

## **A Decade to Justice:**

### **A Case Study on the Torture and Death of Karuppi**

Paramakudi, Ramnad District, Tamil Nadu

November 25<sup>th</sup>, 2002-February 14<sup>th</sup>, 2013

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On February 14th, 2013, the Principal District and Sessions Court of Ramanathapuram, Tamil Nadu convicted eight police officers who were responsible for the illegal detainment, torture, and subsequent death of Karuppi – a Dalit housemaid who was accused of theft. With prison sentences ranging from six months to the maximum sentence of ten years, justice prevailed in a case that has ensued since December 1<sup>st</sup>, 2002. However, this case – which involved various degrees of evidence suppression, dire threatening of witnesses, and rampant abuses of power by various officials – points to the larger need for authorities handling custodial death cases to provide proper protection for vulnerable eyewitnesses, ensure thorough investigations by independent parties, and promote unbiased but speedy trials without unnecessary procedural delays.

Since the morning of December 1<sup>st</sup> 2002, when Karuppi's body was found hanging from a VHF tower behind the police station, People's Watch – a leading Human Rights Advocacy Program based in Madurai, Tamil Nadu – has interceded legally on behalf of the victim and her family. Furthermore, People's Watch identified eye witnesses to Karuppi's torture and, after these witnesses faced violent threats from the accused officials and their civilian accomplices, offered them protection and socioeconomic rehabilitation. The following report highlights the major developments and challenges of this case, the dangers faced by the witnesses (who were, themselves, victims of torture), and the types of interventions that People's Watch and other concerned organizations conducted.<sup>1</sup>

In doing so, this document intends to expose the overwhelming difficulties in contesting cases of custodial violence and extrajudicial killing in India. Despite the vast legal

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<sup>1</sup> Information was ascertained from an extensive pool of witness statements, court documents, newspaper articles, interviews, and fact-finding reports conducted by staff members of People's Watch.

remedies that should have, in a technical sense, been available to Karuppi and her family (including fair trial procedure, independent judiciary mechanisms, Article 21 of the Indian Constitution banning torture, the Supreme Court ruling in *D.K. Basu vs. State of West Bengal* which provides clear legal limitations to police incarceration, and the National Legal Services Authority Act of 1987 which would ensure free legal representation for the victims), justice was repeatedly threatened and compromised during the course of this case.

Furthermore, as the accused officers have already appealed the District Sessions Court's ruling – thereby extending legal proceedings of this case into the unforeseeable future – the events outlined in report illustrate how a circuitous and overtly flawed criminal justice system can protect perpetrators of human rights abuses over the interest of victims. In circumstances where officers were allowed to act with impunity and judicial delays became the rule, rather than the exception, it took a series of strategic, coordinated efforts from numerous third parties for this case to even move forward. Even though justice has (at least temporarily) prevailed, the case of Karuppi's illegal detention, torture, and murder points to the dire need for the Government of India to strengthen its access to justice programs and judicial facilities. Only after basic improvements are made to the way criminal justice is carried out in India, can the state adequately prevent and address thousands of cases of custodial injustice.

### **Case Details**

S. Karuppi, aged 45, was a resident of Kattuparamakudi, Paramakudi Taluk, Ramanathapuram District. Belonging to the Arunthathiyar community (a Dalit 'sub-caste'), Karuppi made a living as the housemaid for the family of Smt. D. Prema. Karuppi lived in a joint family home with her husband Sonai, a laborer, and her in-laws, Ms. Arumugam and Mr. Christudas. Additionally Karuppi had a daughter, Balammal, and a son-in-law, Sonaimuthu.

On November 25<sup>th</sup>, 2002, police officials detained Karuppi based on a complaint given by her employers. The family of D. Prema alleged that Karuppi stole jewelry and Rs.

25,000 cash from their home.<sup>2</sup> Rather than conduct a proper investigation, eyewitnesses claim that police officials – most notably Inspector Shahul Hameed and Sub Inspector N. Kathiresan – were unapologetically attempting to force a confession out of Karuppi. Over the course of six days, Karuppi was shackled to a table in an isolated room in the Paramakudi town police station. There, she faced various forms of physical torture – including systematic beatings with PVC pipes and repeated stabbings, by needles, on her limbs. Additionally, she faced extreme verbal and sexual abuse.<sup>3</sup> Throughout the ordeal she was repeatedly referred to by derogatory caste insults, pointing to the extreme casteist motivations of this illegal detention and torture.<sup>4</sup>

Upon Karuppi's initial refusal to offer a confession for the theft of D. Prema's property, the police detained her husband's younger sister, Arumugam, and Arumugam's husband, Christudas, on November 26<sup>th</sup>, 2002.<sup>5</sup> For a span of four days, Arumugam and Christudas were systematically subjected to physical torture and threats against their family if they did not implicate Karuppi or convince her to confess to the theft. Furthermore, police also kept Arumugam and Christudas's youngest daughter, six-year-old Anita, within the police compound. She was never subject to any physical violence or emotional abuse. However she was repeatedly asked – in a separate room from where her parents were facing police torture – if her aunt had stolen any money or jewels from Smt. Prema's home. According to statements from her parents, officials

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<sup>2</sup> Official statements provided by the primary accused, Inspector Shahul Hameed and Sub Inspector N. Kathiresan, contend that the case against Karuppi (Crime No. 455/02 under section 454, 380, IPC) was registered per a direct complaint by D. Prema. However, People's Watch staff member Anandha Kumar, contended that the house's caretaker, Ravi, actually filed the initial complaint. Kumar indicated that the caretaker, who is related to Smt. Prema, should have been considered a person of interest within the case. However police did not proceed in any type of investigation against Ravi.

