

FACT FINDING REPORT ON CASTE CLASH IN HULIHYDER, KOPPALA

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Executive Summary

On 11th of August, 2022 a communal and caste clash broke out in HuliHyder village, in Gangavathi Taluk in Koppala district which tragically resulted in two deaths and at least six injuries. The English and Kannada media was rife with stories that the clash was due to a inter religious love affair between a Hindu girl and a Muslim boy. To understand the reasons behind the untoward violence and the tragic loss of life, it was decided to constitute a fact finding team consisting of lawyers, representatives from women's rights and human rights organisations. The team spoke to the kith and Kin of the Victims, the police authorities and perused the multiple FIRs registered based on the incident.

Our fact finding exercise revealed that, it was not a communal incident though it was sought to be portrayed as a communal incident. The testimonies reveal that inter-community relationships have happened in the past and there has never been a strong communal opposition to the same. Just before the incident, we could find no evidence of any such relationship which triggered communal passions. Rather its roots lay in the changing nature of the caste relations in the village.

The social, cultural and political life of the village has been historically dominated by the Nayakaaa community whose writ runs in the village. This overwhelming dominance with strong feudal overtones began to be increasingly challenged in the village. Reference was repeatedly made to social, political and economic dominance of Hanumesh Nayakaa and his family, not only in the village, but in the entire region. The challenge to this dominance was posed through an alliance of the other castes and communities in the village which in practice

meant the coming together of the other OBC communities, Muslims and the Madigas. It is against this backdrop that the incident of 11.08.22 has to be seen.

The roots of the incident of 11.08.2022 can be traced to the effort on 01.08.2022 of leaders of the Nayakaa community to install a statue of Valmiki in the premises of the village Panchayat including the initiation of Bhoomi Pooja. As a response to this proposal, those belonging to the Madiga community proposed that in addition to the Valmiki statue, statues of Buddha, Basavanna and Ambedkar as well be installed. This counter proposal was met with hostility by the Nayakaa leaders leading to tension.

On the day of the Muharam festival on 11th August, when a Muslim boy went near the bus stand to buy bananas and flowers for the Muharram rituals, he was assaulted by some persons. He in turn informed members of his community that he had been assaulted and consequently a full fledged clash developed between some members of the Muslim community and the Nayakaa community. The Madiga community members who were seen as supportive of the Muslims joined the clash supporting the Muslim members. In the clash which then ensued, which had Nayakaas on one side and Muslims and Madigas on the other side, two people died and 6 people were wounded. The dead included one member from the Nayakaa community, Yenkappa and one member from the Muslim community Pasha with one member from the Madiga community, Dharmanna being seriously wounded.

This being the backdrop of tension in the village it is inexplicable and criminally negligent that the police withdrew their OB vans from the village just a day before the incident on 10.08.2022. The fact that the peace meetings convened by the police as well as the district administration did not have the requisite results was a fact that the police ought not to have ignored.

The police have registered a total of 3 FIRs, and under two of the FIRs filed by each side of the conflict, above 40 persons on each side have been reported to be arrested. However, the Fact finding team's apprehension is that the description of offences seem to be narrating the abusive language used by one side of the clash/conflict that is the side of the Madigas and Muslims while underplaying the offences carried out by the Nayakaaas and in particular the Thalwars. Moreover, the mentioning of 150 - 200 accused persons, is concerning as this then becomes what is called colloquially an open FIR, which gives the licence to the police to make mass arrests without little or no justification. The Fact finding team hopes that this power of arrest under this FIR will be used only in accordance with law and when backed with concrete evidence of wrongdoing, if not, the result would be mass incarceration of members of Hulihyder village. In speaking to the victims family and Police authorities it came to light to the team, that Pashavali's (Deceased victim) family has not recieved any compensation from the state authorities while others victims family have received some amount. Therefore, the recommendation/appeal of the team is that:-

1. That the Police must conduct a fair and unbiased investigation into the matter and avoid mass arrests without sound evidence of involvement in the incident.
2. The team appeals both the Legal services authority and the Court to grant a just compensation when it comes to deceased victims. In other words just as one of Yenkappa's dependents received Rs 4,00,000 /- so should Pashavalli's dependents receive the same amount.

