள் காலனியைச் சேர்ந்த பெருமாள் குமாரர்களான கரி-1, நிங்-2 ஆகியவர்கள் என் கணவரை, சங்குரார்குளத்தில் வைத்து, சங்கரத் தேவர் அவர் தம்பிகளான ராமச்சந்திரத் தேவர், சந்திரத் தேவர், அவர் மகன் சின்னத்தம்பி தேவர் மற்றும் அவர் வகையறா ஆட்களும் சேர்ந்து அடித்துக் கொலை செய்ததை நேரில் கண்டதாக என்னிடம் சொன்னார்கள்".

177. The statement given by Rajaselvam before the Collector, dated 1st December 1980 (Exhibit A-39) is to the effect that Kasi told Rajaselvam the next day after the occurrence that Kasi was an eye-witness to the brutal, murderous attack upon Mani by Sankara Thevar.

178. This again emphasises that at last, Kasi has decided to say that he witnessed the occurrence and that he (Kasi) and his brother Rajasingh saw Mani being beaten to death by Sankara Thevar.

179. From the above discussion of the documentary evidence taken along with the conduct of Kasi on crucial and relevant occasions, it will be clear that Kasi's version is wholly false and that he and his brother Singh are not eye-witnesses.

180. I shall now analyse the oral evidence of Kasi and Rajasingh, deposed by them before me. I am totally unimpressed with their evidence. Their evidence is full of artificialities, prevarications and discrepancies and the two brothers are uttering lies freely without and regard for truth. The story that after having personally witnessed the murderous assault, both the brothers went to Rajaselvam's house, saw Rajaselvam and her mother Jebamani, weeping over the dead body and that without telling anything to Rajaselvam and Jebamani, they directly went to Sivanthiapuram and came only in the next morning and thereafter only, reported what they saw the previous day. Even to narrate, as a fairy tale, it is incredible and false on the face of it. I find it utterly impossible to accept the explanation given by Kasi that they were terribly afraid of Thevars, so immediately ran away to Sivanthiapuram to take shelter without telling Rajaselvam that they are eye-witnesses to the occurrence, is simply ridiculous and absurd in the extreme. The way in which the alleged 7 victims of rape, who are near relatives of Kasi had been tutored to give false evidence shows that it is extremely dangerous to place any reliance upon the evidence of Kasi.

181. In the neighbouring villages, there are large number of Harijans, Konars and Muslims and I have no doubt that of the dead body of Mani was retained in Rajaselvam's house for about 4 hours between 6 p.m. and 10 p.m., Kasi had enough time to spread the news of the murder in the neighbouring villages to gather a huge crowd, which will result in great uproar and scene and the matter would have reached the police and the Thevars would have been booked. It is in evidence that in the neighbouring villages, there are more than 200 Harijans; Kasi, if an eye-witness, he would have been the first person to make a hue and cry and to fetch the Harijans and see for themselves Mani lying dead with brutal injuries and it would have created an uncontrollable sensation, the Thevars would have been caught red-handed and the police would have been immediately on the scene and seized the dead body.

182. It is admitted that there are frequent bus services between Tisayanvilai and several villages in the neighbourhood of Sanganankulam. Kasi is a very shrewd man. He would have certainly run to Tisayanvilai and given complaint to the police. There is also a Police Station in North Vijayanarayanam at a distance about 3 kms. from Sanganankulam and one is not able to understand why Kasi did not go to North Vijayanarayanam and give a complaint at any rate to get the sympathy of the Police Officer to take the necessary steps in this matter. It is certain that if any Police Officer had been approached by Kasi, claiming that he was an eye-witness to the murder of Mani and

the dead body was lying in the house of Mani, the police would have come to the rescue and taken immediate appropriate action.

183. There is a telegraph office at Parappadi, Vijayanarayanam, nearby villages and Kasi could have easily sent a telegram to Tisayanvilai Police Station.

184. Kasi's evidence that he and Rajaselvam gave complaints about the murder to the S.I. Krishnaswamy at Sanganankulam on 5th August 1980, that their complaints were reduced to writing and their signatures were obtained by the S.I. is utterly false and the Police General Diary and other connected records belie any such theory. If Kasi has made the statement to the police, Kasi would have further pursued the matter and would not have remained silent. I have no doubt that, no complaint was given to police before 5th August 1980; if such a complaint has been given, Kasi would have pursued the matter and sought the assistance of lawyers and taken the matter to the higher authorities, about the inaction of the S.I. It is an absolutely false theory trotted out in the course of the oral evidence before the Commission.

185. I am referring to all these details in evidence only to show that every page of Kasi's evidence is full of lies and no credence can be placed upon his evidence. Kasi admits that there were about 7 persons at the road junction at the time of the occurrence. If there were 7 persons at the time of the occurrence some among them would have taken sympathy and intervened and prevented the murder or at least reported the matter to the police. Atleast those 7 or 8 persons could have been examined to speak to their having seen the murderous assault of Sankara Thevar.

186. Thiru Venkatachari, learned counsel for the Thevars, also drew my attention to Exhibit A-21, dated 14th November 1980, the inquest statement of Kasi, in which Kasi has not mentioned that he was an eye-witness to the occurrence.

187. As bearing upon the truth and veracity of the evidence given by Kasi and Rajasingh, as direct eye-witnesses, I may refer to my Inspection Notes of my visit to Sanganankulam village on 19th May 1981. I have observed that the entire path of the backyard of Sankara Thevar's house is very bushy with thorny plants and that in my view it is very unlikely that Sankara Thevar would have chosen that bushy place behind his house and beaten Mani to death and trampled over his (Mani's) neck, in a very busy junction of the roads, when there were number of persons standing outside.

188. I have remarked that the distance between the Kalam and the scene of occurrence and the junction of four roads, near the lamp post will be about 200 feet. At the time of my visit, I made efforts to find out whether a person standing at the Kalam can notice Mani while lying down and being trampled over his neck by Sankara Thevar. I found it extremely difficult to notice from such distance, visibility at a distance of 200 feet was very poor, particularly to notice what was happening on the ground.

189. In order to find out whether any noise could be heard, I stood at the scene of occurrence, i.e., junction and Kasi stood at Kalam, where he and his brother Rajasingh were loading the paddy chaff; I made some sounds and uttered some words loudly and I noticed that Kasi was not able to hear what I said except on one single occasion, when I shouted very loudly. The result of my observation was that the person standing at the Kalam could not hear any noise that may be coming from the lamp post junction nor could he see anything on the ground.

190. It is impossible to accept the version of Kasi that he saw what was happening in the ground at the junction of the four roads or heard anything. Above all, the place where the occurrence alleged to have taken place is the most unlikely place; Sankara Thevar would not have indulged in a murder, in such a busy public place. There are houses on all sides, full of residents standing out; people moving about. It is simply ridiculous to suggest that Sankara Thevar would have chosen such a busy place at such a busy time when the residents of the locality were freely moving about. The residents I found were busy taking water from the well which is near the scene of occurrence. On the face of it, the whole story is fantastic and incredible.

191. It is unnecessary to discuss in detail the evidence of Rajasingh, who claims to be the other eye-witness. The evidence is of the same pattern as that of Kasi, his brother. He admits that in Sivanthiapuram village, there are 150 Harijans. I find it impossible to accept that if a murder had taken place in the manner alleged, Kasi and Singh would not have failed to inform and enlist the sympathy of the Harijans in Sivanthiapuram, neighbouring village of Sanganankulam. Singh admits that from Sivanthiapuram to Tisayanvilai upto 9 p.m., there is frequent bus service for every half-an-hour and the bus service starts from 5 a.m.

192. Singh further admitted that numerous residents in the locality were witnessing the occurrence from their houses; but, yet he would have it that they were so inhuman and unsympathetic that nobody intervened or even attempted to intervene when the brutal beating of Mani was taking place; from start to finish, Singh's evidence bristles with contradictions, artificialities and falsehood. His evidence is worse than that of his brother Kasi.

193. I shall next take up the evidence of Stalin, who also claims to be an eye-witness to the occurrence. His case is that through an opening in the verandah (upstairs) of the house of Kanthiah Thevar, he witnessed the occurrence, i.e., Sankara Thevar and party beating Mani to death at the junction of the four roads. The affidavit filed by Stalin (P.P.W. 5), is marked as Exhibit A-34. That affidavit itself bears clinching and intrinsic evidence that the version of Stalin is false.

194. Stalin has been a paid employee under Sankara Thevar's brother Village Munsif Ramachandra Thevar for over 15 years on a salary of Rs. 200 per mensem. On account of some misunderstanding, he left the services of Ramachandra Thevar on 21st September 1980.

195. At the time of the alleged occurrence, i.e., on 31st March 1980, he was of course in the service of Ramachandra Thevar. His affidavit, Exhibit A-34 filed before the Commission is set out hereunder:—

"எனக்கு சொந்த ஊர் சங்கனாங்குளம், நான் சுமார் 15 வருடங்களாக ராம முஞ்சிப் ராமச் சந்திரன் வீட்டில் வேலை பார்த்தேன். சுமார் 9 மாதகாலமாக வேலையை விட்டுவிட்டேன். நான் ஷெயார் அண்ணன் தம்பிமார்கள் கூப்பிட்டாலும் வேலை பார்ப்பேன். சுமார் 9 மாதங்களுக்கு முன் போன வருஷம் சுமார் மாலை 4-30 மணிக்கு சங்கரத்தேவர் வீட்டில் மாதச் சம்பளத்திற்கு வேலை பார்த்துவந்த மனுவேல் என்ற மனியை சந்திரத்தேவர் வீட்டிற்கு கீற்புறம் உள்ள தெருவில் வத்து சங்கரத்தேவர், ஷெயார் மகன் சின்னத்தம்பி, சித்திரைத்தேவர் மகன் பலவேசக் கண்ணு, அவர் மகன் செந்திரை, வள்ளிநாயகத் தேவர் மதன் சண்முகசுந்தரம், சங்கரத்தேவர் தம்பிகள், கி. மு. ராமச்சந்திரன், சந்திரசேகரத் தேவர் இவர்கள் அடித்தார்கள். அவன் ஐயோ என்று விழுந்தான். எல்லோரும் மிரித்தார்கள். அடித்தார்கள். நான் பாண்டியத்தேவர் வீட்டு மச்சில் ராமச்சந்திரத்தேவர் புழுங்கலை கூட்டி அள்ளிக் கொண்டிருந்தேன். காரியும், அவன் தம்பி சிங்கும் கீழ்புறமாக நின்றார்கள். நான் கொஞ்சம் பொருத்துப் பார்க்கும்போது ஷெயாரை பிரேதமாக வண்டியில் எடுத்துச் சென்றார்கள். இதை நான் வெளியில் சொன்னதால் என் அம்மாவை இரண்டு தடவையும் என்னை ஒரு தட வையும் அடித்தார்கள். இது சம்மந்தமாக போலீஸில் இரண்டு கேஸ்கள் தாக்கல் செய்திருக்கிறார்கள். நான் எல்லா விசாரணை அதிகாரிகளிடமும், இதைப்பற்றி தெரியப்படுத்தியிருக்கிறேன். ஆர்.டி.ஒ. விசாரணையிலும் சொல்லியிருக்கிறார்கள். என்னையும், அப்பா, அம்மாவையும் தாக்கினார்கள்...".

196. According to him, at the time of the occurrence, he was gathering the boiled paddy in the upstairs (room) of the house of Pandia Thevar (in the context Kanthia Thevar's house D.P.W. 8) and at that time, on hearing some noise, he came out of the verandah from the room, looked through the opening on the north of the verandah and saw Sankara Thevar and his party beating Mani heavily and also saw Kasi and Rajasingh were standing in the east (in the context, he saw Kasi and Singh in the Kalam in the east). Kasi and Singh were admittedly in the Kalam at about 200 feet on the east of the scene of the occurrence.

197. It is impossible for Stalin to see Kasi and Singh standing in the Kalam as Kasi and Singh were about 200 feet away in the east. This false statement itself in my opinion, is sufficient to condemn his evidence as false and unreliable. It is obvious that his motive is to serve as corroborative evidence that Kasi and Singh were standing in the Kalam and he saw them through the opening on the north of the verandah.

198. Stalin's further evidence is that little later, he observed the dead body of Mani was being taken in the bullock-cart. He would have it because he mentioned about the incident to someone in the crowd, that Sankara Thevar beat him and his mother. If he had really mentioned about the incident to somebody, he would have certainly gone to the police immediately and reported the matter.

199. Before the R.D.O., Cheranmahadevi, he made a statement, Exhibit A-28, dated 22nd September 1980, making wild allegations against Sankara Thevar, that Sankara Thevar had sent word through Pitchiah Thevar that Stalin should murder one Lakshmanan, Venugopalan and Stalin's father Ammamuthu. These allegations are against Sankara Thevar and the tenor of Exhibit A-28 shows that Stalin was not labouring under any fear complex at the time of making his statement, Exhibit A-28, which is extracted hereunder—

"நான் தற்போது சங்கனாங்குளத்தில் குடியிருந்து வருகிறேன். நான் 21—9—80 தேதி வரை மாடசாமித் தேவர் சகோதரர்களுக்கு கையாளாக இருந்தேன். ஆண்டான்குளம் என்ற கிராமத்து மஞ்சுவை சட்டமன்ற தேர்தலில் ஓட்டுப்போட மல் தடுத்ததற்கு நானும் உடந்தையாக இருந்தேன். நான் மேற்படி சகோதரர்களுடைய கட்டளைக்கு கீழ்படியாவிட்டால் அந்த கிராமத்தில் குடியிருக்க முடியாத சூழ்நிலை. 20—9—80 தேதியன்று மாலை சுமார் 4 மணிக்கு பிச்சையாத் தேவர் என்பவர் (சங்கரத் தேவரின் கையாள்) என்னிடம் வந்து லட்சுமணன், வேணுகோபாலன், என்னுடய தந்தை அம்மமுத்து இவர்கள் மூன்று பேரையும் உன் கையால் அழிக்க வேண்டும். அதற்கு என்ன செலவானாலும் நான் பார்த்துக்கொள்கிறேன் என்று சங்கரத் தேவர் சொன்னதாக பிச்சையாத் தேவர் சொன்னார். நான் வாங்க பயந்தேன். நான் சொன்னதை செய்யாவிட்டால், உன்னுக் ஊரை விட்டே விரட்டி விடுவேன் என்று சொல்லச் சொன்னதாக பிச்சையாத் தேவர் சொன்னார். மேலும் வெளியூரிலிருந்து இதுவக்கு நாட்டுவெடிகுண்டு மற்றும் அரிவாள்கள் என்னிடம் தந்து, கொலைசெய்யும்படி சொன்னார். நான் மறுத்து விட்டேன். மேற்படியாளர்கள் சொல்படி நடக்காததால் நான் ஊரில் இருக்க முடியாத சூழ்நிலை, சமூகம் திருப்பி செய்து என்னைக் காப்பாற்ற வேண்டும். படித்துப் பார்த்தேன். சொன்னபடி சரியாக இருக்கிறது".

200. If Stalin had been an eye-witness to the murder, he would have certainly referred in Exhibit A-28 to the whole episode and how he happened to be an eye-witness thereof. I accept Thiru Venkatachari's contention that at the earliest

stage itself, the record shows that Stalin was not an eye-witness to the occurrence. Stalin knew about the speech of Thiru John Vincent, M.L.A., in the D.D.C. Meeting Hall on 27th September 1980 and the consequent visit of the Valliyoor A.S.P., to Sangananku lam village on 29th September 1980. He, being an intimate friend of Kasi would certainly know that the villagers were making statements before the A.S.P. about the murder and the rape.

201. It is curious that Stalin who claims to be an eye-witness to the occurrence did not appear before the A.S.P. and make any statement. Again, when the Collector inspected the village and thoroughly investigated and also when the Superintendent of Police, visited and investigated, Stalin did not appear before any of the authorities. He made no statement before them that he is an eye-witness to Mani being beaten to death by Sankara Thevar.

202. The introduction of the names of Kasi and Singh in his affidavit (Exhibit A-34) is an embelishment with an ulterior motive, i.e., to corroborate Kasi and Singh and this in my opinion, completely betrays the falsity of the evidence of Stalin. This embelishment is of the same pattern as made by Rajaselvam and itself betrays the falsity of the version.

203. Stalin's father Ammamuthu is a politician belonging to Marxist Communist Party since 1948. He is the member of the Executive Committee of the Farmers' Association. Stalin would certainly have told his father (Ammamuthu) that he noticed the brutal attack of Mani and Stalin's father would have certainly moved in the matter and would have given immediate publicity to the matter.

204. In his affidavit (Exhibit A-41), Ammamuthu says that one Barber Madasamy told him all the details of the episode viz., the murder of Mani and the cremation of the dead body and throwing the bones and ashes, etc., into the well nearby.

205. Ammamuthu's evidence shows that he is an avowed enemy of the Thevars and would not have kept quiet if he had any information or news or knew that Mani was a victim of murder.

206. I have no doubt that Kasi has with ulterior motives introduced Stalin as an eye-witness to the occurrence, taking advantage of the misunderstanding between the Thevars and Stalin, which had then arisen. Stalin's evidence is completely false.

207. In my local inspection of the village Sangananku lam on 17th October 1981, I inspected Kanthiah Thevar's house, both downstairs and upstairs. It is a very very small house and except one living room in the downstairs, and one room in the upstairs, there is no other accommodation worth mentioning. The kitchen in the backyard is very small and cramped. The backyard of the house, where the cattle are tied is very dirty and there is no space for boiling paddy in the backyard. I also noticed that there are no traces of paddy having ever been boiled in the backyard of the house. Stalin would have it that the paddy was boiled in the backyard and then taken to the room in the upstairs for drying and on the day of the occurrence, paddy had become dry and he was gathering the dry paddy and while doing so, he heard a loud noise, which provocated him to see the road outside through the northern opening.

208. My inspection of the house and the impression formed by me shows that every portion of Stalin's evidence is false. There is no question of boiling paddy in the backyard of the house of Kanthiah Thevar. The upstairs room is almost full; numerous useless, and miscellaneous articles are kept there. I cannot visualise that the room in the upstairs could or would have been used for drying paddy. The wooden staircase leading to upstairs is very steep and narrow and it is very difficult to carry paddy bags through such steep steps. There are palmyrah leaves fixed tight at the arch in the northern end and the palmyrah leaves completely obstruct any view outside either the next house or the junction of the road. The lamp post and the junction of the roads is little on the east and there is no clear vision through the opening as to the place where the murder took place.

209. Kanthiah Thevar states that the palmyrah leaves are fixed tight in the opening to completely close so that the inmates of neighbouring house would not enter through that opening and that once a year, the palmyrah leaves would be renewed. There are about 8 inmates residing in the house of Kanthiah Thevar with some grown up girls, his wife, children, his mother-in-law, etc., etc.

210. D.P.W. 8 Thiru Kanthiah Thevar has given detailed evidence. The Voters' List proves that there are 8 people living in the house. I wonder how in such a small house with as many as 8 inmates and the whole thing is—cramped, paddy would be dried in the upstair room.

211. Kanthiah Thevar in his evidence explained why the very idea of adult males entering into his house is highly repulsive, when he has grown up girls in the house. He would have it that it is the biggest nuisance and under no circumstance, he would tolerate the same.

212. According to him, it is simply unimaginable and a great shock to him to be told that he would permit males to enter his house when there are grown up girls and ladies. The Voters' List completely corroborates the evidence of Kanthiah Thevar.

213. The cross-examination of Kanthiah by the learned counsel for Harijans, in my opinion is very discursive and pointless and irrelevant. I have no hesittation whatever in rejecting Stalin's story that either he dried paddy or was gathering paddy in the upstairs portions of Kanthiah Thevar's house.

214. I may now refer to the evidence as well as my Inspection Notes, which indicate that the three brothers (viz., Madasamy Thevar, Sankara Thevar

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GOVERNMENT OF TAMIL NADU
1982

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MISCELLANEOUS

PUBLIC (LAW AND ORDER-A) DEPARTMENT

G. O. No. 1794, 15th October 1982

(Puratasi 29, Thunthubi, Thiruvalluvar Aandu, 2013)

Law and Order—Tirunelveli district, Nanguneri taluk—Sanganankulam village—Allegation of rape of 17 Harijan Women and murder of Thiru Mani, during April and May 1980—Enquiry under the Commission of Inquiry Act, 1952—Findings of the Commission—Accepted—Orders issued.

READ—the following papers :—

(1) G.O. Ms. No. 2730, Public (Law and Order-A) Department, dated 11th December 1980.

(2) From Justice K. S. Ramamurti Commission of Inquiry, D.O. Letter No. 1/80-137, dated 28th April 1982.

Order—No. 1794, Public (Law and Order-A), dated 15th October 1982.

Following the allegation of rape of 17 Harijan Women and the murder of one Mani in Sanganankulam village, Nanguneri taluk in Tirunelveli district during April-May 1980, the Government, in the G.O. read above, had constituted a Commission of Inquiry consisting of Thiru K. S. Ramamurti, Retired Judge of the High Court of Madras. The terms of reference of the Commission of Inquiry were :—

(i) to enquire into and report on the alleged incidents of rape of certain Harijan Women and murder of one Mani in Sanganankulam village, Nanguneri taluk, Tirunelveli district during April and May 1980 and thereafter ;

(ii) to find out whether there is any truth in the allegation made and if so, to identify the culprits responsible for the alleged incidents ; and

(iii) to recommend suitable measures to prevent such occurrences in future.

2. The Commission of Inquiry after analysing various depositions of witnesses before it has given its main findings as follows :—

(i) All the Harijan Women who made the allegations of rape are related to one Kasi in one way or other and they have been tutored by him. There are also contradictions in their depositions and inconsistencies as to the time and place of occurrence. The allegation of rape of Harijan Women cannot therefore be accepted.

(ii) As regards the allegation of murder of Thiru Mani, though some crucial circumstantial evidence was made out against Thiru Madasamy Thevar, Thiru Sankara Thevar and Thiru Ramachandra Thevar, it has not been fully brought out. Hence, these three persons are given a verdict of not guilty. However, it is not an honourable acquittal. It is only because the guilt of the accused has not been established beyond all reasonable doubt.

(iii) Sub-Inspector Krishnasamy and Inspector Arunachalam have been found guilty of dishonest collusions and connivances with others.

The Government accept these findings of the Commission.

3. The Commission has also made the following main recommendations :—

(i) The activities of Madasamy Thevar and Sankara Theva should be closely watched with greater vigour and strictness.

(ii) Preferably, the Assistant Superintendent of Police, Inspector and Sub-Inspector of Thisayanvilai and Valliyoor should belong to some community other than the Thevars.

(iii) The higher officers like Superintendent of Police should exercise personal control and supervision over the work done by the Subordinate Police Officers in Thisayanvilai Police Station and Valliyoor.

(iv) A road should be immediately laid connecting Nanguneri-Thisayanvilai Road at the approach road to Sanganankulam village in order to facilitate effective supervision of Sanganankulam village by Thisayanvilai Police Officers.

(v) Illicit distillation is going on, on large scale. The Police should take action seriously and conduct raids frequently to prevent this.

(vi) A special unit of small-scale industries may be started for promoting the interests of the Harijans of Sanganankulam to facilitate them to eke out their livelihood.

(vii) No member of the family of Madasamy Thevar or Sankaran Thevar or Ramachandra Thevar should be appointed as Trustee of any temple or as Village Munsiff or Karnam of any village.

(viii) If any member or members of the family of Madasamy Thevar and his brothers have a gun licence they should be cancelled forthwith in the interest of Public Security.

4. The Government accept the recommendations of the Commission enumerated in paragraph 3 above. Orders on the further course of action to be taken in respect of all the recommendations will be issued separately.

(By order of the Governor)

R. KIRUBHAKARAN,
Joint Secretary to Government.

To the Collector, Tirunelveli district, Tirunelveli.
" Director-General of Police, Madras-4.
" Director of Rural Development, Madras-1.
" Executive Officer, Tamil Nadu Khadi and Village Industries Board, "Kuralagam", Madras-1.
" Commissioner, Hindu Religious and Charitable Endowments Board, Madras-34.
" Commissioner, Revenue Administration, Chepauk, Madras-5.
" Inspector-General of Police (Prohibition and Enforcement), Madras-10.

Copy to the Home Department, Madras-9.
" Superintendent of Police, Tirunelveli.
" Law Department, Madras-9.
" Rural Development and Local Administration Department, Madras-9.
" Commercial Tax and Religious Endowments Department, Madras-9.
" Revenue Department, Madras-9.
" Public (Law and Order-B) Department, Madras-9.
" Prohibition and Excise Department, Madras-9.

and Ramachandra Thevar) have got their own rice mill and have ample facility for boiling and drying paddy in their mill itself.

215. In the cattleyard of the rice mill I noticed big stones used as oven and the entire surrounding indicated that paddy used to be boiled and dried in the cattleyard in the mill. I was also shown the respective godowns of the respective brothers, where they stock the paddy.

216. It is very significant to mention that on the day of my inspection of Kanthiah Thevar's house, the northern arch was tightly closed with palmyrah leaves. I found Stalin in a desperate hurry removing the palmyrah leaves fixed to the arch, by the time I came to the arch from the room in the upstairs.

217. I am clear in my mind that the fixing of the palmyrah leaves closing the open in the arch is a permanent feature. It has been done to prevent the inmates of the neighbouring house having access to upstairs verandah and also to prevent rain water getting into the verandah.

218. Stalin is also an intelligent and shrewd person. He too like Kasi took a prominent and active part in fetching the witnesses and tutoring them to depose before the Commission. He was present in the Commission Hall tutoring witnesses throughout the enquiry. He is a highly interested witness and he has not impressed me at all. I have no hesitation whatever in rejecting his evidence as absolutely worthless and false.

219. To sum up, therefore, all the three eye-witnesses have deliberately given false evidence and their evidence is therefore, rejected as worthless.

220. Thiru Ashok Kumar, learned counsel for Harijans, put forward the alternative contention with certain amount of insistence and vehemence that even assuming that the case is not made out on the basis of the evidence of the direct eye-witnesses, and their evidence is rejected, there is convincing powerful circumstantial evidence in the instant case, which leads to the irresistible conclusion that Sankara Thevar is the guilty assailant, who murdered Mani and that the totality of the relevant circumstances also leads to the conclusion that no other person is guilty of the offence.

221. He relied upon several circumstances and the conduct of Sankara Thevar, which according to him constitute relevant and important links in the chain of circumstantial evidence and that totally unaffected by the oral evidence of the eye-witnesses, there is enough proof by circumstantial evidence that Sankara Thevar is the real assailant. I must confess that this portion of Thiru Ashok Kumar's argument gave me considerable difficulty and I am free to confess the instant case is not an easy one and it presents grave and serious problems on the aspect of circumstantial evidence.

222. Thiru Ashok Kumar relied upon some of the decisions of the Supreme Court and the statement of law in Woodroffe and Amir Ali's "Law of Evidence" (14th Edition), in support of his contention.

223. First, he contended that in a case resting upon circumstantial evidence, if it is found that the accused has deliberately given a false version, knowing it to be false and also gives inconsistent or absolutely contradictory accounts and denies all the relevant facts and the circumstances of the crime or of his relation to the act, the conduct of the accused will be taken as filling crucial links in the chain of circumstantial evidence. Woodroffe and Amir Ali's Evidence, 1981—14th Edition, page 2812, Rule 111.

224. He next contended that if it is proved that the accused colluded and connived with the Police Officer, who was investigating the case immediately after the occurrence to stifle or thwart the investigation of the crime, to completely hush up the evidence, that constitutes very powerful link in the chain of circumstantial evidence—Page 2812, Rule 112.

225. He further contended that if an accused was instrumental and played a prominent part in destroying valuable evidence which will reveal the truth of the case, this conduct again is another important link in the totality of circumstantial evidence.

226. He further contended that if in the chain of events of the case, a situation is reached in which a duty is cast on the accused or an obligation arises for the accused to explain the particular situation, failure of or absence of explanation of the accused is a very important link in the case of circumstantial evidence.

227. He would thus contend that putting forward false cases and false explanations, failure to explain a situation, which it is the duty of the accused to explain and the destruction of the material evidence taken along with the collusion of the accused with the police in stifling and thwarting investigation of the crime are all powerful links in the chain of circumstantial evidence.

228. These are all well established propositions and guidelines indicating the impact of the several links constituting circumstantial evidence to prove the guilt of the accused; the only problem is the application of these established propositions and guidelines to facts of the instant case.

229. Learned counsel for Harijans Thiru Ashok Kumar, urged that even though nothing is known where Mani went at 4 p.m. on the fateful day, whether Mani went to Sankara Thevar's house at all; whether there was any beating in Sankara Thevar's house, whether Mani died a natural or unnatural death, a clear duty is caused upon the Thevars to explain how and where Mani died, once

it is proved beyond any doubt whatever that the dead body of Mani was dropped by the Thevars in Mani's house from the bullock-cart in the evening of the fateful day.

230. In other words, if the physical custody of the dead body of Mani is traced to Sankara Thevar at a particular point of time, i.e., about 6 p.m. and there is also convincing evidence that the dead body was dropped by the Thevars in Mani's house, it is for the Thevars to explain how they came by the custody of the dead body and in the absence of convincing explanation, it must be held that Sankara Thevar is the person guilty of murder and that other links in the chain of circumstantial evidence only reinforce that conclusion. It may be reiterated that this line of argument proceeds on the footing that the eye-witnesses are not believed and no movement of Mani is known after 4 p.m. on that day and nothing is known till 6 p.m. when the dead body is dropped in Mani's house.

231. Before I discuss the evidence and consider the arguments of counsel on both sides, I might as well point out that the facts of the instant case rest on any one of the following three theories :—

(i) Sankara Thevar murdered Mani, commanded and directed the carrying of the dead body to Mani's house in a bullock-cart, that the dead body was dropped there, that Sankara Thevar controlled and commanded the immediate cremation of the dead body the very night itself without sending word to any of Mani's relatives and the entire cremation was a wicked, cruel and inhuman one and he arranged for the hasty inhuman cremation with a view to completely destroy all evidence about the murder and cremation and that his henchmen carried out his commands and directions and the dead body was cremated between 9 p.m. and 2 a.m. that all ashes, bones, earth in which the cremation was done, etc., including the iron bolts of the door frame were thrown into the well at 2 a.m. itself leaving no trace or evidence whatever of any burning or fire or charcoal in the ground ;

(ii) Mani on that fateful day had consumed some illicit arrack and died as a result thereof ; and

(iii) Mani in a frustrated state of mind took some poison and committed suicide in Sankara Thevar's house.

232. In both the cases (ii) and (iii), Sankara Thevar arranged through his servants or even through Kasi that the dead body was to be carried to Rajaselvam's house and there with the full consent of Rajaselvam and her parents and relatives cremated the dead body in the night itself, without sending word to Mani's relatives, arranged for the cremation in the night itself to avoid any news being carried to the police and thus avoiding the consequent troubles and pinpricks which would arise if the police came, there will be investigation, post-mortem, etc., to find out whether the death was natural or unnatural or murder, etc., and in that process, there will be the usual procedure of arrest and interrogation by the police, etc.

233. In other words, theories (ii) and (iii) mean that nothing sinister whatever was done by the Thevars and they only helped Rajaselvam and her relatives to cremate the dead body as early as possible to avoid trouble from the police and that Rajaselvam and her relatives readily agreed to and accepted the suggestions of the Thevars and the cremation took place in the night itself all concerned agreeing thereto.

234. In this connection, it is pertinent to refer to the report of the Superintendent of Police, Exhibit G-33, dated 3rd October 1980, in which in the end of paragraph 13, the Superintendent of Police has very significantly observed " It is understood that the said Mani was cremated in the presence of Harijans and Thevars ".

235. Before I proceed, I should refer to one important aspect of the case, which is very much in favour of the Thevars. The motive alleged is very very weak. It is difficult to accept that when Mani went to Sankara Thevar's house and asked for the balance of salary due to him, Sankara Thevar felt humiliated, murdered Mani in his house on the spot itself or Mani was pushed by his neck by Sankara Thevar through his backyard of his house to the road junction and there, murdered Mani by beating him to death. I have already held that the case of Rajaselvam that she was raped by Sankara Thevar is false. Thus, there can be no question of Mani and Rajaselvam deciding to sever their connections with Sankara Thevar and Mani going to Sankara Thevar's house to ask the balance of his salary. If the story of rape is found to be false, the integral and connected story of Mani going to Sankara Thevar's house for getting the balance of his salary is equally false. One cannot be separated from the other ; the two form an inseparable integral episode. Thus, it is crystal clear that no kind of motive whatever has been established in this case. The story that Sankara Thevar got violently provocated at Mani's asking for the balance of his salary which resulted the murder of Mani is wholly false.

236. There are innumerable instances in which without proof of any motive, a case of murder has been accepted by the Courts on the basis of direct eye-witnesses. The absence of a motive may not be a decisive or conclusive circumstance in favour of the accused. It is familiar knowledge that people commit murder without any apparent motive.

237. On the question of motive, I may extract hereunder, the statement of the law set out in Sarkar's evidence (Volume I) (13th Edition) at page 82—

" *Motive.*—There must exist a motive for every voluntary act. The term is applied to morals by analogy from the motive power in the physical world. But man is not a mechanical animal ; he is the creature of passions and affections ; he has reason and choice, and we cannot always assign or detect the motive of a given act. The common inducements to crime ", writes Wills, " are the desire

of revenging some real or fancied wrong ; of getting rid of rival or an obnoxious connection ; of escaping from the pressure of pecuniary or other obligation or burden ; of obtaining plunder or other coveted object ; of preserving reputation, either that of general character or the conventional reputation of profession or sex ; or of gratifying some other selfish or malignant passion ". On a trial for murder, Campbell C.J. summed up this : " If there be any motive which can be assigned, I am bound to tell you that the adequacy of that motive is of little importance. We know from experience that atrocious crimes have been committed from very slight motives ; not merely from malice and revenge, but to gain a small pecuniary advantage and to drive off for a time pressing difficulties ". But absence of any apparent motive is always a circumstance in favour of the accused."

At page 83—

" *Absence of motive is of great importance in circumstantial evidence and it should be regarded as a circumstance in favour of the accused.* But nevertheless, if the circumstances are such that it can lead only to conclusion of guilt of accused then absence of motive cannot vitiate the conviction .... Clear proof of motive lends additional support to finding of guilt. Absence of proof of motive has this effect only that the other evidence bearing on guilt has to be very closely examined."

" *Proof of motive when not essential.*—Proof of motive or previous ill-will is not necessary to sustain a conviction when Court is satisfied about accused being assailant of victim (Narayan *v.* S.A. 1971, S.C. 1656 R *v.* Jainhand 7 WR Cr. 69). When the positive evidence against the accused is clear, cogent and reliable, motive is of no importance (Gureharian *v.* S.A. 1956, S.C. 460 ; 1956 Cr. L.J. 827 ; Appu *v.* S.A. 1971, M. 194 ; Shivji *v.* S.A. 1973, S.C. 55 S. *v.* Hari Pd. A. 1974, S.C. 1740 ; Podda *v.* S.A. 1975, S.C. 1252). Although proof of motive is a material consideration, it certainly is not indispensably essential in every case (Walli Md. *v.* R.A. 1949, P.C. 103 ; 53 C.W.N. 318 ; Yeshwant *v.* S.A. 1973, S.C. 337). When facts are clear, it is immaterial that no motive has been proved. The motive of an act is known to him and him alone and the prosecution can only suggest what is or may be motive (Hazrat *v.* R. 32, C.W.N. 345) ; if the genesis or the motive was not proved the ocular testimony could not be discarded if otherwise reliable (Bahal *v.* S.A. 1976, S.C. 2032). Proof of motive is not corroboration of evidence of an eye-witness (Dwarka *v.* R.A. 1931, O. 119) ".

238. It is settled law that in the case of circumstantial evidence, absence of motive is of vital and great importance and it should be regarded as a strong circumstance in favour of the accused.