<sup>3</sup> According to statements from the case's primary eyewitnesses, who were also illegally detained one day after Karuppi's arrest, Karuppi had already sustained serious injuries on the back of her head, neck, and legs by the time they first saw her in the Paramakudi Town Police Station. Offending officers had also crushed her fingers and toes. The witnesses noted that the victim had lost a significant amount of blood in the first twenty-four hours of her detainment. As the torture continued, her physical condition deteriorated even more, most probably leading to her eventual death.

<sup>4</sup> People's Watch Executive Director, Henri Tiphagne, further explained the nuances of caste within this case by highlighting that D. Prema was also technically from a Scheduled Caste. However, even within the local Dalit caste scheme, Karuppi and her family were considered to be lowest in the hierarchy.

<sup>5</sup> Police did not initially detain Karuppi's husband, Sonai. In the statement he gave to the fact-finding team from People's Watch, Sonai was aware of Karuppi's detainment, but was not a direct eyewitness to her torture.

even gave the young girl sweets and other eatables in order to convince her to implicate her aunt.

Karuppi's daughter, Balammal, and son-in-law, Sonaimuthu, were also summoned to the police station on November 28<sup>th</sup> and 29<sup>th</sup> in order to force a confession from Karuppi. However, as Balammal was expecting, the young couple was quicker to acquiesce to police demands for fear that police would harm their unborn child. At one point, Balammal was even forced to repeatedly beat Karuppi with her shoes. Karuppi still adamantly contended that she stole nothing from her employers.

On November 29<sup>th</sup>, 2002, Christudas, Arumugam, and their daughter Anita were released under the condition that Arumugam and Christudas would return to the police station the next day. Upon arriving the next day, the police declared that they were not involved in the theft and permanently released them from custody.

The next morning, December 1<sup>st</sup>, 2002, Karuppi's body was found hanging on a wireless tower located behind the police station. The police attempted to frame the victim's death as a suicide, using their considerable means and local influence to silence eyewitnesses.

### **Fact Finding and Initial Intervention**

People's Watch was informed of Karuppi's mysterious death by an anonymous phone call from a local advocate. On December 1<sup>st</sup>, the day that Karuppi's body was found, People's Watch sent a fact-finding team – which included Mr. Anandha Kumar, Zonal Human Rights Monitoring Officer for the Sivagangai and Ramnad Districts, Mr. Sheikh Ibrahim, Zonal Advocate/ Regional Law officer – to Paramakudi to assess the situation and acquire statements from concerned parties.

According to Anandha Kumar, the team was initially not aware that eyewitnesses were present during Karuppi's detainment as the anonymous complaint they received only gave the most basic details about the case. Per standard procedure, they sought statements from Karuppi's close relatives. As Arumugam and Christudas's family lived with Karuppi in a joint family household, Kumar and Ibrahim immediately sought

statements from the witnesses. In addition to recounting their story, these witnesses/victims revealed the severe injuries they had received from the police.

Following this encounter, Kumar and Ibrahim traveled to the District Sub Collector's office in order to inform him of the severity of this case. They requested that the Sub Collector order the local government hospital to admit Arumugam and Christudas for medical treatment. Kumar and Ibrahim also insisted that medical professionals properly document the witnesses' injuries as evidence for both the case at hand and possible claims to financial interim relief from the government. Furthermore, fearing that the erring police officers would attempt to improperly dispose of Karuppi's body before it could be assessed for evidentiary purposes, Kumar and Ibrahim requested that Karuppi's body be properly preserved for both a post-mortem and repost-mortem examinations.

The fact-finding team was also able to acquire a brief statement from Ashok Kumar, The Superintendent of Police, Ramnad. The SP was not involved, as far as the witnesses or other concerned parties knew, with the torture case of Karuppi. Though the formal statement that he offered was brief, he did admit that, "some policemen have erred." He further stated that, despite his limited ability to impose punishments this early in the investigation (due to the accused's ability to acquire court-mandated stay orders, which would delay any form of formal reprimand), his department will eventually "take action against those who committed [the] crime."

While the witnesses, Christudas and Arumugam, were receiving medical treatment, members of local Dalit political parties, social movements, and NGOs – all of whom were learning the basic details of Karuppi's death – began to assemble in protest. Led by a local Dalit advocate named Kandaswami, a crowd of nearly one thousand activists and concerned citizens gathered to demand an immediate investigation and speedy trial against the accused. They also demanded that authorities release the victim's body immediately, before the police could have time to dispose of it or attempt to distort evidence.

Karuppi's body was handed over to the family only at the end of day, after Dr. Balachandran from the Government Hospital in Paramakudi, Dr. Meyyazhgan from the

Madurai Rajaji Hospital, and Dr. Hemamalini conducted an autopsy. In a statement given to the People's Watch fact-finding team, Dr. Balachandran noted that Karuppi had serious external wounds. But the cause of death could not be ascertained based on this evidence alone. He intimated that a future medical examination could determine the cause of death.<sup>6</sup>

### **Depositions, Threats, and Witness Protection**

Following the initial fact-finding mission, People's Watch Executive Director, Henri Tiphagne, and staff worked to inform concerned international institutions and authorities, regional and national governing bodies, senior law enforcement officers, and the general public of Karuppi's illegal detainment, torture, and death. In press releases,<sup>7</sup> telegram communications, and a formal complaint sent to the United Nation's Special Rapporteur on torture, Tiphagne pointed to the facts of the case, indicated specific laws which erring police officials deliberately broke,<sup>8</sup> and demanded that a case be registered under Section 302 of the Indian Penal Code against the accused officers.