3. Going beyond the question of parity, the team is of the opinion that a compensation amount of Rs 4,00,000 is inadequate in case of death, that to due to the negligence of the police. So it is recommended that an amount of 50,00,000 be disbursed to the kin of those who have died and an amount of 25,00,000 be disbursed in the case of serious injury which may require lifetime medical attention.

4. That precautionary steps need to be taken the state authorities(Police, Panchayath, Deputy Commissioner etc.) to maintain peace and harmony between various communities.

Introduction

On 11th of August, 2022 a communal clash broke out in HuliHyder village, in Koppla taluk which tragically resulted in two deaths and at least six injuries. The English media¹ was rife with stories that the clash was due to a inter religious love affair between a Hindu girl and a Muslim boy.

To understand the reasons behind the untoward violence and the tragic loss of life, it was decided to constitute a fact finding team consisting of various lawyers, women's rights and human rights organisation.

The team consisted of

1. Arvind Narrain, PUCL-Karnataka
2. Mohammed Afeef, ALL India Lawyers Association for Justice (AILAJ)
3. Manu Choudhary, GamanaMahilaSamuha
4. Mani, All India Peoples Forum (AIPF)

The team was also assisted by a number of activists from Koppla including Mahantesh from PUCL, DH Pujar from Karnataka Raitha Sangha, Shri Ananth Bhandari, Dalit activist, Shri. Bharadwaj, Senior activist and other Dalit and Human rights activists.

Testimonies from victims

Deceased Yankappa's mother Dyamavva, 75 years old, and father Shyamanna, 90 years old:

Dyamavva: I am very old, can't see properly or can hear. We have no information regarding the incident. I don't know anything. I have got 3 children, 2 sons, and 1 daughter respectively. The daughter passed away many years back.

The parents received no compensation but Yankappa's wife received 4 lakhs rupees. Yankappa's wife went to her mother's home along with her daughter. The two sons who were educated were been picked up by police along with Yankappa's brother's sons and they are in Dharwad central jail.

Deceased Pasha's mother and elder sister:

My son was brutally attacked and beaten to death, no one touched my son's body even though there was police present. I am from Kanakagiri and got married here. I have got 10 children and they all are brought up here. Out of that 7 were boys and 3 are girl child.

Prior to this incident my son was at Kanakagiri with his wife. On the day of the incident after he took bath, I asked him to get flowers. Those people were prepared in the morning to make an issue. For some reason, a boy went to the main road and he got into fighting. When he went there, he saw the situation and questioned them about the reason for the attack on that boy, immediately they started attacking my son. His friend came to rescue my son and he was also beaten so badly that his head was smashed.

¹ See Express News Service dated 12 the August 2022

Here at Masjids, people were about to eat food, by then those talvaar people came with tractors filled with stones and started throwing randomly at them. If you're standing and some 10 people start throwing stones at you, will you be able to stand quietly? So, a few people started running from there.

My son lost his life on the spot. My son's life was taken by Talvaars. He was a construction worker. Last 3 days he was at work and came here for festival purpose. He would have been alive if we have not forced him to come or asked him to get the flowers on that day.

Pasha's elder sister said that they couldn't go near her injured brother. The other party constantly threw stones at them and her aunt also got hurt and she got hurt on her leg and hand and also my elder son was badly got injured by those stones.

Both Pasha's mother and sister were shocked at the attack on Pasha. They said that we (Muslims) have no grudges against anyone. Some people demolished the Valmiki statue last year. The Talvaar community went and appealed at Panchayati that they want to reconstruct the statue of Valmiki again. We all later requested permission to construct statues of Basavanna. This is the only grudge and anger that they carry and they took my sons life because of that.

Pasha's mother said that apart from Pasha's death, Pasha's sister Zeerabi's son Saleem and uncle's son Hussain Pasha got arrested. She said that, when they went to bury my son, she heard that the warrant was issued and my children were arrested.

Many students who have come here to celebrate festivals were all got picked up by police. More than 30 people got arrested from here. I don't know particularly which day they got arrested. When I went to see my son, I saw all those children arrested from the area.