239. In a case of circumstantial evidence, coupled with absence of motive to warrant a conviction, the positive evidence against the accused must be clear, cogent and reliable.

240. As to the guidelines when a conviction rests on a circumstantial evidence, Thiru Chari, learned counsel for the Thevars, invited my attention to the following statement of the law at page 37 in Sarkar's Evidence (Volume I)—

" It is well settled that when a case rests on circumstantial evidence, such evidence must satisfy three tests (i) the circumstances from which an inference of guilt is sought to be drawn, must be cogently and firmly established ; (ii) those circumstances should be of a definite tendency unerringly pointing towards the guilt of the accused ; (iii) the circumstances, taken cumulatively, should form a chain so complete that there is no escape from the conclusion that within all human probability the crime was committed by the accused and none else (Chandmal *v.* S.A. 1976, S.C. 917 ; S. P. Bhatnagar *v.* S.A. 1979, S.C. 826 ; Charan Singh *v.* S.A. 1967, S.C. 520 ; Hanumant *v.* S. 1952, S.C.R. 1091 ; A. 1952, S.C. 343 ; Govinda Reddy *v.* S.A. 1960, S.C. 29 ; 1960 Cr. L.J. 137 ; Deonandan *v.* S.A. 1955, S.C. 801 ; 1955 2 S.C.R. 570 ; Bhagatram *v.* S.A. 1954, S.C. 62 ; 1954 Cr. L.J. 1645 ; Palaniswami *v.* S.A. 1968 B. 127 ; see Kedar *v.* S.A. 1954 S.C. 660 ; 1954 Cr. L.J. 1679 ; Kuthal *v.* S.A. 1954 S.C. 720 ; 1954 Cr. L.J. 1802). The circumstantial evidence in order to sustain conviction must be complete and incapable of explanation on any other hypothesis than that of the guilt of the accused (Jaswant *v.* S.A. 1979 S.C. 190 ; Bhagdandas *v.* S.A. 1974 S.C. 898). It must be qualitatively such that on every reasonable hypothesis the conclusion must be that the accused is guilty ; not fantastic possibilities nor freak inferences but rational deductions which reasonable minds make from the probative force of facts and circumstances (Mohanlal *v.* S.A. 1974 S.C. 1144). Circumstantial evidence must be a combination of facts creating a net-work through which there is no escape for the accused because the facts taken as a whole do not admit of any inference but of his guilt (Anant Chintaman *v.* S.A. 1960 S.C. 500, 523 ; 1960, 2 S.C.R. 460 Palaniswami *v.* S. sup.). Circumstantial evidence should not only be consistent with the guilt of the accused, but should be inconsistent with his innocence (Mangleshwari *v.* S.A. 1954 S.C. 715 ; 1954 Cr. L.J. 1797 ; Rahman *v.* S.S. 1972 S.C. 110 ; Abdul Ghani *v.* S.A. 1973 S.C. 264 ; Umedbhai *v.* S.A. 1978 S.C. 424). If the circumstances proved are consistent either with the innocence of the accused or with his guilt, then the accused is entitled to the benefit of doubt (*see* Bharat Commerce Co. *v.* Surendru, A. 1968 C. 388) ".

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" In cases dependent on circumstantial evidence in order to justify the inference of guilt (1) all the incriminating facts and circumstances must be incompatible with the innocence of the accused or the guilt of any other person and incapable of explanation upon any other reasonable hypothesis than that of his guilt (Hukum *v.* S.A. 1977 S.C. 1063 ; Hurjee Mull *v.* Imam 8 C.W.N. 278, 286 ; Raghunandan *v.* R. 59 I.C. 858 ; I P.L.T. 684 ; R. *v.* Jagatram, 48 I.C. 167 ; Saleh *v.* R. 42 I.C. 129 ; Kamal *v.* Nandalal, 56 C. 738 ; A. 1929 C. 37 ;

Chirajfuddin *v.* R. 18 C.W.N. 1141 ; R. *v.* Basangouda, 1941 Bom. 315 ; A. 1941, B. 139 ; Sher Md. *v.* R.A. 1945 L 27 ; Eradu *v.* S.A. 1956 S.C. 316 ; 1956 Cr. L.J. 559 ; Manmohan *v.* S.A. 1969, Pu. 275), otherwise the accused must be given the benefit of doubt (Awadhi *v.* S.A. 1971 S.C. 69 ; Daulat *v.* R. 77 I.C. 600) ; (2) the circumstances from which an inference adverse to the accused is sought to be drawn must be proved beyond reasonable doubt and must be closely connected with the fact sought to be inferred therefrom (Jahura *v.* R. 35 C.W.N. 169 ; Golam Mohiuddin *v.* S.A. 1964 C. 503). Where circumstances are susceptible of two equally possible inferences, the inference favouring the accused rather than the prosecution should be accepted".

241. I shall now examine the truth or otherwise of the case of the Thevars that Mani died a natural death due to heart attack in his house at about 4 p.m. on the fateful day as having a direct impact in the assessment of the totality of the evidence and in particular the weight of circumstantial evidence.

242. Exhibit B-24, dated 6th March 1981 is the affidavit of Village Munsif Ramachandra Thevar filed before the Commission. The relevant portion thereof is extracted hereunder—

"In fact Thiru Mani, a farm servant under my brother died of heart failure due to excessive alcoholic habits. Only his own people gave an honourable funeral. Unfortunately, this death is misused to sling mud on us."

It shows that the Thevars came forward with a distinct case that Mani died a natural death due to heart attack in his house.

243. Exhibit B-27, the affidavit of Sankara Thevar, dated 6th March 1981, states—

"I learnt that Mani died of heart attack and his own men disposed of his body according to their customs."

244. Exhibit B-28 is the affidavit of Madasamy Thevar, dated 6th March 1981, in which Madasamy Thevar says as follows :—

"It is atrocious to have made an allegation of suppressing the suspicious death of one Thiru Mani, who was servant under Thiru Sankaran. In fact, to the best of our knowledge Thiru Mani died of heart attack and his funeral was done by his relatives."

245. Madasamy Thevar's specific case is that Mani's death was a natural death due to heart attack and his funeral was done by his people.

246. Besides these three affidavits of the Thevars, three affidavits of the Harijans had been filed supporting the Thevars' stand.

247. Exhibit B-2, dated 23rd February 1981 is the affidavit of Muthammal ; Exhibit B-4, dated 23rd February 1981 is the affidavit of Nalliah ; Exhibit B-9, dated 23rd February 1981 is the affidavit of Masanam, the father of Nalliah.

248. The language employed in the three affidavits of the Harijans (supporting the Thevars) is practically the same and it is enough to extract the relevant portion from one affidavit. In Exhibit B-2, Muthammal, states as follows :—

"சுமார் 11 மாசத்துக்கு முன்னால ஒரு நாள் மணி நிறைய சாராயம் குடிச்சிட்டு சாயங்காலம் வீட்டில இருந்தான். திடீர்னு மாரடைப்பால் இறந்திட்டான். அவன் இந்துவானதால அண்ணக்கி ராத்திரி எல்லாரும் சொந்தக்காரங்க வந்த பிறகு, என் புருஷன் மற்றும், மாசானம், நல்லையா, செல்லையா மற்றும், ஊர்லவுள்ளவங்களெல்லாம் சேர்ந்து அவன் பிரேதத்தை முறைப்படி ராத்திரி தூக்கிட்டுபோய் சுட்டு எரிச்சு மறுநாள் காலையில சுந்தராஜன் கிணற்றில் சாம்பல கரைச்சாங்க. மணிக்கு உயிர் போகும்போது நான், ராஜசெல்வம், அவள் பாட்டி வள்ளி ஆகியோர் பக்கத்தில் இருந்தோம்."

249. Thus, according to the Harijans (supporting the Thevars), Mani died a natural death in his house after excessive drinking and the very night itself all the relatives of Mani, residents residing in Sanganankulam, gathered together and cremated the dead body by carrying it in an old door frame and the ashes, bones and iron bolts were dropped into the nearby well belonging to Sundararajan including the sand earth at the place where the body was cremated.

250. These three Harijans along with one Muthiah have given evidence along with the Thevars. Thiru Venkatachari contended that these witnesses cannot be treated as witnesses of the Thevars ; but merely they are Harijans of Sanganankulam village, who have filed affidavits and given evidence in order to help the Commission in arriving at the truth. I see absolutely no substance in this contention. The chief-examination of the three witnesses has been done by Mr. Rajendran, the junior of Thiru Venkatachari.

251. A reading of their affidavits and the partisan character of their evidence would show that they are the witnesses of the Thevars. These witnesses are the henchmen of the Thevars.

252. These witnesses have made certain damaging admissions against the Thevars about the inhuman and hasty manner in which the dead body was disposed of on that very night itself and in order to wriggle out of this evidence of the Harijans, Thiru Venkatachari, attempted the desperate argument that they are not the witnesses of the Thevars. I see no substance in this contention. It is unnecessary to labour this point. Indeed, Sankara Thevar in his evidence at page 745 has clearly admitted that *Nalliah, Chelliah and Masanam, who have filed affidavits before the Commission have been examined as defence side witnesses.*

253. I shall first take up the evidence of D.P.W. 1 Muthammal. Her evidence is that a quarrel between Mani and his wife Rajaselvam took place on the crucial day, that it lasted till 3-30 p.m., Mani was beating Rajaselvam with a stick ; suddenly

Mani died of heart attack complaining of pain in the chest and she personally witnessed the death on the spot. She would have it that she heard the shouting of Mani from her house that he was suffering from chest pain. In her affidavit, Exhibit B-2, she has not mentioned any of the particulars, i.e., any quarrel between Mani and his wife Rajaselvam, Mani beating his wife, shouting due to chest pain, etc. In the chief-examination, she created the impression that Mani's house is exactly opposite to her house and she was therefore able to observe Mani's beating Rajaselvam, Mani's shouting, etc., standing at the entrance of her house.

254. She stated that she personally witnessed Mani died due to heart attack and also shouting due to chest pain. If Mani really suffered from heart attack and shouted on account of chest pain and if she actually witnessed Mani's—suffering from chest pain, she must have naturally run up to him to render some help. But, she admits that she was merely observing from her house and she did not render any assistance but was merely observing from her house. She admits that in the Cheri, there is a Homeopathy Doctor Gunasingh and the doctor used to give injection and medicines, but yet she took no effort to fetch the doctor to Mani's house. None of the details spoken to by her in her evidence are mentioned in the affidavit filed by her before the Commission.

255. In her cross-examination, she has stated that her house is not exactly opposite to Mani's house, but one house off opposite to her house. She has also admitted that the thatched roofing in her house is in a very low level and that if one has to enter her house, he must bend. This proves that it would not have been possible for Muthammal D.P.W. 1, to witness anything that might have happened in Mani's house especially, where she was standing at the entrance of her house.

256. In my Inspection Notes, dated 7th November 1981, I have particularly observed and noted that the thatched roofing in Muthammal's house is very very low. From her house Muthammal, could not have observed what was happening in Rajaselvam's house. There is the further fact that Muthammal's house is not exactly opposite to the house of Mani, but it is one house off opposite to her house. Further, the manner in which she deposed before me is very unsatisfactory and I formed a very bad impression about her testimony. In cross-examination, she was evading to give straight answers. A perusal of her cross-examination would show that she is freely uttering lies to oblige the Thevars.

257. At page 519 of the record in D.P.W. 1 Muthammal's evidence, I have made the comment that this witness Muthammal is dodging to give straight answers to simple questions. When I discuss her evidence, on the aspect of cremation, it will be evident that this witness is speaking falsehood from start to finish and is obviously taking sides with the Thevars. I have no hesitation in holding that so far as this witness is concerned, the Thevars have miserably failed to prove that Mani died in his house a natural death. The evidence of this witness D.P.W. 1 is absolutely worthless.

258. The next witness is D.P.W. 2 Nalliah, a Thalayari. In his chief-examination, he repeats what Muthammal stated in her evidence. In his chief-examination, he stated at about 4-30 p.m. on that day, Mani beat his wife and died and also gave evidence that the dead body was cremated at the very night itself.

259. In my Inspection Notes, I have observed that the house of Nalliah and his father Masanam is 2 or 3 houses away from Rajaselvam's house and there is also lot of vacant space, besides these 2 houses. In my Inspection Notes, I have noted that from Nalliah's house, it is impossible to hear any noise from Rajaselvam's house. I have also observed that the distance between the houses is very long and Masanam and Nalliah could not have heard any sound from Rajaselvam's house. Nalliah's evidence is full of falsehood. I find it impossible to accept his evidence. Nalliah and Masanam are the henchmen of Sankara Thevar and obviously they have been introduced to support the case of the Thevars by their false evidence.

260. It is also very significant to mention that Nalliah gave a statement before the Assistant Superintendent of Police, but he did not mention any of these things. When the question is whether Mani died a natural death and when the A.S.P., is investigating on that aspect and if Nalliah and Masanam really noticed that Mani died of heart attack, they would have mentioned this aspect to the A.S.P. in the forefront, i.e., their noticing the circumstances under which Mani died a natural death due to heart attack. Nalliah and Masanam would have loudly protested before the Assistant Superintendent of Police, that there is no basis for the rumour that Mani was murdered. At this stage, it is important and it is relevant to refer that in the chief-examination itself Nalliah has clearly stated that from the moment of Mani's death there was a talk in the village that Mani did not die a natural death but he was murdered.

261. Here too, the evidence given by the witness Nalliah on the question of hasty cremation is false and he was uttering lies freely and I have formed the distinct impression that this witness (Nalliah) is thoroughly unreliable and no reliance can be placed upon his evidence.

262. To sum up, this second witness (Nalliah) too failed to prove the case of the Thevars that Mani died a natural death in his house due to heart attack.

263. The next witness who speaks about Mani's natural death is D.P.W. 4 father of Nalliah, Masanam. His evidence is also the same as that of his son Nalliah, full of lies. In the chief-examination, he states that Mani shouted due to chest pain at about 4-30 p.m. and for about 15 minutes, he was shouting like that and there was no noise

after that. It is curious when Mani was shouting due to pain, he did not go to Mani's house to render him some help.

264. The evidence of this witness is full of lies and he too evaded giving straight answers in the course of cross-examination. I found that this witness was dodging and evading on the aspect of cremation. In several portions of his evidence, this witness has freely uttered lies. I am totally unimpressed with this witness; he is as worthless and useless as his son Nalliah.

265. The result is that the Thevars have failed to prove that Mani died a natural death in his house due to heart attack. In other words, Thiru Ashok Kumar's contention is that on a vital and crucial aspect, the Thevars have come forward with a false case knowing it to be clearly false and this constitutes an important link in the chain of circumstantial evidence. I accept this contention.

266. I shall then take up the question of extra-judicial confession.

267. On this aspect, Thiru Ashok Kumar's contention is that Sankara Thevar made extra-judicial confession before Poolagapandi Thevar (P.P.W. 21) and Kasi Pandi Thevar (P.P.W. 24) to the effect that Sankara Thevar confessed to them that it was Sankara Thevar, who murdered Mani and cremated the dead body.

268. The relationship between Madasamy Thevar and his brothers on the one side and Poolagapandi Thevar and his brothers and sons on the other side is seen from the genealogical tree annexed herewith (Annexure IV). It will be seen that Madasamy Thevar's group, Sankara Thevar, Ramachandra Thevar, and others are the sons of Sivasubramania Thevar through the first and second wives; Arumuga Thevar is Sivasubramania Thevar's brother. Poolagapandia Thevar, Shanmugasundara Thevar, Kumarasamy Thevar and Kasi Thevar are the sons of Arumuga Thevar and Kumarasamy Thevar's sons are Arumugam, Neelakanta Thevar, Lakshmana Thevar, Chellathurai and Muthiah. Arumuga Thevar's sons Poolagapandi and Kasi Thevar are the uncles of Madasamy Thevar and Sankara Thevar and Madasamy Thevar; Sankara Thevar and Ramachandra Thevar are the cousins of Neelakanta Thevar, Lakshmana Thevar and Chellathurai. The relationship between Sankara Thevar and his brothers and their uncles Poolagapandi, Kumarasamy and Kasi Thevar and Madasamy Thevar's cousins Neelakanta Thevar, Lakshmana Thevar and Chellathurai was extremely cordial and affectionate for several decades. (Annexure IV.)

269. Madasamy Thevar was looked upon with respect by Neelakanta Thevar and his brothers. Madasamy Thevar and Sankara Thevar are rich and influential people and they hold extensive lands in Sanganankulam village and in other nearby villages. Neelakanta Thevar and his brothers have also got extensive lands but besides lands, Neelakanta Thevar is and has been carrying on a very prosperous money-lending business in Tirunelveli Junction. Neelakantan, Lakshmanan and Chellathurai are permanently residing in Tirunelveli, while their uncles Poolagapandi and Kasi Thevar and their father Kumarasamy Thevar are permanently residing in Sanganankulam East and looking after agriculture and cultivation of the lands. For the past 10 years, Kasi and Rajasingh had been permanent employees under Neelakanta Thevar and his brothers and they were looking after their lands and also assisting the brothers (Neelakantan and others) and their father and uncles in Sanganankulam village. A large volume of reliable and true documentary evidence consisting correspondence, etc., was filed and marked before the Commission to show that the relationship between the two families was extremely cordial and very affectionate and on innumerable instances Madasamy Thevar has been writing to Neelakanta Thevar and there has been affectionate mutual correspondence with Neelakanta Thevar.

270. Madasamy Thevar in his evidence at page 764 says that till June 1980, there was no misunderstanding between the two families; Ramachandra Thevar has also admitted that there was no kind of property dispute between the two families. Exhibits A-86, A-87 and A-93, and other letters all clearly show that the relationship was extremely cordial and very affectionate. This cordial relationship became strained only after July 1980, when Neelakanta Thevar did not favourably support the suggestion of Madasamy Thevar that certain nominees of Madasamy Thevar may be recommended for the post of Trustees in Sudalai Madasamy Temple at South Vijayanarayanam.

271. Exhibit A-93 is the letter written by Madasamy Thevar to Neelakanta Thevar (P.P.W. 19) containing seven names suggested by Madasamy Thevar. This letter is in the handwriting of Madasamy Thevar. This cordial relationship between the two families became strained and hostile only after July 1980.

272. A petition, Exhibit B-10, dated 11th April 1980, was sent to the D.I.G., with copies to the Collector and others purporting to be signed by one Muthiah in which allegations have been made about Sankara Thevar in connection with the death of Harijan Mani. It is necessary to extract completely Exhibit B-10, which is set out hereunder—

"நாங்குநேரித் தாலுகா திசையன்விளை போலீஸ் சரகம் சங்கனாங்குளம் சேரியான பொதுமக்கள் சார்பில் எழுதுவது.

31—3—80-ம் தேதியில் மணி என்பவர் விஷம் அருந்தி மரணம் அடைந்தார். மணி கடல என்பவரின் மகனாவார். இவரின் மரணத்துக்கு காரணம் வாலிபால் மாடசாமித் தேவரின் தம்பி சங்கரன் என்பவரே. மணியின் மனைவி ராஜசெல்வம், சங்கரன் வீட்டில் வேலை செய்து வருகிறாள் இராஜசெல்வத்தை சங்கரன் வைப்பாக வைத்துக் கொண்டார். இந்த அறிந்த

மணி தன் மனைவி ராஜசெல்வத்தைக் கண்டித்தார். சங்கரன் மணியை அடியடியென்று அடித்து நெறுக்கி போட்டு விட்டார். மனம் உடைந்த மணி விஷம் குடித்துவிட்டு. சங்கரத்தேவர் வீட்டிலேயே போய் படுத்துக் கொண்டார். சிறிது நேரத்தில் மரணம் அடைந்தார். சங்கரன் வீட்டிலேயே மரணம் அடைந்தார். பிரேதத்தை போலிசில் சொல்லாமலேயே எரித்து விட்டார் சங்கரன். அவரது கையாட்களை வைத்து அவரது கையாட்கள் வள்ளிநாயகத் தேவர் மகன் சண்முக சுந்தரம்-2, சொல்வினங்கும் பெருமாள் தேவர் மகன் சுடலைக்கண் 3, நாவிதன் சாமி மகன் மாடசாமி மற்றும் பலர்.

சங்கரத்தேவருக்கு இவ்வளவு தைரியத்திற்கு காரணம் பாளையங்கோட்டையில் விஜிலன்ஸ் இன்ஸ்பெக்டராக இராமகிருஷ்ணனின் உதவியே. இராமகிருஷ்ணன் லஞ்ச ஒழிப்பு அதிகாரியாகையால், இங்கிருக்கிற போலீஸ்கள் சங்கரத் தேவருக்கு அடங்கியே நடக்கிறார்கள். இன்ஸ்பெக்டர் இராமகிருஷ்ணனுக்கு சங்கரத்தேவரின் தங்கைத் திருமணம் செய்திருக்கிறார் என்பது இதில் குறிப்பிடத்தக்கது. மற்றும் சங்கரத்தேவர், சங்கனாங்குளம் சேரியாகிய எங்களூரில் காலம் சென்ற கருனைத்தான் மனைவி நாகம்மாளோடும் தொடர்பு வைத்துக் கொண்டு இரவும், பகலும் இங்கேயே முகாம் போடுவதைப் பார்த்தால், வேறு வேறு பெண்களுக்கு எல்லாம் ஒரே பயம். இந்தக் காமுகன் கண் நம்மீதும் பதிந்துவிடக்கூடாதே வென்று. சங்கரத் தேவரின் இந்த லீலாவிநோத அட்டகாசங்களுக்கும், போலீஸ்துறையில் சர்வாதிகாரம் புரிவதற்கும் காரணம் இராமகிருஷ்ணனின் தைரியமே என்பதை மீண்டும் மீண்டும் வலியுறுத்துகிறோம்.

இந்த விபரங்களை எல்லாம் நாகம்மாளின் சின்ன மாமா சுந்தரம் என்பவரிடம் தனியாக விசாரித்தால் தெரியவரும். 11—4—80 முத்தையா ".

273. The police investigation ensued, but the Sub-Inspector Krishnaswamy (G.W. 2), who enquired into the matter did not find out that Muthiah, who actually signed Exhibit B-10 and the Sub-Inspector disposed of the matter and sent his report to the effect that the petition purported to be signed by Muthiah is a pseudonymous petition. I will have to refer again to Exhibit B-10 and the investigation by Sub-Inspector Krishnaswamy a little later, but it is sufficient to mention at this stage that this petition, Exhibit B-10 was the root cause for creating serious misunderstandings between the members of the Madasamy Thevar branch on the one side and the Neelakanta Thevar, his uncles, his father and his brothers on the other side.

274. From July 1980 onwards, Sankara Thevar has been making a hubbub about this pseudonymous petition. His complaint and charge was that Lakshmana Thevar, the brother of Neelakanta Thevar and son of Kumaraswamy Thevar is the mischievous author of this petition and Lakshmana Thevar has sent this petition with a view to create trouble to Sankara Thevar.

275. Because of this Exhibit B-10 petition, Sankara Thevar became very enraged and hostile and inimical towards the members of Neelakanta Thevar, his father and his brothers and uncles, etc. Despite all persuations by Kumarasamy, Poologapandi and Kasi Thevar that Lakshmanan has nothing to do with this petition, Sankara Thevar asserted that according to him, it was Lakshmanan, who was at the bottom, at the origin of the petition, which was sent by Lakshmanan to create trouble for Sankara Thevar. It is in the state of serious misunderstandings and strained relationship between the two branches that Thiru Ashok Kumar claims that on three occasions, 27th July 1980, 1st August 1980 and 3rd August 1980, Sankara Thevar sent for his unless Poologapandi and Kasi Thevar and made a threat and confession before them that it was he (Sankaran) that committed murder and cremated the dead body of Mani and that the same fate will befall Lakshmanan, for having sent the petition, Exhibit B-10.

276. Before the Commission, Poologapandi Thevar, who has been examined as P.P.W. 21 and Kasi Thevar who has been examined as P.P.W. 24 in their evidence, referred to the three occasions, when Sankara Thevar is alleged to have made the extra-judicial confession that it was Sankara Thevar, who murdered Mani and cremated the dead body.

277. In this connection, I must mention that in the statement (Exhibit A-109) made before the R.D.O., by Poologapandia Thevar on 22nd September 1980 and Exhibit A-125, dated 22nd September 1980, the statement made by Kasipandi Thevar to the R.D.O., there is a reference to this *extra-judicial confession.*

278. I am referring to these two statements, Exhibit A-109 of Poologapandi Thevar and Exhibit A-125 of Kasipandi Thevar at this stage because, these two statements respectively by Poologapandi and Kasipandi are relied upon by Thiru Ashok Kumar as strong, convincing, corroborative oral evidence of Poologapandi Thevar and Kasi Pandi Thevar before the Commission.

279. In Exhibit A-109, the statement of Poologapandi Thevar before the R.D.O., Sankara Thevar is alleged to have made the challenge before Poologapandia Thevar, which is set out hereunder—

" நான் ஹரிஜன் மணியை அடித்துக் கொன்ற விஷயத்திற்கு இந்த லெட்சுமணன் தானே மனுப் போட்டான் ".

280. Similarly, in Exhibit A-125, statement before the R.D.O., Kasipandi Thevar stated that Sankara Thevar is alleged to have accosted and frightened Kasipandi Thevar uttering these words—

" அவர் தப்பி விட்டார். அந்த வகைக்கு ஒரு லட்சம் செலவு செய்தோம் அதே மாதிரி ஒரு லட்ச ரூபாய உங்கள் அண்ணன் மக்கள் நாலு பேரையும் நீலகண்டன் (1), லட்சுமணன் (2),

செல்லத்துரை (3), முத்தையா (4) இவர்களை கொலை செய்து மணியை எரித்த மாதிரி எரித்து விடுகிறோம். அந்த வகைக்கு ஒரு லட்ச ரூபாய் ஒதுக்கி வைத்திருக்கிறோம் என்று என்னிடம் சொன்னார்".

281. In the context of the aforesaid portions of the two statements, Exhibits A-109 and A-125 of Poolagapandi and Kasipandi Thevar respectively, it is clear that Sankara Thevar had used language admitting that it was he (Sankara Thevar), who murdered and cremated Mani. The question however remains whether such confessions were truly made by Sankaran.

282. Exhibit A-109 and Exhibit A-125 were made by the two uncles before the R.D.O., on relevant occasion when they were complaining about the atrocities of Sankara Thevar. In the context, the extra-judicial confessions alleged to have been made are quite appropriate and believable. It cannot be said that these two extra-judicial confessions were relied upon or falsely set out by Poolagapandi Thevar and Kasi Thevar with any ulterior motive to make use of the same on a future occasion anticipating a prosecution on Sankara Thevar for murder in a criminal trial or Commission of Inquiry like this. In the context, it was stated before the R.D.O., only to make a complaint to the R.D.O., about the atrocities of Sankara Thevar. There is no other motive either collateral or ulterior. The idea that such confessions were introduced by Poolagapandia Thevar and Kasi Thevar with a view to use it on any occasion is on the face of it absurd and fantastic.

283. I do not accept Thiru Venkatachari's argument that the two uncles made the statements with ulterior purposes in the hope that in a criminal trial or in a Commission appointed the two statements will be—relied upon as extra-judicial confessions made by Sankara Thevar. I see no substance in such a contention. On the other hand, I am clearly of the view that in the context of sudden development of hostility and the complaints which the uncles made against Sankara Thevar and party, it had some basis or truth. It is only a question of mentioning to the R.D.O., the extent to which Sankara Thevar was threatening that Sankara Thevar would proceed to do harm to his uncles. The extra-judicial confessions can therefore, be acted upon having adequate and necessary impress of truth.

284. In this connection, it has also to be mentioned that in order to wriggle out of the extra-judicial confession, Sankara Thevar put forward a deliberately false case that there was no meeting between himself and his uncles on 1st August 1980 and 3rd August 1980. Exhibit B-25 signed and filed by Sankara Thevar before the police contains an admission that there has been a meeting between Sankara Thevar and his uncles and at that meeting, Lakshmana Thevar was charged with responsibility for the anonymous petition. Every relevant aspect is admitted by Sankara Thevar in Exhibit B-25. It clearly shows that what Sankara Thevar has deposed in his oral evidence is utter falsehood and has given evidence with reckless disregard for truth. Exhibit B-25 demonstrates that Sankara Thevar is a liar and no reliance can be placed upon his oral evidence. Exhibit B-25 thus proves the true background of the extra-judicial confessions. But, the problem is the extra-judicial confessions, Exhibit A-109 and Exhibit A-125 as such cannot be acted upon by the Commission because the two extra-judicial confessions in Exhibit A-109 and Exhibit A-125 were not made before the Commission but they were made before the R.D.O. The only use to which the statements, Exhibits A-109 and A-125 could be put to is to corroborate the evidence of Poolagapandia Thevar and Kasi Thevar, in their evidence before the Commission about the extra-judicial confession. In other words, if the evidence of Poolagapandia Thevar and Kasipandia Thevar before the Commission is acceptable and if the evidence before the Commission is sufficient to prove the extra-judicial confession, prior similar statements of the witnesses, Poolagapandia Thevar and Kasipandi Thevar, viz., Exhibits A-109 and A-125, can be used for corroborating the oral evidence of Poolagapandia Thevar and Kasipandia Thevar before the Commission. In other words, there must be convincing, true oral evidence by the two uncles before the Commission with regard to the extra-judicial confessions and the Commission if satisfied with the truth of the oral evidence given by the two uncles may also rely upon the two prior statements by the two uncles as sufficient corroborative evidence of the two uncles. It is on this crucial aspect that the case of Harijans has miserably failed as the Commission is of the opinion that the oral evidence of the two uncles touching the aspect of extra-judicial confession is very unsatisfactory and false.

285. The evidence of Poolagapandia Thevar and Kasipandia Thevar before the Commission miserably fails to satisfy that their evidence can be safely acted upon by the Commission. Once it is found that the evidence of Poolagapandia Thevar and Kasipandia Thevar on the aspect of extra-judicial confession is false, contains obvious false embelishments, new theories, the extra-judicial confessions will have to be rejected ; when the oral evidence goes, the corroboration by Exhibit A-109 and Exhibit A-125 falls to the ground. If the oral evidence has no independent existence and cannot be accepted by the Commission, the corroborative evidence also equally falls to the ground.

286. I shall now take up the evidence of the two witnesses Poolagapandia Thevar (P.P.W. 21) and Kasipandia Thevar (P.P.W. 24) before the Commission, i.e., whether their evidence can be accepted.

287. According to these two witnesses, on three distinct occasions, extra-judicial confessions were made by Sankara Thevar to the two uncles. One was on 27th July 1980, second was on 1st August 1980 and the third was on 3rd August 1980. Poolagapandia Thevar (P.P.W. 21) at page 430 gives the evidence to the effect that about the last week of July 1980, Sankara Thevar was excited and greatly agitated in mind and was accosting the two uncles Poolagapandia Thevar and Kasipandia

Thevar that it was Lakshmanan, who was the author of the pseudonymous petition meaning thereby, Exhibit B-10 and that the two uncles should warn Lakshmanan that Lakshmanan will be murdered and his body will be cremated as was done by Sankara Thevar with regard to Mani.

288. It is necessary to extract the precise evidence and the language employed by Poolagapandia Thevar in his evidence, after stating that at the request of Sankara Thevar, Kumarasamy Thevar, his brother Shanmugasundaram and Kasipandi, went to Sankara Thevar's house. Sankara Thevar is alleged to have shouted at the uncles in the following manner :—

"Sankara Thevar told us that the Police Station has received a pseudonymous petition that Mani was murdered and burnt to death by him (Sankara Thevar) and the petition has emanated from Neelakantan and his brothers. We said vehemently asserting that our sons would not be parties to such a mean act as sending a pseudonymous petition. I also assured that and told Sankara Thevar and that of all persons why should my nephews do any harm to him, by sending a petition. I said that I have to verify the information from Neelakantan and brothers and let Sankara Thevar know their reply thereto, after verifying with Neelakanta Thevar and others. Sankara Thevar also told me that *the fact of Sankara Thevar murdering Mani and cremating the dead body is known only to Kasi and Rajasingh, the farm servants of Neelakantan and brothers. Kasi and his brother only would have told the Neelakantan and his brothers and the pseudonymous petition therefore must have emanated from them only.*"

289. A reading of the evidence of Poolagapandia Thevar extracted above would show that this evidence is not true, contains significant false embelishments and this evidence has been given deliberately with a view to implicate and involve Sankara Thevar in a criminal case of murder. The words alleged to have been used by Sankara Thevar "that the fact of Sankara Thevar murdering Mani and cremating the dead body is known only to Kasi and Rajasingh and Kasi and his brother Singh would have told Neelakantan and his brothers and the pseudonymous petition must therefore have emanated from them only". This is an obvious development and a new introduction and a grave embelishment made with an ulterior motive of making Kasi and Singh eye-witnesses to the occurrence. In other words, the object of the extra-judicial confession contained in the evidence of Poolagapandia Thevar is to give corroboration and to make Kasi and Singh as direct eye-witnesses to the occurrence. It may be reiterated that I have already found that the evidence of Kasi and Singh is false and that they are not eye-witnesses to the alleged murder. The entire evidence is false.

290. Thus, it will be seen that the primary object of Poolagapandia Thevar and Kasipandia Thevar is not only to refer to the alleged extra-judicial confession that Sankara Thevar confessed and it was he who committed the murder and cremated the dead body but also to prove that Kasi and Singh were eye-witnesses to the occurrence.

291. This mischief in the evidence of Poolagapandia Thevar and Kasipandia Thevar is to impute Sankara Thevar that Sankara Thevar also confessed and also admitted that Kasi and Singh were eye-witnesses to the occurrence. I have already discussed in great detail that Kasi and Rajasingh are not eye-witnesses to the occurrence and their evidence to that effect is wholly false and has to be rejected. Thus, when Kasi and Singh are not eye-witnesses, it is inconceivable that Sankara Thevar would have confessed not only that he murdered Mani and cremated the dead body but also the fact that it is known only to Kasi and Singh as eye-witnesses. How could Sankara Thevar admit and confess that Kasi and Singh are eye-witnesses when in fact they are not eye-witnesses at all? In my opinion, this false and grave embelishments are sufficient to reject the oral evidence of Poolagapandia Thevar and Kasipandia Thevar as false.

292. Next case is the extra-judicial confession, which is said to have been made by Sankara Thevar to Kasipandia Thevar on 1st August 1980. P.P.W. 24 Kasi Thevar refers to this at page 465 in his evidence the extra-judicial confession of Sankara Thevar which is set out hereunder—

"நான் என் வீட்டில் வைத்து அரிஜன் மணியை அடித்துக் கொன்று வீட்டுக்கு வெளியே போட்டதாகவும், என் வண்டியில் மணியை தூக்கிப் போட்டு, சண்முகசுந்தரத் தேவர்," சட்லைக்கண்ணு அரிஜன காலனிக்குக் கொண்டு போய் மணி வீட்டு முன் போட்டு, நாங்கள் 10 அல்லது 15 பேர்கள் சுட்டு எரித்ததாகவும், இந்தப் பெட்டிஷனில் குறித் திருக்கிறது. மறுபடியும் என் மைத்துனன் ராம கிருஷ்ணன் களவு பொருள்களை ஒளித்ததாகவும், அதே மனுவில் குறிப்பிட்டிருக்கிறது. இந்த விபரம் காசிக்கும், ராஜசிங்கத்துக்கும்தான் தெரியும். இவர்கள் இருவரும்தான் நீலகண்டன், செல்லத் துரையிடம் வேலைப் பார்க்கிறார்கள். அவர்கள் இரண்டு பேரும் லட்சுமணனிடம் சொல்லி லட்சுமணன் தான் இந்த பெட்டிஷனைப் போட்டான். ஆகையால் அவனை திருநெல்வேலி வந்து, காரில் தூக்கிப் போட்டு கண்டதுண்டமாக வெட்டி கையில் தந்துவிடுவேன். இந்த மொட்டை பெட்டிஷன் உன்னை என்ன செய்யும் என்று கேட்டேன். அதற்கு நான்தான் மணிய அடித்து கொன்று எரித்தேன். இந்த விவரங்கள் எல்லாம் இந்த மனுவில் இருக்கிறது. நான் லட்சுமணனைக் கொல்லாமல் விடப்போவதில்லை" என்றார்.