Additionally, People's Watch sent the fact-finding team back to Paramakudi six more times between December 10<sup>th</sup> and December 27<sup>th</sup> and again in January, February, and April of 2003 in order to collect more statements and to document the proceedings of the case. During this time, eyewitnesses faced severe threats from police via civilian henchmen.

On December 11<sup>th</sup>, 2002 Arumugam, Christudas, Sonai, and Balammal were supposed to report to the District Sub Collector's office for an enquiry in the afternoon. Seven staff

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<sup>6</sup> According to a petition submitted to the High Court of Madras (Crl. O.P.No. 3715 of 2004), People's Watch was able to secure medical opinions on the contusions found on Karuppi's body. According to this report, several antemortem wounds on Karuppi's lower limbs were between one to three days old and one prominent wound, found on her upper-right forehead, was fresh and likely generated by the forceful impact of a blunt object. This report clearly shows that Karuppi was subject to severe physical violence in the days preceding her death.

<sup>7</sup> Press releases were submitted on the evening of December 2<sup>nd</sup> to major newspapers including The Hindu, The Indian Express, Dinathanthi, Dinamalar, Dinaboomi, Dinamani, and Dinakaran. Several of these papers produced multiple stories over the next week, making the case widely publicized in the Ramnad, Madurai, and Sivagangai districts.

<sup>8</sup> Of the laws broken in this case, the staff of People's Watch emphasized that Karuppi's very detainment – much less the torture which led to her death – went against the ruling of Justice Karpavineyagam of the Madras High Court, which stated that women should not be taken into a police station for interrogation under any circumstance.

members from People's Watch were set to accompany them. Arumugam and Christudas, understanding the grave circumstances of the day, decided to leave their young children, Vinod and Anitha, under their neighbors care.

The morning before the enquiry, the witnesses and PWTN staff members went to the home of Mr. Chandrabose, a local leader within the Dalit community. At noon, a few hours before they were supposed to depose for the Sub Collector, Mr. Raja Hussain, a relative of the accused Inspector Shahul Hameed, came to Mr. Chandrabose's house and spoke to him in private. Immediately afterward, Chandrabose warned the witnesses not to go to the Sub Collector's enquiry. He reported that more than one hundred henchmen, working on behalf of the accused policemen under Raja Hussain's direction, had gathered outside the building and threatened to beat and possibly kill the witnesses before they could depose.

Upon learning of these threats, Mr. Anandha Kumar, Mr. Vincent, the then State HR Lawyer at People's Watch, and Mr. Kathir, the then State HR Monitoring Associate at People's Watch, traveled to the Sub Collectors's office, at their own risk, to speak with him directly. They managed to enter the building without any severe physical confrontations. However, when they demanded that the Sub Collector give protection to the witnesses so that they could depose for the enquiry without fear of retribution, he insisted that he could only offer protection within the four walls of his office. After much discussion, it became apparent that the Sub Collector would not even attempt to ensure that the witnesses could safely depose that day. For this reason, they postponed the witnesses' depositions to December 12<sup>th</sup>. Furthermore, fearing that the witnesses would face more threats and possible violence, People's Watch offered them safe lodging in Madurai. Considering the enormous risk involved with attempting to pick up their children from the neighbors house, Arumugam and Christudas ascertained that the children would be safer staying in the home of a neutral third party. Both the couple and Karuppi's husband, Sonai, traveled to Madurai and stayed at People's Watch's Rehabilitation Center for Victims of Domestic Violence and Torture for the night. Balammal and her husband, Sonaimuthu, however, traveled back to their home in Kattuparamakudi.

The next day, Arumugam, Christudas, and Sonai traveled to the Paramakudi Sub Collector's office with three People's Watch staff members. When they arrived in the afternoon, Balammal rushed to them and admitted to giving a false deposition. She claimed that henchmen had threatened to beat her, kill her unborn child, and then hack her and her husband to death. However, if she bore false witness, the henchmen would spare her family and offer Rs. 75,000 as bribe money. Balammal also informed Arumugam and Christudas that Raja Hussain had found the whereabouts of Vinod and Anitha and had kidnapped them. She claimed that if Arumugam and Christudas did not lie about what they saw, Hussain would kill the children.<sup>9</sup>

For the sake of her children's safety, Arumugam also decided to offer a false testimony. During the deposition, the Sub Collector questioned why Arumugam was offering a statement in favor of the accused police officers when she had implicated them earlier in statements to People's Watch and other Dalit organizations. He specifically wanted to know if she was being threatened. She falsely claimed that she was not being threatened. Though he offered her protection, she refused to reverse her statement. Fearing that she was lying, the Sub Collector closed the enquiry for the day.

The next day, Christudas and Sonai went for the Sub Collector's enquiry and they also gave false testimonies in favor of the delinquent police officers. Later in the evening, when Arumugam and Christudas returned home, they found their children sleeping but unharmed. Soon after, Balammal, having received her bribe money from Raja Hussain earlier in the day, offered Rs. 15,000 to Arumugam and Christudas. They turned down the money.