When we heard about our son getting beaten up, we rushed to the spot. And requested the police to protect our son and also to take him in the vehicle to the hospital, but no one come forward to help us. We thought of taking him ourselves but on another side, the stones were continuously being thrown at us. They didn't allow us to go near my brother. When they all settled, when the police took the body of another person, then slowly we came near to his body. We were thinking he was alive and took him to the hospital in a vehicle.

During the incident, the police were not present. This incident occurred half an hour after the police left. I don't know who sent the police back by saying what. The police were here for the last three days but were not present when the incident happened.

In media, only they have shown my son that he was attacking and our people were getting into a fight but not those images of throwing stones at us. There were two CC cameras. Why was the camera towards the Nayakaa's side turned off and towards us on? They had 108 kinds of weapons in their hand.

When we saw the two bodies, we rushed ahead to get those two bodies (Pasha and Dharmanna). Sanna Hanuma's brother's son was alive and my son lost his life on the spot. By taking 5 to 6 people, we made them sit in the vehicle and took them to a

government hospital. We did a mistake by taking his body to the hospital, we should have kept the body here itself.

My son was hit by a stone straight on his head and many would have tried to smash his neck, we saw the marks over his neck. Why did they do that to my son? have we did any wrong to his family?

The mother also said that they had not received any kind of compensation from anyone. Instead, people spreading rumours that we have received money from this and that.

Pasha's wife has sent back to her mother's home. The entire family was being taken care of by Pasha and the other son but he underwent an operation recently and is not able to work.

Sanna Hanumantha's wife Ruthamma and Dharmanna's father:

Dharmanna's Father said that after Moharram, we celebrate 3 days of Jata and his son took up the job to cut the fire wood in the masjid for cooking. He worked up to 1 o'clock. On the day of the incident, his friends rang him after he took bath at home. We asked him why they are calling and he said, they called him for food.

When the food got served on the plate at Masidi, a stone seems to fall on their plates around 9 in the morning. Those people ganged up and were coming forward with the intention to hit him but he thought a fight is happening and headed forward to see what is happening. First Dharmanna got hit by Ramesh Nayakaa. Ramesh Nayakaa was on the main road and he sent some of them to hit him. When my son realized the situation, he started running towards Yamanarappa's Darga but they chased and beathim.

The Nayakaa's started fighting by throwing stones and holding rods in their hand. It is not only Dharmanna who ran but many who were on this side started running, in that they caught Dharamanna and beat him very badly.

From our side Sanna Hanumanthappa and Bhima Raju were arrested. Our Dharmanna was beaten badly and was taken in a car to hospital. There were no police at that time.

There was a delay in filing the complaint because we had no assurance that he will survive. The police once in a while will come and enquire about whether Dharmanna is awake or is he eating or is he able to speak and after recording all those information in their phone, the police will leave.

The reason behind this incident is because a Nayakaa's son got married to a Muslim girl.

A few days back Nayakaa's community son eloped with a Muslim's community daughter and this is not the first incident, this happened even in the past. But after this, a few Nayakaa youths used to make visits to the Muslim area and other communities where they used to tease them by rolling their moustache and showing

how strong are they. The Nayakaa's used to question them sarcastically 'We eloped with your daughter what can you take from us?'

The Nayakaas wanted to construct Valmiki's statue near the Panchayat office and other communities were demanding Basavanna, Ambedkar, and Buddha statues be built. There was a negotiation around this three months back and some members of the Nayakaa community said they will construct Valmiki's statue by beheading us and also abused us taking our caste name. They also aggressively said that, 'we the Nayakaas are living and lead this area and we will construct the statue.'

The same day they had planned to attack Sanna Hanumanthappa. Sanna Hanumanthappa after knowing that Dharmmana's was attacked, went to the spot. Before this, he asked me to heat up the water so that he wanted to go to Hosapete based on some work but by then someone called him telling him Dharmanna was brutally attacked, so he went there.

We have got 50 thousand rupees deposited in his account through cheque by the government, but we cant get the money unless Dharmanna puts a signature. The DC gave us a 50 thousand rupees cheque.