293. This extra-judicial confession also suffers from the same serious infirmity that the false embelishments of making Kasi and Rajasingh as eye-witnesses as admitted by Sankara Thevar is clearly false and it is sufficient to completely vitiate the evidence of Kasipandia Thevar.

294. As regards the extra-judicial confession, to the similar effect is in the evidence of P.P.W. 21 and the extra-judicial confession at page 436, where Sankara Thevar is alleged to have told thus—

Page 436—

"*Sankaran told Kasi and Rajasingh that Sankaran's murdering Mani is known only to Kasi* and Rajasingh and therefore they should not reside in Sangananankulam."

"Sankaran stated that Lakshmanan should have sent the petition as Rajasingh and Kasi should *have told about his murdering Mani.*"

Pages 441-442—

"When the quarrel took place between Sankaran and myself on 3rd August 1980 at the Harijan Colony Sankaran told me that it is he who murdered Mani *and cremated the dead body and this is known only to these two farm servants Kasi and Singh* and therefore, it is only Lakshmanan, who got the clue from the farm servants and sent the pseudonymous petition."

295. The same comments have to be made for the above extracted portions as regards the extra-judicial confession alleged to have been made by Sankara Thevar to Poologapandia Thevar.

296. Thus, on a careful review of the evidence of Poologapandia Thevar and Kasipandia Thevar, I am unable to accept their evidence as true and their evidence on the crucial aspect of extra-judicial confession of Sankara Thevar contains obvious, false embelishments and the improvements, all made with a view to make it appear that Sankara Thevar not only admitted that he murdered Mani and cremated him and that fact is known only to Kasi and Rajasingh. In other words, the ulterior motive of Kasipandia Thevar is to make Kasi and Singh eye-witnesses to the occurrence.

297. Extra-judicial confession must be proved by the evidence of most reliable character and evidence of such confession must be closely scrutinised and in grave cases of murder, it is not safe to convict unless the oral evidence is highly respectable and true and does not suffer under any kind of infirmity. It requires most careful scrutiny and it will be very dangerous to place conviction on the extra-judicial confession when the evidence bears ample evidence of embelishments and developments.

298. For all these reasons, the argument of Thiru Ashok Kumar, based upon the extra-judicial confession has to be rejected as wholly lacking substance.

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தமிழ்நாடு சட்டமன்ற பேரவை
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299. I shall next take up the point that the Police had completely colluded with the Thevars and that in the case of circumstantial evidence, the fact that the accused had stifled and thwarted the investigation is a strong circumstance in the chain of circumstantial evidence on which guilt of the accused may be inferred.

300. Thiru Ashok Kumar, learned counsel for the Harijans relied upon the statement of the law in Woodroffe and Amir Ali's 'LAW OF EVIDENCE' (Latest 14th Edition) page 2812, Rule No. 112. "Also the fact that the accused has attempted to stifle or thwart the investigation of the crime".

301. According to the learned counsel Thiru Ashok Kumar, the charge of Sankara Thevar conniving, conspiring and colluding with the Police is revealed by Exhibit B 10, the complaint given by one Muthiah on 11th April 1980 and the most perfunctory, unsatisfactory and dishonest manner in which the petition was enquired into and disposed of by the Sub-Inspector K ishnaswamy as well as by the unsatisfactory and dishonest manner in which Inspector Arunachalam conducted the enquiry in Crime No. 360/80 relating to the enquiry on the suspicious death of Mani on the basis of F.I.R. given by the Collector of Tirunelveli.

302. Exhibit B 10, the complaint of one Muthiah has already been extracted but having regard to its relevance here, it may be extracted again hereunder :—

நாங்குநேரித் தாலுகா திசையன்விளை போலீஸ் சரகம் சங்கனாங்குளம் சேரியான பொது மக்கள் சார்பில் எழுதுவது.

1980ஆம் ஆண்டு மார்ச் திங்கள் 31ஆம் தேதியில் மணி என்பவர் விஷம் அருந்தி மரணம் அடைந்தார். மணி சுடலை என்பவரின் மகனாவார்.

இவரின் மரணத்துக்குகாரணம் வாலிபால் மாடசாமித் தேவரின் தம்பி சங்கரன் என்பவரே. மணியின் மனைவி ராஜசெல்வம், சங்கரன் வீட்டில் வேலை செய்து வருகிறாள். இராஜசெல்வத்தை சங்கரன் வைப்பாக வைத்துக் கொண்டார். இதை அறிந்த மணி தன் மனைவி ராஜசெல்வத்தைக் கண்டித்தார். சங்கரன் மணியை அடியடியென்று அடித்து நொறுக்கி போட்டு விட்டார். மனம் உடைந்த மணி விஷம் குடித்துவிட்டு சங்கரத்தேவர் வீட்டிலேயே போய் படுத்துக் கொண்டார். சிறிது நேரத்தில் மரணம் அடைந்தார். சங்கரன் வீடடிலேயே மரணம் அடைந்தார். பிரேதத்தை போலீஸில் சொல்லாமலேயே எரித்து விட்டார் சங்கரன். அவரது கையாட்களை வைத்து அவரது கையாட்கள் வள்ளிநாயகத் தேவர், மகன் சண்முகசுந்தரம்-2, சொல்விளங்கும் பெருமாள் மகன் சுடலைக்கண்-3, நாவிதன் சாமி மகன் மாடசாமி மற்றும் பலர்.

சங்கரத் தேவருக்கு இவ்வளவு தைரியத்திற்குக் காரணம் பாளையங்கோட்டையில் விஜிலன்ஸ் இன்ஸ் பெக்டராக இருக்கும் இராமகிருஷ்ணனின் உதவியே. இராமகிருஷ்ணன் லஞ்ச ஒழிப்பு அதிகாரியாகையால் இங்கிருக்கிற போலீஸ்கள் சங்கரத் தேவருக்கு அடங்கியே நடக்கிறார்கள். இன்ஸ்பெக்டர் இராமகிருஷ்ணனுக்கு சங்கரத் தேவரின் தங்கை திருமணம் செய்திருக்கிறார் என்பதை இதில் குறிப்பிடத்தக்கது.

மற்றும் சங்கரத் தேவர், சங்கனாங்குளம் சேரியாகிய எங்களூரில் காலம் சென்ற கருணைத்தான் மனைவி நாகம்மாளோடும் தொடர்பு வைத்துக்கொண்டு இரவும், பகலும் இங்கேயே முகாம் போடுவதைப் பார்த்தால் வேறு வேறு பெண்களுக்கு எல்லாம் ஒரே பயம். இந்தக் காமுகன் கண் நம் மீதும் பதிந்துவிடக் கூடாதே வென்று.

சங்கரத் தேவரின் இந்த லீலா விநோத அட்ட காசங்களுக்கும் போலீஸ் துறையில் சர்வாதிகாரம் புரிவதற்கும் காரணம் இராமகிருஷ்ணனின் தையிரியமே என்பதை மீண்டும் மீண்டும் வலியுறுத்துகிறோம்.

இந்த விபரங்கள் எல்லாம் நாகம்மாவின் சின்ன மாமா சுந்தரம் என்பவரிடம் தனியாக விசாரித்தால் தெரியவரும்.

11-4-1980. (ஒப்பம்) முத்தையா.

நகல்கள்—

1. திரு. துரைராஜ், டி.ஐ.ஜி. (ஐ.பி.எஸ்.) அவர்கள், பாளையங்கோட்டை.

2. திரு. செல்வராஜ், மாவட்ட கலெக்டர், ஐ.ஏ.எஸ்., அவர்கள், திருநெல்வேலி.

3. திரு. தமிழ் மாறில போலீஸ் அதிகாரி அவர்கள், (ஐ.ஜி.) அவர்கள், சென்னை.

4. திரு. பிரபுதாஸ் பட்வாரி அவர்கள், தமிழக மாறில கவர்னர் அவர்கள், சென்னை.

5. சர்க்கிள் இன்ஸ்பெக்டர் கோவிந்தராஜ், திசையன்விளை காவல் நிலையம், திசையன்விளை.

303. Krishnaswami was Sub-Inspector of Tisayanvilai Police Station, during the period 30th January 1980 to 18th December 1980. He is referred to as S.I. in this discussion.

304. The date of Exhibit B.10 is 11th April 1980 and it reached the D.I.G. of Police on 15th April 1980. It passed through various subordinate Police Officers and reached Sub-Inspector Krishnaswamy, on 30th April 1980. The whole of May 1980, 31 days and 20 days in June 1980, in all 51 days, the Sub-Inspector Krishnaswamy took no action in the matter. According to learned counsel Thiru Ashok Kumar, so much of

time was taken by the Sub-Inspector as a result of his collusion with the Thevars and to fabricate documents to support the case of the Thevars and to give a dishonest disposal to Exhibit B-10.

305. Exhibit B-10 is a very intriguing document calling for careful and tactful investigation. There are several incriminating facts in the petition. It states that Sankara Thevar, brother of Volley Ball Madasamy Thevar was alone responsible for the death of Mani and that Mani was beaten very heavily by Sankara Thevar and that Mani, became frustrated in mind and consumed poison, died in Sankara Thevar's house and that the dead body was cremated by him without informing the Police. There is also the statement that for all these atrocities of Sankara Thevar, his brother-in-law Ramakrishnan is responsible. There is also a statement in Exhibit B-10 that for all these atrocisities of Sankara Thevar, Shanmugasundaram, Sudalaikannu and Barber Madasamy, the henchmen of Sankara Thevar besides others are responsible and that all details concerning this incident may be obtained from one Sundaram, the uncle of Nagammal.

306. The Sub-Inspector was severely cross-examined about the delay of 51 days for starting the investigation and he gave false, prevaricating and very unsatisfactory answers. Enough ground had been made out by Thiru Ashok Kumar even at the commencement of the inquiry, that there has been collusion and connivance with the Police. This background of enormous delay of 51 days totally unexplained has got an important impact upon the assessment of the evidence relating to the charge of collusion with the Police.

307. The Petition Exhibit B-10 purports to be signed by Muthiah ; no particulars of this Muthiah were given ; Muthiah's father's name is not given ; Muthiah's address is not given and this itself is sufficient to put the S.I. on guard that the matter requires very careful and intelligent investigation, having regard to the strong incriminating facts alleged in the petition. In the normal course, the S.I. should first make intelligent inquiry and locate this Muthiah and then find out the circumstances under which Mani met with his death. In that process, he must inquire Mani's wife Rajaselvam, her parents, Mani's father, mother and near relatives and also find out whether Mani was severely beaten by Sankara Thevar. The Sub-Inspector should also find out the cause of the death. He should also find out the nature of injuries sustained by Mani as a result of the brutal beating by Sankara Thevar. He must find out whether Mani died taking poison and find out when and how the cremation took place. The S.I. must have noticed that it was of vital importance in the investigation of a grave crime of murder and death under suspicious circumstances ; the manner in which the dead body was cremated is of vital importance and that aspect would throw considerable light in the investigation of the truth of the case. He should also interrogate Shanmug sundaram and Sudalikannu in great detail and gather all the connected facts. He should also examine and interrogate Nagammal and Sundaram. These are all elementary steps which lie in the surface which any Police Officer should investigate having regard to a petition like the contents as found in Exhibit B-10.

308. It is of vital importance to notice that this petition Exhibit B-10 was given at the earliest point of time without any delay since Mani's death took place on 31st March 1980. A delay of 10 days is not of much significance seeing that Exhibit B-10 contains enough details, a complete narration of the incrimanating facts.

309. Thiru Ashok Kumar made strong adverse comments upon the fact that when a matter like this involves a grave crime and such serious and detailed allegations are contained in Exhibit B-10, the S.I. slept over 51 days, but completed the investigation in one day and closed the case and sent his report to the effect that no further step need be taken in this matter. The Report of the S.I. has been marked as Exhibit G-2.

310. Krishnaswamy's investigation simply states that Mani died a natural death in his house.

311. His report Exhibit G-2 though, dated 30th June 1980 states that the inquiry was conducted by the S.I. on a single day on 21st June 1980 at Sanganankulam Cheri, the oral evidence reveals very serious and vital discrepancies as to the place where the inquiry was conducted by the S.I. The S.I. in his evidence on page 772 says that he conducted the inquiry at Thevar's colony before the Church and Muthiah D.P.W. 6 was examined by him in the Cheri. According to the S.I. Muthiah D.P.W. 6 was not in the Cheri on the day when the S.I. went and he therefore, sent a Constable to fetch Muthiah from Thirumalapuram. S.I. would have it that Sankara Thevar was examined at his house ; Ramachandra Thevar was examined at his house ; Shanmugasundaram was examined at his house ; and Sudalikannu was also examined in his house at Thevar's Colony. Yet in his report Exhibit G-2, the S.I. deliberately falsely stated that the equiry was conducted by him in the Cheri.

312. Sankara Thevar, Sudalaikannu, Shanmugasundaram, Village Munsif Ramachandran were admittedly not examined in the Cheri, it will be seen that even Muthiah was not examined at Sanganankulam Cheri and therefore, the entry Sanganankulam Cheri in column 5 as the place of inquiry is absolutely false. It is a fabricated entry, so made to mislead the higher authorities.

313. Thiru Ashok Kumar, relied upon the answers given by the witness (Krishnaswamy) in the course of cross-examination. The entries in the General Diary show that on 21st June 1980, the Sub-Inspector did not visit Sanganankulam for the purpose of making an enquiry with regard to Exhibit B-10, that on that day he was very busy that Sub-Inspector was at Sanganankulam only for half-an-hour in connection with a prohibition raid. The narration of the events of the enquiry admitted to have been conducted by the Sub-Inspector on 21st June 1980 would require at least five hours and the entries in the General Diary on 21st June 1980 show that apart from the half-an-hour, he spent in Sanganankulam, S.I. was very busy, visiting other places and did not and could not spend any time for investigating the case (Ex. B-10) at the Cheri.

314. Sub-Inspector of Police was subjected to severe and detailed cross-examination about his activities on 21st June 1980 with pointed reference to the entries in the General Diary. The answers are found at pages 793 and 794 of the record. The General Diary shows (Ex. A-158) on page 30 that S.I. left the Station at 10 a.m. on 21st June 1980 for a *prohibition raid* at Sanganankulam Village and he returned at 12-30 a.m. to Tisayanvilai Police Station with some accused. The entry is clear that on 21st June 1980, he went to Sanganankulam village only for the prohibition raid, which took 2½ hours.

315. In the face of this entry in the General Diary, it is thoroughly dishonest on the part of the S.I. to say that on 21st June 1980 he went to Sanganankulam for the purpose of the enquiry of Ex. B-10 and completed that enquiry on 21st June 1980 itself.

316. The General Diary entry also shows that next S.I. went to Mahadevankulam in connection with the prohibition raid. S.I. has admitted that for each prohibition raid and prohibition investigation, it will take at least 45 minutes to prepare Athakshis.

317. Sanganankulam village is about 12 km. away from the Tisayanvilai Police Station. The distance between Sanganankulam West and East will be 3th km. From Tisayanvilai, Mahadevankulam is on a totally different and opposite direction and the distance between Sanganankulam and Mahadevankulam is about 3 km. and from Sanganankulam to East Mahadevankulam is about 4 km. From Tisayanvilai to Mahadevankulam will be about 1½ km. Thus in all on 21st June 1980 the S.I. must cover about 18 km. to reach Mahadevankulam and could have taken the whole of 21st June 1980 to finish the raid in Mahadevankulam.

318. The further evidence of S.I. is that he went to Sanganankulam Cheri, from there he sent a Constable to Thirumalapuram to fetch Muthiah, which is about 12 kilometres away from Sanganankulam Cheri, which will take at least 2 hours. When Thiru Ashok Kumar cross-examined the S.I., he simply collapsed and gave contradictory, stupid and false versions. He even attempted to say that Mahadevankulam is not on a different way from Tisayanvilai. The S.I. wanted to suggest (totally false) Mahadevankulam was further away from Sanganankulam in the same direction and after visiting Sanganankulam , he straight proceeded to Mahadevankulam. From start to finish, his evidence was false and Thiru Ashok Kumar demonstrated that in every portion of his evidence S.I. Krishnaswamy was perjuring, and was giving evidence without any regard for truth ; that the entries in the General Diary on 21st June 1980 demonstrated that the S.I. did not go to Sanganankulam to make any enquiry in connection with Ex. B-10. S.I. has admitted that Ex. B-10 involves a very serious m tter and requires careful scrutiny and investigation. If really, S.I. had gone to Sanganankulam Cheri or any other place in connection with the enquiry of Ex. B-10, that fact would have been definitely recorded and entered in the General Dairy especially when the enquiry would take hours and hours to investigate that case. Thus, it is crystal clear that there is no entry in the G.D. as to the date when the S.I. visited the Cheri to investigate into Ex. B-10.

319. S.I. has been exposed as unscrupulous liar when he made a dishonest attempt to prove his visit to Sanganankulam on 21st June 1980 at 10 a.m. was in connection with Ex. B-10.

320. The S.I. was severely cross-examined with reference to various other dates and various other entries in the General Diary ; it is unnecessary to refer to them in great detail, it is sufficient to say that Thiru Ashok Kumar demonstrated that numerous entries in the General Diary made by the S.I. are admit edly false and incorrect particularly which pertained to the Thevars.

321. I am sorry to say that when specifically asked by me, the S.I. could not draw my attention to an entry in the General Diary, *on any date*, showing his visit to Sanganankulam to investigate into Ex. B-10. Thus, no further proof is necessary to establish that the S.I. never visited the Cheri for investigating Ex. B-10 but he made some record at the Station, fabricated false statements and false entries etc., with active collusion and connnivance with Sankara Thevar. This will become clear from what is discussed in the succeeding paragraphs.

322. I shall next take up the manner in which S.I., Krishnaswamy, conducted the enquiry in relation to Exhibit B-10, which conclusively proves his collusion with Sankara Thevar. There is absolutely no explanation as to how the S.I. landed upon this Muthiah D.P.W. 6, who so completely supports Sankara Thevar in his statement Ex. B-11.

323. I have already adverted to the fact that the petition Ex. B-10 merely purports to be signed by one Muthiah and no particulars are given. Krishnaswamy has no data, no particulars and no details whatever to enquire any particular Muthiah.

324. It passes my comprehension how this Muthiah D.P.W. 6 of Thirumalapuram dawned upon the mind of Krishnaswamy, who is staying all the time in the Station and never went to the Cheri and why all the way Krishnaswamy sent his Constable to fetch this Muthiah from Thirumalapuram. If as I have clearly found S.I. never went to the Cheri and he started investigation of Ex. B-10 at the Station itself Sankara Thevar alone must have induced and prompted the S.I. to send for and enquire this Muthiah D.P.W. 6.

325. His (S.I.) report and investigation proceedings do not show the person who gave any infromation to the S.I. about this Muthiah D.P.W. 6 of Thirumalapuram, whether he is related to Mani and how he is likely to throw any light on Ex. B-10. The electoral roll shows that there are 12 Muthiahs in Sanganankulam and once this Muthiah D.P.W. 6 denied that he is the author of Ex. B-10, Krishnaswamy should have examined the other Muthiahs, and then pursued D.P.W. 6 and got the statement Ex. B-11 from him. If those Muthiahs have been examined, any one of them would have turned out to be the author of Ex. B-10, it would have led to the investigation of the crime and ascertainment of the truth.

326. If Ex. B-10 is viewed as an affidavit charging Sankaran with misconduct and grave crime, the statement Ex. B-11 of Muthiah fully and effectively serves the purpose of a counter affidavit full of details and it is clear that Sankaran and S.I. colluded to examine this Muthiah D.P.W. 6 at the Station. Sankaran must have furnished all the details of D.P.W. 6 to the Sub-Inspector.

327. S.I. in desperation stated that he examined other two Muthiahs. It is obviously false. His Report Ex. G-2 does not contain any reference to his having examined two other Muthiahs. When Muthiah D.P.W. 6 denied that he was the author of Ex. B-10 it is elementary and obvious that the S.I. must have made an effort to compare this Muthiah's signature with the signature found in Ex. B-10 that would throw considerable light whether D.P.W. 6 Muthiah was the author of the petition Ex. B-10. But, he did nothing of the kind. As already observed when D.P.W. 6 Muthiah denied his authorship of Ex. B-10, why should the S.I. take a detailed statement from D.P.W. 6 Muthiah completely supporting the Thevars. What better proof of collusion is necessary. From start to finish, the investigation of the S.I. is collusive, deliberately perfunctory, slipshod and a huge fraud.

328. I unhesitatingly accept the contention of Thiru Ashok Kumar that a reading of Ex. B-11 (the statement given by Muthiah D.P.W. 6) would show that this Muthiah was deliberately pitched upon by S.I. with active collusion with Sankara Thevar. It is important to extract the whole of Ex. B-11, the statement given by Muthiah. It appears to be an exhaustive, complete counter-affidavit of the contents in Ex. B-10. In respect of every allegation in Ex. B-10, there is a categorical, clear, unambiguous denial and refutation and curiously Ex. B-11 completely supports Sankara Thevar on every aspect.

329. In Exhibit B-11, Muthiah states :—

" எங்கள் உயர் சாலமி மனை இயற்கையாகவே மாரடைப்பில் இறந்தார். "

330. This statement in Exhibit B-11 is simply mechanically recorded. Admittedly, no further interrogation was made, no question was put to Muthiah on what basis Muthiah stated that Mani died in the Village in his house as a result of heart-attack, whether Muthiah was present in Mani's house, etc.

331. One would expect the S.I. to interrogate Muthiah D.P.W. 6 in great detail and make every effort to find out as to how and why D.P.W. 6 Muthiah categorically asserted that Mani died a natural death due to heart-attack in his house.

332. Even in the fourth line in Exhibit B-11, Muthaih gives an excuse for the S.I. for not examining Rajaselvam, who is stated to be living in Tuticorin, for the past 2 months. His statement again shows that he is colluding with Sankara Thevar. That apart Krishnaswamy admitted in his evidence itself that the presence of Rajaselvam at Tuticorin did not present any problem at all and he ought to have examined Mani's wife Rajaselvam at Tuticorin. The omission of the S.I. to examine Rajaselvam is exttemely dishonest. I see considerable substance in the contention of Thiru Ashok Kumar that the S.I. in collusion with Sankara Thevar deliberately avoided examining Rajaselvam for fear and apprehension that if Rajaselvam were to be examined, she should have given her version of the incident which would have led to the discovery of crucial and relevant facts concerning the death of Mani and the cremation of the dead body.

333. The next statement in Exhibit B-11 is a denial of the averment in Exhibit B-10 that there is illicit relationship between Sankara Thevar and Rajaselvam. That statement is traversed in detail and denied in detail by Muthiah in Exhibit B-11, that there is no illicit relationship between Rajaselvam and Sankara Thevar as alleged in the petition. Here too, Muthiah has not been interrogated and nothing has been mentioned by the S.I. on what basis Muthiah made this statement in Exhibit B-11. I have no doubt whatever that Exhibit B-11 the statement of Muthiah has been fabricated and has been brought into existence with such allegations which completely supports Sankara Thevar, who is colluding with S.I. This is a deliberate attempt to twist and thwart the careful and true investigation of a serious matter recited in Exhibit B-10.

334. His reason for choosing this Muthiah D.P.W. 6 is that because he happened to be a relative of Rajaselvam is a false answer. His report does not show that he examined anybody, who told him Muthiah is a relative of Rajaselvam. I have already discussed in great detail that the S.I. never went to Sankanankulam and everything was done at the Station in collusion with Sankaran. Signatures of the witnesses were obtained in blank sheets of paper and contents later on filled by the S.I. as desired by Sankaran.

335. When the petition Exhibit B-10 contains an averment that Mani was very severely beaten by Sankara Thevar and that Mani was cremated in the very night and that Mani died in Sankara Thevar's house, it was the obvious duty and it is elementary that the S.I. should have asked him to pursue and interrogate Muthiah, as to how he stated that Mani died a natural death in his house due to heart-attack in the face of allegations in Exhibit B-11. The statement of D.P.W. 6 Muthiah shows that Krishnaswamy did not ask anything about the cremation and about the severe beating of Mani by Sankara Thevar in Sankara Thevar's house. These crucial aspects of investigation have been cleverly and deliberately skipped over by S.I. when the statement was taken from Muthiah. To reiterate, it is obvious that this kind of perfunctory and slipshod investigation and the statement like Exhibit B-11, skipping over vital facts would not have been taken except for the collusion between Sankara Thevar and S.I. Krishnaswamy.

336. I may also mention that in the commencement of the inquiry, Krishnaswamy has stated that he conducted inquiry in the Cheri alone, but later on twisted and added the inquiry was also conducted in the Thevar's colony.

337. I have no doubt whatever that the statement made by him that he went to the Cheri and from there sent for Muthiah who was at Thirumalapuram is deliberately false and shows that he has no regard for truth. Admittedly, he did not examine any of the neighbours of Mani's house, any of the relatives of Mani, Rajaselvam, Rajaselvam's parents and other near relatives of Rajaselvam. He has admitted that there was no problem at all for him to examine Rajaselvam, the father of Rajaselvam or Rajaselvam's mother or any other relatives if only he cared or was minded to do so. He has also stated that he did not make any effort to examine Sundaram, and Nagammal, even though Exhibit B-10 specifically mentions that the interrogation of Nagammal and Sundaram would reveal crucial information.

338. I shall next take up the slipshod way in which the S.I. claims to have interrogated and obtained statement Exhibit G-1 from Sudalaikannu (G.W. 1). The Commission experienced considerable difficulty in securing the presence of this witness (G.W. 1). He was persistently evading to come before the Commission and gave evidence after about 10 days. (*Vide* the evidence of Madasamy Thevar D.P.W. 14, page 223). The aid of the Police was sought to secure his presence before the Commission. I gained the distinct impression that Sankara Thevar has been keeping him away and prevented him from appearing before the Commission. But, fortunately, the Police by surprise was able to catch him (G.W. 1) in the early morning in his house and he was made available before the Commission. The statement of G.W. 1 Sudalikannu is set out hereunder (Exhibit G-1) :—

" எனக்குச் சங்கனாங்குளம், ஆஜர் மனு வைப் படிக்கக் கேட்டேன். மனுவில் கூறியபடி எவ்விதச் சம்பவமும் நடக்கவில்லை. எங்கள் சேரியைச் சேர்ந்த மனி, த/பெ. சுடலை என்பவர் சுமார் 4 மாத காலத்திற்கு முன்பு அவன் வீட்டில் வைத்து மாரடைப்பால் இறந்துவிட்டான். அவன் இறப்பில் எவ்விதச் சந்தேகமும் கிடையாது. மனுவில் கூறியபடி மருந்து குடித்து சங்கரத் தேவர் வீட்டில் இறக்கவில்லை. மேலும் மனியின் மனைவி ராஜசெல்வம் என்பவள் யாருடைய வீட்டிலும் நிரந்தரமாக வேலை செய்யவில்லை. கூப்பிட்ட வேலைக்குத் தினக் கூலியாக வேலை செய்வாள். சங்கரத் தேவருக்கும், ராஜசெல்வத்துக்கும் எவ்விதத் தொடர்பும் இல்லை. ராஜசெல்வம் சுமார் இரண்டு மாத காலமாகத் தூத்துக்குடியில் இருந்து வருகிறாள். அவள் தகப்பனார் ராஜ் சதிதம் தூத்துக்குடியில் இருக்கிறாள். படிக்கக் கேட்டேன். நான் சொன்னபடி சரி.

21-6-1980. (ஒப்பம்) செ. சுடலைக்கண்ணு.

339. This statement Ex. G-1 bears ample intrinsic evidence that such a statement has been fabricated and brought into existence solely as a result of collusion between Sankara and the S.I. This witness too, like Muthiah, states that Mani died in his house a natural death due to heart attack. Here too, no interrogation was made, no questions were put no answers were elicited as to the basis on which this witness was making the categorical statement that Mani died due to heart-attack in his house. The S.I. ought to have put questions to G.W. 1 whether his information was hearsay or whether Sudalaikannu personally witnessed the death of Mani and such other relevant connected questions, if no such questions were put by the S.I., the inference is obvious that it is only because of collusion and fear that if further questions were put, it will lead to further trouble for Sankaran.

340. It passes my comprehension how parrot-like the S.I. recorded the statements of these witnesses that Mani died a natural death due to heart-attack in his house while Ex.P-10 states Mani was heavily beaten by Sankaran and that Mani after taking poison died in Sankara Thevar's house and that Sankara Thevar himself cremated the dead body. Heretoo, Sudalikannu G.W. 1 was not interrogated on any of the crucial aspects, i.e. about the severe beating upon Mani by Sankara Thevar and the cremation in the night itself.

341. There is a statement that Mani did not die taking poison in Sankara Thevar's house. Here too, there has been no interrogation, no question was put to the witness on this crucial aspect. Parrot-like this witness too, repeats that Rajaselvam was living with her parents at Tuticorin.

342. Ex. G-1 is exactly on the same pattern as the statement of Muthiah in Ex. B-11 serving the purpose of a complete counter-affidavit to Ex. B-10. I have grave doubts whether the signature of Sudalaikannu was taken after the contents were written. The original Ex. G-1 the statement of Sudalaikannu shows that the S.I. obtained the signature of Sudaikannu in a blank sheet of paper and handed over to the S.I., who later on filled the contents. The spacing between the contents portion and the signature of Sudalaikannu in the statement Ex. G-1 clearly shows that Sudalaikannu had signed in a blank sheet of paper and the contents were engrossed later. In the case of Sudalaikannu, the matter does not stop with his statement Ex. G-1. G.W. 1 before the Commission completely demonstrated and proved the collusion between Sankara Thevar and the Sub-Inspector.

343. It is obvious that Sudalaikannu was chosen because he lives opposite to the house of Sankara Thevar. In his evidence G.W. 1 admits that *he does not know Mani of Sanganankulam ; he does not know his wife Rajaselvam* ; he (G.W. 1) does not know anything about Mani's death. He (G.W. 1) categorically admits that he told the S.I. that " *I do not know about the details of Mani's death and that he came to know about the details when S.I. enquired me and at that time of enquiry, he does not know anything*". It must be emphasised that these are all the answers which came from the mouth of Sudalaikannu, during chief-examination when Thiru Periyanayagam, counsel for the Government and Police, examined this witness in chief.

344. During cross-examination by Thiru Ashok Kumar G.W. 1, stated that *he did not go to Harijan colony. He did not know Mani, who he was ; where he lived and how he was eking his livelihood and how he died ; He admits again that it is only at the time of enquiry by the S.I., he came to know through S.I., about Mani's death.*

345. It is clear that this witness knows nothing about Mani, about his death, about Rajaselvam etc., etc. and Ex. G-1 is an outright dishonest fraudulent fabrication ; as a result of collusion with Sankara Thevar. The contents there of (Ex. G-1) have been written by the Sub-Inspector after securing a blank sheet of paper containing the signature of Sudalaikannu with the assistance of Sankaran. It cannot happen unless, there is deep rooted collusion between the S.I. and Sankara Thevar.

346. I shall next consider the statement alleged to have been given by Shanmugasundaram (DPW 11) Ex. B-22, dated 21st June 1980, the other person referred to in Ex. B-10. Shanmugasundaram (DPW 11) is the immediate neighbour in the backyard of Sankara Thevar. The whole of Ex. B-22 is extracted hereunder :--

" எனக்குச் சங்கனாங்குளம். ஆஜர் மனு வைப் படிக்கக் கேட்டேன். மனுவில் சொன்ன படி எவ்விதச் சம்பவமும் நடக்கவில்லை. அதா வது சங்கரத் தேவர் என்பவர் வாலிபால் மா சாமித் தேவரின் தம்பி. எங்கள் சேரியைச் சேர்ந்த மணி, த. பெ. சுடலை என்பவர் சுமார் 4 மாத காலத்திற்கு முன்பு அவன் வீட்டில் வைத்து மாரடைப்பால் இறந்து விட்டான். அவன் இறப் பில் எவ்விதச் சந்தேகமும் இல்லை. மனுவில் கூறியபடி மருந்து குடித்து சங்கரத் தேவர் வீட்டில் இறக்கவில்லை. சங்கனாங்குளம் சேரியிலுள்ள வர்கள் எங்கள் ஊரில் விவசாயக் கூலி செய்து வருகிறார்கள். மேலும் மனுவில் கூறிய மணியின் மனைவி ராஜசெல்வம் என்பவள் நிரந்தரமாக யாரி டமும் வேலை பார்க்கவில்லை. அவ்வப்பொழுது கூப்பிட்ட வேலைக்கு அன்றாட வேலைக்கு தினக் கூலியாக வேலை செய்வாள். சங்கரத் தேவர் வீட்டில் நிரந்தரமாக வேலை செய்யவில்லை. சங்கரத் தேவருக்கும் ராஜ செல்வத்துக்கும் எவ் விதத் தொடர்பும் கிடையாது. தற்சமயம் ராஜ செல்வம் சுமார் இரண்டு மாத காலமாகத் தன் தகப்பனாருடன் தூத்துக்குடியில் இருக்கிறாள். படிக்கக் கேட்டேன். நான் சொன்னபடி சரி.

21-6-1980. (ஒப்பம்) வ. சண்முகசுந்தரம். "

347. Even though this witness (DPW 11) is an important witness, he has not filed any affidavit before the Commission. He too, like Sudalaikannu and Muthiah makes statement, which is a completely detailed counter-affidavit as it were, against Ex. B-10. Every relevant and material fact mentioned in Ex. B-10 is specifically denied. The language employed also is practically the same as in Ex. B-11 and Ex. G-1 statements of Muthiah and Sudalaikannu. DPW 11 Shanmugasundaram says that no incident as stated in Ex. B-10 took place in Sankara Thevar's house. One fails to understand how he can so categorically assert the negative answer that no such event took place in Sankara Thevar's house. He positively asserts that about February 1980 (four months prior to Ex. B-22), Mani died on account of heart failure in his house and that there is no suspicion about it.

Here too, the colluding S.I. has not asked the witness DPW 11, on what basis he stated that Mani died a natural death due to heart attack in Mani's house, when Ex. B-10 categorically refers to the death due to suicide taking poison in Sankara Thevar's house. Krishnaswamy must have realised that the matter required detailed careful interrogation and investigation. He has too readily accepted (parrot like) Shanmugasundaram's statement (Ex. B-22) that Mani died a natural death due to heart attack in Mani's house. The inference is irresistible that such statements have been mechanically recorded without any kind of interrogation and without any kind of inquiry and in a manner, which completely support Sankara Thevar. They prove beyond doubt the collusion between S.I. and Sankara Thevar and the witnesses. No explanation whatever is forthcoming and the S.I. struggled hard and could not withstand the cross-examination of Thiru Ashok Kumar, on this aspect of the matter. The matter became worse when the answers given by DPW. 11 (Shanmugasundaram) in his evidence during cross-examination. At page 692 of his evidence. DPW. 11 says " *the S.I. did not read anything in the Village when he enquired and he did not take any. signature and I was asked to come to Police Station. Next day, I went to the Police Station and put my signature* ". At page 694, DPW 11 candidly admits " *the S.I. did not ask him how I was in a position to assert that there is absolutely no doubt about the fact that Mani died only due to heart failure* ".

348. Since Ex. B-10 categorically contains the charge that Mani was severely beaten by Sankara Thevar, the witness was cross-examined by Thiru Ashok Kumar on this aspect. DPW 11 Shanmugasundaram candidly admits that S.I. did not ask him whether Sankara Thevar beat Mani ; He also did not tell the S.I. that Sankara Thevar did not beat Mani.