### **Petitions, Protests, Enquiries, and Public Hearings**

In the weeks and months following Arumugam and Balammal's false testimonies, various individuals, organizations, and national and state human rights agencies began to intervene within the case.

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<sup>9</sup> It is important to note that, despite his role in suppressing evidence, violently threatening the eyewitnesses, and kidnapping Vinod and Anitha, Raja Hussain was not prosecuted. Charge sheets were never filed and he has not been subject to any police or government investigations.



On December 17<sup>th</sup>, 2002, during the Public Grievance Day at the Ramnad District Collector's office, Mr. Nagarajan, an advocate's clerk from Paramakudi, lodged a petition that demanded action against the delinquent police officers. According to Nagarajan's complaint, on the evening of November 30<sup>th</sup>, 2002 (the night before Karuppi died), he witnessed a police officer, Devendran, receive a bribe from Uday Kumar, a relative of Smt. Prema. Nagarajan claimed to have listened to portions of their conversation where Devendran claimed he could still beat a confession out of Karuppi. Furthermore, he contends to have witnessed police officers take a handcuffed Karuppi out from the police station in an autorickshaw at 10:45pm that night. A separate autorickshaw – where in which several of Ms. Prema's relatives rode – followed closely behind. There is no record of what occurred between the rickshaws' departure and moment Karuppi's body was discovered hanging from the VHF tower behind the police station on December 1<sup>st</sup>.

Following the threats that witnesses like Nagarajan, Arumugam, and Christudas had faced, local Dalit social movements, political parties, and concerned organizations launched series of protests and public agitations on behalf of Karuppi and her family. Some notable demonstrations in December 2002 include the Thiagi Immanuel Peravai's continuous, 24-hour agitation in Paramakudi and the Liberation Tiger's mass protest in Madurai. The Campaign for Custodial Justice and Abolition of Torture (CCJAT) also launched a movement to demand the resignation of the Home Secretary on December 11<sup>th</sup>, 2002.<sup>10</sup> As the process of attaining timely justice on behalf of the victim looked more and more difficult, the CPI[M], in conjunction with the Adhi Tamizhar Peravai, conducted a protest in April 2003, to demand that a full investigation be launched by the CBI.

With multiple individuals and organizations showing support for the victim and the threatened eyewitnesses, People's Watch agreed to host a joint meeting with several concerned parties. On February 14<sup>th</sup>, 2003, seventeen Dalit and Human Rights organizations, political parties, and social movements formed a joint committee to

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<sup>10</sup> See "Home Secretary Should Quit for Custodial Death," The Hindu, December 12, 2002, Regional Edition.

ensure justice for Karuppi. The joint committee unanimously agreed that People's Watch would take the lead in legal intercession for this case, while other groups would organize and participate in awareness-raising social campaigns.

In addition to the involvement of political and civil society organizations, state-sponsored commissions for human rights showed various degrees of involvement in the case.

On January 22<sup>nd</sup>, People's Watch arranged for Dr. V. Vasanthi Devi, the then Honourable Chairperson of the Tamil Nadu State Women's Commission, to conduct an inquiry into the matter. Dr. Devi personally traveled to Paramakudi with People's Watch Staff in order to enquire with the eyewitnesses and police officials. During the police inquiry, Dr. Devi confirmed information stating that, though the erring police officers were suspended from the Paramakudi police station, they had taken up positions in other police offices. However, according to People's Watch's Anandha Kumar, Dr. Devi's mere presence at the Paramakudi Police station induced the new officers at the station, who were not directly involved with Karuppi's torture, to become increasingly cooperative. Dr. Devi was also able to ensure a level of cooperation from other high-ranking officials. The District Collector of Ramnad personally escorted the chief eyewitnesses, Arumugam and Christudas, to a traveler's bungalow where they could safely speak with Dr. Devi. Since the kidnapping of their children, Arumugam and Christudas had not formally spoken to any official regarding the Karuppi case.

In an article written in *The Hindu* on March 28<sup>th</sup>, 2013, Dr. Devi recounted how difficult it was to convince Karuppi's family to depose truthfully.<sup>11</sup> Despite the fact that she ensured the family's protection, Arumugam, Sonai, and Balammal all recounted the "official narrative" of the case and refused to implicate the erring officers. However, in the final deposition that Hon. Devi collected, from Christudas, she finally caught a glimpse of the intense pressure and suffering inflicted on this family by Hameed and Kathiresan's henchmen. According to Devi, Christudas fell at her feet and begged for help as his family was in incredible danger. When she reassured him of protection, Christudas recounted details of Karuppi's torture, his own illegal incarceration and

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<sup>11</sup> V. Vasanthi Devi, "The Rugged Road to Justice," *The Hindu*, March 28, 2013, Regional Edition.

torture, and the threats that he and his family had been receiving in the weeks since they were prevented from deposing for the Sub Collector.

At Dr. Devi's encouragement, both Christudas and Arumugam testified at The Public Hearing on Violence Against Women, jointly hosted by the National Commission for Women and the Tamil Nadu State Commission for Women on October 18<sup>th</sup>, 2003 at the Office of the District Collector, Madurai. It marked the first time that the couple publically told of Karuppi's torture and police abuses against them from November 25<sup>th</sup>, 2002 until November 30<sup>th</sup>, 2002. The hearing also provided a proper venue for the witnesses to discuss the serious and continuous threats they faced since December 11<sup>th</sup>, which forced them to offering a false testimony in the sub collector's enquiry.<sup>12</sup>

During the proceedings, the members of the jury had the opportunity to question the accused officers – specifically Inspector Shahul Hameed and Sub Inspector N. Kathiresan. The accused claimed that, contrary to Arumugam and Christudas's testimony, they never kept Karuppi in police custody overnight, having only called Karuppi for questioning on their own volition once, on November 25<sup>th</sup>. They further contended that Smt. Prema's relatives brought her to the station everyday after that initial enquiry and that police officials, under pressure from these individuals, kept Karuppi in custody only during daylight hours.