The SC got involved in this issue due to the statue conflict. Sanna Hanmanthayya was arrested as someone has filed a complaint against saying he has committed the murder of Yankappa. Sanna Hanumanthappa and others were traveling to Bengaluru. On the way, they stopped at Shira for food and they all got arrested there. Sannahanumtha, Sangamesh, Gosalappa and Halappa. Somalingappa, Sharanappa, and Ramanlingppa. Altogether 7 of them got arrested on that day, except for Sanna Hanumanthu, the other six of them belongs to the Lingayata community.

Dharmanna was taken to Kanakagiri hospital first, and from there they went to Gangavati by ambulance, from there he was sent to KoppalaKims and from there he was referred to Hubli Kims.

No one filed a complaint until the evening of 11th August, 8 in the night FIR was filed and we have realized they have planned something.

Sharan Basaappa the brother of Sangamesh who is the accused No.2

Guru Murthy Gowda belongs to BJP along with him few planned to reconstruct the statue of Valmiki. One of the Lingayat community people joined hands with Hanmesh Nayakaa recently. Later, Hanmesh spoke to the Lingayat community person to bring an objection to the construction of statues of Ambedkar, Basavanna, and Buddha.

Nayakaa's community has the majority and they are the dominating community here. Every day, at least 10 people with their bikes go around in Muslim streets by teasing girls. Recently, a Nayakaa got married to a Muslim girl. We here, do not object to inter caste or inter-religious marriage. But the guy started updating the photos of the girl in the status and also sent those photos to the girl's family saying he eloped with her with the intention to provoke them.

The Lingayat community is not a dominating community, rather they are exploited, except for one or two families. The estimated breakup of voters communitywise in this village is

ST: 600 to 700 Voters

Muslim: 700 to 900 Voters

SC: 200- 300 Voters

Lingayats: 200 – 300 Voters.

If we look historically the Nayakaas were sent here by the Nizam to protect his lands and they were allocated 35 villages to rule. Therefore, in Hulihydr, Nayakaa community is the dominant community. For the last 20 years Hanumesh Nayakaa is in politics and never developed anything here including his own community members. I studied at Bengaluru and started working in media. They couldn't take that because I was guiding people constitutionally. Currently, BJP and Congress are together here.

The issue of the 11th August starts from the Valmiki statue. Everyone got many reasons to oppose the statute. On 1st when they were inaugurated on Panchayati premises many felt uncomfortable. Balappa, a SFI activist and Sanna Hanumtha submit a letter to EO, Tahsildar seeking permission for Ambedkar, Buddha and Basavanna's statue and they knew if they oppose the construction of Valmiki statue that can lead to unnecessary problems in the future. On the same day, the Inspector called for a peace meeting, these people started throwing chairs at Hanumantha and Ballappa and started quarrelling. I won't say all the Nayakaa community members are bad, but a few of them are. On that day, a few youths in the meeting after they come out said that here only Nayakaa's words will work and started abusing them. On the same night, a meeting is called at Amrappa's agriculture field, and more than 200 people gathered there, they discussed that during the Moharram there is a chance for conflict, so they planned to counterattack them but there was no intention to kill anyone. For this, Hanumesh Nayakaa is a leader and he functions from the background. Amrappa and Somaling (belongs to the Lingayata community) and Jagadishappa are leading the community. Jagadishappa is a gram panchayat member, he is the first member to oppose the statue and later these two joined their hands.

Every year during Moharram day, Nayakaa's used to conduct a procession of God in every area but this year, on the day of Moharram, for the first-time people won't cross the road from the bus stand because they were all afraid. On the same day, two members of the Lingayat communities were carrying weapons and immediately police caught them and took weapons from them. In front of the public, the police could have taken them to an isolated place and taken the weapons but they didn't do so. This becomes the reason for provocation. These boys were carrying those weapons for self-defense since more than 2 to 3 times they are been attacked by Nayakaa's community.