349. Shanmugasundaram (DPW. 11), with regard to the alleged illicit connection between Sankara Thevar and Rajaselvam, categorically says that there is no kind of illicit intimacy between Sankara Thevar and Rajaselvam. At page 692, the witness curiously enough admits that he does not know the name of the husband of Rajaselvam ; He also admits at Page 692 ' I do not know whether Rajaselvam married and to whom'. The witness also admits that he does not know whether Rajaselvam has worked under Sankara Thevar and that he does not know about the relationship between Sankara Thevar and Rajaselvam.

350. All these answers clearly show that Shanmugasundaram was not enquired in the Village by the Sub-Inspector, that Shanmugasundaram was merely asked

to come to the Police Station at Tisayanvilai and he signed in a blank sheet of paper in the Station and later on, the contents were filled in on some date by the Sub-Inspector. A perusal of Ex. B-22 itself proves this.

351. To sum up, I am of the emphatic opinion that on the evidence and the admissions of S.I. taken along with the entries in the General Diary on 21st June 1980, S.I. did not visit Sanganankulam Village on 21st June 1980 or any other date and he made no enquiry and all the things happened only at the Police Station at Tisayanvilai in collusion with Sankaran. There is no reason except collusion as to why the S.I. should have acted in this dishonest manner.

352. It passes my comprehension how the S.I. picked up this Muthiah D.P.W. 6. It is clear that Sankara Thevar must have taken Muthiah D.P.W. 6 to Tisayanvilai Police Station and the Sub-Inspector and Sankara Thevar colluding together got the statement Ex. B-11 and obtained Muthiah's signature in a blank sheet of paper and contents were filled in.

353. Next aspect is the part played by the Village Munsif Ramachandran, who has been examined as D.P.W. 12, in the matter of investigation of petition Ex. B-10. He has been the Village Munsif for Sanganankulam Village about 17 years and admittedly he was the Village Munsif in March 1980 and thereafter. As a Village Munsif, it is his duty to maintain a Birth and Death Register and make entries not only whenever births and deaths are reported to him as a Village Munsif, but he has also to frequently go round the village and get himself informed about the births and deaths in the village and make entries. He cannot escape by saying that entries relating to deaths and births have not been entered in the register because the concerned persons did not give the information. Whether the concerned persons give the information or not, it is his clear bounden duty to go round the village everyday or as frequently as possible to secure the information and make the necessary entries in the register. This is the duty cast upon him by the Tamil Nadu Registration of Births and Deaths Act, 1899 (Tamil Nadu Act III of 1899) and the rules framed thereunder.

354. In the early stages of enquiry before the Commission, learned counsel Thiru Venkatachari took up the position that the duty of the Village Munsif consisted only in recording information conveyed to him and that it was not the duty of the Village Munsif to record unless the informant comes and gives the information ; but when his attention was invited to the Acts and the rules, he realised and conceded that the stand took by him is wrong. Therefore, Ramachandran in his evidence says that he was not aware of his duty.

355. I shall extract the relevant portion of the Standing Orders of the Board of Revenue with regard to the implications of the Tamil Nadu Registration of Births and Deaths Act, 1899 (Tamil Nadu Act III of 1899), at page 58 hereunder —

"5. *Duties of a village headman as Registrar of births and deaths.*—The duty of registration may under the direction of the Collector be entrusted to the headman of the village or to the village accountant, but it should be borne in mind that eventually the work will have to be transferred to the village headman. In the case of large villages where there is a monigar or assistant karnam or both, the work may be distributed under the several officers. The village may be split into as many wards as there are offices.

In order to improve the registration of births and deaths, the provisions of the Tamil Nadu Registration of Births and Deaths Act, 1899, have been gradually extended to the villages. The provisions of the Act III of 1899 and the rules framed thereunder are given in Appendix-III. They are now in force in almost all the areas in the State. Under this Act, generally the Village Headman is appointed as the Registrar of Births and Deaths. In respect of railway areas within the limits of a village, the Station-masters are appointed as Births and Deaths Registrars. Under Section 15 of the Act III of 1899, the Registrars are enjoined to inquire about all births and deaths that occur within their jurisdiction and register those that have not already been registered. The village headman should not therefore, be under the erroneous impression that it is only the responsibility of the heads of families to report the vital events. *He should himself make enquiries and record the events*, as it is equally his responsibility as, well. This will enable him to submit the fortnightly statement of defaulters under the Act III of 1899 to Tahsildars—a duty of the Registrars as per rule 15 of the rules issued under the Act. In areas where the Act III of 1899 is not in force, it is his sole responsibility to enquire and register all vital events occurring in his village.

The village headman should submit an extract of births and deaths that occur in each month in his village in the prescribed form to Tahsildars concerned by the *third* of the following month. This is a statutory provision areas where the Act of 1899 is in force. The same procedure should be followed in the areas where the Act III of 1899 is not in force also. A copy of the Village monthly abstract should also be sent to the Panchayat, if such Panchayat exists."

356. There are lot of discrepancies and false statements when the Village Munsif was examined before the Commission. Even in ordinary cases, when a Sub-Inspector (or Police Officer) comes for investigation to a village, it is his duty to enlist the services and help of the Village Munsif ; equally, when the Village Munsif gets to know that the S.I. had come to the village to investigate into any case he must accompany the S.I. and render every aid and if necessary to secure the presence of the concerned persons and witnesses whom the S.I. has to interrogate.

357. On the 21st June 1980, when the S.I. is said to have inspected the Cheri, the Village Munsif Ramachandra Thevar played no significant part and merely gave a certificate with a cryptic statement that Rajaselvam was in Tuticorin. (Ex. A 154, dated 21st June 1980).

358. He does not give any information about the death of Mani ; he does not give any information about the contents of Ex. B-10, what portion is true

and what portion is false ; says nothing ; renders no assistance and the S.I. is content to take a mere certificate Ex. B-23 from the Village Munsif Ramachandran that Rajaselvam was residing at Tuticorin with her parents. If it is an honest, true, investigation by the Sub-Inspector, without any collusion this is not the certificate (Ex. B-23) which the Sub-Inspector would take from the Village Munsif Ramachandran. This itself betrays obvious collusion.

359. The Village Munsif would have been interrogated about all the details set out in Ex. B-10, Mani's death, where and why died, who and when he was cremated, brutal beating of Mani by Sankaran, alleged intimacy between Sankara Thevar and Rajaselvam, etc. etc.

360. Ramachandran says that in the village on 21st June 1980, he made some enquiries about the death of Mani and he was told that Mani died a natural death. Ex. B-23, the certificate given by Ramanchandran on 22nd June 1980 proceeds on the f oting that the Village Munsif Ramachandran himself knew that Mani died due to heart attack in March 1980, in Mani's house. Village Munsif does not say that on the 22nd, he made enquiries of any person or persons and that he gathered the information from them that Mani died a natural death due to heart attack.

361. It is obvious that such dubious certificate has been deliberately given by Ramachandra Thevar to make an appropriate use of it at the appropriate time in any manner. It is obvious that if Ramachandran inquired several persons. viz., Masanam, Nalliah, Muthammal and so many others, as stated in evidence, he would have mentioned his informants in Ex. B-23 in the forefront. That apart, the language employed in Ex. B-23, the information conveyed in it, is based upon the pe s nal knowledge of Ram: ch nd a Thevar himself. Ramachandran has filed an affidavit Ex. B-24 in which he states that "as a fact Mani was a farm servant under Sankara Thevar". The relevant portion in the affidavit of Ramachandra Thevar is extracted hereunder—

"*In fact Thiru Mani a farm servant under my brother* died of heart failure due to excessive alcoholic habits. *Only his own people gave an honourable funeral.* Unfortunately, this death is misused to sling mud on us".

362. But when he gave evidence, he realised the grave problems which confronted him and so gave a false answer, knowing it to be false that he did not know Mani at all and he never met him and he came to know about Mani only when the S.I. made some enquiries about Mani's death.

363. I find it impossible to accept his evidence (that his evidence which is clearly false) that Ramachandra Thevar came to know about Mani, the servant of Sankara Thevar, only when the S.I. made some enquiries about Mani's death. The evidence shows that Sankara Thevar only got three servants. All the three brothers, who are living in the immediate neighbourhood know very well the servants of the three brothers ; odd errands and jobs are given to the servants in general by one brother to the servant of another brother. In the se up of this family very close and cordial relationship remains between them ; Ramachandra Thevar would have certainly known the farm servants of Sankara Thevar. Indeed, in the affidavit Ex. B-24, he has specifically admitted *that as a fact Mani was a servant urder Sankara Thevar.* He stated in chief-examination that when the S.I. enquired him whether he (Ramachandra Thevar) knew anything about the incident of Mani having died consuming poison at the house of Sankara Thevar, Ramachandra Thevar told the S.I. that no such incident took place in his brother's house. The S.I.'s Report (Ex. G-2) did not contain any reference that either in Ex. B-23 or in Ex. A-154 Ramachandra Thevar referred to any enquiry by the S.I. and what he told to the S.I. The statement of the Village Munsif in his evidence that he did not know Mani till 21st June 1980 is false and perjured evidence directly contrary to his admission in his affidavit Ex. B-24.

364. D.P.W. 12 admits that the S.I. only wanted him to give a certificate about the death of Mani as a Village Munsif and he gave Exhibit E-23. According to him Exhibit B-23, is a mere mechanical and routine affair. The evidence is that on 21st June 1980 he told the S.I. that he would make inquiries and let him know and that the next day he made enquiries and sent Exhibit B-23. It is clearly false and in the face of it ridiculous. If the certificate Exhibit B-23 had been given after Ramachandra Thevar made some enquiries, Exhibit B-23 would not be so cryptic and it would have been a detailed statement as to what enquiries he made, the persons examined and what information was conveyed to him by them. Every portion of the evidence of Ramachandra Thevar from start to finish is false and perjured on this aspect.

365. The following answers in the commencement of the cross-examination of Ramachandra Thevar by the learned counsel Thiru Ashok Kumar at page 705 would show to what extent D.P.W. 12 has perjured himself and no reliance can be placed upon his evidence :—

"Mani was not a farm servant of my brother. It is stated in my affidavit that Mani was a farm servant under my brother Sankara Thevar. It is not stated in my affidavit Exhibit B-24 that (in the manner deposed by me) that it is only for the first time when the S.I. enquired me I came to know that there was a human being by name Mani. I have not stated in my affidavit that S.I. enquired me and I made enquiries of my brother and thereafter I enquired in the village about Mani and Mani's death. Mani's family members were not in the village. I enquired one Perumal, his f ther's name I do not know. I enquired one Swamidoss ; I enquired another Muthiah (father's name not known) and also witnesses Nalliah and Masanam. I enquired these people about 3 months after Mani's death"

366. These answers prove that he is not speaking the truth and collapsed in cross-examination. Here, he did not say that Nalliah, Masanam, Muthiah and other people were enquired into by him on the next day, i.e., 22nd June 1980 after the visit of S.I. He vaguely stated that he enquired these people three months after Mani's death. This enquiry he refers to has obviously

no relation to the S.I.'s visit on 21st June 1980, but information which had alre dy been obtained by the Village Munsif. He admitted that he has not obtained any signature, any signed statement from any of the informant villagers, whom he enquired.

367. The whole thing is collusion and simply false which is demonstrated by the admission of the witness (D.P.W. 12) at page 708 of the record where the witness admits that the S.I. asked him only the death certificate of Mani and he did not ask him how and under what circumstances, Mani met with his death. The S.I. who came for investigation of Exhibit B-10, when he met the Village Munsif, would have certainly asked the Village Munsif to find out the circumstances under which Mani met with his death having regard the charge in Exhibit B-10 that Mani was brutally beaten by Sankara Thevar that the cremation was done on that day itself without informing the Police.

368. The witness (D.P.W. 12) admits at page 717 of the record that when the three brothers filed their respective three affidavits, there was a joint conference and in pursuance thereof, the affidavits were settled and when the question is whether Mani died a natural death or died under suspicious circumstances, if the Village Munsif had made enquiries, viz., Masanam, Muthiah, Nalliah, etc., that would have been mentioned in the affidavits. The excuse given by the witness (D.P.W. 12) that he wanted to refer to these things in his affidavit, but that the lawyer said that the affidavit would become too big; is on the face of it ridiculous besides being false.

369. It is necessary to extract hereunder the following portion in the affidavit of Ramachandran Exhibit B-24 :—

"I learnt from my brother Sankaran that a petition was sent against him by the above said persons, with similar allegations and that was duly enquired and disposed off by the Police."

370. From the discussion in the preceding paragraphs, it is obvious and it is also a matter of clear admission by Village Munsif Ramachandran that the Village Munsif Ramachandran *was personally aware of the investigation of the petition Exhibit B-10 sent against Sankaran*, that the Village Munsif also gave some information and gave two certificates to the S.I. Krishnaswamy. Thus, there is no question of Ramachandran knowing from some other persons like Sankaran about the visit of the S.I., who enquired into Exhibit B-10. Ramachandran himself personally is, aware of the visit of the S.I. Yet, Ramachandran makes a false statement in his affidavit Exhibit B-24 that he learnt from his brother Sankaran about the petition and the enquiry by the Police in connection therewith as when he became aware of the enquiry about Exhibit B-10 from the S.I. himself and he (the Village Munsif) admittedly assisted the S.I. This only shows that Ramachandran is an unscrupulous liar and that he does not want to commit himself in the affidavit to any definite stand that he was personally aware of the enquiry by the Sub-Inspector Krishnaswamy.

371. For the reasons mentioned above, I have no doubt whatever that the Sub-Inspector Krishnaswamy colluded with Sankara Thevar and fabricated false record and false documents and false statement. His report Exhibit G-2 from start to finish is false. Some records were prepared at the Station without any kind of investigation. At this stage I may mention that in the course of the inquiry, Tvl. David and Ashok Kumar, learned counsel and witness Kasi have been repeatedly complaining to me about Krishnaswamy's hobnobing with the Thevars both in the D.D.C. Meeting Hall, where Krishnaswamy came very frequently in connection with the Commission's enquiry and also in Hussain Lodge, Tirunelveli Junction, where, the complaint was that the S.I. was hobnobing with the Thevars during the inquiry. I had myself on some occasions to warn Krishnaswamy about this unhealthy conduct of the Sub-Inspector. On innumerable days, when I was returning to the Circuit House, from the D.D.C. Hall, I have noticed the Sub-Inspector Krishnaswamy with a Police Van standing in the D.D.C. Hall Compound and hobnobing with the Thevars.

372. Thiru Venkatachari drew my attention to the entry, dated 8th May 1980 in the rowdy sheet of Madasamy Thevar about the hostile remark made by the Sub-Inspector against Madasamy Thevar, to rebut the theory of collusion between the Police and Madasamy Thevar. I am not inclined to place any reliance upon this entry and infer that, from 8th May 1980, because of hostile remark on a single day, throughout for several months, the relationship was hostile. Further the entries themselves show that they have been cooked up and written on one day with ulterior purpose. This is not the information that should be recorded in the history sheet. A bare perusal of the entry is sufficient to convince anyone that it has been deliberately written like that for a collateral purpose. There is one other aspect as to how the entry came to knowledge of the other side. In the course of the enquiry several qustions were put to Thiru John Vincent, M.L.A., and others about the entries in the General Diaries, which created the clear impression in my mind that detailed questions were put not based upon information gathered by counsel after scrutiny of the General Diaries, but on information passed on by the Sub-Inspector. This information is freely supplied to the counsel by Sub-Inspector Krishnaswamy.

373. Entries in the Rowdy Sheets show that they are not kept regularly and particularly the entries made by Krishnaswamy are all cooked up entries written in one single day, written with ulterior purpose. The significant events in the entry, dated 8th May 1980 and the other entries on other dates would show that the entry, dated 8th May 1980 was made with ulterior motive to give an impression that Sub-Inspector Krishnaswamy is not friendly with the Thevars and this is clearly exposed by a very look at the entry in the light of other entries. No other entry refers to such details. All other entries merely state that the Sub-Inspector went to the Village and saw the rowdy and there was no complaint against him. Such a detailed inquiry about some cases and other details are not expected to be written in the rowdy sheets. I am of the opinion that the entry in the Rowdy Sheet betrays collusion between Sub-Inspector Krishnaswamy and the Thevars.

374. Admittedly, there are 17 pending cases against the Thevars and Thiru Pe ianayagam, counsel for Police and Government, has confessed that for about 8 to 10 months, no action was taken against the Thevars in the 17 pending cases, which involved serious crimes and only recently they were charge-sheeted. Thiru Ashok Kumar, stated that no action was taken in respect of these 17 cases ; no attempt was made to arrest them, etc., which one can expect in an honest investigation. Counsel further submitted that this itself is another convincing proof of the collusion between the Thevars and the Police. I completely agree with his comment.

375. Another fact which has got to be mentioned and which again proves the collusion between the Police and the Thevars is that in the History Sheet, there was no kind of reference in respect of 17 cases pending against Sankara Thevar and his brothers. If there was no collusion, surely entries would have been certainly made in the History sheets. Sub-Inspector Krishnaswamy in his evidence at page 782 has admitted that in respect of Exhibit B-10, he did not examine any neighbour of Mani and did not examine any of the relatives of Rajaselvam and did not even examine the father-in-law and mother-in-law of Mani and did not even examine Kasi and Rajasingh. I have elaborately dealt with this question.

376. At Page 787, G.W. 2 Krishnaswamy has stated that there is an entry, dated 11th November 1980, to the effect that he arrested Madasamy Thevar at 21 hours, brought him to the Station at 22 hours and that the General Diary also shows that he was put in the lock-up. He admitted the necessary preliminary things that have to be followed when a person is put in the lock-up were not followed with reference to Madasamy Thevar and the Sub-Inspector admitted that the entries are false entries.

377. From the oral evidence of Sub-Inspector and the entries in the General Diaries, innumerable instances can be pointed out to prove the collusion between the Sub-Inspector and the Thevars. At Page 788 in cross-examination, Thiru Ashok Kumar, counsel for Harijans put the question " I put it to you that these entries are false, wantonly and wilfully put to help Sankara Thevar and party "; the clear answer of the Sub-Inspector is " Yes, I find some entries are false and incorrect".

378. For all these reasons, I have no hesitation whatever in coming to the conclusion, that when the information Exhibit B-10 was given within about 10 days of the occurrence, the Sub-Inspector in collusion with the Thevars stifled and thwarted the investigation so as to prevent correct and true information, which would be available about the occurrence, which would have easily helped the Police to find out the truth. This conduct of collusion between the Thevars and the Police as established in the record constitutes a very important link in the chain of circumstantial evidence.

379. I shall now take up the equally collusive part played by the Inspector of Police Thiru Arunachalam, in the investigation of Crime No. 360/1980, suspicious circumstances under which Mani's death took place. I have already emphasised that this enquiry was started by the Collector ; Collector himself being the first informant, even though some time prior thereto, the Superintendent of Police, had reported that no such occurrence took place. The Police should therefore, investigate into the matter very carefully with all diligence.

380. Thiru T. M. Arumugam, the then Collector of Tirunelveli District, writes the following letter to the then Superintendent of Police, Thiru R. Rajagopalan, I.P.S. :

> " The Revenue Divisional Officer, Cheranmahadevi after making detailed enquiries has reported that there is an element of truth in the alleged atrocities of torture, eve-teasing, outraging modesty of Harijan women, screening of murders, etc., and that these allegations cannot simply be brushed aside simply because the local affected poor people did not come forward to lodge complaints with the Police or with Revenue Officials. I, therefore, request you kindly to instruct your subordinate officers to conduct a detailed investigation on the murder of one Mani, son of Sudalai, and other matters, and obtain their reports and send your reply at an early date."

381. Thereupon, the First Information Report was registered by Inspector Arunachalam on 25th October 1980 with the specific instructions by the Superintendent of Police to carefully investigate into the matter.

382. Inspector Arunachalam held his post in Tisayanvilai Police Station from 10th June 1980 to 2nd July 1981.

383. Inspector Arunachalam (G.W. 6) took up the investigation and recorded statements on 11th November 1980. He examined Kasi, Rajasingh and Rajaselvam and others. The statements given by Kasi and Rajasingh show they are eye-witnesses to the occurrence. *See* 161 statements made by them contain a detailed narration of the occurrence and how they happened to be eye-witnesses to the occurrence. Rajaselvam was also examined on the same day and her statement shows that the dead body of Mani was carried in a bullock-cart and dropped in her house and the whole affair was commanded and directed by Sankara Thevar. Her statement also shows that on the very night itself without giving any time even for weeping and without giving time for sending word to the near relatives and without making a பாடை, that on the direction of Sankara Thevar, his henchmen carried the dead body of Mani in a door-frame and cremated the dead body from 9 p.m. to 2 a.m. and threw the bones and ashes and the sand and earth in the nearby well so that in the next morning, there will be no evidence of any fire or burning in the ground.

384. It is unnecessary to elaborate the statements of other persons as they are the henchmen of Sankara Thevar. The henchmen admitted that the dead body was cremated in a haste on the very same night itself in an inhuman way, completely ignoring the customary rites.

385. Thiru Arunachalam, Inspector of Police, did not even prepare the sketch of the place, where the alleged occurrence took place. In Exhibit G-27 Annexure 'E' to the Report of the Assistant Superintendent of Police, Serial No. 10 "*Name of the accused ..*", it is written as '*not known*'. It passes my comprehension how after recording the statements of Kasi, Singh and Rajaselvam name of the accused can be said to be "not known."

386. Thiru Arunachalam, Inspector has been wasting his time and acting in collusion with the Thevars. When first two witnesses gave evidence as eye witnesses and when Rajaselvam gave evidence about the dropping of the dead body, by the Thevars and the controlling and dominating part, they took in the inhuman and hasty cremation in the very night itself, and when the henchmen of Sankara Thevar spoke about the hasty and inhuman cremation, it was the obvious duty of the Inspector Arunachalam, to register a case under section 302, I.P.C. for murder and arrest Sankara Thevar and his henchmen. If the usual procedure of arrest and interrogation had been done in respect of Sankara Thevar and his henchmen, valuable information would have been secured. Thiru Arunachalam (G.W. 6) and Thiru Periaayagam, counsel for the Police and Government, indeed had no answer as to why the Thevars were not arrested after the evidence of the two witnesses i.e., Kasi and Rajasingh and corroborative evidence of Rajaselvam. The statements of these three witnesses clinch the issue and throw crucial light about the details of the occurrence, which demand the immediate arrest of the Thevars as well as their henchmen. The evidence of the henchmen completely corroborates the versions of Rajaselvam in the matter of hasty cremation. It is ununderstandable as to why the Thevars were not atleast interrogated and when witness after witness had given evidence, the register shows Serial No. 10, 'Accused not known.' The manner in which Arunachalam conducted the investigation, the extraordinary indifference betrayed by him is phenominal. Arunachalam should have arrested the Thevars and interrogated them and resisted any application for bail if made. This itself proves clear collusion of the Inspector with the Thevars. The History sheets and the Rowdy sheets show the various mischiefs done by the Thevars and how, they are capable of stifling Police investigation and making prosecution witnesses hostile, with the result that some prosecutions ended in acquittal. The History sheet written by the Assistant Superintendent of Police, Valliyoor, shows the evil potentialities of the Thevars. If Arunachalam had arrested the Thevars, and if bail was sought, the entries in the History sheets and Rowdy sheets would have been brought to the notice of the Court and bail would have been refused. The advantage of the detention of Sankara Thevar and his henchmen in jail or in Police custody, would have rendered further investigation of the case very easy and the truth would have been found out. The whole investigation has been stifled and thwarted by Arunachalam acting in collusion with Sankaran.

387. Arunachalam, Inspector has been adopting delaying tactics, examining useless witnesses serving no purpose. I have carefully perused the Case Diary and I have no doubt whatever after examining all the section 161 statements of witnesses, that, if this, Commission had not been appointed, Arunachalam would have simply referred the case, as false or undetectable. In my opinion, examination of the three important witnesses Kasi, Rajasingh and Rajaselvam on 11th November 1980 was more than ample to arrest Sankaran and his henchmen and interrogate them and resist any bail application. Here too, I have to make the same remarks that Thiru Ashok Kumar and David, counsel and witness Kasi have been repeatedly complaining to me that Arunachalam, Inspector was always hobnobing with the Thevars and was frequently staying with the Thevars in the hotel and lodge; I myself observed Arunachalam hobnobing with the Thevars in the course of Commission's enquiry. When Thiruvalargal David and Ashok Kumar made a hue and cry, I sent for Inspector Arunachalam and Sub-Inspector Krishnasamy to my Chambers and severely warned and rebuked them.

388. The evidence of Arunachalam, Inspector, shows that he has not even cared to look into the history sheets and rowdy sheets of the Thevars before he started the investigation and made no effort to post himself about the antecedents of the Thevars.

389. On an entire review of the evidence and the conduct of Arunachalam (GW. 6), I have no doubt whatever that Inspector Arunachalam like Sub-Inspector Krishnaswamy had completely colluded with the Thevars and deliberately thwarted and stifled the true investigation of the case. This conduct of the Thevars in colluding with Inspector Arunachalam is another important circumstance, which constitutes a vital link in the chain of circumstantial evidence.

390. I shall next consider the aspect of the hasty and inhuman cremation of Mani on the very night, of the death of Mani. The Thevars' case is that Mani died due to heart attack and Mani's relatives themselves gave him an honourable burial". In Ramachandra Thevar's affidavit, there is a categorical statement that Mani's people *gave an honourable funeral*; and Sankara Thevar says in his affidavit that Mani was cremated according to their customs. There are also affidavits filed by the Harijans examined on the side of the Thevars, Muthammal D.P.W. 1, D.P.W. 2 Nallian, D.P.W. 4 Masanam and others.

391. In this aspect, the Thevars have proved themselves to be absolute liars, and the Harijan witnesses examined by the Thevars are equally unreliable, who have no regard for truth. It is admitted by the Harijan witnesses examined by the Thevars' side that no பாடை was used, but Mani's dead body was carried in a dilapidated door frame. The evidence of the Harijan witnesses would show that Mani was cremated like a person suffering from virulent leprosy.

392. D.P.W. 1 Muthammal admits at Page 518 in her evidence that no kind of ceremony took place on the day Mani died, that on the second day also usual customary ceremonies were not done, that if the deceased was a Hindu, the dead body would not have been taken for cremation after sunset. In the instant case, the cremation took place in the very night itself, Mani's near relatives, who are living in the neighbouring villages, Manis' sister, sisters' husband etc., were not informed about the death of Mani.

393. Admittedly, no new cloth was put on the dead body of Mani ; Tharai, Thappattai were not used when the dead body was taken from the house ; There was no dancing and singing by the boys when the dead body was carried to the cremation ground, The wife was not taken to the corner of the house ;. None of the ceremonies like lighting of oil lamps. putting the paddy and coconut, were not performed in the instant case. No bath was given to the dead-body of Mani. Untieing of Thali of Mani's wife was not done on that day. Second day ceremonies like putting Navadhanyam, pouring of milk, pouring of lime-water, putting திருகலை plant and other customary rites were not performed and மோர் contributions were also not performed and so not written in the relevant Note Books. On the day of the death of Mani, the Dhobi and Barber, who would usually come for conducting the ceremonies did not come.

D.P.W. 1 Muthammal admits that பாடை was not prepared to carry the dead body. Nobody set fire to Mani's dead body. That the usual rites of மொளம், தாளம், தம்பட்டம் were not done to Mani. D.P.W. 2 Nalliah admits that they used the door frame and that they did not use the customary funeral bamboo-poles 'பாடை' and that all were anxious to go to agricultural work in the morning, and so cremated the dead body at 9 P.M. itself. D.P.W. 2. admits that 9 or 10 people waited at the cremation ground till the entire dead body was completely burnt in the cremation ground. D.P.W. 2 admits that the relatives of Mani were not informed, that the Harijans who cremated the dead body did not wait for the arrival of Murthy, the brother-in-law of Mani. The co-brother of Mani was not informed and they did not send word to any of the near relatives of Mani.

394. D.P.W. 4 admits that the customary rites were not performed for the reason that Rajaselvam had no money. D.P.W. 4 admits that Villagers of West Sanganankulam Village were not there at that time and that D.P.W. 4 and others with *outsiders* who *came there, decided to cremate the dead body in this manner.* D P.W. 4 Masanam at Page 566 in his evidence curiously enough states that it is only because of the compulsion of the neighbouring villagers, they cremated the body in the night itself. He also admits that nobody put " கொள்ளி வைத்தல் " for Mani's dead body. He admits that even charcoal itself along with the ashes and bones were removed with the aid of a spade from the cremation ground and they were put into the well nearby ; there was no evidence of cremation of the dead body ; even the iron particles were thrown into the well.

395. D.P.W. 9 Barber Madasamy has given detailed evidence about the customs and the customary rites, which will be observed when the dead body is buried or cremated. D.P.W. 6 Muthiah has also given evidence to the same effect. He has admitted that the dead body was cremated and remained in the burial ground till 2 a.m. after the dead body being completely burnt. He admits that he did not send word about the news of the death of Mani to the sisters of Rajaselvam, that no information was sent to Mani's co-brothers or to the near relatives of Rajaselvam about Mani's death and that nobody put " கொள்ளி வைத்தல் ". The entire evidence of the Harijans themselves about the cremation is a very sad and tragic picture of the extraordinary haste, with which the cremation took place. There is clear admission that the Harijans were instructed and warned that the cremation should be finished by about 2 a. m. and the ashes and bones, even the sand and earth should be thrown into the well so that there will be no evidence of fire or burning on the place. Every thing took place in a very hasty and secret manner. The excuse that Rajaselvam had no property and therefore, no ceremonies were done is patently false. Rajaselvam at page 23 has given evidence that she has got 2½ acres of land near a well in Sanganankulam and there is bailing convenience. The witness D.P.W. 4 Masanam at Page 572 has admitted that Rajaselvam has got property and she is the only person, who owns property in West Sanganankulam Village. That apart, Sankara Thevar, under whom Mani served as a farm servant would have certainly contributed a petty sum, hundred rupees which was all that was required for the cremation expenses. The evidence adduced on the side of the Thevars shows that it was a wicked, cruel, inhuman cremation and that the statement of the Thevars that *" an honourable burial" was given to Mani is an atrocious lie.* If this aspect of inhuman cremation alone is considered, divorced from other facts of the case, it will lead to an inference of murder, followed by an inhuman hasty cremation. But for the reasons discussed in the succeeding paragraphs, I am not drawing the inference of murder.

396. It will be convenient at this stage to deal with the charge of the Thevars that Neelakanta Thevar and his brothers are behind this inquiry and have deliberately set up the Harijans to put forward false charges against the Thevars.

397. There was also a further charge that Lakshmanan ought to have been examined in the case, that he was responsible for the pseudonymous petition Exhibit B-10 and that as Lakshmanan was not examined an adverse inference should be drawn against him. On a careful analysis of the evidence, the general features of the course of inquiry, and its progress, I see absolutely no substance in the complaints of Thiru Venkatachari. I am sorry to say that the charges are unimaginative besides being absurd.

398. In the affidavits filed by the three brothers Madasamy Thevar, Sankara Thevar and Ramachandra Thevar, the specific charge and attack against Lakshman was that Lakshmanan misused and abused the names of Madasamy Thevar and Sankara Thevar secured undue advantages, escaped from certain, nasty situation by using Madasamy Thevar's name and that Madasamy Thevar and Sankara Thevar strongly resented, objected and also severely chastised Lakshmanan from doing so and that on account of this chastisement Neelakanta Thevar's family is bearing enmity towards the Thevars. The charge of the Thevars is on the face of it absurd and ridiculous. Even though such charge was stated in the affidavit and repeated parrot-like by the three brothers, no evidence of even a single instance was adduced and

when I pointedly put the question to Thiru Venkatachari on this aspect both in the course of the evidence and in the course of the arguments, Thiru Venkatachari frankly conceded that his clients have not adduced evidence even of one single instance against Lakshmanan where he misused the names of Madasamy and Sankara Thevar and any single instance of their chastisement of Lakshmanan for his having secured any advantage by using the names of Madasamy Thevar and Sankara Thevar. This only shows that the Thevars are, without any sense of responsibility, making reckless and false charges against the members of the family of Neelakanta Thevar, in particular against Lakshmanan.

399. In the course of the evidence, however, the Thevars attempted to make Lakshmana Theva solely responsible for the pseudonymous petition Exhibit B-10 disassociating Neelakanta Thevar and his other brothers. It is relevant to mention at this stage that in the affidavits of the Thevars so far as the responsibility for Exhibit B-10, was concerned, there was no specific charge against Lakshmanan singling him out. The charges in all the three affidavits of the Thevars are "Neelakanta Thevar and his brothers" all of them together are responsible for the pseudonymous petition Exhibit B-10.

400. Sankara Thevar in his affidavit states, "First glimses of mischiefs by the *abovesaid persons* was seen when I was enquired into by the Sub-Inspector of Police Tisayanvilai on 21st June 1980".

I have very carefully perused the affidavit of Sankara Thevar and I find no specific allegation regarding Ex. B-10 the pseudonymous petition as against Lakshmanan in particular.

401. In Madasamy Thevar's affidavit, he says,

"During June, 1980, I learnt that *they* (meaning Neelakanta Thevar and his brothers) managed to send a pseudonymous petition against my brother Thiru Sankaran which was enquired into by the Police." Here again, I have to make the same comment; a careful scrutiny of the affidavit of Madasamy Thevar does not show that in respect of the pseudonymous petition Ex. B-10, Madasamy Thevar had any particular individual complaint singling out Lakshmanan.

402. In Ramachandra Thevar's affidavit, it is stated in the plural i.e., "Their enemies sent the pseudonymous petition against Sankara Thevar which was duly inquired and disposed of by the Police".

He too, Ramachandran does not level any specific charge as against Lakshmanan individually.

403. The complaint of non-examination of Lakshmanan, the relevancy and necessity for examination of Lakshmanan will have to be viewed in the light of the allegations in the affidavits of the Thevars, Madasamy Thevar, Sankara Thevar and Ramachandra Thevar referred to above and in the background that Lakshmana Thevar was not singled out in the affidavits but the charge was as against all the three brothers jointly.

404. I shall first deal with the question whether Neelakanta Thevar and his brothers are in any way responsible for the charges levelled by the Harijans against the Thevars. The claim of the Thevars that they are held in high esteem and respect in Sanganankulam Village is a false claim and wholly untrue. Madasamy Thevar and Sankara Thevar are History-sheeted rowdies for more thean 2 decades. As already mentioned, the History and rowdy sheets of Madasamy Thevar and Sankara Thevar show that they committed atrocities, threatened and terrorised the villagers. Indeed, the Villagers are afraid of the atrocities of the two brothers and it is absurd and clownish to talk of the Thevars being held in high esteem and respect. It is a simple case of terror and tyranny of Madasamy Thevar and Sankara Thevar. Sankar Thevar was detained under MISA in 1976 (note not for any political reason).

405. On the other hand, my study of the entire proceedings shows that Neelakanta Thevar is a highly respectable person and he commands respect and easily respected by the Villagers in Sanganankulam. This impression I found during my several visits of Sanganankulam.