However, after examining expert witnesses from People's Watch, including Mr. Vincent and Mr. Anandha Kumar, as well as carefully examining the most recent postmortem report on Karuppi's death – which showed that she had received numerous severe antemortem injuries –, the jury contended that there was substantive evidence indicating the truthfulness of Arumugam and Christudas's testimony. They recommended that a thorough, unbiased investigation in this matter should be conducted by the CBI. They also recommended that compensation for the amount of four lakhs – two lakhs for Karuppi's immediate family and one lakh each for Arumugam and Christudas – should be paid as compensation. However, due to the NCW and

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<sup>12</sup> Karuppi's daughter Balammal, the first of the witnesses to change her testimony due to threats, was not asked to testify in this hearing. According to People's Watch Executive Director, Henri Tiphagne, Balammal and Sonai, Karuppi's husband, had shown no further interest in becoming involved with this case.

SCW's limitations as recommendatory bodies,<sup>13</sup> which lacked the ability to produce legal mandates, none of the recommendations were carried through.

### **Protecting, Tracking, and Reassuring Witnesses**

From October 10<sup>th</sup>, 2003 until January 28<sup>th</sup>, 2004, Arumugam and Christudas sought shelter and protection at People's Watch's Rehabilitation Center for Torture Victims (RCTV). People's Watch also ensured that Vinod and Anitha's education would continue, sending the pair to a primary boarding school run by Reaching The Unreached (RTU) in Kalupati, near Batlagundu, in the Dindigul district of Tamil Nadu .

During this time, both Arumugam and Christudas took jobs from PWTN in order to earn some extra money and to keep themselves occupied during this emotionally trying time. Christudas served as a night watchman for the compound while Arumugam assisted in the office kitchen. According to People's Watch's RCTV staff, the couple was scared and visibly frustrated with the progress of the case. Balammal and Sonai had both shown no willingness to serve as witnesses and had already been paid a bribe to remain silent, making Arumugam and Christudas the sole eyewitnesses to Karuppi's detainment and torture. As the only individuals capable of fully implicating the accused officers, they understood the incredible risks before them. They had hoped for a resolution to the case within weeks of testifying at The Public Hearing on Violence Against Women and were not emotionally prepared for an extended legal process.

Within their three and a half month stint at the RCTV, Arumugam became pregnant with her third child. However, due to the physical and emotional stress that she had been facing over the past months, the child was still born a few weeks after conception. Eager to start their lives over, the couple felt the need to escape their situation. Without informing anyone at PWTN, they left the RCTV compound, arranged to collect their children from the boarding school, and headed to Christudas's native district, Kanyakumari.

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<sup>13</sup> The chairperson of the NCW, as a 'deemed member' of the National Human Rights Commission, shared the case with members of the NHRC. The NHRC, had the opportunity to intervene and make stronger recommendations to the Tamil Nadu state government. However the NHRC's involvement in this case, despite the NCW's active participation, was minimal.

This turn of events caused considerable problems for the upcoming legal proceedings. People's Watch staff and Ms. Sudha Ramalingam – the then legal advisor to the Tamil Nadu State Women's Commission and a long-term ally of PWTN who often took cases on behalf of human rights victims – had worked to ensure that proper legal measures were taken to support the welfare of Arumugam and Christudas. In order to relieve some of the pressure and threats of violence facing the witnesses, the case was registered and carried out as Public Interest Litigation (PIL) – as opposed to litigation registered on behalf of Karuppi's family. Furthermore, Ms. Ramalingam filed a writ petition to the Chennai High Court (W.P. 3715/2004) which demanded an investigation from the Crime Branch CID (CBCID) just days before Christudas and Arumugam left Madurai. However, with the case's primary witnesses missing, chances for contesting it successfully was greatly diminished.

People's Watch Executive Director, Henri Tiphagne, recounted the tense situation following Arumugam and Christudas's sudden disappearance. He admitted that, as the PIL case and subsequent petitions had already been filed, People's Watch risked severe embarrassment in both legal and public arenas because their primary source of evidence was gone. Furthermore, success for this case presented a chance to set a new precedence regarding the way that custodial violence and extrajudicial killings would be legally addressed in India. But, that possibility, along with any chance of securing basic justice for Karuppi and her family, seemed fleeting after the witnesses' departure.

However, Tiphagne, in retrospect, makes it a point to not blame the victims for their decision. He explained that, in the fourteen months since they were first illegally detained and tortured by police officers, the threats of violence that they and their children faced had produced trauma. Arumugam and Christudas were essentially forced to cultivate a level of suspicion and distrust, especially among parties involved in this case. Furthermore, Arumugam and Christudas had nothing to gain by continuing to be involved in the legal proceedings. As they were Karuppi's in-laws – not immediate family – any monetary compensation offered by the judicial system (should the case be tried successfully) would go directly to Balammal and Sonai, despite the fact that witnesses were also victims to a crime. Tiphagne asserted that, whenever dealing with human

rights abuses, it is crucial to recognize victims' and witnesses' ability to interpret and navigate the social and legal systems into which they are thrust. It is also important for human rights advocates to understand that victim and witnesses have the ability and prerogative to make decisions that they believe will serve them and their families best.

