

Stubborn for a cause: How a Dalit mother is waging a war to let her son rest in peace



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Gokul Vannan

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Despite the arrest of six persons, a woman in Tamil Nadu relentlessly fights to bring the authorities of the Chengalpattu Government Observation Home before the law for instigating the custodial death of her son

Chengalpattu, Tamil Nadu: After taking inspiration from American political theorist Gene Sharp, Issa Amro, known popularly as Palestinian Gandhi, developed his theory of “ability to be stubborn” in waging a non-violent struggle against the Israeli Army. In contrast, the stubbornness of Priya P (36), a Dalit mother from Tamil Nadu, to bring the real culprits in the torture and killing of her child before the law is hardwired.

It all began on December 29, 2022, when Tambaram Railway Protection Force arrested Gokul Sree (17) in an alleged theft case and produced him before the District Juvenile Justice Board. On the evening of December 30, he was lodged at the Government Observation Home (GOH), Chengalpattu.

The criminal complaint Priya lodged against Balaji, the then Chengalpattu GOH manager, Sivakumar, the then district child protection officer, and then GOH staff Saraswathi and Shanti at Chengalpattu Town Police Station on January 11, 2023, said that she was

illegally confined for three days since December 31, 2022, and forced to sign on a blank paper to cover up her son's custodial death.

"It has been more than a year, but the police have not registered a First Information Report [FIR] on my complaint," she bemoaned.

Priya had approached the Social Defence Department, but in vain. "Instead of acting on her complaint, the then department director, S Valarmathi [now joint secretary, Social Welfare Department], transferred Balaji to State Commission for Protection of Child Rights, Chennai, and Sivakumar to a government school in Villupuram as headmaster within a few days of the incident. The two accused women were transferred to Kancheepuram GOH," claimed Joint Action Against Custodial Torture (JAACT) state coordinator I Aseer, who has been assisting Priya in her battle. JAACT comprises 72 organisations, including NGOs, trade unions and political parties.

On December 31, 2022, GOH superintendent S Mohan filed a complaint at the Chengalpattu town police. It said Gokul Sree suffered seizures and was admitted to the Government General Hospital (GGH), Chengalpattu, where doctors declared him brought dead. Recording his complaint, the police registered a case under Section 176 (1A) of the Code of Criminal Procedure (CrPC) on the same day.

As police did not make any progress in the investigation even after Gokul Sree's postmortem was completed on January 3, JAACT members along with Priya submitted a detailed representation to the then Collector Ragunathan and then superintendent of police [SP] Dr Pradeep on January 11.

However it was only after JAACT members — Manithaneya Makkal Katchi MLA M H Jawahirullah and VCK MLA Aloor Shanavas — took up the issue with Chief Minister M K Stalin that the police changed the section to 302 of IPC (murder) from section 176 (1A) and arrested Chengalpattu GOH superintendent Mohan (30), assistant superintendent of prison P Vidhyasagar (33), GOH barber Anast Raj (29), wardens D Vijayakumar (30) and M Saranraj (36), and teacher R Chandrababu (39) on January 14. However, Balaji and others remained unaffected.

A ray of hope to bring them before the law emerged when the National Commission for Protection of Child Rights (NCPCR) conducted an inquiry on January 19, and the State Human Rights Commission (SHRC) took suo motu cognisance and conducted an inquiry on February 6 last year. "The officials of both NCPCR and SHRC promised me that all the accused would be punished, but their enthusiasm faded away within a few days," Priya claimed.

This reporter sought clarification from Valarmathi, but there was no response. NCPCR also did not respond to calls. When contacted, SHRC member Justice V Kannadasan said that he will make another visit to Chengalpattu soon to assess the progress made by the police in the case.



Deceased Gokul Sree's mother Priya is seen explaining injustice happened to his child
(Photo - Gokul Vannan, 101Reporters)

Why is Priya so stubborn?

“You may wonder why I am demanding action against these four persons when the police have arrested another six, and the case is under CB-CID investigation,” asked Priya.

Referring to a popular Tamil interpretation of criminal justice — kolai seydhavana vida kolaikku thoondinavanaithaan athigama thankdikkunumnu satam solluthu (As per law, people who abet the commission of an offence should get more punishment than the one who actually commits the crime) — Priya alleged that it was Balaji who instigated the arrested accused to beat her child to death.

Priya recalled how she rushed to Chengalpattu GGH, after being informed by the observation home warden on the evening of December 31 that Gokul Sree died due to food poisoning. On reaching there, GOH staff waiting at the hospital entrance forcibly took her to a cowshed belonging to Shanti's sister. “I was in a state of shock... They snatched away my mobile phone. I could not seek help from anybody.”

Balaji and Shanti then continuously threatened her not to complain about the incident and forced her to sign a blank paper. "I begged that I be shown my child's body first, and then I would listen to their demands," Priya said. Shanti and Saraswathi then took her to the hospital in an auto, while Balaji followed them in a two-wheeler.

At the mortuary, Priya sat motionless, looking at the injuries on her child's body. “One of his legs was almost amputated from the thigh and his mouth was torn apart,” said Priya, a widow who has been working as a security personnel at a private water lorry depot near Tambaram in Chennai to raise her six children, including two girls.

When she was brought back to the cowshed, they again forced her to sign the blank sheet. By then, Priya had decided. “After witnessing my child’s body, I decided not to succumb to their pressure.”

Balaji then brought in Sivakumar, who threatened Priya that her three children staying in a government-funded hostel run by an NGO would be sent out if she refused to sign. Claiming that he only sanctioned funds for that NGO, he said the hostel will abandon her children if he threatens to cut their funds. This statement infuriated Priya, who then used all her might to push Sivakumar aside and run into an overcrowded street.