406. Even though in the affidavits filed before the Commission on behalf of the Thevars cheap allegations were made against Neelakanta Thevar and his brothers, the letter did not file any counter-affidavits. In the list of witnesses, witnesses to be examined before the Commission, Thiru Ashok Kumar, did not mention the names of Neelakanta Thevar and his brothers and members of his family. They did not offer to give evidence before the Commission in the early stages; none of them came to the Enquiry Hall where the Commissions held its enquiry. In the early stages of the inquiry Thiru Chari, made the suggestion to the witnesses examined on the side of the Harijans one after another that Harijans are giving evidence instigated by Neelakanta Thevar and that he (Neelakanta Thevar) was behind this inquiry. Thereupon, I was of the view that Neelakanta Thevar and his brothers, must be examined. I suggested to Mr. Ashok Kumar that he must examine Neelakanta Thevar and his brothers before the Commission. Thiru Ashok Kumar would not comply wih my suggestion to examine Neelakanta Thevar and his brothers as they were extremely reluctant to give evidence before the Commission. It is only after my insisting and pressing and threatening to take coercive steps by way of arrest, attachment of property, etc., that ultimately Neelakanta Thevar and the members of his family agreed to appear and give evidence bfeore the Commission. Thereafter, Chellathurai and Neelakanta Thevar came and sat in the Commission Hall on certain days. They did not in the beginning come all the days of the Commission's enquiry. It is only when in the course of the cross-examination of the witnesses of the Harijans, the Thevars made, wild suggestions seriously involving and implicating Neelakanta Thevar and his brothers that Chellathurai attended the enquiry on all the days and Neelakanta Thevar attended the inquiry more frequently. It must be mentioned that Neelakanta Thevar did not attend all the days but only some of the days. If only the Thevars had not attacked Neelakanta Thevar and his brothers in the course of cross-examination and if only they had not implicated

Neelakanta Thevar and his brothers, the latter would have been utterly indifferent right from the beginning and would have taken no part whatever in the inquiry.

407. Coming to their evidence, Neelakanta Thevar, his brothers and his uncles gave evidence confining their evidence only to the misunderstanding which had risen between the two families since June 1980 and how on account of the same, the Thevars were angry against them and disturbing and preventing their agricultural operation and the working of the pumpset. Neelakanta Thevar has been examined as P.W. 19. He did not give any evidence whatever (not whisper) bout the aspects of the Terms of reference No. (i) and (ii) in the Notification appointing the Commission, which concern the Thevars.

408. Neelakanta Thevar and Chellathurai Thevar did not give evidence spupporting the Harijans in respect of Terms of reference No. (i) and (ii) foreseid. Neelakanta Thevar was cross-examinded running into several pages ; useless irrelevant questions were put to him with vengeance. Neelakanta Thevar answered all those questions ; give true answers without any evading. I must mention in fairness to him that there is no material portion of his evidence in which he can be said to have given false evidence. In the course of his arguments, Thiru Chari did not refer to me any portion of the evidence of Neelakanta Thevar as being flase or as evidence of Neelgkanta Thevar setting up the Harians. I was very greatly impressed with his demeanour and his dignified bearing, while he was giving answers in straight manner. He did not take any partisan attitude. There was not the slightest indication in his evidence that he was supporting the Harijans in respect of charges against the Thevars. Neelakanta Thevar stated that he knew nothing about Mani's death; he knew nothing about the rape incidents. He reiterated that till June 1980 (the fact admitted by Madasamy Thevar himself) that there was no misunder standing between the two families and their relationship was very cordial and affectionate. It was crystal clear that Neelakanta Thevar and his brothers and his family took interest in the inquiry only to guard and protect themselves to dispel any notion or impression in the mind of the Commission that Neelakanta Thevar and his brothers were behind the inquiry and responsible for the charges levelled against them by the Thevars. I repeat that it is only the highly objectionable and provocative conduct of the Thevars which necessitated Neellakanta Thevar and his brothers taking any interest in the Commission. Otherwise, they evinced no interest whatever in the inquiry.

409. It is very uncharitable and totally false and baseless to charge that Neelakanta Thevar and his brothers are behind this inquiry setting up the Harijans against the Thevars.

410. I am perfectly satisfied that Neelakanta Thevar and his brothers gave true evidence and they were not actuated by an ill-will or malice or enmity as agai st Madasamy Thevar and his brothers. They spoke nothing about the complaints and charges of the Harijans, nor did they refer the police proceedings or Ex. B-10, the pseudonymous petition. While there are as many as 17 proceedings pending against the Thevars, my attention was not drawn to a single bonafide criminal proceeding as against Neelakanta Thevar and his brothers.

411. I shall next examine the contentions repeatedly persisted with certain amount of vehemence by Thiru Chari that omission to examine Lakshmanan is vital and an adverse inference should be drawn. I see no substance in the contentions and they are empty words. I have elaborately set out, in the preceding paragraphs, that the charge of the Thevars is a general charge against Neelakanta Thevar and his brothers and there is no specific direct charge against Lakshmanan singling him out. Not even an allegation that Lakshmana Thevar alone was responsible for the pseudonymous petition Ex. B. 10. It is settled law that when there is no specific pleading of a specific charge against a specific individual, there is no need for that individual to be examined and no adverse inference can be drawn. No amount of evidence can be adduced and looked into on a point not pleaded (Not only pleaded, but the pleading is general in character). On the other hand, when the charge is made against Lakshmana Thevar, the charge is a different one, i.e., that Lakshmanan is abusing and misusing the names of Madasamy Thevar and Sankara Thevar and securing advantages.

412. Lakshmanan, his brothers, his father, his uncles and his aunt have been examined. There is no point in multiplying witnesses and Lakshmanan need not be examined when there is no specific charge as against him regarding Ex. B-10. In the course of the discussion, I noticed that according to party disciplinary rules, if Lakshmanan gave evidence before the Commission, he will be disqualified. He is the District Secretary of the D.M.K. Party and if he gives the evidence before the Commission, he may be disqualified as violating the disciplinary rules. The same is the position with regard to Chandrasekaran, who is also a member of the D.M.K. Party. As against Chandrasekaran too, there are some allegations and serious charges, but he was not examined for the same reason. I am perfectly satisfied that this charge of non-examination of Lakshmanan is made with ulterior motives to bring trouble to Lakshmanan in the party politics. I am clear in mind that looked at it from any point of view, there is ample justification for the non-examination of Lakshmanan. The contention that an adverse inference should be drawn that he was the author of the pseudonymous petition Ex. B-10 for the non-examination of Lakshmanan is absurd in the extreme. In the preceding paragraph I have discussed in very great detail and in very exhaustive manner, how the three brothers Thevars actively colluded and connived with the Police Sub-Inspector Krishnaswamy and what a tragic and fraudulent miserable disposal Ex. B-10 received as a result of such collusion. When the Thevars have colluded with the Sub-Inspector with regard to the inquiry of the pseudonymous petition Ex. B.10, when in preceding paragraphs, it has been demonstrated that the Sub-Inspector made no enqiry, did not visit Sangana kulam Village at all, got signatures of witnesses in blank sheets of papers filled in the contents thereafter, there remains nothing and on the face of it, it is absurd to talk of an adverse inference touching the pseudonymous

petition, which met with a tragic fate . The argument of the Thevars as if serious consequence wuould have ensued for the non-examination of Lakshmanan connected with Ex. B-10 is fallacious and c nveys no meaning. When Ex. B-10 had perished in the t agic manner discussed above, there remains nothing and it serves no purpose to examine Lakshmana Thevars. The complaint of non-examination of Lakshmana Thevar in my opinion is simply vindictive and berefit of all bonafide ; it is solely actuated by p ltical motives to place Lakshmanan, who is the Secretary of the D.M.K. Party in a very emb rassing position. The Thevars' complaint of non-examination of Lakshmanan is under the circumstances clownish and buffoonary.

413. The statement of the R.D.O., Collector and the Superintendent of Police that there has been a long-standing enmity between the two families is clearly wrong and cannot be sustained. As already observed, Ramachandra Thevar has admitted that there has been no kind of property dispute or litigation between the two branches. Madasamy Thevar has admitted that it is only in June 1980, misunderstanding arose evidently at about the time of the election of the Trustees to Sudalaimadasamy Temple at Vijaya-narayanam. There is on record voluminous documentary evidence to show that the relationship between the two families was very cordial till June, 1980. The R.D.O. himself put it Madasamy Thevar and Sankara Thevar successfully evaded attending a meeting at North Vijayanarayanam and Cheranmahadevi and Ramachandran colluded with the brothers and gave a false endorsement on the notice of service. The R.D.O. made no effort to contact and interrogate the Thevars. The same thing happened before the Collector ; he too did not interrogate the three brothers who ignored the Collector as in the case of the R.D.O. Before the Superintendent of Police also the same thing happened ; the Thevars did not appear nor did the Superintendent of Police intterrogate them.

414. I wonder how without even interrogating the Thevars and without knowing their versions, the Officers mentioned above, made st tements that there is longstanding enmity between the two families. The statements are wholly unwarranted and directly contrary to the evidence and recor ds and the admissions by the Thevars themselves. If the aforesaid authorities had only interrogated the Thevars and put specific question, the officials aforesaid could have easily noticed the obvious fact that the misunderstanding and enmity was recent and had arisen in June 1980 at the time of the election of the Trustees of Sudalai-madasami Temple.

CREMATION EXPENSES.

415. I shall next deal with the complaint that on the day after the cremation Sankara Theavar along with his henchmen came to Rajaselvam's house, demanded reimbursement of the expenses alleged to have been incurred by Sankara Thevar in cremating the dead body of Mani.

416. The case of Rajaselvam is when Sankara Thevar demanded reimbursement for the cremation expenses, she shouted saying how dare Sankara Thevar ask cremation expenses when it was Sankaran who raped her and also murdered Mani. I have no hesitation rejecting this evidence as totally false and unnatural. Such an absurd story has been delib ately and falsely intro uced to serve as an important link in the chain of circumstantial evidence Sanakara Thevar on the next day admitted to Rajaselvam and others that it was he who cremated the dead body. In other words, it is a clever attempt on the sly to fasten sole responsibility to Sankara Thevar fo the cremation of the dead body. If Sankara Thevar had murdered and commanded and directed this hasty and inhuman cremation against the wishes of Rajaselvam, it is most unlikely that he would come back again to Raja-selvam's house and create a scene and proclaim that he was the assailant. Sankara Thevar is a wealthy person and he can well afford to forego the expenses incurred in crem ting the dead body. It is incredible that Sanakara Thevar would pursue this course of conduct, which will land him in serious trouble. It is against human conduct and human nature.

417. Above all the story itself is very artificial the evidence is full of discrep ncies. Jebamani, the mother of Rajaselvam supports Rajaselvam in respect of this claim. Jebamani's evidence is also full of material disc epancies ; the daughter and mother have freely uttered lies.

418. I am totally unimpressed with their evidence ; in the evidence of Rajaselvam, it is claimed that Sankara Thevar and his henchmen came and took away 2 bags of paddy and the golden thali of Raja-selvam from her house. In her 1961 statement before the Inspector Arunachalam, Rajaselvam gave totally different version to the effect that on the second day, Sankara Thevar carried away 2 bags of paddy, that some days later, Sankara Thevar again came to Rajaselvam's house and claimed further m ney for the reimbursement of expenses. Thereupon, Rajaselvam herself gave her golden thali to Jebamani with instructions to sell it and pay the proceeds to Sankara Thevar ; that Jebamani went to Tisayanvilai, sold the Thali to a goldsmith and paid the proceeds to Sankara Thevar. I have already mentioned that the first case of Rajaselvam is that on the very day Sankara Thevar carried away the two bags of paddy and the thali. There cannot be such vital discrepancies in the evidence if the incident is true. Different versions are given about the quantity of paddy ; In her petition Ex. A-16 to the Prime Minister, Rajaselvam has mentioned that she has stocked 4 ba sof paddy nd that they had been taken away by Sankara Thevar. Jebamani who c rroborates Raja-selvam, did not say any i g about this incident in her affidavit Ex. A-3. Jebamani has prevaricated and has stated that the Thevars themselves took away the thali of her daughter.

419. It has also got to be borne in mind that Rajaselvam and Mani, the poor harijans would have used the paddy for their daily consumption and it is difficult to imagine that Rajaselvam would have stocked 2 or 4 bags of paddy in her house to be conveniently carried away by Sankara Thevar. I am totally unimpressed with the evidence of daughter and mother and as alre dy stated this false theory has been introduced only to secure corroboration to the version of Rajaselvam that Sankara Thevar cremated the dead body and so asked for reimbursement expenses.

420. It only remains to deal with the contention of Thiru Ashok Kumar, that even assuming that he has not proved some of other links in the chain of circumstantial evidence, he has proved beyond any reasonable doubt the most important and crucial link, i.e., the dead body of Mani was carried in a bullock-cart, Sankara Thevar directing his henchmen to drive the bullock-cart with the dead body of Mani and dropped the dead body of Mani in Rajaselvam's house saying to Rajaselvam "Police will come, you should answer".

421. Thiru Ashok Kumar in support of his contention placed considerable reliance upon the decision of the Supreme Court (A.I.R. 1955 SC 801) to the effect that if a situation in the chain of circumstantial evidence a crucial situation is reached in which it was the duty of the accused to explain a particular episode or event which is within the peculiar knowledge of the accused, the failure of the accused to give satisfactory explanation is itself an important and crucial link in the chain of circumstantial evidence and a verdict of guilty may be given relying upon the total absence of the accused to explain the particular situation, particularly, when the episode connects the dead body with the accused and the event is within the peculiar knowledge of the accused. There can be no doubt about this sound guiding rule of law in pronouncing upon the guilt or otherwise of the accused. The question is whether the connected facts have have proved beyond reasonable doubt.

422. Evvidence on the relevant facts relied mainly on the evidence of Rajaselvam, her mother Jebamani and Kasi. In her affidavit Ex. A-1, Rajaselvam states—

"அன்று மாலை சுமார் 6 மணிக்கு சங்கரத் தேவர், அவர் தம்பிகள் ராமச்சந்திரன், சந்திரன் அவர்களும் சங்கரத் தேவர் மகன் சின்னத்தம்பியும், வள்ளிநாயகத் தேவர் மகன் சண்முகசுந்தரத் தேவர், சித்திரத்தேவர் மகன் பலவேசக்கண்ணு தேவர், அவர் மகன் சித்திரைத் தேவர் இன்னும் சில பேர்களும் ஒரு மாட்டுவண்டியில் என் புருஷனை கொண்டுவந்து என் வீட்டு முத்தத்தில் போட்டார்கள். வண்டியை வள்ளிநாயகத்தேவர் மகன் சண்முகசுந்தரத் தேவர் ஓட்டிவந்தார். என் புருஷனுக்கு உயிர் இல்லை. என் கணவர் அடிபட்டு உடம்பில் விக்கமாக இருந்தது. சங்கரத்தேவர் 'உன் கணவன் மருந்து குடித்து தற்கொலை செய்து கொண்டுவிட்டான்' என்று சொன்னார்".

423. The extreme artificialities and unnaturalness reflected in the portion of the affidavit extracted above is sufficient to reject this case as totally false.

424. Rajaselvam implicates as many persons as possible; it is inconceivable that so many persons would openly participate in this incident. Shanmugasundaram alone is sufficient to drive the bullock-cart to the house of Rajaselvam and this parading of about a dozen people is incredible.

425. Obviously attempts were made to include as many members of the family of Sankara Thevar and as many henchmen of Sankara Thevar as possible. I am not inclined to believe the sole interested testimony of Rajaselvam.

426. Kasi has admitted that several residents in the street were standing outside and 7 or 8 persons had witnessed the occurrence. The failure to examine any one of the independent persons of the residents in the srtreet has got a vital importance in assessing the interested oral testimony of Rajaselvam, who had proved to be a thorough liar in several material portions of the case.

427. Jebamani says that on that day she returned with her husband from Nanguneri Hospital and at the time when she returned, she observed the dead body being dropped from the bullock-cart by Sankara Thevar and his henchmen. In her affidavit Ex. A-3 before the Commission, she repeats parrotlike the same artificial story like Rajaselvam implicating several persons, Sankara Thevar and the members of his family and his henchmen in carrying the dead body in the bullock-cart and dropping it in Rajaselvam's house.

428. Thiru Venkatachari in the course of the cross-examination of Jebamani has clearly brought out that it is impossible that Jebamani would have returned to the Village by 6 O' clock (6 p.m.) from Nanguneri Hospital and it will be only about 8 p.m. when she reached home. I accept Venkatachari's argument based upon the cross-examination that as a fact Jebamani had not returned home at the time when the dead body was said to have been dropped from the bullock-cart in Rajaselvam's house.

429. In the preceding paragraphs, I have discussed in great detail how Jebamani has freely uttered lies and how her evidence is worthless on other portions of the case. She is thoroughly unreliable and I am not inclined to accept her evidence. Rajaselvam's evidence is that when the dead body was dropped there was ample evidence of beating and swellings all over the body in numerous places, but in her 161 statement before the Inspector Arunachalam, she has stated that she did not observe any swelling in the body.

430. Rajaselvam has been proved to be unreliable with regard to her complaint that she was raped by Sankara Thevar and the case of rape of Rajaselvam has been found against her. Again, her version of Mani going to Sankara Thevar's house for the settlement of arrears of salary has also found to be false.

431. She has freely uttered lies both orally and in the documents for the purpose of making out that Kasi and Rajasingh are eye-witnesses to the occurrence. It is abundantly proved that she speaks falsehood and fabricates documents with false recitals.

432. Again, she has proved herself to be a liar with regard to her case that on the next day after the death of Mani, Sankara Thevar came to her house and claimed reimbursement of expenses alleged to have been incurred by him for the cremation. Her evidence on this portion of the case is absolutely false ; it bristles with lies. Her evidence is one thing, her inquest statement is another thing and her 161 statement before the Inspector Arunachalam is something different. Her evidence is full of discrepancies, prevarications and falsehood. Her evidence that Mani went to Sankara Thevar's house for asking settlement of salary is false, because the case of rape is proved to be false. In other words, the evidence given by her regarding the events alleged to have taken place on the fateful day as well as in the next day is full of lies ; she has made these statements without any regard for truth, and in that context, her interested oral testimony that Sankara Thevar carried the dead body along with his henchmen and dropped it in the Rajaselvam's house is false and I find it impossible to accept. If she has given true evidence in the other crucial portions of the case, one may consider the question of accepting the story that Sankara Thevar dropped the dead body in Rajaselvam's house though it rested upon her interested testimony. But, that is not the case here. There is also a further important fact that before the R.D.O. or the A.S.P., Rajaselvam did not give this version that Sankara Thevar along with his henchmen carried the dead body in a bullock-cart and dropped it in her house.

433. I am of the clear opinion that this case was not decided upon early, subsequently it was only at a belated stage it was resolved to put forward Kasi and Singh as eye witnesses to the occurrence including the dropping of the dead body.

434. For all these reasons, I reject this contention of Thiru Ashok Kumar.

435. In conducting this inquiry and in coming to my conclusions, I have borne in mind the following classical statement of the guidelines enunciated by S. R. Das Commission (Justice S. R. Das, formerly Chief Justice of India) :—

"The Commission has, throughout this inquiry, constantly borne in mind the two cardinal principles which have made our laws and administration of justice noble and which bar the way to tyranny and arbitrary Government. These principles are—

(i) that an individual must be presumed to be innocent until the contrary is proved beyond reasonable doubt by dependable evidence freely given and publicly ascertained or by the irresistible probabilities of the case ; and

(ii) that no individual should be condemned on suspicion, however strong.

In arriving at its conclusions the Commission has therefore, demanded the high standard of proof, which our laws enjoin before it has accepted any allegations, however, emphatically asserted, as evidence on which it could safely rely and confidently act. In evaluating the evidence laid before it and in regulating its proceedings the Commission has adhered to the time-honoured principles embodied in our Evidence Act and the Codes of Procedure, not because they are binding on it but because they enshrine in themselves and the sound and salutary good sense gathered through centuries of experience and wisdom. In the arduous and trying task of holding the scales of justice even as between the contending parties, the Commission has spared no pains to ensure that justice is not only done, but also appears to have been so done".

436. I may also refer to the following principles laid down by Sri Justice H.R. Khanna Commission :—

"In order to come to the conclusion as to whether the charges have or have not been proved, the Commission would have regard to the documentary evidence, supplemented as it is by affidavits and the other material on record, taken in the context of all the surrounding circumstances. The quantum of proof in order to carry conviction has necessarily to be same as is required in a case in a Court of law. The principles applied in this respect in Courts of law would hold good equally in proceedings before the Commission, because those principles are essentially based upon rules of prudence and common sense and embody within themselves the distilled wisdom of years gone by".

437. As regards the standard of proof and how no finding can rest upon suspicion, I may extract the following classical statement of BARON ALDERSON to the jury in R. V. Hodge, 1838, 2 Lewis CC 227 :—

"The mind was apt to take a pleasure in adapting circumstances to one another, and even in straining them a little, if need be, to force them to form parts of one connected whole ; and the more ingenious the mind of the individual, the more likely was it, considering such matters, to overreach and mislead itself, to supply some little link that is wanting, to take for granted some fact consistent with its previous theories and necessary to render them complete."

Vide also statement of law to similar effect in AIR 1963 Supreme Court cases. Page 74.

438. Thiru Venkatachari also invited my attention to the following statement of law in Sarkar's Evidence (Volume II—Latest 13th Edition 1981) at Page 1065 :—

"The presumption of innocence signifies no more than this that the Commission if a crime must be proved beyond all reasonable doubt, in other words, as Thayer points out (Ev at Common Law, p. 588) the "whole doctrine when drawn out is, first, that a person who is charged with a crime must be proved guilty, that according to the ordinary rule, of procedure and of legal reasoning *presumitur pro reo ie neganti*, so that the accused stands innocent until he is proved guilty ; and second, that this proof of guilt must displace all reasonable doubt".

439. It only remains for me to sum up my conclusions and findings.

440. The case as presented by the Harijans is that the case of rape and the case of murder of Mani, formed part and parcel of an inseparable and integral transaction. One cannot be divorced or disassociated from the other. Both the incidents together constitute one single episode. Even according to Rajaselvam, vide her statement before the Assistant Superintendent of Police (Ex. A-9, dated 26th September 1980], Rajaselvam's case is only an attempt by Sankara Thevar to commit rape upon Rajaselvam. It is a bare attempt and not a complete rape. The case of rape is found against.

441. When the case of rape goes, the story that there was a conference of Mani and Rajaselvam at which they resolved that Mani should sever all his connections with Sankara Thevar and he thereupon, went to Sankara Thevar's house for the settlement of his salary is false. The rape is said to be operative motive for Mani going to Sankara Thevar's house for the settlement of his salary. When rape goes, there is no question of Mani going to Sankara Thevar's house to sever his connections and for the settlement of his salary account.

442. The version that Sankara Thevar felt humiliated at the manner in which Mani asked for settlement of salary that Sankara Thevar lost his temper and thereupon murdered Mani in his house or pushing Mani to the junction of the four roads and Mani was severely beaten to death, Sankara Thevar loudly observing at the time of murder "Is this the way for Cherruki's son to ask the salary" and so saying trampled over the neck of Mani when he fell on the ground is equally false. There is no motive for the crime and the alleged motive put forward is obviously false. The motive put forward is that Sankara Thevar was put out and felt humiliated at the manner in which Mani asked for settlement of his salary. This never happened and so there is no question of Sankara Thevar loosing his temper.

443. There is no question of Mani labouring under a severe sense of frustration, i.e. his wife was raped and therefore, he committed suicide in Sankara Thevar's house. If the rape is proved to be false, there is no question of Mani labouring under a severe sense of frustration, resulting in his committing suicide.

444. The evidence adduced does not prove that Mani died a natural death due to heart attack in Mani's house ; Mani did not die in his house. The evidence adduced by the Thevars on this portion of the case is false. Considering all the circumstances, as a whole, I hold that Mani died in Sankara Thevar's house due to excessive drinking of illicit arrack. There is no question of Mani dying due to consumption of poison and committing suicide.

445. After Mani's death due to excessive drinking of illicit arrack, the dead body was carried by the cart-man of Sankara Thevar to Mani's house. I do not believe that Sankara Thevar and his henchmen and family members (numerous persons] accompanied the bullock-cart. I hold that the dead body was sent by Sankaran to Rajaselvam's house after sending word to Kasi, Kasi himself driving the bullock-cart or Sankara Thevar's driver driving the bullock cart to Rajaselvam's house with the dead body of Mani. As Mani did not die a natural death, but he died due to excessive drinking of illicit arrack his people Rajaselvam and others including Kasi and Sankara Thevar and all fully agreed and decided by common consent that the dead body should be cremated immediately as expeditiously as possible to avoid the Police coming upon the scene and consequent troubles, post-mortem, investigation, arrest, etc., arising, if the Police came upon the scene.

446. This hasty cremation was not at the dictation, command of Sankara Thevar ; it was a decision taken by Sankara Thevar in full agreement and with full consent of Rajaselvam, her parents and Kasi to avoid Police intervention. Though it was not a case of murder or suicide and death was due to excessive illicit arrack the fear of Police coming upon the scene was there.

447. Here, I completely agree with the Report of the Superintendent of Police (Ex. G-33), dated 3rd October 1980, wherein the Superintendent of Police after a thorough careful investigation had remarked that the cremation was done jointly by the Thevars and the Harijans.

448. As my finding is that the cremation was not on the dictation and command of Sankara Thevar, but that it was in pursuance of the decision taken by Sankara Thevar in full agreement and with full consent of Rajaselvam, her parents and Kasi, it is unnecessary to discuss the evidence whether Mani is a Christian or a Hindu. In either event, all parties concerned have decided to cremate the dead body as expeditiously as possible.

449. The case of Kasi, Rajasingh and Stalin were eye-witnesses to the murder and that Mani was brutally beaten to death and murdered by Sankara Thevar is absolutely false and utterly reckless. No such incident took place and no question of eye-witnesses thereof.

450. The investigation of the alleged crime by Sub-Inspector Krishnaswamy and Inspector Arunachalam is vitiated by grave collusion and the investigation is a huge fraud and damn disgrace. They have completely colluded and connived with the Thevars.

451. The case of rape of six other persons viz., Manjula, Vasantha, Vasanthi, Grace, Prema and Michael Ammal is als false. The evidence adduced in support of this charge is absolutely worthless and false.

452. My finding is that the Thevars like the Harijans have proved themselves to be reckless liars and in giving evidence they flouted the solemnity of the proceedings of the Commission. Their evidence in cross-examination would show that they have uttered lies quite freely. I am wholly unimpressed with their

demeanour (Thevars), when they gave evidence before me. Out of many, I will refer only two instances to show to what extent Madasamy Thevar would utter lies.

453. Madasamy Thevar in his affidavit Ex. B-28 has stated at page 2 :—

"It is atrocious to have made an allegation of suppressing the suspicious death of one Thiru Mani, who was servant under Thiru Sankaran. *In fact, to the best of our knowledge Thiru Mari died of heart attack and his funeral was done by his relatives*".

But when cross-examined as D.P.W. 14 at page 762 of the record, Madasamy Thevar falsely says "*I do not know Mani at all*". This shows Madasamy Thevar is an unscrupulous liar.

454. On the occasion of the appointment of the Trustees for Sudalaimadasamy Temple, Madasamy Thevar gave a list of his nominees Ex. A. 93 to Neelakanta Thevar, asking him to promote the interests of the names mentioned by Madasamy Thevar in Ex. A.93. Neelakanta Thevar in the course of his evidence produced this list Ex. A. 93, which is admittedly in the handwriting of Madasamy Thevar. The list Ex. A. 93 was produced by Neelakanta Thevar to prove that the relationship between him and Madasamy Thevar was affectionate and cordial. When Madasamy Thevar was cross-examined at page 764 of the record, he attempted to wriggle out of the situation and falsely stated that he (Madasamy Thevar) sent the chit to the Former Minister Mr. Edmund. His evidence is clearly false. If the list was given by Madasamy Thevar to Mr. Edmund, it passes my comprehension how Neelakanta Thevar produced the list in the course of his evidence. Ex. A. 93 does not contain any evidence either it was addressed to the Minister or sent to him. When the list is produced by Neelakanta Thevar, the presumption is that it was given by Madasamy Thevar to Neelakanta Thevar. This episode of Madasamy Thevar introducing Mr. Edmund shows again, how freely Madasamy Thevar utter lies. It is unnecessary to multiply the instances and it is sufficient to state that the Thevars never helped the Commission by giving frank, true and honest evidence. Madasamy Thevar is no better than the Harijans Kasi and Singh.

455. Sankara Thevar too is as bad as the Harijans in freely uttering lies with utter disregard for truth. This aspect that Sankara Thevar freely uttered lies will be apparent from the discussion in the preceding paragraphs. I may however, like to stress one episode, which has already been discussed to show what an unscrupulous liar Sankara Thevar is, and how he never helped the Commission by giving true evidence to arrive at the truth.

456. The uncles of Sankara Thevar gave specific evidence that there was a meeting and conference between the two uncles and Sankara Thevar on 1st August 1980 and on 3rd August 1980 and at that conference, Sankara Thevar made extra-judicial confession to his uncles. Sankara Thevar however, gave evidence (deliberate lie) that there was no meeting whatever between himself and his uncles on 1st August 1980 and on 3rd August 1980.

457. Ex. B-25 is the statement by Sankara Thevar signed by him filed before the Police. Ex. B-25 contains a categorical and clear admission by Sankaran that there has been a meeting between Sankaran and his uncles and that at that meeting, Sankara Thevar charged Lakshmanan for the responsibility for pseudonymous petition. Ex. B-25 is clear that on 1st August 1980 and on 3rd August 1980, Sankara Thevar has met his uncles and there was a discussion between them. It is thus clear that the denial of this meeting and conference between Sankara Thevar and his uncles in his oral evidence is utter falsehood and it is given with reckless disregard for truth. Ex. B-25 demonstrates Sankara Thevar is a liar and no reliance can be placed upon his oral evidence.

458. Thus, to sum up, either Madasamy Thevar or Sankara Thevar, both of them, are as bad and as unreliable as the Harijans. They have wealth, but no honesty whatever.

459. In concluding this Report, I confess I experienced considerable difficulty in arriving at my findings. On some aspects, some crucial links in the chain of circumstantial evidence had been made out as against the Thevars as well brought out by Thiru Ashok Kumar, in the course of his able argument. But all the links were not brought out and the chain was not complete.

460. Being a case of circumstantial evidence, even though some crucial links were established against the Thevars, I am not in a position to hold that the crime was committed by Sankara Thevar and Sankara Thevar only and not by anybody else. All the safeguards and all the guidelines to rest a conviction on the basis of circumstantial evidence are not satisfied in the instant case. The instant case is a doubtful case and gave me considerable difficulty ; on several points it is not a clear case in favour of the Thevars. I desire to emphasise that when I give a verdict of not guilty in favour of the Thevars, it is not an honourable acquittal on the merits ; it is not a verdict that the Thevars are innocent. It is only because the guilt of the accused has not been established beyond all reasonable doubt, that the Thevars are let off.

461. If the complaint which was given immediately after the occurrence Ex. B. 10, dated 11th April 1980, had been properly investigated by an *honest* Police Officer, without the connivance of and the active collusion with the Thevars, the result would have been different, the entire trend and the complexion of the case would have changed and relevant and crucial and true events would have been noticed in the proper and true perspective in an enquiry by an *honest* Police Officer. If the concerned Harijans had been examined, in an honest and proper enquiry, immediately after Ex. B. 10, the first true version of the Harijans would have come out without any adulteration, without any tutoring and without any embellishments ; simple truth would have been disclosed. The tragic and dishonest disposal of the petition Ex. B. 10 created a time-lag about six months. During this period (June, 1980 to October, 1980), the Harijans became tools in the hands of the designing persons and the

Harij ns have failed only on account of the discrepancies and developments and promptings. These unsavoury features would not have appe red at the earliest stage. The Ha ij ns have been seriously handicapped by the Police and the Thevars colluding together thereby stifling and thwarting the ascertainment of the truth.

462. In the Notification appointing me as One Member Commission, the third item of reference requires me to recommend suitable measures to prevent such occurrences in future, in the context, meaning murder of Harij ns and rape upon Harijan girls and women.

463. I have not found the Thevars are innocent of the charges. Indeed I have very grave suspicion and I have given Sankara Thevar only a benefit of doubt. I therefore, propose to give suggestions in the light of my adverse comments upon the unhealthy conduct of the Thevars in their c luding with the Police Officers at Tisayanvilai. In the opening of my Report, I have dealt with in great detail that Madasamy Thevar and Sankara Thevar are very powerful History-shected rowdies for more than two decades and are tyrants and desperados and they are guilty of goondaism.

464. The Report of the Assistant Superintendent of Police, V lliyoor, Mr. G palakrishna (Ex. G.25, dated 5th August 1980) and the records of the enquiry prove that the Thevars are men of muscle power, money power and political power and the Police Officers are acting hand in glove with the Thevars. The Report of the Assistant Supe intendent of Police, is herewith annexed (ANNEXURE V). The Thevars do not c mmand any respect ; but the people in the village are terribly afraid of them as they are tyrants.

465. The Village Crime History, Part IV contains nasty and serious remarks about Madas my Thevar and Sankara Thevar. Those remarks highlight the bad and notorious character of the Thevars and they have the arrogant feeling that there should be nobody in the locality bigger than them and everybody should be in their beck and call. My preceding discussion also shows that the Police Officers posted in Tisayanvilai Police Station become impotents, completely surrendered themselves to the Thevar s and the Police Station is virtually being run by the Thevars. I have also referred to the to al surrender of the Police Officers and how they were acting as puppets of the Thevars, and how on account of their (Police) mis-handling of the situation and their collusion, the true investigation of the case has been thwarted and stifled and every aspect of the case has been made to appear suspicious. The History Sheets also show how very frequently the Thevars were interfering with the Police investigation, winning over the witnesses and how on account of their bad character and thei tempering of the witnesses, some criminal cases ended in acquittal. I am of the emphatic opinion that all the Police Officers in Tisayanvilai Police Station have been impotents, cowards and have been acting in collusion with the Thevars on the direction of the latter.

466. In the instant case, on account of the active collusion between the Sub-Inspector and the Thevars the detection of the truth of the case i.e., the murder of Mani has been successfully thwarted even though the complaint (Ex. B. 10) came within a week after the alleged occurrence. It is utter damn disgrace that such a sorry state of affairs has been continuing in Tisayanvilai Police Station. The Office of the Valliyoor Assistant Superintendent of Police, is no better. There is also the further fact that the complaints were given before me in the enquiry that the Thevars are exploiting the fac that Thiru Ramakrishnan, Inspector of Police in Vigilance and Anti-corruption is, thei (the Thevars) brother-in-law, to terrorise the subordinate Police Officers.

467. The Rowdy sheets and History sheets of Madasamy Thevar and Sankara Thevar should be continued with greater vigour and strictness for another two decades. Preferably the Assistant Superintendent of Police, Inspector and Sub-Inspector of Tisayanvilai and Valliyoor should belong to some community other than the Thevars. The movements of the Thevars should be watched very carefully and should not be allowed to remain with the stage of Assistant Superintendent of Police, Valliyoor.

468. I know in other places, the matter stops with the Assistant Superintendent of Police level and in a St tion like Tirunelveli District (very heavy district), the Superintendent of Police and the Deputy Inspector-General of Police, are very busy and may not find time to devote their personal attention. They have huge problems to handle. Even so, it is my view that so far as Tisayanvilai Police Station is concerned, the Superintendent of Police, Tirunelveli District, should take a personal interest and devote some time, exercise personal control and supervision over the work done by the subordinate Police Officers (Sub-Inspector, Inspector and Assistant Superintendent of Police, Valliyoor). The Thevars must be made to realise that the Superintendent of Police, is exercising personal supervision and control over the work done at the Police Station at Tisayanvilai and Valliyoor and that it is no longer possible to win over the Police. It is only then, the crimes would be properly investigated and tyranny will disappear. In order to facilitate effective supervision of Sanganankulam Village by Tisayanvilai Police Officers and also for the general welfare and benefit of the Harijans, a road should be immediately laid connecting Nanguneri-Tisayanvilai Road, at the approach road to Sanganankulam Village.

469. I am told that there are 17 cases pending against the Thevars and it is really disgraceful and a matter for deep consideration. It is very extra ordinary that in all the 17 cases, *the Police remained inactive and absolutely indifferent and on account of their collusion with the Thevars and for about 10 months, the cases were not charge-sheeted. This shameful state of affairs will continue and can never be checked and/or eradicated unless* the Superintendent of Police, Tirunelveli District, exercises personal supervision

and control. I have personally discussed the situation with the Superintendent of Police and he has assured me to do his best in the matter. I hope a day will come soon when the Thevars will realise that in Tirunelveli, there is something like a Police force to control their notorious activities.