Arumugam and Christudas's family remained in Kanyakumari for nearly one year without any contact with People's Watch. Thereafter they shifted more permanently to Ilyangudi in the Sivagangai district. Vinod, the family's oldest son, explained that he and his sister Anitha were unable to continue their studies during this time of instability. Considering that they left their former school in the Dindigul district without securing any proper transfer documentation, they simply could not continue their education in Kanyakumari. After settling in Ilyangudi, Anitha and Vinod were forced to repeat the third and fourth standards respectively.

Weeks after they moved to Ilyangudi, Anandha Kumar from People's Watch, after going through a painstaking tracking process, was able to find and reestablish contact with Arumugam and Christudas. The couple, having had some time and distance away from the case, was open to returning as witnesses upon Anandha Kumar's encouragement. Furthermore, People's Watch staff began to oversee the education of Anitha and Vinod, ensuring that they could continue their studies uninterrupted.

### **Circuitous Trials, Subsequent Tribulations**<sup>14</sup>

Despite having ensured the eyewitnesses' participation, litigation for Karuppi's case was far from straightforward. People's Watch, Christudas and Arumugam, and concerned counsel waited nearly four years to receive a response from the Chennai High Court regarding the writ petition authored by Ms. Sudha Ramalingam (W.P. 3715/2004), which demanded an unbiased CBCID investigation of the case. In the meantime, the Ramanathupram District Sessions Court had begun pre-trial proceedings in 2007 (S.C.No.105/2007) without a thorough, government-ordered investigation. Furthermore, the charge sheets on file were inaccurate and only named the two primary accused

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<sup>14</sup> Documents from the High Court and the Sessions Court for this case were not made public. Therefore, this section was written in consultation with Henri Tiphagne, Senior Legal Assistant S. Angayarkanni, and Advocate Sheikh Ibrahim, as well as various internal memos from People's Watch.

officers rather than all of the personnel involved in Karuppi's illegal detainment, torture, and murder.

However, on September 6<sup>th</sup>, 2008, the High Court honored the demands of the 2004 writ petition by nominating a senior CBCID officer to conduct an independent investigation. The order by Justice K.N. Basha stated:

"It is crystal clear that the victim was subjected to inhuman torture, humiliation and physical violence by the police officials. In view of such overwhelming materials available on record, this court is of the considered view that ... a thorough investigation by independent agency is very much essential, more particularly in view of the accused involved in this case are the police officials."<sup>15</sup>

The High Court further stayed the Sessions Court pre-trial proceedings until the scheduled completion of the CBCID enquiry in April 2009.

The CBCID investigation confirmed Arumugam and Christudas's testimonies and provided even more evidence to implicate Inspector Shahul Hameed and Sub Inspector N. Kathiresan. The High Court thereafter filed fresh charge sheets (u/s 342, 323, 306, 193, 201, 2201, and 202) against the two primary accused as well as six other subordinating officers involved in the case.

Despite the positive steps that had been made in litigation processes, People's Watch staff took several precautions to ensure that this case – which had already seen unprecedented levels of evidence suppression and corruption – was tried fairly, ensuring the victim and witnesses received due process. One of People's Watch's priorities was to monitor potential threats against witnesses. Though the fear of violence from henchmen like Raja Hussain was no longer an immediate issue, Arumugam and Christudas, who had resettled in Paramakudi in 2006, were still vulnerable to intimidation tactics. Specifically, one of the secondary accused, Officer Karunanidhi (H.C. 712), who was freshly implicated by the CBCID enquiry, had allegedly threatened the witnesses with violent action if they participated in court proceedings. Despite initial hesitation to depose, the witnesses informed Watch staff of the threat and were able to

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<sup>15</sup> See V. Vasanthi Devi, "The Rugged Road to Justice," The Hindu, March 28, 2013, Regional Edition.

register a formal complaint to the Commissioners of Police in Ramnad and Madurai, in hopes of preventing further communications from the accused.<sup>16</sup> However, it is important to note that, despite these registered complaints, the police took no action in offering the witnesses any substantial protection or support.

People's Watch also took great lengths to ensure that the government-appointed Public Prosecutor did not act autonomously, without accountability. People's Watch secured a court order that enabled Advocates Sheikh Ibrahim and Paneerselvam – who had been involved with the case since the initial People's Watch fact-finding mission – to serve as an associate counsel to assist the prosecution. This move initially generated tensions with the Public Prosecutor, who resented having to work so closely with an attorney nominated by a civil society NGO. However, by claiming a stake in the trial processes, Mr. Ibrahim helped ensure that the case's prosecution could not be undermined by local corruption.

People's Watch Executive Director Henri Tiphagne described the actual trial proceedings as a standard affair, especially when compared to the events leading up to it. Nearly seven years after they were tortured over false accusations of stolen property, Arumugam and Christudas finally had their day in court. However, Tiphagne contended that the defense was less interested in contesting the facts of the witnesses' testimonies and more intent on targeting People's Watch's role in the entire case. Throughout the defense's cross-examinations of the witnesses and People's Watch staff, the defense attempted to demonstrate that the Arumugam and Christudas were not acting of their own will. When they alleged that People's Watch "tutored," the witnesses, Tiphagne replied that it is a public activist's duty to do exactly that. Arumugam and Christudas were thrown into a legal system of which they had little knowledge. In addition to protecting the witnesses from danger – which no government entity even attempted to do – it was a priority of People's Watch to ensure that they understood the trial proceedings. Furthermore, they should be able to depose and respond to cross examination queries in a truthful, accurate, and articulate manner. According to

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<sup>16</sup> This information was ascertained from a petition letter authored by Tiphagne on behalf of the victims. It was sent to the Deputy Inspector General of Police in Madurai and Ramnad on January 13<sup>th</sup>, 2010. People's Watch has this communication on file.