Later, she approached Vadivelu Murugan, the then inspector of Chengalpattu Town Police Station, seeking protection and action against Balaji, Sivakumar and others. However, the police did not accept her complaint.

“A sub-inspector took pity on me and advised me to approach the district Collector immediately,” she said. On January 2, 2023, a Tamil news channel reporter helped Priya submit her grievance to the Collector.



Aseer, State Coordinator of Joint Action Against Custodial Torture (JAACT), who has been assisting Priya in fighting an uphill battle for justice (Photo - Gokul Vannan, 101Reporters) 72 injuries recorded in postmortem report

The postmortem report said that Gokul Sree sustained 72 injuries caused by blunt-edged weapons. “The deceased appears to have died of shock and haemorrhage due to multiple injuries sustained,” it summarised.

“Though Section 176 (1A) mandates judicial inquiry into every case of death, rape and disappearance in custody, a special team comprising judicial magistrate and senior government doctors conducted postmortem on Gokul Sree’s body on January 3 only after

the Collector's intervention," said Henri Tiphagne, a human rights lawyer and executive director of NGO People's Watch.

N Haja, who was a wireman at Chengalpattu GOH (now at Royapuram GOH), is one of the main witnesses in the case.

Haja's observations shared with the police are summarised as follows: the inmates were found seated in the walkway of the GOH. Gokul Sree, who was seen in a state of discomfort, lay down on the floor due to hip pain. A few staff and inmates forced him to sit, but when he expressed his inability, they beat him badly. When he tried to slide on the wall for support, they again beat him up. A cook forced him to kneel down; when he resisted, the cook and a few other inmates brutally attacked him using sticks on different parts of his body. When Haja reprimanded, they stopped beating him for some time. Meanwhile, unable to withstand pain, Gokul Sree tried to bite other inmates, prompting another staff member to beat him and gag him with the support of other inmates. When he resisted, a staff member kicked him hard. Unable to witness the torture, Haja left the place.

"In the afternoon, they took my son to another room, where people took turns to thrash him with an iron rod. When he fell unconscious, the staff sprinkled chilli powder on his eyes, pricked his body using a needle, and poured chloric acid into his mouth to examine whether he was alive," Priya recounted the details she heard from another witness.

Even after the arrests, as the town police delayed filing of chargesheet, all six accused were released on bail. Due to pressure from JAACT, the state government transferred the case to CB-CID on March 23, 2023.



Deceased Gokul Sree's mother Priya is seen along with her children (Photo - Gokul Vannan, 101Reporters)

'Clear violation of SC guidelines'

Refusing to register an FIR on Priya's complaint is a clear violation of the Supreme Court direction laid out in the case of Lalita Kumari vs Government of Uttar Pradesh. "In the judgment delivered on November 12, 2013, the court reiterated that the registration of an FIR is mandatory under Section 154(1) of the CrPC, if the information discloses the commission of a cognisable offence," said Madras High Court advocate SK Venkat Raman.

"In the Gokul Sree case, the police officer cannot avoid registering an FIR as it is a cognisable offence," he added.

Raman noted that if the cognisable offence is not disclosed in the complaint/information, the police are empowered to conduct an inquiry within a period of seven days only to ascertain whether the cognisable offence occurred or not.

Not only did the town police fail to register an FIR, but even the petitions that Priya made to the SP on January 11 and March 6 went unheard, said Aseer.

101Reporters spoke to Deputy SP Pugalanthi, providing him with copies of the petitions. The DSP has not come back with any response to date.

According to the CB-CID sources, as of now, they are only investigating the case based on the complaint filed by Mohan. They refused to comment when asked why they had not included Priya's complaint in the investigation.

Juvenile justice denied

The death of Gokul Sree has highlighted that the principles of the juvenile justice system have completely failed, said Henri Tiphagne. "The entire personnel in Chengalpattu GOH and the higher officials of the social defence department have clearly violated Section 3 [general principles to be followed in the administration] of the Juvenile Justice Act, 2015,"

Section 3 (vi) of the JJ Act also reads: "All measures shall be taken to ensure that the child is safe and not subject to any harm, abuse or maltreatment while in contact with the care and protection system." Further, Section 3 (xvi) states all persons or bodies acting in a judicial capacity under the Act shall adhere to basic procedural standards of fairness, including the right to a fair hearing, the rule against bias and the right to review, Tiphagne pointed out.

"Priya's complaint is legitimate in seeking action against all the personnel because we can bring accountability in the system only by punishing all of them," he emphasised.

Aseer said that following Gokul Sree's death, a one-man committee headed by Retired Justice Chandru (constituted by the Tamil Nadu government in April 2023) had inspected all GOHs and submitted its report on 14th November, suggesting restructuring and reformation in the children's homes. "The social welfare department constituted a 15-

member committee headed by the chief secretary N Muruganandam in August 2024 to ensure the effective functioning of all GOH functions for children in conflict with law, and to implement the recommendations made by Justice Chandru,” he noted.

“Many low-level personnel of observation homes have served imprisonment in criminal cases. As they were at the receiving end of violent treatment themselves by observation home staff, they strongly believe that corporal punishment is the way to reform children,” said Priya, who has now evolved as a human rights defender.

Due to consistent pressure from JAACT, the state government last year provided compensation of Rs 10 lakh and a house to Priya in the Slum Clearance Board settlement at Tambaram. “I am thankful to the government, but I will not rest until the government reforms the system completely. Only then will my son’s soul rest in peace,” she concluded.