470. My inspection of the village shows that illicit distillation is going on in a very large scale. This is only again due to inefficiency and indifference of the Police. During my several inspections of the village, I found in innumerable places, illicit distillation of arrack was going on. I noticed evidence of improvised ovens in innumerable places in the fields and the evidence of fire and burning, generated for illicit distillation of arrack. The illicit distillation of arrack is a certain source for making money and also for people to indulge in acts of rowdism. The Police should take up this matter in all seriousness and conduct raids as frequently as possible to prevent illicit distillation.

471. A special unit of Small Scale Industries may be started for promoting the interests of the Harijans of Sanganankulam to facilitate them to eke their livelihood instead of being at the mercy of the Thevars.

472. No member of the family of Madasamy Thevar or Sankara Thevar or Ramachandra Thevar should be appointed as Trustee of any temple or as Village Munsif or Karnam of any village. If any member or members of family of Madasamy Thevar and his brothers have gun licence, they should be cancelled forthwith in the interest of public security having regard to their antecedents discussed above. I have already discussed how the Police and Ramachandra Thevar colluded and exploited the situation and created a false evidence before the enquiry before the Commission and how by his (Village Munsif Ramachandran) fraudulent conduct, the truth could not be found, the enquiry was thwarted and there are only grave suspicions.

473. The Police Officers appointed for Tisayanvilai Police Station and Valliyoor should be Police Officers of higher calibre and should be honest, bold and have courage to check and watch the movements of the Thevars as frequently as possible.

474. The other suggestions received from other persons and other associations relate to the general improvement of the condition of the Harijans and measures to improve and promote the interests of the Harijans. They also assume and proceed on the footing that murder has been proved as well as rapes. These suggestions are therefore, not helpful. The Government is already taking several steps in this direction and it is not for me as Commission to make suggestions because item (iii) in the terms of reference, refer to some other aspect and not measures to promote the interests and welfare of the Harijans.

475. Thiru T. M. Arumugam, I.A.S., has been the Collector of Tirunelveli District, during the relevant period and also for a few months after I assumed charge as One Member Commission. I desire to express my appreciation of the work done by Thiru T. M. Arumugam, Collector, in his thorough and sympathetic investigation of the complaints of the Harijans. He had patiently and with very great sympathy listened to the complaints of the Harijans and complaints of people, who took interest in the welfare of the Harijans. He without any delay arranged for a meeting in the D.D.C. Meeting Hall as desired by Thiru John Vincent, M.L.A., which ultimately resulted in the appointment of this One Member Commission. The records reveal that Thiru T. M. Arumugam, has conducted a thorough and sympathetic inquiry and I am happy to find that he has reached the same conclusion as mine. As a Collector, I gained the impression from the general public, that he has been an extremely popular and affectionate Officer, always attending to the general welfare of the general public.

476. To Thiru Arumugam and the succeeding Collector Thiru Nirmal Singh Hira, I must express my thanks, who have spared no pains in looking after the arrangements in the Circuit House, Palayamkottai, whenever Commission visited Tirunelveli, for conducting the enquiry. Special arrangements were made by both of them and they have given full instructions to subordinate staff to look after the comforts of the Commission and its staff. If I enjoyed my sittings in Tirunelveli it is entirely due to the excellent arrangements which Thiru Arumugam and Thiru N. S. Hira, made for my stay.

477. I will be failing in my duty, if I do not refer to Thiru Arumugam, Tahsildar of Tiruneveli. It is he who personally looked after me and made special arrangements for my food whenever I camped at Tirunelveli. While returning home (though late hours), Thiru Arumugam invariably came to the Circuit House to enquire about my comforts, food, etc., I am grateful to him for all the love and affection he bestowed on me.

478. My thanks are due to the Reception Deputy Tahsildar, Thiru Poornalingam, who also has done a lot to make our stay nice in Tirunelveli. In particular, I must refer to the great assistance received from Thiru Poornalingam, for the reservation of tickets for myself and my staff at short notice.

479. I must express my thanks to Deputy Inspector-General of Police Thiru Hariharane, I.P.S., as well as to Thiru Ranjit Singh, I.P.S. Superintendent of Police, Tirunelveli District. I received considerable help from them in connection with my Commission work. On occasions, I had discussions with the D.I.G. Thiru Hariharane and Thiru Ranjit Singh the Superintendent of Police, and they gave me useful and valuable suggestions. In my discussion on the merits of the case, I have already expressed my great appreciation of the excellent and intelligent work done by Thiru Rajagopalan, I.P.S., the then Superintendent of Police, and there is no need to repeat it here.

480. I must also express my thanks to Thiru S. Ramaswami, Special Branch Inspector, who was of immense assistance to me, while conducting my enquiry. Invariably, he accompanied me when I visited the Village and Thiru Ramaswami attended all the hearings of the Commission, except on few occasions. Whenever I had any doubts arising from the Police files and records and investigation by the Police, I used to consult Thiru S. Ramaswami and I received immediate and valuable assistance from him.

481. I must thank the members of the Bar, counsel appearing for all parties for the great assistance and full co-operation, which I received, from every one of them. Thiru Perianayagam, Advocate, has appeared for the Government and the Police and he rendered valuable assistance. Thiru Perianayagam attended all the hearings of the Commission and accompanied the Commission at the time of inspection.

482. Thiru John Ponniah, Advocate, appeared as Counsel to assist the Commission and he gave considerable assistance while the Commission conducted the enquiry.

483. I am deeply grateful to Thiru Venkatachari, Advocate, for his detailed and very thorough preparation of the case and his thorough and intelligent cross-examination. I derived considerable assistance from Thiru Chari for his intelligent and useful analysis of the evidence and elaborate arguments.

484. Thiru Kartheesan, Advocate, appeared for a few days at the early stages of the enquiry and I was greatly impressed with his sober, calm and very intelligent and incisive cross-examination. He richly deserves the high reputation he enjoys as the accredited leader of the Bar.

485. Thiruvalargal Rajendran and Muthukrishnan, Juniors of Thiru Venkatachari, rendered me assistance whenever Thiru Chari was obliged to be absent. I received able assistance from them.

486. Thiru Ashok Kumar, Advocate, who appeared for the Harijans requires special mention. During the short space of time, since he commenced his practice, he has built up a very lucrative practice. He is very thorough of the facts of the case and I must express my great appreciation of his sober and clever and incisive and purposeful cross-examination. Thiru Ashok Kumar is an Advocate of very pleasing manners and by his gentle soft advocacy with great court courtesy, he makes his arguments very persuasive. Thiru Ashok Kumar's intelligence backed up with great industry is of a very high order. His arguments are lucid and to the point. His general demeanour and bearing are very dignified. He is already having very good practice and I am sure he will soon become the accredited leader of the Bar.

487. I must also express my thanks to Thiru David, Advocate, and Thiru Moses Kanagasabai, Advocate, for the great assistance they rendered. On certain days Thiru Moses Kanagasabai, Advocate, continued the cross-examination of some of the witnesses when Thiru Ashok Kumar was obliged to be absent. I am grateful to Thiru David, Advocate, frequently coming from Vellore for the hearing, for the sole purpose of protecting and helping the helpless Harijans in a spirit of sacrifice and service.

488. I must mention in particular the services rendered by Driver Krishnan, Tirunelveli Collectorate, with an ever smiling face at all times including on two occasions when his services were required at 12 midnight when a Doctor had to be called.

489. I must thank the Registrar of High Court and Thiru S. A. Kader, the then Principal Judge of City Civil Court, Madras, who readily obliged to spare the services of Thiru D. Manoharan, Steno-typist, at my disposal throughout my enquiry.

490. My thanks are also due to Thiru Kirubakaran, I.A.S, Joint Secretary to Government, Public (Law and Order-A) Department, Secretariat. I had a few occasions to speak to him in connection with the work of the Commission and I am happy to say that all my requests were promptly and immediately attended to without any delay.

491. It will only remains for me to express my thanks to my staff.

492. I am very happy to say Thiru O. Ovu Reddy, Secretary, fully co-operated with me and rendered valuable assistance while I was holding my sittings as One Member Commission. He has been very industrious and intelligent and doing work all throughout the day when I visited Tirunelveli, during the day time at the Commission's sittings and in the morning and in the evening at Circuit House. He corrected the mistakes in my draft Report and I must express my appreciation for the excellent work done by him in this regard. He pointed out various mistakes, grammar and spelling, etc., which were corrected and I am very grateful to him. He gave me his pleasant and enjoyable company on very many occasions of my train travel to and from Tirunelveli.

493. I must express my grateful appreciation of the personal help and personal assistance, which I received from my Personal Assistant Thiru C. N. Neelakantan. His work was superb and it was he who was directing the entire team. H looked after my arrangements for my journey and stay at Tirunelveli. Likewise, he looked after the comforts of the rest of the members of the staff. Thiru Neelakantan is very affable and his drive and initiative are phenomenal. But for his drive the Commission could not have concluded this enquiry by Middle of April, 1982.

494. I must express my thanks to Thiru Krishnamurthy, Selection Grade Assistant, who rendered me assistance in every respect and made my Commission work very easy. He is a willing worker with an ever smiling face and he is mainly responsible for the maintenance of the team-spirit of the members of the staff.

I must specially mention that he is a very sharp and intelligent officer. He too gave me pleasant company and looked after my comforts during my journey to and from Tirunelveli.

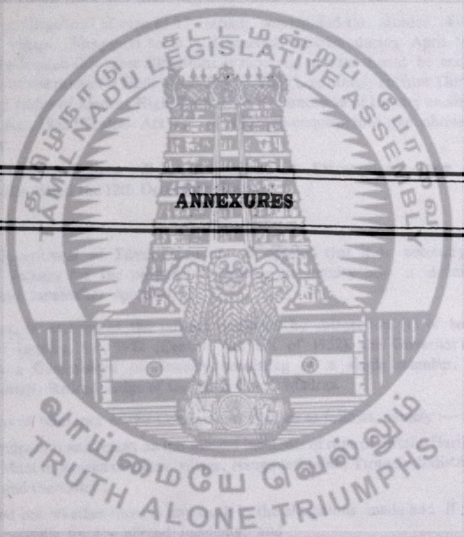
495. I will be failing in my duty if I do not refer to the great and excellent work done by Thiru V. Subramanian, Court Officer. The court's record is very heavy, evidence exceeding over 900 pages and the documents exhibits numbering about two hundred and fifty. Fortunately, he has been working in Justice K. S. Venkataraman's Commission and he has very well picked up the work. I should say that he was helpful to me as a Court Clerk and rendered such assistance as I received from many of the Court Bench Clerks of the Madras High Court while I was a Judge. I desire to mention that I received from Thiru V. Subramanian, phenomenal assistance at the time when I dictated the report. He had the relevant pages of depositions and exhibits in his finger's end and I prepared the report in a very short time. It is entirely due to the valuable assistance I received from Thiru Subramanian.

496. I must also express my thanks to Thiru P. Subramanian, Shorthand writer. He also did excellent work.

497. Lastly, I must mention the excellent work done by Thiru D. Manoharan, Shorthand Writer, and the great assistance I received from him as Shorthand Writer. By working under me, he has picked up enormously in speed. I am happy to say that he has reached the stage of such a high efficient Stenographer that I am of the opinion that he can easily be absorbed in the Madras High Court as Shorthand Writer. I wish him all happiness and ever increasing prosperity. He is a willing worker with an ever smiling face. He has been coming to my residence at all odd times I desired, morning, noon and evening.

TAMIL NADU LEGISLATIVE ASSEMBLY
TRUTH ALONE TRIUMPHS


தமிழ்நாடு சட்டமன்றப் பேரவை
TAMIL NADU LEGISLATIVE ASSEMBLY
வாய்மையே வெல்லும்
TRUTH ALONE TRIUMPHS


தமிழ்நாடு சட்டமன்றப் பேரவை
TAMIL NADU LEGISLATIVE ASSEMBLY
வாய்மையே வெல்லும்
TRUTH ALONE TRIUMPHS

ANNEXURES


தமிழ்நாடு சட்டமன்றப் பேரவை
TAMIL NADU LEGISLATIVE ASSEMBLY
வாய்மையே வெல்லும்
TRUTH ALONE TRIUMPHS

ANNEXURE I.

GOVERNMENT OF TAMIL NADU

PUBLIC (LAW AND ORDER-A) DEPARTMENT.

G. O. No. 2730, 11th December 1980

Law and Order—Tirunelveli district, Nanguneri taluk—Sanganankulam village—Allegation of rape of 17 Harijan women and murder of Thiru Mani during April and May 1980—Enquiry under the Commissions of Inquiry Act—Ordered.

Order—No. 2730, Public (Law and Order-A), dated 11th December 1980.

Following the allegations of rape of 17 Harijan women and the murder of one Mani in Sanganankulam village, Nanguneri taluk in Tirunelveli district during April-May 1980, the Government have decided that these allegations of rape and murder should be enquired into by a Judicial Officer of the rank of a High Court Judge. They accordingly appoint Thiru K. S. Ramamoorthy, Retired Judge of Madras High Court as the Commission of Inquiry under the Commissions of Inquiry Act, 1952 (Central Act LX of 1952) to enquire into the above allegations of rape and murder.

2. The following notification will be published in an Extraordinary issue of *Tamil Nadu Government Gazette*, dated the 12th December 1980.

NOTIFICATION.

WHEREAS the Government of Tamil Nadu are of opinion that it is necessary to appoint a Commission of Inquiry for the purpose of making an inquiry into a definite matter of public importance hereinafter specified.

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of section 3 of the Commissions of Inquiry Act, 1952 (Central Act LX of 1952), the Governor of Tamil Nadu hereby appoints a Commission of Inquiry consisting of a single member, namely Thiru K. S. Ramamoorthy, Retired Judge of the High Court, Madras.

2. The terms of reference of the Commission shall be as follows, namely :—

(i) to enquire into and report on the alleged incidents of rape of certain Harijan women and murder of one Mani in Sanganankulam village, Nanguneri taluk, Tirunelveli district during April and May 1980, and thereafter ;

(ii) to find out whether there is any truth in the allegations made and if so, to identify the culprits responsible for the alleged incidents; and

(iii) to recommend suitable measures to prevent such occurrences in future.

3. The Commission will complete its enquiry and submit its report to the State Government within a period of three months from the date of this notification.

4. AND WHEREAS, the Government of Tamil Nadu are of opinion having regard to the nature of inquiry to be made by the Commission and other circumstances of the case, that all the provisions of sub-section (2), sub-section (3), sub-section (4) and sub-section (5) of section 5 of the Commissions of Inquiry Act, 1952 (Central Act LX of 1952) should be made applicable to the Commission, the Governor of Tamil Nadu hereby directs in exercise of the powers conferred by sub-section (1) of the said section 5, that all the provisions of the said sub-sections (2), (3), (4), and (5) of that section shall apply to the Commission.

(By order of the Governor)

V. KARTHIKEYAN,
Chief Secretary to Government.

To

The Director of Stationery and Printing, Madras-1 (for publication of the notification in an Extraordinary issue of *Tamil Nadu Government Gazette*, dated 12th December 1980).

Justice Thiru K. S. Ramamoorthy, No. 7, Oliver Road, Madras-4.

The Public (I. & P.R.) Department, Madras-9 (for issue of Press Release).

The Director-General of Police, Madras-4.

The Collector, Tirunelveli.

Copy to :

The Superintendent of Police, Tirunelveli.

The Home Department, Madras-9.

The Law Department, Madras-9.

The Public (Special-A) Department, Madras-9.

The Registrar, High Court, Madras-1.

The Secretary to Government of India, Ministry of Home Affairs, New Delhi.

The Secretary to Government of India, Ministry of Law, Justice and Company Affairs, New Delhi.

The Secretary to Chief Minister, Madras-9.

(True copy)

TAMIL NADU LEGISLATIVE ASSEMBLY
TRUTH ALONE TRIUMPHS

ANNEXURE II.

GENEALOGICAL TREE.

Muthiah and Raj (Brothers)

Muthiah

- **Sornam (wife-1)**
  - **Pushpam (W/o Kasi)**
- **Kannammal (Wife-2)**
  - **Manjula**
  - **Vasanthi**
  - **Tamil Selvan**
  - **Mary Ammal**
  - **Manickam**

Raj and Jebamani

- **Rajaselvam (W/o Mani)**
- **Santha (W/o Murthy Thevar)**
- **Prema**
- **Vasantha**
- **Sarguna Doss**
- **Karunai Doss**
- **Regi**

Poornammal and Sornam (Sisters)

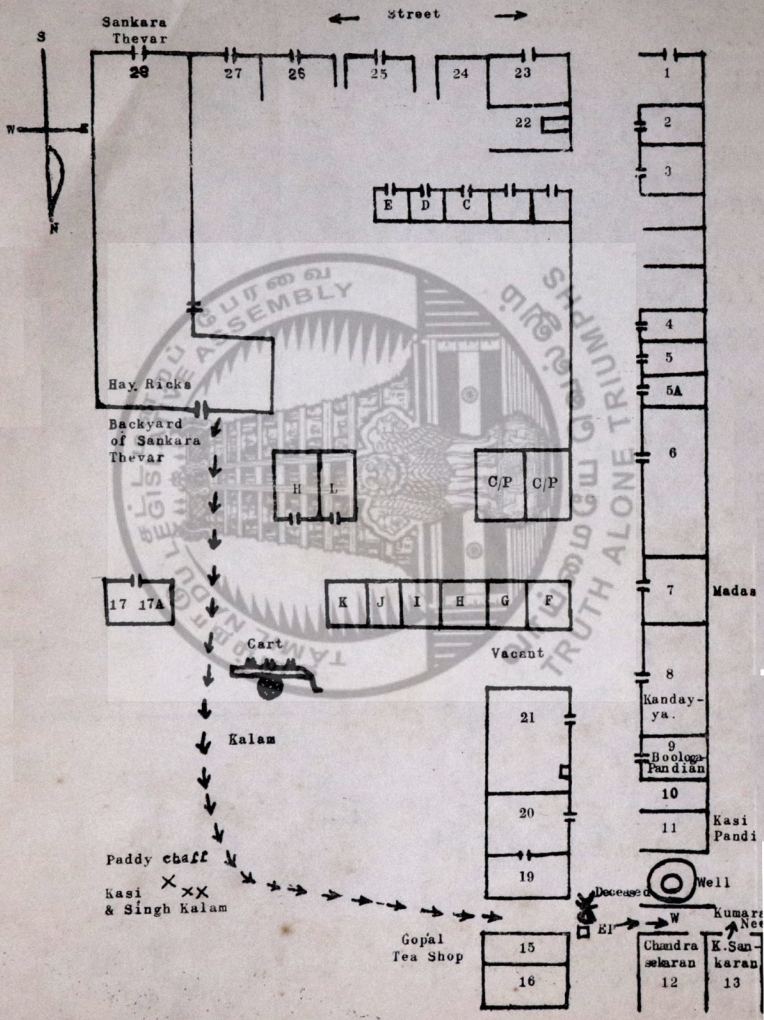
- **Michael Ammal**

Perumal

- **Kasi (H/o Pushpam)**
- **Rajasingh**
- **Grace**

TRUTH ALONE TRIUMPHS

Annexure III



1. Arumugam, son of Muthiah Thevar—Tiled house.

2. Vellaiyammal, care of Subbiah Thevar—Tiled house.

3. Subbiah Thevar, son of Vellaiya Thevar—Tiled house.

4. Sethu, son of Subbiah Thevar—Palmyrah shed house.

5. Muthiah, son of Madaswami.

5A. Subbammal, wife of Madaswami—Tiled house.

6. Shanmugaraja, son of Madaswami Thevar.

7. Madaswami, son of Sivasubramania Thevar—Terraced house.

8. Kandayya Thevar, son of Arumuga Thevar—Terraced house.

9. Boologapandi Thevar, son of Arumuga Thevar—Terraced house.

10. Gopal, son of Thirumalaikolundu Thevar—Tiled house.

11. Kasi, son of Arumuga Thevar.

12. Chandrasekaran (brother of Sankaran), son of Sivasubramania Thevar.

13. Kumaraswami Thevar (father of Neelakanda Thevar), son of Arumuga Thevar—Tiled house.

14. Arumugam, son of Kumaraswami Thevar.

15. Gopal—Tea stall.

16. Chendurpandian, son of Thirumalaikolundu Thevar.

17. Sudalaikannu Thevar.

17A. Subbiah Thevar, son of Subbiah Thevar.

18. Shanmughasundara Thevar, son of Sankarapandi Thevar.

19. Dhanushkodi, son of Angamuthu Thevar—Tiled house.

20. Vellaithai, wife of Subramania Thevar.

21. Madaswami Thevar, son of Vedamuthu Thevar.

22. N. T. Nataraja Thevar.

23. N. T. Subbiah Thevar, son of Thanu Thevar—Terraced tiled house.

24. M. T. Boologapandiya Thevar, son of Thanu Thevar.

25. Muthiah, son of Sudalaimuthu Thevar.

26. Ananthaperumal Thevar.

27. Ramiah Thevar, son of Chitragani Thevar.

28. Sankara Thevar, son of Sivasubramania Thevar.

A. Ramiah Thevar, son of Poolu Thevar.

B. Kumarasami Thevar, son of Paramu Thevar.

C/D. Paramesiva Thevar—Tiled house.

E. Kumaraswami Thevar, son of Subbiah Thevar.

F. Pichiah Thevar, son of Subramania Thevar.

G. Madaswami Thevar, son of Shanmugha Thevar.

H. Elangovan, son of Boologa Thevar.

I. Chitra Thevar, son of Arumuga Thevar.

J. Shanmugasundaram, son of Muthiah Thevar.

K. Subbuthai Ammal, daughter of Ramiah Thevar.

L. Kandayya Thevar, son of Subbu Thevar.

M. Vellaithai, wife of Vellaya Thevar.

TRUTH ALONE TRIUMPHS

Prepared as per instructions of the Commission.


தமிழ்நாடு சட்டமன்றப் பேரவை
TAMIL NADU LEGISLATIVE ASSEMBLY
வாய்மையே வெல்லும்
TRUTH ALONE TRIUMPHS

ANNEXURE IV.

Sivasubramania Thevar and Arumuga Thevar
(Brothers)

Sivasubramania Thevar

First wife				Second wife		
Madasamy Thevar	Sankara Thevar	Satyamoorthi	Lakshmi	Ramachandra Thevar	Chandran	Saraswathi

---

Arumuga Thevar

Poologapandi	Shanmugasundaram	Kumarasamy	Kasi Thevar

Arumugam	Neelakanta Thevar	Lakshmana Thevar	Chellathurai	Muthiah

ANNEXURE V.

Exhibit No. G-25.
Filed on 8th December 1981.
Filed by G.W. 8.

Reference : G-3/29711-B/80.

Forwarded.

The personal enquiry report is forwarded below :—

1. *Petitioner.*—One Masanam (Pseudonymous].

2. *Counter-petitioner.*—Volleyball Madasamy of Sanganankulam.

3. *Facts of the petition.*—(1) With the help of his brother-in-law Thiru Ramakrishna Thevar, Inspector of Police, Vigilance and Anti-Corruption, Tirunelveli, the counter-petitioner is ill-treating the local police, (2) On 15th February 1980, one Chelliah Thevar was murdered and counter-petitioner is interfering in the investigation of the case to alter the facts.

4. *By whom enquired.*—Assistant Superintendent of Police, Valliyoor.

5. *When enquired.*—5th August 1980 at Sanganankulam and Thisayanvilai.

6. *Enquiry Report.*—On 15th February 1980, between Kumarapuram and Mahadevankulam, a murder was committed in which one Chelliah Thevar of Kumarapuram was done to death by six accused. All the accused surrendered before the Court and the case is charged on 22nd April 1980 after proper investigation. It is true that Volleyball Madasamy of

Sanganankulam and his brother Sankaran are anti-social elements of that area and they are wielding power, in that area due to their caste politics and muscle power. Besides that, they feel psychologically powerful since their brother-in-law is an Inspector working in Vigilance and Anti-Corruption, Tirunelveli. They often interfere in police work of Vijayanarayanam Police Station and Thisayan vilai Police Station. Only anonymous and pseudonymous petitions like this alone will come against them and direct evidence will not come against them for fear of their goondaism. They are doubted to be organising bootleggers in that area.

7. *Result of the enquiry.*—The petitioner is a pseudonymous person and no direct evidence is forthcoming. On enquiry in Thisayanvilai, it is revealed that Volleyball Madasamy and Sankaran tried to interfere in the investigation but they were warned properly. The case is charged already.

8. *Action already taken or to be taken.*—The case is already charged and no interference should be attributed. It is fact that Volleyball Madasamy and his brother Sankaran of Sanganankulam are anti-social elements who try to suppress the people with their caste power, money power and goondaism. They often try to interfere in the police work. Added to it, the presence of their brother-in-law, a police officer in the district gives them psychological strength to pursue their anti-social activities. As it is it would be better if their brother-in-law is transferred out from Tirunelveli district for creating a healthy atmosphere in Sanganankulam area.

(Signed)———,

Assistant Superintendent of Police, Valliyoor.

(True copy.)

TRUTH ALONE TRIUMPHS

ANNEXURE VI.

LIST OF WITNESSES.

INDEX

PROSECUTION PARTY WITNESSES.

Witness number.	*Name of the witnesses.*
P. P. W. 1	R. Rajaselvam.
P. P. W. 2	Jebamani.
P. P. W. 3	P. Kasi.
P. P. W. 4	P. Rajasingh.
P. P. W. 5	A. Stalin.
P. P. W. 6	Ammamuthu.
P. P. W. 7	Prema.
P. P. W. 8	Vasanthi.
P. P. W. 9	Manjula.
P. P. W. 10	Vasantha.
P. P. W. 11	Pushpam.
P. P. W. 12	Grace.
P. P. W. 13	M. John Vincent.
P. P. W. 14	R. Chelliah.
P. P. W. 15	K. Murugan.
P. P. W. 16	S. Arumugam.
P. P. W. 17	Devadhas.
P. P. W. 18	M. Selvaraj.
P. P. W. 19	K. Neelakantan.
P. P. W. 20	T. A. K. Chelladurai.
P. P. W. 21	Poologapandi Thevar.
P. P. W. 22	Michael Ammal.
P. P. W. 23	Poonammal.
P. P. W. 24	A. Kasipandian.
P. P. W. 25	T. A. Kumarasamy Thevar.
P. P. W. 26	Venugopal.
P. P. W. 27	Nambi Ammal.
P. P. W. 28	Antony Ammal.

DEFENCE PARTY WITNESSES.

D. P. W. 1	Muthammal.
D. P. W. 2	Nallah.
D. P. W. 3	V. P. Ganesasubramani an (Revenue Inspector)
D. P. W. 4	Masanam *alias* Manuvel.
D. P. W. 5	M. Muruthupandian.

ANNEXURE VI—*cont.*

DEFENCE PARTY WITNESSES—*cont.*

Witness number.	*Name of the witnesses.*
D. P. W. 6	S. Muthiah.
D. P. W. 7	Kannammal.
D. P. W. 8	A. Kanthiah Thevar.
D. P. W. 9	S. Madasamy (Barber).
D. P. W. 10	V. Periasamy.
D. P. W. 11	V. Shanmugasundaram.
D. P. W. 12	S. Ramachandran (Village Munsif).
D. P. W. 13	S. Sankaran.
D. P. W. 14	S. Madasamy Thevar (Volleyball).
	GOVERNMENT WITNESSES.
G. W. 1	Sudalaikannu.
G. W. 2	A. K. Krishnaswamy (Sub-Inspector).
G. W. 3	Dr. Kousalya Kesavan (Medical Officer).
G. W. 4	Dr. Gopalakrishnan (Medical Officer).
G. W. 5	P. Viswanathan (Tahsildar).
G. W. 6	M. Arunachalam (Inspector of Police).
G. W. 7	P. Thiruvengadam (Revenue Divisional Officer).
G. W. 8	K. N. V. R. M. Gopalakrishnan I.P.S., (Asst. Supdt. of Police).
G. W. 9	T. M. Arumugam, I.A.S. (Collector).
G. W. 10	R. Rajagopalan, I.P.S. (Superintendent of Police).

TAMILNADU LEGISLATIVE ASSEMBLY
TRUTH ALONE TRIUMPHS

ANNEXURE VII.

EXHIBITS INDEX.

JUSTICE K. S. RAMAMURTI COMMISSION OF INQUIRY, MADRAS.

Serial number of the exhibit.	*Description of the exhibit and its date.*	*Date when the exhibit was filed in the case.*	*How marked.*	*By whom filed.*
(1)	(2)	(3)	(4)	(5)
A-1	.. Affidavit of Rajaselvam before the Commission of Inquiry.	31-3-1981	P.P.	P.P.W. 1.
A-2	.. Report of Revenue Inspector, Vijayanarayanam ..	1-4-1981	P.P.	Consent by all parties.
A-3	.. Affidavit of Jebamani before the Commission ..	27-4-1981	P.P.	P.P.W. 2.
A-4	.. Hospital discharge certificate of husband of Jebamani.	27-4-1981	P.P.	P.P.W. 2.
A-5	.. Framed photograph of Mani (deceased)	28-4-1981	P.P.	P.P.W. 2.
A-6	.. 161 Statement of Jebamani, w/o Raj, before Inspector of Police, Tisayanvilai.	28-4-1981	P.P.	P.P.W. 2.
A-7	.. Statement of Rajaselvam in the Inquest Report of II Class Executive Magistrate, Nanguneri.	29-4-1981	P.P.	P.P.W. 1.
A-7 (*a*)	.. Signature of Rajaselvam in the Inquest Statement of Rajaselvam before II Class Executive Magistrate, Nanguneri.	29-4-1981	P.P.	P.P.W. 1.
A-8	.. Specimen signature of Rajaselvam, P.P.W. 1, taken in the open Court.	29-4-1981	P.P.	P.P.W. 1.
A-9	.. Statement before the Assistant Superintendent of Police and the signature of R. Rajaselvam.	29-4-1981	P.P.	P.P.W. 1.
A-10	.. Signature of Rajaselvam in the statement of Rajaselvam (P.P.W. 1) before the Inspector of Police, Tisayanvilai.	30-4-1981	P.P.	P.P.W. 1.
A-11	.. 161 Statement recorded by Inspector, Tisayanvilai Police Station from Rajaselvam.	30-4-1981	P.P.	P.P.W. 1.
A-11 (*a*)	.. A portion in 161 Statement recorded by the Inspector of Police, Tisayanvilai.	30-4-1981	P.P.	P.P.W. 1.
A-12	.. Wound certificate in respect of Rajaselvam given by lady doctor.	30-4-1981	P.P.	P.P.W. 1.
A-13	.. Portion marked in the Statement of Rajaselvam recorded by Inspector of Police, Tisayanvilai in Cr. No. 378/80.	30-4-1981	P.P.	P.P.W. 1.
A-14	.. Portion marked in 161 Statement of Rajaselvam recorded by Inspector of Police in Crime No. 360/80.	30-4-1981	P.P.	P.P.W. 1.
A-15	.. Portion marked in the 161 Statement of Rajaselvam recorded by Inspector of Police, Tisayanvilai.	30-4-1981	P.P.	P.P.W. 1.
A-16	.. Memorial presented by Rajaselvam to the Hon'ble Prime Minister of India.	30-4-1981	P.P.	P.P.W. 1.

P.P.=Prosecution Party. P.P.W.=Prosecution Party Witness.

ANNEXURE VII—*cont.*

Serial number of the exhibit.	*Description of the exhibit and its date.*	*Date when the exhibit was filed in the case.*	*How marked.*	*By whom filed.*
(1)	(2)	(3)	(4)	(5)
A-17 ..	A notice issued by the Revenue Divisional Officer, Cheranmahadevi, No. A-2/14181/80, dated 6th September 1980 regarding a meeting at Vijayanarayanam Chavadi.	2-5-1981	P.P.	P.P.W. 3.
A-18 ..	Printed leaflet given by P.P.W. 3 as counter and rejoinder to Hon'ble Central Minister, Thiru R.V. Swaminathan's Press statement.	2-5-1981	P.P.	P.P.W. 3.
A-19 ..	Affidavit filed by P.P.W. 3 Kasi, before the Commission.	2-5-1981	P.P.	P.P.W. 3.
A-20 ..	Original statement of Kasi, before the Revenue Divisional Officer, Cheranmahadevi.	18-5-1981	P.P.	P.P.W. 3.
A-21 ..	Statement of P. Kasi before the Tahsildar and his signature in the Inquest Report.	20-5-1981	P.P.	P.P.W. 3.
A-22 ..	Petition of P. Kasi, dated 8th March 1981 sent to the Commission of Inquiry.	21-5-1981	P.P.	P.P.W. 3.
A-23 ..	Signature of Kasi in the statement of Grace, w/o Chelladurai, before Assistant Superintendent of Police.	21-5-1981	P.P.	P.P.W. 3.
A-23 (*a*) ..	Signature of Kasi in the statement of Rajaselvam before A.S.P.	21-5-1981	P.P.	P.P.W. 3.
A-23 (*b*) ..	Signature of Kasi in the statement of Pushpam, w/o Kasi before A.S.P.	21-5-1981	P.P.	P.P.W. 3.
A-23 (*c*) ..	Signature of Kasi in the statement of Manjula, d/o Muthiah, before A.S.P.	21-5-1981	P.P.	P.P.W. 3.
A-24 ..	Statement before the Revenue Divisional Officer given by P.P.W. 4 and his signature in it.	22-5-1981	P.P.	P.P.W. 4.
A-25 ..	Affidavit of Rajasingh, filed before the Commission.	22-5-1981	P.P.	P.P.W. 4.
A-26 ..	Statement 161 of Kasi, marked through P.P.W. 4 before Inspector of Police, Tisayanvilai.	23-5-1981	P.P.	P.P.W. 4.
A-27 ..	161 Statement of Rajasingh before Inspector of Police, Tisayanvilai.	23-5-1981	P.P.	P.P.W. 4.
A-28 ..	Statement before the R.D.O. by Stalin	4-6-1981	P.P.	P.P.W. 5.
A-29 ..	Copy of complaint given to Police by P.P.W. 5, Stalin.	4-6-1981	P.P.	P.P.W. 5.
A-30 ..	Copy of petition, dated 22nd March 1981 by A. Stalin.	4-6-1981	P.P.	P.P.W. 5.
A-31 ..	Copy of letter No. 45071/Police/14/81-2, Home Department, dated 9th April 1981 addressed to Stalin, s/o Ammamuthu Thevar, Sangarankulam.	4-6-1981	P.P.	P.P.W. 5.

P.P.=Prosecution Party. P.P.W.=Prosecution Party Witness.