Tiphagne, People's Watch staff anticipated the defense's tactics. However, he noted that such attacks, which are prevalent in Public Interest Litigation in India, have been used to silence grassroots activists.

After the conclusion of the trial arguments, the Sessions Court Judge<sup>17</sup> was intent on making an alarmingly swift ruling. The extraordinary speed in which he wanted to dispose of a PIL case of this magnitude was enough to generate a high degree of suspicion among the witnesses and People's Watch staff. While preparing his final verdict, however, the judge sought clarification regarding the six secondary accused officers who were implicated after the CBCID investigation. According to legal protocol, charges must pass through committal proceedings' envisaged under the Criminal Procedure Code at the Judicial Magistrate Court level before entering the Sessions Court for trial. However, as the charges brought against the six secondary accused came directly from the High Court (thereby forgoing committal consideration at the Magistrate level), the judge needed clarification as to whether he was even legally obligated to address them in his ruling.

People's Watch's litigation team saw the judge's reference for clarification from the High Court<sup>18</sup> as an opportunity to overcome an impending problem. Understanding that the High Court would respond anywhere from twelve to thirty six months from the date they received the reference, People's Watch staff hoped that the term of the current Sessions Court judge – whose behavior was already suspect – would end before he could prepare his final verdict. It was a strategic gamble on behalf of Advocate Ibrahim to not contest the judge's decision to seek clarification. However he and Tiphagne remained confident that, as the charge sheets against the remaining six officers were filed directly by the High Court, they would uphold their decision and maintain those charges without a fresh committal proceeding being initiated.

Months after the arguments were heard and the Session's Court Judge's upcoming transfer loomed, the defense applied for consideration to reopen the case. In an

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<sup>17</sup> This was actually the second Sessions Court Judge who oversaw the case. The first judge's term had ended and was subsequently transferred before the trial arguments began.

<sup>18</sup> The judge requested clarification under section 395 of the Code of Criminal Procedure.

apparent attempt to bolster their case before a sympathetic judge, they sought to call extra witnesses.<sup>19</sup> According to People's Watch's Senior Legal Assistant, S. Angayarkanni, neither the judge nor the defense informed the prosecution team of this application. However, Advocate Ibrahim, who learned of the defense's tactic from secondhand sources, was able to intervene. He requested the judge deny the application as the reference for clarification to the High Court was still pending. The judge countered saying that, despite the pending reference, there was no legally mandated stay order on the trial, meaning that he could reopen the case as necessary. However, Ibrahim argued that, even if the High Court did not issue a formal stay order, the very nature of the trial proceedings were dependent on the High Court's decision to include or temporarily dismiss the charges against six subordinating officers. Proceeding with additional arguments in an ill-defined case would become problematic. After hearing this reasoning, the Sessions Court Judge begrudgingly denied the application to reopen the case. He was transferred from Ramanathapuram soon after.

On February 14, 2013, District Judge W. Sathasivam, the third Ramanathapuram District Sessions Court Judge to oversee the case of Karuppi's illegal detainment, torture, and death convicted all eight of the accused police officers. The judge held officers guilty under various Sections 306 (abetment of suicide), 201 (causing disappearance of evidence), 220 (illegal detention), 342 (wrongful confinement) and 323 (causing simple injuries) of the Indian Penal Code. He awarded five of the eight officers the maximum sentence of ten years in prison. Furthermore, a fine of 1 lakh was imposed on Shahul Hameed. More than ten years after the initial crime, Judge Sathasivam finally laid the case to rest, observing that "the accused, in a bid to cover up the "lock up death" removed (Karuppi's) body from the women's cell and hung it in a VHF tower behind the station to give an impression that she had committed suicide..."<sup>20</sup>

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<sup>19</sup> The defense also submitted a Criminal Original Petition (No. 8981/2012) to the Sessions Court in order to expedite the case. This petition, submitted on July 28, 2012, was issued with the intent of requiring the then-current judge to make a speedy verdict before he was transferred.

<sup>20</sup> See V. Vasanthi Devi, "The Rugged Road to Justice," *The Hindu*, March 28, 2013, Regional Edition and "8 Police Personnel Sentenced to Jail Term in Custodial Death Case," *The Hindu*, February 15, 2013, Regional Edition.

### **Conclusion: In Search of a Straightforward Path to Justice**

In 2008, when Honourable Justice K.N. Basha ordered a CBCID investigation for this case, he issued a statement citing the Supreme Court in *D.K. Basu vs. State Of West Bengal*. He noted:

“Custodial death is perhaps one of the worst crimes in a civilised society... If the functionaries of the Government become law breakers, it is bound to breed contempt for [the] law and would encourage lawlessness... Does a citizen lose his fundamental right to life, the moment a policeman arrests him? These questions touch the spinal cord of human rights jurisprudence.”