Later Nayakaa's decided to make it a Hindu Muslim issue as it had a political benefit. On the day of the incident, a Muslim boy was attacked by a group of Nayakaa and while the Muslim guy was trying to escape, the group was still waiting there when they find no one is coming forward then they walk towards the center of Masjid by throwing stones. Including Dharmanna, there were about 8 to 10 Muslim youths and immediately they counter-attacked. Pasha who was part of the group which counter attacked died on the spot after getting hit by a stone straight on his

head. When Dhramanna was running back he got hit by a stone and he falls to the ground. I have got those videos. In the counter-attack by the group headed by Dharmanna, Yankappa falls to the ground and is taken to the hospital and I saw him dying in Ganagvati hospital.

Response of the Police

Arunagshu Giri, Superintendent of Police

The SP said that they had issued a Section 41 notice to 130 people. They were confronted with CC TV footage and some of them accepted that they were there and other identified other persons in the footage.

The reason for the eruption seems to be a conflict between communities regarding a Valmiki statute which the Nayakaa community wanted to install in the Panchayat office. This was resisted by the others who proposed that a statute of Buddha and Ambedkar be installed. This resulted in a rivalry between then Nayakaa community and the SC community, which spilled out into this conflict. This is an older rivalry with a Valmiki statute being broken by members of the SC community in 2018.

We have taken action against the police officers who were on duty when the clash happened.

Rudresh Ujjanakoppa (Deputy Superintendent of Police)

In a meeting with the Dy.SP, he stated that there were 84 arrested till now with 42 arrested under each FIR. The two FIR's filed were 84 of 2022 and 85 of 2022. He said that in the arrests the police had ensured that the onlookers were not arrested with the only ones who were arrested being those who had thrown stones. The arrests were based on CC camera footage.

He also stated that the police had taken adequate precautions, but this incident was initially a small one which should not have spiralled out of control. It began with the Muharam procession

With respect to the complaint by the affected Dalits, it had not been registered as an FIR but it was being investigated under FIR 84/2022 under which arrests were also made.

There was no discrimination in the conduct of the police and we have taken the one injured(Dharmanna) to the hospital first, before taking the one who had died(Pasha).

Police Action as discerned through registration of three FIR's and consequent arrests

There were a total of 3 FIRs registered by the Kanakagiri PS, two of which are on the file of the Hon'ble Prl. District Sessions Court, Koppal District court, while one is in the Magistrate Court, Gangavathi :-

Crime No. 84/22

The date and time of incident is recorded as 11.08.2022 at around 9 am and the complaint was registered at 2 pm the same day. The place of incident is recorded as Hulihyder village near Hussain BashaNadakal Masjid, Kanakagiri Taluk, Koppala District, Karnataka. The Fir invoked Sections IPC 1860 u/s 143,147,148,323,307,302,504,506,149 – The Scheduled Castes and Scheduled tribes (Prevention of Atrocities) bill, 2015 u/s 3(2)(V). (seems to be an erroneous mentioning of a bill as most sections are part of the 1989 Act, with some being added in the 2015 amendment Act)

The complainant is Shri Khadar Basha who is the brother of the deceased Pashavalli. The complaint dated 11.08.2022 reads :-

“With regard to the above-mentioned subject, I’d like to inform you that this morning i.e. on 11.08.2022, Thursday, a fatal incident has occurred. My father is Mohammedsab s/o Rajasab. He has 03 sons and 07 daughters. We live adjacent to the HussainbashaNadukala Masjid in Hulihyder village in Kanakagiri Taluk of Koppal district. Among these children, my brother Pashavali is the second child. He is 27 years. On this day, we were having our religious program in our Masjid. My brother Pashavali went to Hulihyder Bus Stand to buy some flowers for the program. After sometime we suddenly got news that a mob of 28-29 people beating my brother with sticks, rods and stones. Immediately, my friend Sanna Hanumanthappa s/o Mariyappa (Madiga caste) rushed to the spot to pacify the fighting crowd. When we reached the spot, we found that the mob was mercilessly beating my brother with stones, sticks and rods and he was lying on the ground.

When we tried to end the fight, many from the mob tried to attack us and abused us with vulgar words. They even abused my friend SannaHanumanthappa who is Madiga by caste and called out his caste name atrociously with foul words. They even threatened us to kill if we came any further.