ANNEXURE VII—*cont.*

Serial number of the exhibit.	*Description of the exhibit and its date.*	*Date when the exhibit was filed in the case.*	*How marked.*	*By whom filed.*
(1)	(2)	(3)	(4)	(5)
A-32	.. Copy of the charge sheet issued by Judicial I Class Magistrate, Tirunelveli to P.P.E. 5.	4- 6-1981	P.P.	P.P.W. 5.
A-33	.. Copy of the charge sheet issued by Judicial 1 Class Magistrate, Tirunelveli to P.P.W. 5.	4-6-1981	P.P.	P.P.W. 5.
A-34	.. Affidavit filed by A. Stalin	4-6-1981	P.P.	P.P.W. 5.
A-35	.. Item Nos. 561 to 564 containing the names of P.P.W. 5 and P.P.W. 5's wife in the Voter's list.	6-6-1981	P.P.	P.P.W. 5.
A-36	.. Petition, dated 11th March 1981 sent to Commission by P.P.W. 5 A. Stalin.	6-6-1981	P.P.	P.P.W. 5.
A-37	.. S. Nos. 351 to 357 in the Voters' list relating to Block No. 5, Sanganankulam village in Nanguneri Assembly Constituency.	6-6-1981	P.P.	P.P.W. 5.
A-38	.. Petition sent by P.P.W. 1 to Hon. Chief Minister, dated Nil.	8-6-1981	P.P.	P.P.W. 1.
A-39	.. Statement of R. Rajaselvam (P.P.W. 1) before the Collector of Tirunelveli on 1st December 1980.	8-6-1981	P.P.	P.P.W. 1.
A-40	.. Grahapravesam invitation issued in the name of Volleyball Madasamy Thevar for the house of Ramakrishnan, Vigilance Inspector.	8-6-1981	P.P.	P.P.W. 6.
A-41	.. Affidavit of P.P.W. 6 Thiru Ammamuthu Thevar field before the Commission.	8-6-1981	P.P.	P.P.W. 6.
A-42	.. Copy of the petition, dated 22nd January 1981 sent to the Superintendent of Police, Tirunelveli.	9-6-1981	P.P.	P.P.W. 6.
A-43	.. Commission's Notification to public for giving affidavits before the Commission (Roneo copy)'	9-6-1981	P.P.	P.P.W. 6.
A-44	.. S. Nos. 530, 531, 532, 533, 534 and 535 in the Voters' list relating to Sanganankulam village.	9-6-1981	P.P.	P.P.W. 6
A-45	.. Affidavit of Prema, P.P.W. 7 before the Commission of Inquiry.	10-6-1981	P.P.	P.P.W. 7.
A-46	.. Affidavit of Vasanthi, P.P.W. 8 before the Commission of Inquiry.	22-6-1981	P.P.	P.P.W. 8.
A-47	.. Affidavit of Manjula, P.P.W. 9	22-6-1981	P.P.	P.P.W. 9.
A-48	.. Petition given to the Hon. Prime Minister of India by Manjula P.P.W. 9.	22-6-1981	P.P.	P.P.W. 9.
A-49	.. Wound Certificate issued by the Lady Medical Officer to P.P.W. 9 Manjula.	22-6-1981	P.P.	P.P.W. 9.
A-50	.. Original complaint given by Manjula to Tisayanvilai Police Station on 15th November 1980 (in Crime No. 379/80).	22-6-1981	P.P.	P.P.W. 9.

P.P.=Prosecution Party. P.P.W.=Prosecution Party Witness.

ANNEXURE VII—*cont.*

Serial number of the exhibit.	*Description of the exhibit and its date.*	*Date when the exhibit was filed in the case.*	*How marked.*	*By whom filed.*
(1)	(2)	(3)	(4)	(5)
A-51 ..	Affidavit of Vasantha, P.P.W. 10 before the Commission of Inquiry.	22-6-1981	P.P.	P.P.W. 10.
A-52 ..	Affidavit of Pushpam, P P.W. 11 relating to rape incident of Rajaselvam.	23-6-1981	P.P.	P.P.W. 11.
A-53 ..	Original affidavit of Pushpam, P.P.W. 11, relating to rape on Manjula.	23-6-1981	P.P.	P.P.W. 11.
A-54 ..	Entire case diary of Tisayanvilai Police Station for the Crime No. 379/80.	23-6-1981	P.P.	P.P.W. 11.
A-55 ..	Statement of Pushpam, P.P.W. 11, under Section 161 (3), Criminal Procedure Code available in Crime No. 360/80.	23-6-1981	P.P.	P.P.W. 11.
A-56 ..	Entire case diary of Tisayanvilai Police Station Crime No. 360/80 relating to suspicious death of Mani.	23-6-1981	P.P.	P.P.W. 11.
A-57 ..	Statement of Pushpam, under section 161 (3), Cr.P.C. in the case diary of Manjula ape incident.	23-6-1981	P.P.	P.P.W. 11.
A-58 ..	Statement of Pushpam before Assistant Superintendent of Police, Valliyoor, on 29th September 1980.	23-6-1981	P.P.	P.P.W. 11.
A-59 ..	Affidavit of Grace, P.P.W. 12 before the Commission of Inquiry.	23-6-1981	P.P.	P.P.W. 12.
A-60 ..	Affidavit of Grace, P.P.W. 12 relating to the rape incident of P.P.W. 8.	23-6-1981	P.P.	P.P.W. 12.
A-61 ..	Statement of P.P.W. 12 before the Assistant Superintendent of Police Valliyoor, on 29th September 1980.	23-6-1981	P.P.	P.P.W. 12.
A-62 ..	161 (3) Statement of P.P.W. 12 in the Cr. No. 360/80 of Tisayanvilai Police Station.	23-6-1981	P.P.	P.P.W. 12.
A-63 ..	Affidavit of Thiru John Vincent, M.L.A. (P.P.W. 13).	24-6-1981	P.P.	P.P.W. 13.
A-64 ..	Copy of the petition addressed to the R.D.O. by one Arumugam and Murugan and copy sent to P.P.W.13.	24-6-1981	P.P.	P.P.W. 13.
A-65 ..	Counter statement given by P.P.W. 13 in the Press cutting, dated 13th October 1980.	24-6-1981	P.P.	P.P.W. 13.
A-66 ..	Letter of P.P.W. 13 to Collector and other officials.	24-6-1981	P.P.	P.P.W. 13.
A-66 (*a*) ..	Letter of Thiru John Vincent, M.L.A. to the Superintendent of Police, Tirunelveli.	8-12-1981	P.P.	G.W. 8.
A-66 (*b*) ..	Copy of petition, dated 25th September 1980 from Thiru John Vincent, M.L.A. to the Assistant Superintendent of Police, Valliyoor.	9-12-1981	P.P.	G.W. 8.

P.P.= Prosecution Party. P.P.W.=Prosecution Party Witness. G.W.=Government Witness.

Serial number of the exhibit.	Description of the exhibit and its date.	Date when the exhibit was filed in the case.	How marked.	By whom filed.
(1)	(2)	(3)	(4)	(5)
A-67 ..	161 (3) Statement of Manjula (P.P.W. 9) in Crime No. 360/80 of Tisayanvilai Police Station.	25-6-1981	P.P. ..	P.P.W. 9.
A-68 ..	Statement under section 161 (3) of P.P.W. 9 in Crime No. 379/80 of Tisayanvilai Police Station and the statement of P.P.W. 9 in the Inquiry Report.	25-6-1981	P.P. ..	P.P.W. 9.
A-69 ..	Statement of P.P.W. 9 before the Assistant Superintendent of Police, Valliyoor.	25-6-1981	P.P. ..	P.P.W. 9.
A-70 ..	Statement of P.P.W. 9 before the Revenue Divisional Officer, Cheranmahadevi.	25-6-1981	P.P. ..	P.P.W. 9.
A-71 ..	Affidavit of P.P.W. 14 (Chelliah) filed before Commission relating to the death of Mani.	25-6-1981	P.P. ..	P.P.W. 14.
A-72 ..	Affidavit of P.P.W. 14 relating to the killing of dogs.	25-6-1981	P.P. ..	P.P.W. 14.
A-73 ..	Letter from Thiru John Vincent, M.L.A., dated 1st October 1980, addressed to Hon. Chief Minister.	27-6-1981	P.P. ..	P.P.W. 13.
A-74 ..	Letter from P.P.W. 13 to the Sub-Inspector of Police, Nanguneri, dated 28th October 1980.	27-6-1981	P.P. ..	P.P.W. 13.
A-75 ..	Diary of Thiru John Vincent, M.L.A., about murder and rape incidents written on 24th September 1980.	27-6-1981	P.P. ..	P.P.W. 13. (returned back to witness).
A-76 ..	Copy of deposition of the Sub-Inspector, Thiru Balakrishnan.	27-6-1981	P.P. ..	P.P.W. 13.
A-77 ..	Copy of F.I.R. in Crime No. 358/80 of Tisayanvilai Police Station.	6-7-1981	P.P. ..	P.P.W. 16.
A-78 ..	Original affidavit of V. Devadhas (P.P.W. 17) filed before the Commission.	7-7-1981	P.P. ..	P.P.W. 17.
A-79 ..	Statement of P.P.W. 17 before Assistant Superintendent of Police along with 7 others.	7-7-1981	P.P. ..	P.P.W. 17
A-80 ..	Statement of P.P.W. 17 recorded by the Inspector of Police in Crime No. 360/80.	7-7-1981	P.P. ..	P.P.W. 17.
A-81 ..	Statement of P.P.W. 17 purported to be recorded by Inspector of Police in Cr. No. 379/80.	7-7-1981	P.P. ..	P.P.W. 17.
A-82 ..	Statement purported to be recorded by Inspector from P.P.W. 17 in Cr. No. 378/80.	7-7-1981	P.P. ..	P.P.W. 17.
A-83 ..	Affidavit of Thiru M. Selvaraj before the Commission.	7-7-1981	P.P. ..	P.P.W. 18.
A-84 ..	Statement before the Revenue Divisional Officer, Cheranmahadevi, by M. Selvaraj, P.P.W. 18.	7-7-1981	P.P. ..	P.P.W. 18.

P.P.=Prosecution Party. P.P.W.=Prosecution Party Witness.

Serial number of the exhibit.	Description of the exhibit and its date.	Date when the exhibit was filed in the case.	How marked.	By whom filed.
(1)	(2)	(3)	(4)	(5)
A-85	Census Register of Sanganankulam Salvation Army Church.	9-7-1981	P.P.	P.P.W. 17.
A-86	Letter written by Volley ball Madasamy Thevar to P.P.W. 19 asking him to come to Sanganankulam.	9-7-1981	P.P.	P.P.W. 19.
A-87	Letter, dated 20th May 1977 from Madasamy Thevar to K. Neelakantan.	9-7-1981	P.P.	P.P.W. 19.
A-88	Letter, dated 6th January 1977 from S. Sathiamurthy to K. Neelakantan.	9-7-1981	P.P.	P.P.W. 19.
A-89	Letter, dated 1st December 1978 from S. Sathiamurthy to K. Neelakantan.	9-7-1981	P.P.	P.P.W. 19.
A-90	Puberty invitation of Ammachiyar, D/o K. Neelakantan, dated 29th July 1979.	9-7-1981	P.P.	P.P.W. 19.
A-91	Album contains the photographs of Madasamy Thevar and party.	9-7-1981	P.P.	P.P.W. 19. Returned to Party on 21st July 1981.
A-92	Album contains the photographs of Madasamy Thevar and party.	9-7-1981	P.P.	P.P.W. 19.
A-93	Letter written by Madasamy Thevar in connection with the trusteeship through Ilangamani Thevar.	9-7-1981	P.P.	P.P.W. 19.
A-94	Letter, dated 1st October 1969 from Sathiamurthy to Ammamuthu, F/o Stalin.	10-7-1981	P.P.	P.P.W. 5.
A-95	Letter, dated 22nd January 1970 from Ramachandran to Stalin, P.P.W. 5.	10-7-1981	P.P.	P.P.W. 5.
A-96	Letter, dated 3rd November 1971 from Sankara Thevar to Ramachandran, Village Munsif.	10-7-1981	P.P.	P.P.W. 5.
A-97	Letter, dated 15th November 1971 from Stalin to Sankara Thevar.	10-7-1981	P.P.	P.P.W. 5.
A-98	Letter, dated 4th June 1971 from Sankaran to Ramakrishnan, Poonthakulam.	10-7-1981	P.P.	P.P.W. 5.
A-99	One cover to Chettiar	10-7-1981	P.P.	P.P.W. 5.
A-100	Letter, dated 21st May 1972 from Sankara Thevar to Siddique of Pettaikulam, Athankarai through Stalin.	10-7-1981	P.P.	P.P.W. 5.
A-101	Letter, dated 11th June 1974 written by Ramachandran to Ammamuthu, F/o Stalin.	10-7-1981	P.P.	P.P.W. 5.
A-102	Letter, dated 9th April 1975 from Sankara Thevar to Ammamuthu.	10-7-1981	P.P.	P.P.W. 5.
A-103	Statement given by K. Neelakantan and Chellathurai before the Revenue Divisional Officer, Cheranmahadevi on 22nd September 1980.	10-7-1981	P.P.	P.P.W. 19.

P.P.=Prosecution Party. P.P.W.=Prosecution Party Witness.

Serial number of the exhibit.	Description of the exhibit and its date.	Date when the exhibit was filed in the case.	How marked.	By whom filed.
(1)	(2)	(3)	(4)	(5)
A-103 (*a*) ..	Portion marked in Exhibit A-103 in the statement of K. Neelakantan and Chell thurai, before R.D.O.	23-7-1981	P.P. ..	P.P.W. 20.
A-103 (*b*) ..	Portion marked in the statement of K. Neelakantan and Chellathurai before R.D.O.	23-7-1981	P.P. ..	P.P.W. 20.
A-104 ..	Paper cutting of "Malai Murasu", dated 22nd April 1980—K. Neelakantan presided over the "Parents-Teachers Association".	10-7-1981	P.P. ..	P.P.W. 19.
A-105 ..	News in which the first copy of "Dinamalar" was given by Ramasubbiyar to Neelakantan (P.P.W. 19).	10-7-1981	P.P. ..	P.P.W. 19.
A-106 ..	F.I.R. given by Neelakanta Thevar's father in Crime No. 343/80 to Tisayanvilai Police Station on 26th September 1980.	10-7-1981	P.P. ..	P.P.W. 19.
A-107 ..	Letter, dated 4th November 1980 from Edhiradi Kulu, Sangarankulam to Neelakanta Thevar.	20-7-1981	P.P. ..	P.PlW. 19.
A-108 ..	Copy of Order No. 4802/78, A-4, dated 18th July 1980 appointing trustees of Sudalai Madasamy Temple.	20-7-1981	P.P. ..	P.P.W. 19.
A-109 ..	Statement of Poologapandi Thevar before R.D.O. (P.P.W. 19) and bears the signature of Poologapandi Thevar.	21-7-1981	P.P. ..	P.P.W. 19.
A-109 (*a*)..	Portion marked in Exhibit A-109, the statement of Poologapandi Thevar, before the Revenue Divisional Officer.	23-7-1981	P.P. ..	P.P.W. 20.
A-110 ..	Part statement containing 17 names and the signatures of Poologapandi Thevar in it.	21-7-1981	P.P. ..	P.P.W. 19.
A-111 ..	Telegram, dated 4th August 1980 by P.P.W. 20 to Sub-Inspector, Tisayanvilai.	22-7-1981	P.P. ..	P.P.W. 20.
A-112 ..	Petition, dated 5th August 1980 to the Assistant Superintendent of Police, Valliyoor by T. A. K. Chellathurai (P.P.W. 20) in C.D. 341/81.	22-7-1981	P.P. ..	P.P.W. 20.
A-113 ..	Handwritten petition, dated 4th August 1980 to the Superintendent of Police, Tirunelveli by P.P.W. 20 (T.A.K. Chellathurai).	22-7-1981	P.P. ..	P.P.W. 20.
A-114 ..	Petition, dated 13th August 1980 to Superintendent of Police, Tirunelveli—Copy to the Inspector of Police and Sub-Inspector of Police, Tirunelveli Junction.	22-7-1981	P.P. ..	P.P.W. 20.
A-115 ..	Receipt No. 101/80, dated 13th August 1980 by Sub-Inspector Tirunelveli Junction Police Station in connection with the petition.	22-7-1981	P.P. ..	P.P.W. 20.

P.P.=Prosecution Party. P.P.W.=Prosecution Party Witness.

Serial number of the exhibit.	Description of the exhibit and its date.	Date when the exhibit was filed in the case.	How marked.	By whom filed.
(1)	(2)	(3)	(4)	(5)
A-116 ..	Petition, dated 19th August 1980 to Deputy Inspector-General of Police, Tirunelveli and to various authorities complaining against Thiru Ramakrishnan.	22-7-1981	P.P. ..	P.P.W. 20.
A-117 ..	Invitation issued by Madasamy Thevar enclosed in the petition.	22-7-1981	P.P. ..	P.P.W. 20.
A-118 ..	Petition, dated 26th March 1981 to the Sub-Inspector of Police by T.A.K. Chellathurai.	23-7-1981	P.P. ..	P.P.W. 20.
A-119 ..	Petition, dated 23rd March 1981 to the District Collector by T.A.K. Muthiah.	23-7-1981	P.P. ..	P.P.W. 20.
A-120 ..	Petition, dated 27th August 1980 to the Revenue Divisional Officer, by P.P.W. 20, T.A.K. Chellathurai.	23-7-1981	P.P. ..	P.P.W. 20.
A-121 ..	Statement before the Tisayanvilai Police by P.P.W. 21 (dated 4th August 1980).	25-7-1981	P.P. ..	P.P.W. 21.
A-122 ..	Affidavit of Selvi Michael Amma (P.P.W. 22) before the Commission.	3-8-1981	P.P. ..	P.P.W. 22.
A-123 ..	Affidavit of Poornam (P.P.W. 23) before the Commission.	3-8-1981	P.P. ..	P.P.W. 23.
A-124 ..	Notice No. 168/80, dated 22nd July 1980 from the Inspector, Hindu Religious and Charitable Endowments Department, Cheranmahadevi in connection with the election of Chairman of the temple of Sudal imadasamy.	4-8-1981	P.P. ..	P.P.W. 24.
A-125 ..	Statement of P.P.W. 24, dated 22nd September 1980 before Revenue Divisional Officer, Cheranmahadevi.	4-8-1981	P.P. ..	P.P.W. 24.
A-125(*a*) ..	Portion of statement of P.P.W. 25 before R.D.O.	5-8-1981	P.P. ..	P.P.W. 24.
A-126 ..	Statement of Kasipandian before the Sub-Inspector of Police in Crime No. 358/1980, dated 22nd October 1980.	4-8-1981	P.P. ..	P.P.W. 24.
A-127 ..	Statement of T. A. Kumarasamy Thevar (P.P.W. 25) before Revenue Divisional Officer, Cheranmahadevi.	6-8-1981	P.P. ..	P.P.W. 25.
A-128 ..	Statement of P. S. Venugopal (P.P.W. 26) before Revenue Divisional Officer, Cheranmahadevi.	21-8-1981	P.P. ..	P.P.W. 26.
A-129 ..	Petition, dated 15th October 1980 sent to Hon. Chief Minister by Kasi and other Harijans.	21-8-1981	P.P. ..	P.P.W. 3.
A-130 ..	No. B-8/4464/81, dated 15th May 1981—Notice issued by the Taluk office, Nanguneri to Jebamani to attend the enquiry on 20th May 1981 at 3-00 p.m.	26-8-1981	P.P. ..	D.P.W. 3.

P.P.=Prosecution Party. P.P.W.=Prosecution Party Witness.

Serial number of the exhibit.	Description of the exhibit and its date.	Date when the exhibit was filed in the case.	How marked.	By whom filed.
(1)	(2)	(3)	(4)	(5)
A-131 ..	No. B-1/5849/81, dated 3rd May 1981, Memorandum issued by the R.D.O.'s office to Jebamani to participate in the inquiry on 20th May 1981 at Taluk office.	26-8-1981	P.P. ..	D.P.W. 3.
A-132 ..	Signature of Kannammal, w/o Muthiah in the affidavit filed by her before the Commission.	11-9-1981	P.P. ..	D.P.W. 6.
A-133 ..	Petition, dated Nil to Hon. Chief Minister, by the people of the Harijan Colony containing the signature, of Kannammal.	11-9-1981	P.P. ..	D.P.W. 6.
A-134 ..	Photograph showing the Hon. Chief Minister of Tamil Nadu, the Pastor Captain Chellappa and his (D.P.W. 6) wife Tmt. Kannammal in " Makkal Kural " daily, dated 11th December 1980.	21-9-1981	P.P. ..	D.P.W. 6.
A-135 ..	Copy of the petition by the Harijan colony people to the Hon. Chief Minister containing the signature of Kannammal (D.P.W. 7).	21-9-1981	P.P. ..	D.P.W. 7.
A-136 ..	Statement of Kannammal, D.P.W. 7, before the Inspector of Police, Tisayanvilai in C.D. No. 379/80 (rape of Manjula).	21-9-1981	P.P. ..	D.P.W. 7.
A-136 (*a*)..	Portion in 161 Statement marked in Exhibit A-136 of Kannammal before the Inspector of Police, Tisayanvilai.	21-9-1981	P.P. ..	D.P.W. 7.
A-137 ..	161 Statement of Kannammal before Inspector of Police, Tisayanvilai in C.D. No. 360/80 on the suspicious death.	21-9-1981	P.P. ..	D.P.W. 7.
A-138 ..	Petition by Puspham to the Hon. Chief Minister, containing the signature of D.P.W. 7, Kannammal.	21-9-1981	P.P. ..	D.P.W. 7.
A-139 ..	Some pictures (photographs) appeared in the " Thuglak " Fortnightly.	22-9-1981	P.P. ..	D.P.W. 7.
A-140 ..	Photograph containing the Hon. Prime Minister, Manjula and Rajaselvam.	22-9-1981	P.P. ..	D.P.W. 7.
A-141 ..	News item containing the rape incidents and murder of Mani in Sanganankulam appeared in " Malai Murasu " dated 25th October 1980.	24-9-1981	P.P. ..	D.P.W.
A-142 ..	Sale deed of A. Kanthiah, D.P.W. 8	24-9-1981	P.P. ..	D.P.W. 8.
A-143 ..	Death Register of 1980 of Sanganankulam village ..	25-9-1981	P.P. ..	D.P.W. 3.
A-144 ..	Affidavit of Tmt. Antony Ammal before the Commission.	15-10-1981	P.P. ..	D.P.W. 28.
A-145 ..	Blank Solvency Certificate issued by D.P.W. 12 in the name of Shanmugarajan, son of Madasamy Thevar of Sanganankulam.	19-10-1981	P.P. ..	D.P.W. 12.

P.P.—Prosecution Party. D.P.W.—Defence Party Witness. C.D.—Case Diary.

Serial number of the exhibit.	Description of the exhibit and its date.	Date when the exhibit was filed in the case.	How marked.	By whom filed.
(1)	(2)	(3)	(4)	(5)
A-146 ..	Inland Letter, dated 4th September 1981 written by one Selvi from Surandai village.	19-10-1981	P.P. ..	D.P.W. 12.
A-147 ..	Whole file of Rowdy Sheet of Sankaran, D.P.W. 13 of Sanganankulam.	5-11-1981	P.P. ..	D.P.W. 13.
A-148 ..	Issue of " Visitor Lenz ", dated 29th October 1980.	6-11-1981	P.P. ..	D.P.W. 14.
A-149 ..	Letter No. B-1/11948/80, dated 16th July 1980 from Tahsildar, Taluk Office, Nanguneri.	6-11-1981	P.P. ..	D.P.W. 14.
A-150 ..	Petition, dated 30th October 1980 to the Hon. Chief Minister by M. Pandian, Secretary, Communist Party of India (Marx.), Tirunelveli.	6-11-1981	P.P. ..	D.P.W. 14.
A-151 ..	Petition, dated 27th October 1980 to Hon. Chief Minister by V. S. Gandhi, Secretary, Communist Party of India, Sindupoondurai.	6-11-1981	P.P. ..	D.P.W. 14.
A-152 ..	Counter-statement issued by Hon. Minister Thiru R. V. Swaminathan, published in "Daily Thanthi", dated 10th October 1980.	6-11-1981	P.P. ..	D.P.W. 14.
A-153 ..	Entry in Rowdy Sheet relating to Sankara Thevar from 18th January 1980 to 22nd December 1980.	25-11-1981	P.P. ..	G.W. 2.
A-154 ..	Certificate, dated 21st June 1980 issued by Village Munsif S. Ramachandran that Rajaselvam stayed at Tuticorin.	25-11-1981	P.P. ..	G.W. 2.
A-155 ..	Notice issued by Karuppiah to G.W. 2, dated 9th September 1980.	26-11-1981	P.P. ..	G.W. 2.
A-156 ..	Entry in G.D. Register, dated 31st August 1980 ..	26-11-1981	P.P. ..	G.W. 2.
A-157 ..	Deposition of Krishnasamy, Sub-Inspector, in C.M.P. No. 449/81.	26-11-1981	P.P. ..	G.W. 2.
A-158 ..	Entry in G.D.—G.W. 2 left the Station at 10 O'clock on 21st June 1980.	26-11-1981	P.P. ..	G.W. 2.
A-159 ..	G.D. Register for the period from 28th August 1980 to 23rd September 1980.	26-11-1981	P.P. ..	G.W. 2.
A-160 ..	Entry made by G.W. 2 in the history sheet of Volleyball Madasamy Thevar.	27-11-1981	P.P. ..	G.W. 2.
A-161 ..	Whole endorsement for the period from 8th May 1980 to 15th November 1980 (History sheet of Volleyball Madasamy).	27-11-1981	P.P. ..	G.W. 2.
A-162 ..	Copy of proceedings of the Sub-Divisional Magistrate, Cheranmahadevi, dated 27th October 1980.	28-11-1981	P.P. ..	G.W. 6.

P.P.—Prosecution Party. D.P.W.—Defence Party Witness. G.W.—Government Witness. Marx.—Marxist.

Serial number of the exhibit.	Description of the exhibit and its date.	Date when the exhibit was filed in the case.	How marked.	By whom filed.
(1)	(2)	(3)	(4)	(5)
A-163 ..	Sankara Thevar's history sheet opened on 16th November 1959.	28-11-1981	P.P. ..	G.W. 6.
A-164 ..	Proceedings of the District Revenue Officer, Tirunelveli, Roc. No. W-4 146448/80, dated 7th November 1980.	7-12-1981	P.P. ..	G.W. 6.
A-165 ..	The whole of handwritten report of Inspector of Police, Tisayanvilai (G.W. 6), dated 1st July 1980.	7-12-1981	P.P. ..	G.W. 6.
A-166 ..	Portions of the remarks on page 75 of the History sheet showing that Madasamy Thevar terrorised the witness in a murder case of that village resulting in the acquittal of the case.	7-12-1981	P.P. ..	G.W. 6.
A-167 ..	The entire village crime history (Part IV) of Sanganankulam village.	7-12-1981	P.P. ..	G.W. 6.
A-168 ..	Portion marked on page 80 of the Village Crime History remarks, dated 29th June 1976.	7-12-1981	P.P. ..	G.W. 6.
A-169 ..	The entries in page 65 of Village Crime History relating to Madasamy (Harijan).	7-12-1981	P.P. ..	G.W. 6.
A-170 ..	The entries in page 67 of Part IV Village Crime History of Sanganankulam at page 67. League Madasamy alias Odaikaraiyan has been described as the trouble maker and as a Lieutenant of Madasamy Thevar.	7-12-1981	P.P. ..	G.W. 6.
A-171 ..	Petition, dated 26th September 1980 by P. Kasi to the Inspector of Police, Tisayanvilai.	7-12-1981	P.P. ..	G.W. 6.
A-172 ..	Served copy of the notice, dated 6th September 1980 issued by the Revenue Divisional Officer with endorsement of Village Munsif, Sanganankulam.	8-12-1981	P.P. ..	G.W. 7.
A-173 ..	Copy of letter No. C-6/21001/80, dated 24th November 1980 of Tahsildar, Nanguneri to the Collector of Tirunelveli.	8-12-1981	P.P. ..	G.W. 7.
A-174 ..	Publication in Indian Express, dated 14th October 1980 about the agitation condemning the allegation and the lathi charge.	10-12-1981	P.P. ..	G.W. 9.
A-175 ..	Press cutting of "Malai Murasu", dated 10th November 1980 condemning the allegation.	10-12-1981	P.P. ..	G.W. 9.
A-176 ..	Press cutting of "Malai Murasu", dated 31st October 1980.	10-12-1981	P.P. ..	G.W. 9.
A-177 ..	Press cutting of 'Neerottam', dated 15th October 1980.	10-12-1981	P.P. ..	G.W. 9.
A-178 ..	Letter, dated 18th August 1980 from the Superintendent of Police, Tirunelveli to Deputy Inspector-General of Police, Tirunelveli.	10-12-1981	P.P. ..	G.W. 10.

G.D.—General Diary. G.W.—Government Witness. P.P.—Prosecution party.

ANNEXURE VIII.

Exhibit Index.

JUSTICE S. S. RAMAMURTI COMMISSION OF INQUIRY, MADRAS.

Serial number of the exhibit.	*Description of the exhibit and its date.*	*Date when the exhibit was filed in the case.*	*How marked.*	*By whom filed.*
(1)	(2)	(3)	(4)	(5)
B-1	Statement of Muthammal before the Assistant Superintendent of Police, Valliyoor.	24- 8-1981	D.P.	D.P.W. 1.
B-2	Affidavit of Muthammal (D.P.W. 1) filed before the Commission.	24- 8-1981	D.P.	D.P.W. 1.
B-3	Framed Wedding Invitation between Ramamurthi and Santha, the nephews of D.P.W. 2.	24- 8-1981	D.P.	D.P.W. 2.
B-4	Affidavit of M. Nalliah, D.P.W. 2, before the Commission of Inquiry.	24- 8-1981	D.P.	D.P.W. 2.
B-5	Entry in the Adangal Book for the Fasli 1389 in Survey No. 2076, in Sub-division No. 4.	26- 8-1981	D.P.	D.P.W. 3.
B-6	Entry in the Adangal Book for the Fasli 1389 in Survey No. 2073 in Sub-division No. 1.	26- 8-1981	D.P.	D.P.W. 3.
B-7	Certificate issued by the Revenue Inspector (D.P.W. 3) on the basis of the entries in the Adangal, Fasli 1389.	26- 8-1981	D.P.	D.P.W. 3.
B-8	Statements of Masanam *alias* Manuvel before Tahsildar of Nanguneri (D.P.W. 4) and bears his signature.	27- 8-1981	D.P.	D.P.W. 4.
B-9	Affidavit of Masanam *alias* Manuvel (D.P.W. 4) before the Commission.	27- 8-1981	D.P.	D.P.W. 4.
B-10	Petition, dated 11th April 1980 alleged to have been given by Muthiah.	11- 9-1981	D.P.	D.P.W. 6.
B-11	Statement of Muthiah before Sub-Inspector of Police, Tisayanvilai.	11- 9-1981	D.P.	D.P.W. 6.
B-12	The whole file relating to the statements recorded by Sub-Inspector, Inspector of Police, Tisayanvilai Police Station, before Assistant Superintendent of Police, Valliyoor.	11- 9-1981	D.P.	D.P.W. 6.
B-13	Affidavit of A. Kanthiah, before the Commission of Inquiry.	22- 9-1981	D.P.	D.P.W. 8.
B-14	Affidavit of S. Madasamy, before the Commission ..	22- 9-1981	D.P.	D.P.W. 9.
B-15	161 statement of S. Madasamy (Barber), D.P.W. 9, before the Inspector of Police, Tisayanvilai in Crime No. 360/80.	25- 9-1981	D.P.	D.P.W. 9.
B-16	Telegram given by Periasamy, D.P.W. 10 to Home Minister, New Delhi.	26- 9-1981	D.P.	D.P.W. 10.
B-17	Public meeting Notice issued by M. Madasamy, President, Taluk Depressed Class League condemning Thiru John Vincent, M.L.A.'s speech.	26- 9-1981	D.P.	D.P.W. 10.

D.P. = Defence Party. D.P.W. = Defence Party Witness. C.D. = Case Diary.

ANNEXURE VIII—*cont.*

Serial number of the exhibit.	*Description of the exhibit and its date.*	*Date when the exhibit was filed in the case.*	*How marked.*	*By whom filed.*
(1)	(2)	(3)	(4)	(5)
B-18 ..	Printed Statement issued by Harijans of Sanganankulam, dated 29th October 1980.	26- 9-1981	D.P. ..	D.P.W. 10.
B-19 ..	Affidavit of V. Periasamy, D.P.W. 10.	26- 9-1981	D.P. ..	D.P.W. 10.
B-20 ..	Copy of the Press Statement issued by League Madasamy and V. Periasamy (D.P.W. 10) jointly.	26- 9-1981	D.P. ..	D.P.W. 10.
B-21 ..	Portion marked in 'Daily Thanthi' dated 30th September 1981.	12-10-1981	D.P. ..	D.P.W. 10.
B-22 ..	Statement of Shanmugasundaram (D.P.W. 11) before Sub-Inspector of Police, Tisayanvilai.	12-10-1981	D.P. ..	D.P.W. 11.
B-23 ..	Death Certificate issued by D.P.W. 12 (Ramachandran, Village Munsif), on the death of Mani.	19-10-1981	D.P. ..	D.P.W. 12.
B-24 ..	Affidavit of S. Ramachandran (D.P.W. 12) before the Commission.	19-10-1981	D.P. ..	D.P.W. 12.
B-25 ..	Statement of S. Sankaran (D.P.W. 13) before the Assistant Sub-Inspector of Police, Tisayanvilai. Crime No. 341/80.	3-11-1981	D.P. ..	D.P.W. 13.
B-26 ..	Statement of S. Sankaran, before the Sub-Inspector of Police, Tisayanvilai in connection with the pseudonymous petition.	3-11-1981	D.P. ..	D.P.W. 13.
B-27 ..	Sworn Affidavit filed before the Commission, by D.P.W. 13 (S. Sankara Thevar).	4-11-1981	D.P. ..	D.P.W. 13.
B-28 ..	Affidavit of S. Madasamy Thevar, D.P.W. 14, before the Commission.	6-11-1981	D.P. ..	D.P.W. 14.
B-29 ..	Whole file of letter No. 172137/Pol. XI/80-4, Home Department, dated 7th May 1981.	26-11-1981	D.P. ..	G.W. 2.
B-30 ..	Letter No. Rc. A2 14181/80, dated 13th October 1980 from the Revenue Divisional Officer, Cheranmahadevi to the Collector of Tirunelveli.	8-12-1981	D.P. ..	G.W. 7.
B-31 ..	Telegram, dated 19th September 1980 to the Collector by T. A. K. Chellathurai.	10-12-1981	D.P. ..	GW 9.

D.P. = Defence Party. D.P.W. = Defence Party Witness. G.W. = Government Witness.

ANNEXURE IX.

EXHIBIT INDEX.

JUSTICE K. S. RAMAMURTI COMMISSION OF INQUIRY, MADRAS.

Serial Number of the Exhibit. (1)	*Description of the Exhibit and its date.* (2)	*Date when the Exhibit was filed in the case* (3)	*How marked.* (4)	*By whom filed.* (5)
G-1 ..	Statement of S. Sudalaik nnu, before the Sub-Inspector of Police, Tisayanvilai contains the signature.	24-11-1981	Govt.	GW 1.
G-2 ..	Report of G.W. 2. (Sub-Inspector of Police) to the Inspector of Police, Tisayanvilai on 30th June 1980.	24-11-1981	Govt. ..	G.W. 2.
G-3 ..	Entry in the G.D., dated 11th September 1981 ..	25-11-1981	Govt. ..	G.W. 2.
G-4 ..	Thumb impression of Leyal, in the statement before Sub-Inspector of Police, Tisayanvilai.	25-11-1981	Govt. ..	G.W. 2.
G-5 ..	Thumb impression of Madathi, in the statement before Sub-Inspector of Police, Tisayanvilai.	25-11-1981	Govt. ..	G.W. 2.
G-6 ..	Thumb impression of Sundaram wife of Daniel, in the statement before Sub-Inspector of Police.	25-11-1981	Govt. ..	G.W. 2.
G-7 ..	Signature of Ami tham wife of Chelliah in the statement before Sub-Inspector of Police.	25-11-1981	Govt. ..	G.W. 2.
G-8 ..	Signature of Kamalam, wife of Paulraj in the statement before Sub-Inspector of Police.	25-11-1981	Govt. ..	G.W. 2.
G-9 ..	Signature of Kannagi, wife of Chelliah in the statement before Sub-Inspector of Police.	25-11-1981	Govt. ..	G.W. 2.
G-10 ..	Signature of S. Sahadevan, son of Sathianesan in the statement before Sub-Inspector of Police.	25-11-1981	Govt. ..	G.W. 2.
G-11 ..	Affidavit and the report of Dr. Kouselya Kesaven, G.W. 3.	26-11-1981	Govt. ..	G.W. 3.
G-12 ..	Written opinion of G.W. 4 (Dr. R. Gopalakrishnan) to the Tahsildar on 14th November 1981.	26-11-1981	Govt. ..	G.W. 4.
G-13 ..	Affidavit of G.W. 4 (Dr. R. Gopalakrishnan) before the Commission of Inquiry.	26-11-1981	Govt. ..	G.W. 4.
G-14 ..	Entry in the Hospital Admission and Discharge Register, dated 31st March 1980 (Sl. No. 420).	26-11-1981	Govt. ..	G.W. 4.
G-15 ..	Whole file of Nangunori Taluk Office relating to the Inquest and Exhumation of the bones taken from the well.	27-11-1981	Govt. ..	G.W. 5.
G-16 ..	Statement of Ponnish, before the Tahsildar-cum Executive II Class Magistrate, Nangunori about the exhumation.	26-11-1981	Govt. ..	G.W. 5.
G-17 ..	Letter No. C6/22274870, dated 14th November 1980. Report of the Tahsildar of Nangunori to the Judicial II Class Magistrate, Tirunelveli.	26-11-1981	Govt. ..	G.W. 5.