Justice Basha issued these comments understanding that, in the case of Karuppi's illegal detainment, torture, and subsequent death, the spirit of the law was overtly rejected by the officials who were charged with maintaining it. The comments also point to the overwhelming difficulties in combating custodial violence and extrajudicial killings in India. In addition to the systematic suppression of evidence and the blatant abuses of power that saturated its investigation, pretrial, and trial proceedings, this case exposed several deficiencies in India's legal system.

The failure of the Taluk, District, State, and National Legal Services Authorities to offer legal representation to the victims remains a cause of concern for People's Watch staff. Section 12 of the National Legal Services Authority Act of 1987 clearly states that women and children, individuals from Scheduled castes, and people from the weaker economic sections of society – all categories in which Karuppi, Arumugam, Vinod, and Anitha fell – are entitled to free legal services. Furthermore considering the widespread publicity that Karuppi's death had generated, the LSA could have easily taken *suo moto* cognizance of the case, per its mandate. However, despite the fact that this case was widely publicized throughout the Ramnad and Madurai districts, the LSA remained uninterested and uninvolved.

The judicial delays that plagued this case were another significant failure of the legal system that gravely affected the lives and livelihoods of Arumugam and Christudas. It

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took more than seven years for the trial arguments to even begin, despite the fact that, within weeks of the crime, civil society NGOs, the media, and the Chairperson of the Tamil Nadu State Commission for Women had thoroughly documented evidence implicating the eight accused officers. Furthermore, it took the High Court four years to respond to the Writ Petition (W.P. 3715/2004) which demanded the CBCID enquiry. This delay posed the possibility the case would be tried without a proper investigation or charge sheets on file.

Tiphagne indicated that, in the ten years it took the judicial system to produce a verdict, a lot could have gone wrong. The eyewitnesses were incredibly vulnerable to violence and intimidation tactics. And, as in the case of Karuppi's daughter and husband, Balammal and Sonai, witnesses had the opportunity to accept bribes and remove themselves from the desperate situation in which they were cast, even if it meant contributing to injustice. In this decade-long span, there was no attempt by any government agency or official – from the National Human Rights Commission to the District Collector of Ramanathapuram – to protect the witnesses or ensure their basic safety or rehabilitation. The fact that Christudas and Arumugam remained involved in the case to its conclusion – despite the enormous risks they faced and the doubts that constantly arose – was, as Tiphagne noted, a testament to their character.

The obstacles, systematic failures, and blatant intimidation tactics discussed in this report are not uncommon to cases of custodial violence and extrajudicial killing. When the police can easily perpetuate these audacious crimes, there is a problem with the way that basic law enforcement is conducted. When functionaries of the criminal justice system cannot provide even the most basic support for victims and witnesses, then that system needs to seek fundamental change. The change will not come from legislation, as there are numerous well defined legal remedies already prescribed in various Supreme and High Court judgments, sections of the Indian Penal Code, and laws at the state and national level. The change primarily needs to come from the operation of the criminal justice system. Officials within this system need to live up to the mandates of their posts. Not every case like this will have civil society organizations to fight on behalf of victims. Yet those victims are no less deserving of the right to life and justice.

## **Bibliography**

### Court Petitions and RTI Applications

Rajaram, V. et al

Criminal Original Petition No. 8981 of 2012. Submitted before the Madurai Bench of the Madras High Court on July 24, 2012.

Ramalingam, Sudha and Henri Tiphagne

Criminal Original Petition No. 3715 of 2004. Submitted before the High Court Of Judciature of Madras on December 1, 2004

Tiphagne, Henri

RTI Reference No. 3 of 2012. Submitted to the Public Information Officer, The Principal District Judge, and The District and Sessions Judge, Ramanathapuram District on February 23, 2012

### Interviews

Angayarkanni, S. Interviewed by Author. Chokkikulam, Madurai. March 19<sup>th</sup>, 2013 and June 17<sup>th</sup>, 2013.

Ibrahim, Sheikh. Interviewed by S. Angayarkanni. Phone Interview. June 9<sup>th</sup>, 2013 and June 18<sup>th</sup>, 2013.

Kumar, Anandha. Interviewed by Author. Chokkikulam, Madurai. March 21<sup>st</sup>, 2013 and April 1<sup>st</sup>, 2013.

Solomon, Pradeep. Interviewed by Author. Chokkikulam, Madurai. June 8<sup>th</sup>, 2013.

Tiphagne, Henri, Interviewed by Author. Chokkikulam, Madurai June 8<sup>th</sup>, 2013 and June 9<sup>th</sup>, 2013.

Vinodhkumar, Lenin, Interviewed by Author. Chokkikulam, Madurai. June 9<sup>th</sup>, 2013.

### **Newspaper Articles**

Staff Reporter, "Home Secretary Should Quit for Custodial Death," The Hindu, December 12, 2002, Regional Edition.

Staff Reporter, "8 Police Personnel Sentenced to Jail Term in Custodial Death Case," The Hindu, February 15, 2013, Regional Edition.

V. Vasanthi Devi, "The Rugged Road to Justice," The Hindu, March 28, 2013, Regional Edition.

### **People's Watch Reports and Internal Documents**

Kumar, Anandha et. Al.

2003 Illegal Arrest, Interrogation, Torture And Murder. Ms. Karuppi, A Dalit Woman Found Dead at Paramakidi Police station: A Fact Finding Report. People's Watch: Madurai.

### **PW Report**

2003 "Report of the Public Hearing on Violence against Women, Organized by the National Commission For Women and the Tamil Nadu State Commission for Women." People's Watch: Madurai.