Those people killed my brother in front of my eyes and left him dead on the road. Below are the names of perpetrators who killed my brother.

1. KanakarayaShamanna Nayakaaa Talawara
2. PampapathyNarasanna Nayakaaa
3. YallalingaKanteppaTalawara
4. Suresh HanumanthappaHavaldara
5. LaxmanHireyannaBandikoni
6. BeemannaYamanappaTalawara
7. ParasappaTalawar
8. ShashiNayakaa
9. DurugappaRamannaNamaseni

10. *RamannaNarasanna Nayakaaa (Akkasali)*
11. *SidramaYankappaTalawara*
12. *Dharma Yamanappa Nayakaaa*
13. *Laxmipathy Mother Tulasamma*
14. *AmareshaParasappa*
15. *HanumeshaParasappa Nayakaaa*
16. *ParasappaParasappa Nayakaaa*
17. *SharanuKanakappa Nayakaaa*
18. *PandurangaKanteppaTalawar Nayakaaa*
19. *YankappaHanumanthappaTalawara*
20. *DurugeshTalawara*
21. *SidduBhoopathi Nayakaaa*
22. *DhasharyaRamananna Nayakaaa*
23. *PampapathyAchchappa Nayakaaa*
24. *Sachin Durugappa Nayakaaa*
25. *SomannaMallippaGodinala Nayakaaa*
26. *Sachin Swamy Lingayatha*
27. *SudhiManappa*
28. *KanakappaManappaTattiyangadi*

All these persons are residents of Hulihyder village.

Mr. Ibrahim s/o Mahiboobsab who came forward to pacify the crowd was beaten up by these persons and is suffering from many wounds caused by hitting and beating. Also, Mr. Dharmanna s/o NagalingaHarijana is gravely injured as a result of these people assaulting him and is now being admitted in KIMS Hubballi for further medical treatment.

The above-mentioned persons have assaulted and killed my brother in broad daylight. I request you to take legal action on them”

There are three victims stated in the FIR that is Pashavalli (deceased), Ibrahim Mahboobsab and DharmannaMadiga (SC). There are a total of 28 accused persons in the said FIR in accordance with the complaint, almost all accused are from the Nayakaaa Community and in

particular at least up to 5 members from the Talvar family (A family which are part of the Nayakaaa community)

The description of the offence states :-

“When the news of the aforementioned persons assaulting my brother Mr. Pashavali s/o MohamadsabMalegaddi near Hussain BashaNadukala Masjid, on 11.08.2022, my friend SannaHanumantha and myself immediately rushed to the spot. The accused killed my brother by assaulting him with rods and stones. We tried to pacify those who were fighting. They did not listen to us. Instead, they beat us up and abused my friend Sanna Hanumanthappa calling him untouchable and bastard. When they started to beat us, Mr. Ibrahim s/o MahiboobsabTawaragera and Mr. Dharmanna s/o Nagalingappa Harijan had come to our rescue. The accused persons beat them too and Mr. Dharmanna got a severe blow to his head and is now admitted in KIMS, Hubballi. I request you to take legal action on Kanakaraya and 27 others for murdering my brother Mr. Pashavali and for the caste atrocity on my friend SannaHanumantha s/o Mariyappa, a dalit by caste.”

On 12.08.2022 a first batch of arrests were made which included 12 persons and subsequently on 14.08.2022 9 accused persons were arrested and at and then they were remanded to judicial custody. That as per the Fact finding team’s interaction with the Investigation Officer (In this case it is Deputy Superintendent of Police); there have been a total of 42 arrests under this FIR and that the investigation is pending and hence Charge-sheet has not yet been filed. That all accused persons arrested and remanded under this FIR have been remanded to Central Jail Bellary.