G.W. = Government Witness. Govt. = Government.

ANNEXURE IX—*cont.*

Serial number of the exhibit.	*Description of the exhibit and its date.*	*Date when the exhibit was filed in the case.*	*How marked.*	*By whom filed.*
(1)	(2)	(3)	(4)	(5)
G-18 ..	Affidavit of P. Viswanathan before the Commission.	26-11-1981	Govt. ..	U.W. 5.
G-19 ..	Copy of F.I.R. 360/80, suspicious death	28-11-1981	Govt. ..	U.W. 6.
G-20 ..	Entire case diary 378/80, Rape on Rajaselvam ..	28-11-1981	Govt. ..	G.W. 6.
G-21 ..	Affidavit of M. Arunachalam, Inspector of Police, before the Commission.	28-11-1981	Govt. ..	G.W. 6.
G-22 ..	Statement of T. A. K. Lakshmanan, before Revenue Divisional Officer, Cheranmahadevi (through GW 7).	8-12-1981	Govt. ..	G.W. 7.
G-23 ..	D.O.A. 3 14181/80, dated 30th September 1980—Report of Revenue Divisional Officer to the Collector of Tirunelveli.	8-12-1981	Govt. ..	G.W. 7.
G-24 ..	Affidavit of P. Thiruvengadam, Revenue Divisional Officer (G.W. 7) before the Commission of Inquiry.	8-12-1981	Govt. ..	G.W. 7.
G-25 ..	Enquiry on the pseudonymous petition of Masanam, against Volleyball Madasamy Thevar. Enquiry report of Assistant Superintendent of Police, Valliyoor.	8-12-1981	Govt. ..	G.W. 8.
G-26 ..	Anonymous petition by public of Nanguneri against Inspector, Ramakrishnan, of V. & A.C. Enquiry report by Assistant Superintendent of Police, Valliyoor.	8-12-1981	Govt. ..	G.W. 8.
G-27 ..	Grave crime report of G.W. 8 Assistant Superintendent of Police, Valliyoor.	8-12-1981	Govt. ..	G.W. 8.
G-28 ..	Affidavit of Gopalakrishna, I.P.S., Assistant Superintendent of Police, G.W. 8, before the Commission.	8-12-1981	Govt. ..	G.W. 8.
G-29 ..	Press cutting of "Malai Murasu", dated 27th September 1980.	10-12-1981	Govt. ..	G.W. 9.
G-30 ..	D.O. Rc. No. C-3/131850/80, dated 6th October 1980 (confidential) from the Collector of Tirunelveli to the Chief Secretary to Government, Madras-9.	10-12-1981	Govt. ..	G.W. 9.
G-31 ..	Communication sent by G.W. 9, to Secretary to Hon. Chief Minister, on 13th October 1980 (D.O. No. 131850/80, dated 13th October 1980).	10-12-1981	Govt. ..	G.W. 9.
G-32 ..	Letter dated 21st October 1980 (D.O. Confidential) sent to the Secretary to Chief Minister P.R. 12/80, dated 21st October 1980.	10-12-1981	Govt. ..	G.W. 9.
G-33 ..	Letter C. No. 912 x/SB/80, dated 3rd October 1980—Report of the Superintendent of Police, Tirunelveli to the Director-General of Police, Madras-4.	10-12-1981	Govt. ..	G.W. 10.

G.W. = Government witness. V. & A.C. = Vigilance and Anti-Corruption.

ANNEXURE IX—*cont.*

Serial number of the exhibit.	*Description of the exhibit and its date.*	*Date when the exhibit was filed in the case.*	*How marked.*	*By whom filed.*
(1)	(2)	(3)	(4)	(5)
G-34 ..	D.O. No. C3/131850/80, dated 6th October 1980 from the Collector to the Superintendent of Police, Tirunelveli.	10-12-1981	Govt. ..	G.W. 10.
G-34(*a*) ..	Endorsement made in Exhibit G-34, D.O. No. C-3/ 131850/80, dated 6th October 1980.	10-12-1981	Govt. ..	G.W. 10.
G-35 ..	Memorandum No. GCR. 25/80 (VLR), dated 15th November 1980, from the Superintendent of Police to the Assistant Superintendent of Police, Valliyoor and a copy to the Deputy Inspector-General of Police, Tirunelveli.	10-12-1981	Govt. ..	G.W. 10.
G-36 ..	Copy of letter Rc. No. A2/14181/80, dated 13th October 1980, from the Revenue Divisional Officer, Cheranmahadevi, to the Collector of Tirunelveli.	26-2-1982	Govt. ..	Consent by all parties.

G.W.—Government Witness. Ex.—Exhibit. D.O. — Demi-official letter.

ANNEXURE X.

JUSTICE K. S. RAMAMURTI COMMISSION OF INQUIRY, OLD TOWER BLOCK (GROUND FLOOR), NANDANAM, MADRAS-35.

Regulations.

1. The Commission shall have its sittings in the District Development Council Meeting Hall of the Collector's Office, Tirunelveli.

2. The Commission will hold its sittings in two sessions ordinarily on all days except Sundays and Government holidays, from 11-00 a.m. to 1-00 p.m. and 2-30 p.m. to 4-00 p.m. at Tirunelveli.

3. The inquiry will be open to the public but subject to such restrictions regarding admission as may be imposed by the Commission for the proper conduct of the inquiry and the interest of the public in general.

4. *Processes.*—Summons shall be sent to the persons concerned by Registered Post Acknowledgement Due or by such other means as the Commission may direct from time to time.

5. Every summons issued by the Commission shall be signed by the Secretary and with the seal (Rubber Stamp) of the Commission. It shall specify the time and place at which the person concerned is required to attend and also whether his attendance is required for the purpose of giving evidence or to produce documents or for both the purposes.

6. Persons summoned for the production of documents may produce them either in person, or through any authorised agent.

7. Advocates appearing for any person or groups of persons shall file memo. of appearance from them authorising them to so appear.

8. The language in which the evidence of a witness may be recorded shall be in the discretion of the Commission.

9. The Commission may appoint any person as *amicus curise* for assisting in the inquiry.

10. *Oaths and affirmation.*—Evidence will be recorded on oath by the Commission and it will be subject to cross-examination by the advocates or other persons permitted by the Commission.

11. The form of oath will be as below :—

"I..... solemnly affirm in the presence of Almighty God that the evidence I shall give to the Commission touching the matter in question shall be the truth, the whole truth, and nothing but the truth."

12. For persons who object to use the above form, the oath shall be administered in the following terms : "I ..... solemnly, sincerely and truly declare and affirm that the evidence I shall give to the Commission touching the matters in question shall be the truth, the whole truth, and nothing but the truth."

13. Names of persons who have filed affidavits or who have offered to give evidence shall be entered in a register and when summons are issued to them a note to that effect shall be made in the said register.

14. The Commission shall be at liberty to call and examine anyone who in its knowledge is able to give evidence material to the issue raised in the reference, and the Advocates or other persons will be entitled to cross-examine the person with the permission of the Commission.

15. Particulars of properties and material objects received by the Commission shall be entered in the Property Register. Suitable orders will be passed by the Commission for their final disposal at the end after the inquiry is over.

16. *Registers and diaries.*—The Commission will maintain a diary in Administrative Form No. 2 and this diary shall show the time at which the proceedings of each day commenced and the time at which they ended and will indicate clearly the daily progress made in the hearing. The entries will be initialled by the Commission on the date to which they relate.

17. Court fees and process fees received will be entered in a register in Form No.12.

18. The register for payment of batta to witnesses will be maintained in the Metropolitan Magistrate's Court. Form No. 69 and the daily payments shall be carried over to the cash balance register (Form No. 55) of the Metropolitan Magistrate's Court.

19. Hearing Book will be maintained in Form No. 60 of the Metropolitan Magistrate's Court.

20. Communications intended for the Commission shall be addressed to the Secretary, Commission of Inquiry (Old Tower Block, Ground Floor), Nandanam, Madras-35 and they shall be entered in the Receipt Register to be maintained.

21. Exhibits admitted in the Inquiry shall be marked as below :—

(1) When marked by the Government with the capital letter " GE "(Government Exhibit) followed by numerals GE1, GE2, GE3 and so on.

(2) When marked by others, i.e., Members of organisations or the Public, with the letters Public E (Public Exhibit) followed by numerals Pub. E1, Pub. E2, Pub. E3 and so on.

(3) When marked by the Commission with the capital letter " CE " (Commission Exhibits) followed by numerals CE1, CE2, CE3 and so on.

22. Materials objects shall be marked in Arabic numbers in continuous series whether exhibited by the Commission or by any particular party.

23. Court attendance certificate shall be issued to the officers attending the Inquiry.

24. *Payment of batta.*—Payment of batta to the witnesses shall be in the discretion of the Commission and will ordinarily be fixed at the rates allowed under the Civil Rules of Practice and Circular orders.

25. *Contingencies.*—Contingent Register shall be maintained in proper form for payment out of the contingencies. Cash book shall be maintained for showing the amounts disbursed.

26. The Commission reserves its right to amend the procedure and regulations from time to time.

(Sd.) K. S. RAMAMURTI,
Commission of Enquiry.

(True copy)

ANNEXURE XI.

Notes of Inspection of the Village Sanganankulam.
Date of Inspection—25th December 1980.

I arrived at Tirunelveli today morning, and after lunch, visited the village Sanganankulam between 2-00 and 5-00 p.m. It appeared that the villagers were aware of my visit to the village and, so the entire village people, Harijan colony gathered, in all about 40 in number, men and women. I explained to them the purpose of my visit and also impressed upon them that I have been appointed as One Man Commission to enquire into the allegations of rape alleged to have been committed upon 17 Harijan women of the village and the alleged murder of one Mani. I told them that in order to discharge my duties satisfactorily, the villagers should extend their co-operation by giving true evidence. Three written representations given by the villagers at the time of my visit to the village have been received. Even before I asked the villagers, they desired that the enquiry may be conducted in Tirunelveli and then only they will get justice and that the enquiry should not be conducted at Nanguneri or in the village. In view of their request, I have decided to hold the enquiry in Tirunelveli and given instructions to the Collector to fix up a suitable place fo. the enquiry. During my visit to the village, the Collector of Tirunelveli Thiru T. M. Arumugam and the Superintendent of Police, Tirunelveli Thiru R. Rajagopalan accompanied me. I told the villagers that the enquiry will commence after six weeks and that the date of enquiry will be notified in the local " Tamil Dailies ". I listened to the several general complaints of the gathering and left the place at about 5-30 p.m.

(Sd.) K. S. RAMAMURTI,
Commission of Inquiry.

(True copy)

TRUTH ALONE TRIUMPHS

NOTES OF INSPECTION OF SANGANANKULAM VILLAGE ON 6TH MARCH 1981 BY JUSTICE K. S. RAMAMURTI COMMISSION OF INQUIRY.

The Commission left Tirunelveli by 3-00 p.m. on 6th March 1981 for Sanganankulam and reached the village by 4 p.m. He was accompanied by the Superintendent of Police, Revenue Divisional Officer, Cheranmahadevi. The Advocate Tvl. Ashok Kumar and Moses Kanagasabai, on behalf of Harijans of Sanganankulam met the Commission at Salvation Army Church in the village. Some of the ladies alleged to have been involved in the incident appeared before the Commission. Tmt. Rajaselvam, Manjula, Pushpam were among them. One Thiru Stalin who belongs to Thevar Community of Sanganankulam village represented before the Commission that because he is supporting the Harijan's cause, his house and that also of his father's house have been damaged and also that Thiru Stalin and his mother were assaulted by the members of the opponent group (Thevar Community). He has also represented that he preferred a complaint to Thisayanvilai Police Station about the assault and the damages caused to the houses. The Commission instructed the Advocate to present their affidavits before it on 7th March 1981 at the D.D.C. Meeting Hall of the Collector's Office by 1-00 p.m.

Then the Commission inspected the pump house along with Superintendent of Police, Tirunelveli and Revenue Divisional Officer, Cheranmahadevi, which is about a few yards away from the Church when the alleged rape is said to have been committed. Then the Advocates Ashok Kumar and Moses Kanagasabai showed a place, a few yards among from the pump house where the body of Mani was cremated and the well in which the bones of Mani were said to have been thrown into it. Later the Commission left for Sanganankulam main village to meet Madasamy Thevar and his group. The Commission was provided chair to sit outside a Thevar's house. The Superintendent of Police and Revenue Divisional Officer, Cheranmahadevi sent for Madasamy and his people. One of the Thevars in the village told that Madasamy and his brothers have gone to Tirunelveli regarding preparation of affidavits and for engaging an advocate to present their case before the Commission. The Commission informed them that they should present their case before the Commission which will sit in the Collector's Office on 7th March 1981 at 1-00 p.m. The Commission appealed to them that they all should co-operate with the Commission to facilitate the inquiry.

Later, the Commission accompanied by the Superintendent of Police and the Revenue Divisional Officer, Cheranmahadevi went to the place where the alleged murder of Mani took place and the houses belonging to Thiruvalargal Stalin and his father, which are said to have been damaged by Madasamy and his people.

The Commission then proceeded to Tirunelveli at 5-40 p.m. and reached Tirunelveli at 6-45 p.m.

(Sd.) K. S. RAMAMURTI,
Commission of Inquiry.

(True copy)

NOTES OF INSPECTION AT SANGANANKULAM ON SUNDAY, THE 29TH MARCH 1981 BY THIRU JUSTICE K. S. RAMAMURTI, COMMISSION OF INQUIRY.

In the presence of Thiru Venkatachari, Advocate for Thevars, Thiru Moses Kanagasabai and Thiru David, Counsel for Harijans, Thiru Periyanayagam for Government, Thiru Natarajan, Joint Superintendent of Police, the R.D.O. in-charge, Cheranmahadevi Division, Tahsildar, Nanguneri, Thiru Arunachalam, Inspector of Police and the Staff of Commission.

I left the Circuit House, Tirunelveli at about 7'O clock, accompanied by the Advocates for all the parties and the R.D.O., and Revenue Officers and also Police Officers.

I reached Sanganankulam at about 8-15 a.m. Counsel appearing for the Harijans concentrated upon 8 incidents of rape alleged to have been committed in the places mentioned hereunder as against the respective names :—

(*a*) Pumpset room	(1) Rajaselvam.
	(2) Pappammal.
	(3) Vasanthi.
(*b*) House belongs to victims (4) and (5) ..	(4) Manjula.
	(5) Vasantha.
(*c*) Rice Mill	(6) Grace.
(*d*) Middle of bushes	(7) Prema, d/o Raj.
(*e*) Plantain crops (near well)	(8) Michael Ammal, c/o Yesuvadian.

After discussion, it was decided to inspect the following places in consultation with and at the suggestion of all the Advocates. I may add they did not require me to inspect any other place in the village :—

(1) Inspection of pumpset room which is about one furlong on the south of Salvation Army building ;

(2) Inspection of the place where the dead body of Mani was alleged to have been cremated ;

(3) Inspection of the place where Mani was alleged to have been beaten to death ;

(4) Inspection of the houses of the victims (raped women) ;

(5) Inspection of the well where the bones of Mani were alleged to have been thrown.

Pumpset room.—The area of the pumpset room is about 10'×12' with windows at eastern and western walls with doors with facilities for bolting. At the entrance, there is a door with locking facility from outside as well as from inside of the door. There is electric light facility in the said room. The height of the roof is about 7 feet with Madras terrace. I was told that there will be plenty of water in the well in the months of March and April. Even now there is plenty of plantain plantation in the neighbourhood. Immediate neighbourhood of the well, it is alleged that there were chilli crops at the time of the rape incident, where Mani was watering the chilli crops. Siyanthiapuram village is about a mile away from the pumpset.

There is ample facility for committing rape in the pumpset room, if one desirous to indulge in it. From the pumpset, we next went to a place at the east, about a furlong away from the well, where the dead body of Mani was said to have been cremated. The particular place was shown as the place where the dead body was said to have been burnt. The whole place is surrounded by thorny bushes and the place is in the midst of palmyra trees.

I noticed some stones having closely come into contact with fire and Mr. Moses Kanagasabai and David, appearing for Harijans said that the stones were used while burning the dead body of Mani and the Police had also taken some stones for investigation. For sample, I directed my staff to take one stone which contains the evidence of having come into contact with near fire. Some stones were also shown to me with similar features. Mr. Venkatachari objected that the said stones were not there previously. There is some controversy on this aspect. Mr. Kanagasabai asserted that there were such similar stones previously and that the Police have taken some stones for investigation. At the request of Mr. Venkatachari, a similar stone of black colour was taken a few feet away from the place where Mani was alleged to have been burnt. Mr. Venkatachari showed in and around the place, where there are similar black stones in plenty. He also showed me a place where illicit distillation has been going on and the stones are being used as ovens and the stones there are obviously bear evidence of having come into contact with fire and they are black. The plants and the thorny bushes immediately and very near where the dead body of the deceased Mani was alleged to have been cremated do not have any evidence of having been burnt or having come into contact with fire and the plants and the bushes are green. Mr. Kanagasabai Moses stated that the usual burial ground is situated at about a furlong away from the place where the body of Mani was burnt. At the request of Mr. Kanagasabai, about 20 pieces of charcoal were picked up from the spot where Mani's body was burnt, including a piece which Mr. Kanagasabai claimed to be a piece of bone. All round the thorny bushes, where Mani's body was alleged to have been burnt, the land is barren.

I also saw the well, into which bones of Mani are alleged to have been thrown. There is no particular comment (on the same) to be made. The said well is said to belong to one Sundararajan (who is no more), whose son is Subban. Near the well also Thiru Venkatachari drew my attention to stones with evidence of close contacts with burning and on further examination, I noticed that place has been obviously used for illicit distillation. There are two ovens from where one stone was taken on the request of Mr. Venkatachari by my staff for evidence.

My attention was drawn to the Main road, Nanguneri—Tisayanvilai Road. There was a cart-track. Next, we went to Harijan Colony. Mr. Venkatachari wanted me to note that on the top of the Salvation Army building, there is an inscription as "இரட்சண்ய சேனை மண்டபம்" in Tamil and in English "Salvation Army".

We next went to a dilapidated house shown by Mr. Kanagasabai and it is stated that it belongs to Manjula, a victim of the alleged rape. There are no locking arrangements for locking the door from inside the house. But the door of the back side, has some such arrangement.

Next to Manjula's house on the west is the house of the Pastor. A Radio room is situated on the south of the house. Next we saw Grace's house.

Then we went to the house of Vasantha, daughter of one Raj. Vasantha is elder sister and Prema is younger sister. Both were in the house. It is alleged that Sankara Thevar raped Vasantha and Chinnathambi Thevar raped Prema and the person who raped Vasantha came inside by tapping the door at night. At that time, Prema was not in the house and her mother has gone to Tuticorin to attend upon father, who was hospitalised. (It is a matter of evidence.) (There is facility for one to commit rape in the houses, if one indulges to commit rape in that houses.) Each house has separate open space around and the houses are divided in the open space all round by about 8 feet to 10 feet.

Immediately east of Vasantha's house is Rajaselvam's house, that is the house of deceased Mani. Mr. Kanagasabai showed me the pial, where the dead body of Mani was carried and put by Thevars. There is some noting on the wall near the door of Rajaselvam's house written as Valliammal, wife of Perumal, from 12th September 1978 to 18th July 1979. My attention was drawn to this noting. But I do not form any impression about that.

Then I moved to the portion of Sanganankulam village where the Thevars are living. I inspected the houses of Sankara Thevar and his brothers. The houses are all built in one line facing houses on both sides. I went to the junction of the street where Mani was alleged to have been beaten to death by Thevars. I inspected the place. The name of the street is North Street, where Madasamy Thevar and his brothers are living. The actual place where Mani was alleged to have been beaten and assaulted to death and the place from where Kasi and Singh, witnessed were shown to me, i.e., at the junction of streets and on the eastern side of the junction in which there is an opening. Immediately, east of the place, where Mani was beaten to death there is a small hut. There is some controversy between the parties that it was a tea shop according to Mr. Venkatachari but according to Mr. Kanagasabai, it was a mere vacant land at the time of the occurrence.

Mr. David said that the thatched leaves used for the hut appear to be new. At the outside of the immediate entrance of the tea shop, there is a grinding stone which indicates that rice was being grinded. Inside the shed, I saw old ovens which could have been used for a tea shop. (The existence of the tea shop or a mere vacant land at that time is to be proved by parties.) It is a matter of evidence and I expect the parties to adduce oral evidence on this aspect.

It is alleged that Kasi and his brother Singh were loading chaffs into cart on the eastern side about 60 feet away from the spot where Mani was alleged to have been beaten to death. They were merely observing the incident, through the opening.

With the consent of all parties, the place where Mani was alleged to have been beaten to death was marked in the photograph as shown by Kasi and Singh. I saw the street through which the dead body of Mani was carried to colony. There is a well about 10 feet away from the place where Mani was alleged to have been beaten to death. That well is a public well. The water is used for washing vessels and similar purposes and the water cannot be used for drinking and cooking purposes. There is plenty of water in the well and even when I inspected the place, the well water was used by residents of Sangankulam village, and they were drawing water from the well. The track through which the dead body of Mani was carried by bullock cart reaches the deceased Mani's house.

In the immediate neighbourhood of the place, where Mani was beaten to death, there is Chandrasekaran's house and Neelakanta Thevar's house, where Neelakantan's father and brother are now living.

I climbed the upstairs of the house of one Pandi Thevar, where (Pandi Thevar's son-in-law) Mr. Kanthiah Thevar resides. This is a very important and crucial place to inspect because it is alleged that one Stalin witnessed the beating up of Mani from this upstairs. It is alleged that at the time, Stalin was engaged in drying boiled paddy in the upstairs and while he came to the verandah, he noticed that Mani was being beaten to death by Thevars. I noticed the features with care and I found there was a close obstruction with palmyrah leaves and the place cannot be seen till the palmyrah leaves were completely removed. It is a matter of evidence in detail because at the time of the occurrence, Stalin claims that the Palmyrah leaves were not there and that after the incident, the palmyrah leaves have been put there. Even if the palmyrah leaves were not there there is an obstruction from the next house where palmyrah leaves bundled up and put near the outer wall as protection from the rain and sun, so far as staircase is concerned. The owner of the house is Poologapandi Thevar, who is related to the Thevars. He is the junior paternal uncle of Lakshmana Thevar. Here again there is controversy and objection on the part of Stalin that the palmyrah leaves in the Poologapandi Thevar are new and they were not there at the time when the incident took place. I do not now form a correct impression about the feasibility and possibility of Stalin observing the beating up of Mani by Thevars. I expect the parties to adduce evidence on this aspect. I have indicated all the aspects to the Advocates to put forth the crucial and relevant evidence on this aspect. To repeat, I can draw my proper inference only on the evidence to be adduced by both parties on this aspect.

Next two houses belong to Rajadurai Thevar and Kasi Thevar. The houses in the opposite side belong to different people. The opposite house of Rajadurai Thevar is said to belong to one Thanushkodi Thevar. North of Thanushkodi Thevar's house, there is a house of Shanmugasundara Thevar. The entire street appears to be fully inhabited.

Then we went to the rice mill named as "Sri Sivasubramanian Rice Mill" which is situated at South Vijayanarayanam, where Grace was alleged to have been raped by Sankara Thevar. The charge is that she came from Sanganankulam colony for hulling paddy and at that time, she was raped. (It is a matter of evidence.) Sanganankulam village is about 6 kms. away from the rice mill through regular road. But it is claimed that there is a track coming from Sanganankulam near the rice mill and the distance as per Revenue Inspector is about 2 kilometres. East of the rice mill's entrance, a cluster of harijan houses, where males and females are living and the main road is immediately adjacent to the mill and very near the rice mill a bus-stop and a tea shop are existing. It is alleged that there were three workers employed on the day when rape was alleged to have been committed by Sankara Thevar. It is a matter of evidence. I do not express any opinion.

I was informed by all the counsel appearing for their parties that nothing further has to be inspected by me and we were all returned to Circuit House at about 12-45 noon.

K. S. RAMAMURTI,
Commission of Inquiry.

TAMILNADU LEGISLATIVE ASSEMBLY
TRUTH ALONE TRIUMPHS

INSPECTION NOTES OF JUSTICE K. S. RAMAMURTI COMMISSION OF INQUIRY, WHO VISITED THE VILLAGE SANGANANKULAM ON 19 TH MAY 1981.

I along with Advocates Tniruvalargal Perianayagam, David, Ashok Kumar, Kartheesan, Murugesan and S. B. Inspector Mr. Ramasamy and with my staff started from Circuit House at 4 o'clock and reached Sanganankulam village at 5-15 p.m.

2. I was first shown the backyard of Sankara Thevar's house from where the deceased Mani was alleged to have been pushed north from south towards the kalam and from there to the electric post towards west taking a turn towards west at the place where Kasi and Rajasingh were alleged to be loading the bullock cart with paddy chaff. The entire path from the backyard of Sankara Thevar's house till the thrashing ground is very bushy with thorny plants and in my view it is very unlikely that Sankara Thevar would have taken that pathi. It is a big struggle and exercise to reach the kalam from the backyard of Sankara Thevar. There is powerful and strong fencing with palmyra leaves and mud compound, in Sankara Thevar's backyard serving as a pucca compound wall which has a very small very narrow opening of about 9 inches. In the backyard of Sankara Thevar's house there is no back side entrance at all except a very small narrow opening. There is a mud wall compound and along with it very thick palmyra leaves closely affixed to the mud wall compound. In the inside of the backyard of Sankara Thevar's house, there is a big haystalk.

3. The kalam where Kasi and Rajasingh were loading the paddy chaff is also full of thorns and bushes. The land is not barren and vacant and can hardly called a kalam. But all round there is paddy chaff. Then I went through the cart track from the kalam towards west and stopped at the place where Mani was alleged to have been beaten. It is easily at a distance of 200 feet west from the kalam. The scene of occurrence is a few feet away from the electric post and in the junction of the four busy roads.

4. I made an effort to see from the kalam whether any person from the kalam can notice Mani lying down and being been trampled by Sankara Thevar and party. I found it exceedingly difficult to notice from such distance, visibility at a distance of 200 feet is very poor. Next I asked Kasi to stand in the cart-track at a point abutting the kalam and I stood at the junction were Mani was alleged to have been beaten and I made some sounds and uttered some words loudly and I noticed that Kasi was not able to hear what I said except on one occasion when I shouted very loudly. The result of my observation is that a person standing at the end of the kalam on the cart track cannot hear sounds coming from the road junction from the scence of occurrence.

5. I have already observed in my first inspection notes the places where Mani was alleged to have been beaten to death is a very busy place fully inhabitants. There is no need to repeat again in this Inspection Notes about the features of the spot or point where Mani was alleged to have been beaten. I was shown a cart-track leaving from the junction to the cheri. It is clear that a cart can go to cheri from the junction. Kasi showed me some other cart-track ; it is unnecessary to make any comment because it is the case of Kasi that it is through which the bullock cart was carried the dead body of Mani to Colony via the cart-track east to west referred to by me.

6. We returned to Circuit House at about 8-45 p.m.

K. S. RAMAMURTI,
Commission of Inquiry.

(Tru copy)

NOTES OF INSPECTION AT SANGANANKULAM ON SATURDAY, THE 17TH DAY OF OCTOBER 1981 BY THIRU JUSTICE K. S. RAMAMURTI COMMISSION OF INQUIRY.

In the presence of Thiru Venkatachari, Advocate for Defence party, Thiru Ashok Kumar, Advocate for Harijans, Thiru Perianayagam, Advocate for Government and Thiru John Ponniah. Advocate for Commission and Thiru S. Ramasamy, S. B. Inspector and Tahsildar of Nanguneri Taluk and the staff of Commission.

We left the Circuit House, Tirunelveli at about 7-15 a.m. accompanied by the Advocates for all the parties. We reached Sanganankulam at about 8-20 a.m. Inspected the Church premises in East Sanganankulam (Thevar's colony), which is called Savarier Temple where the S.I. Krishnaswamy is said to have held his enquiry on 21st June 1980. The place is completely open space and there will be hot sun at 12 o'clock when the Inspector is supposed to have conducted enquiry. It is highly improbable and unrealistic to believe that Krishnaswamy would have made investigation there.

Lot of questions, which had been put to Shanmugasundaram during cross-examination by Thiru David with regard to the location of Shanmugasundaram's house at the back portion of Sankara Thevar's house are beside the point and are totally irrelevant. Sankara Thevar need not go to the backyard to call Shanmugasundaram.

Then I inspected Kanthiah Thevar's house. It is a very very small house and except one small living room, there is no other room worth mentioning. The backward where the cattle are tied is very dirty and there is no place for boiling paddy in the backyard. The appearance of the back a d also does not give any impression that at any time paddy would have been boiled in the backyard of the house of Kanthiah Thevar. In the upstair room of Kanthiah Thevar's house, there are lot of miscellaneous articles kept. It is impossible to visualise that paddy would have been dried in the upstair room. It is also a very very small and full of miscellaneous articles. Above all, the wodden stair-case leading to upstair room is very steep and it is an impossible job to climb the starir-case with the paddy. It is almost impossible to carry heavy bags of paddy to the upstair room.

I am of the clean opinion that paddy would not have been dried in the upstair portion.

There are palmirah leaves kept at the arch and that completely obstructs the view of junction. It is not possible at all to see what is happening at the road near electric post junction. In the front verandah downstairs, there are iron rods which protect the verandah and it is impossible to climb up the verandah from the road to the upstairs. There are zinc sheets that serve as sun-shades and it is impossible to climb up. Further, it is not Kanthiah Thevar's case that his house is an impregnable fortress. His evidence is merely that in view of the fact that there are female members in his house, he has closed the opening on the north arch with palmirah leaves. In view of his many questions put by Thiru David in cross-examination are all not of any significance. I am of the firm opinion that it is difficult to see through the opening the arch that which is closed with palmirah leaves as what is happening in the junction.

Then I inspected Ramachandra Thevar's house. There is ample facility in the open space for boiling paddy and drying. There is also plenty of open space in the first floor for drying paddy. I am clear in my mind that if at all Ramachandra Thevar wants to boil and dry paddy he could have done it in his house and certainly not in Kanthiah Thevar's house.

We returned to Circuit House at about 12 o'clock.

K. S. RAMAMURTI,
Commission of Inquiry.

(True copy)

NOTES OF INSPECTION AT VILLAGE SANGANANKULAM ON 7TH NOVEMBER 1981 BY THE JUSTICE K. S. RAMAMURTI COMMISSION OF INQUIRY.

I accompanied by Counsel of both sides of Government and Police with the representatives of parties reached Sanganankulam by about 9-30 a.m. We first inspected the Sevanthiapuram rice mill facing the road. I saw 6 or 7 godowns. In some of them, paddy was stocked. There is nothing in particular to comment on the godowns. I inspected the rice mill which has two big openings on the east and west. On the eastern side, there is a Harijan colony. On the road side, near the rice mill, there are shops like tea shops, betel and grossery shops, opposite to bus stop. The place is a busy place. Inside the rice mill, I noticed the boiling can. Stalin says that it was never there previously, but it has been brought into the mill recently to show that rice is boiled near the mill premises, which was denied by Sankara Thevar. It is unnecessary to consider this evidence but it is sufficient to say that there is a boiler which is used for boiling paddy. On the backyard of the rice mill there is lot of vacant place and cart stands. Immediately of the back of the rice mill, I find an oven by using (improvised) big stones, and it is clear that the oven must be used for boiling paddy. Though Stalin says that the oven was used only for preparing meals for agricultural labourers who work in connection with the harvest and their use to be given meals during noon and the oven is used for preparing meals. Even so, that it cannot be ruled out that the oven cannot be used for boiling paddy. It is sufficient to mention that the oven was used that it has been and it is being used for boiling paddy.

Next, we went to West Sanganankulam. Rajaselvam's house is in the eastern end. Manjula's house is in the fag end of the church in the western side. This house was seen by me during my previous inspection, now it is completely dilapidated. It has not been used. Manjula's parents having gone to Tirumalapuram, i.e., Kannammal and Muthiah are not living.

Next, I inspected (the places) where the house of Micheal Ammal. In the evidence it was stated (evidence discrepant) that it is on the side of Masanam's house, and on the side of Balraj's house. The second point that I noticed is that on either side there is only barren vacant places and there is no evidence of any houses having been there on either side. It is clear that it is that on both sides, there is barren vacant place. It lends support to Mr. Venkatachari's argument that Michael Ammal has no house in Sanganankulam and she left Sanganankulam long ago. Poornam Ammal, mother of Michael Ammal has given evidence that her house is in the east of Masanam's house and there is the other discrepant evidence that it is on western side of Masanam's house. Kasi's house is next in the same row.

Next I inspected Muthammal's house to verify whether from her house she could have observed what was happening in Rajaselvam's house. The thatched roofing in Muthammal's house is very very low and Muthammal from her house could not have observed what has happened in Rajaselvam's house. Further Rajaselvam's house is not directly opposite to Muthammal's house. It is one house away on the opposite row. Masanam's house is 2 or 3 houses away and vacant space of and away from Rajaselvam's house. It is impossible to her to hear any noise in Rajaselvam's house. The distance is very great and Masanam and Nalliah could not have heard any noise emanating from Rajaselvam's house. Kannammal's husband Muthiah is at the end in the same row of Rajaselvam, near the church and it is absolutely impossible (half-a-furlong) to hear any noise coming from Rajaselvam's house.

I then inspected the plantain crops thope in which Michael Ammal is alleged to have been raped by Chinnathambi. The case is that when in a far off place, she was attending to harvest work and during at that time she felt thirsty and so to take water, she came to Venugopal's well, and at that time Chinnathambi came there and utilising that occasion Chinnathambi raped Michael Ammal. There is lot of evidence and cross-examination as to whether Michael Ammal could

not have taken water from 2 wells adjacent to the place where she was doing harvesting work. Stalin says that one well, water is brackish and another well there are no foot steps. I inspected Venugopal's well and there is big parapet wall and water is in very low at the bottom and it is inconceivable and almost impossible for anybody to get down into the well to drink water. The steps do not go right upto the top. One will have to climb down about 4 feet and there is no parapet wall from the steps and from a mere look at the well, it is clear that nobody could get into the well using the steps. Above all to me, it appears to be an absolute impossibility if one has to get down, he must have the courage to get down into the well, he must climb up without any support. The foot steps are very dangerous to notice and I have no hesitation in holding that Michael Ammal could not use those foot steps and therefore never came to the well to take water.

After finishing the inspection, we returned to Tirunelveli, by 1.00 p.m.

K. S. RAMAMURTI,
Commission of Inquiry.

(True copy)




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