Crime No. 85/2022

This is chronologically the second FIR which is based on a complaint by the accused in the previous FIR The date and time of incident is recorded as 11.08.2022 at around 9 am and the complaint was registered at 2 pm the same day. The place of incident is recorded as Hulihyder village near Valmiki Circle, Kanakagiri Taluk, Koppala District, Karnataka. The FIR invokes IPC 1860 u/s 143,147,148,323,324,354,307,302,504,506,149,109,506 – The Scheduled Castes and Scheduled tribes (Prevention of Atrocities) Amendment Bill, 2015 u/s 3(2)(V)(a), 3 (1) (r), 3 (1) (s), 3 (2) (v). (seems to be an erroneous mentioning of a bill as most sections are part of the 1989 Act, with some being added in the 2015 amendment Act)

The complainant in this FIR is Smt. HampammaThalwar who is the wife of the deceased Yenkappa. The description of the FIR reads:-

“The complainant was in her home along with her husband Yankappa, HanumammaThalawar, EerammaThalawar, ParashuramThalawar and others, on 11.08.2022 between 9:00 am to 9:30 am, the accused barged into their house in a group as they were incited by SannaHanumantha and Sangamesh. As they entered the house, they dragged the complainant Hanumamma and Eeramma and assaulted Yankappa and Parashuram with sticks and rods. They also verbally abused them saying that these Nayakaaa bastards are overacting these days. Do not let them alive” They dragged the complainant’s husband Yankappa out of the house, tied him

to a pole outside and beat him with rods and sticks eventually stabbing him with a knife killing him. Besides this, they also destroyed bikes and other property worth lakhs of rupees.”

A total of 30 accused were mentioned in the FIR, which will be reproduced in the complaint. Five persons are stated in the victim column that is :-

1. Yenkappa (Deceased)
2. SmtHanumamma (complainant)
3. Smt. Hanumamma
4. Smt. Eramma
5. Parashuram

Dear Sir,

“I, HampammaThalwar w/oYankappaThalwar Caste: Valmiki, Age: 45, Profession: Coolie, residing at Hulihyder, Kanakagiri Taluk, Koppal district, do hereby make a petition to you regarding the above-mentioned subject that:

When I and my husband YankappaThalwar were at home on 11.08.2022 at 9:00 to 9:30, Rafisab belonging to Muslim community and his companions barged into my house and they beat up Hanumamma w/o HanumanthaThalwar, Eeramma w/o KantappaThalwar, HanumammaThalwar has got a head injury as they hit her head with rods. They also beat up Parashurama s/o Kariyappa saying “This Nayakaaa Bastards are over acting and do not let them live” They dragged my husband out of the house, tied him to a pole outside and beat him with rods and sticks eventually stabbing him with a knife killing him. Besides this, they also destroyed bikes and other property worth lakhs of rupees.

These are the persons who killed my husband and assaulted us: 1. SannaHanumantha s/o MariyappaHarijan, 2. Sangamesha (who incited violence), 3. Rafisab, 4.Khajasab Gas, 5. Somalingappa s/o HanumanthappaGaddi, 6.Aadeppa s/o HanumanthappaGaddi, 7.Gosleppa s/o Hanumathappa Gaddi, 8.Nagaraja s/o BasappaGunda, 9.Balappa s/o ShankarappaGaddi, 10.Aasif Garage Kanakagiri, 11.Mahiboob 12.RazaMahamad s/o BashasabEligar 13.Bashasab s/o RajasabMaligaddi 14.Shameedsab s/o BashasabKanakagiri, 15.Hanumesha s/o Shankrappa Gaddi, 16.Sammersab s/o UsmansabEligar, 17.Saddam s/o ImamsabDaroji, 18.Rasoolsab Holagundi, 19.BarimsabHolagundi, 20. Sharanappa s/o BasappaGundada21.Hanumanthappa s/o RajappaHotti, 22.Sadique Holagundi, 23.MurtuzasabKullur, 24. DadapeerKallur, 25. Husain s/o Imam, 26.KhazasabKallur, 27. bashasab s/o Nehmath Ali Maligaddi, 28. Mahiboob s/o HussainsabDaroji, 29.Mahiboob chicken Angadi, 30. Budda s/o KasimsabKundi.

All these persons came as a group killed my husband and destroyed property and bikes worth lakhs of rupees. HanumanthaVaddar, YarakundiVaddar and others tried to pacify the fight. I submit this complaint to take suitable action against persons who dragged my husband out of the house and killed him and also causing damage to property worth lakhs of rupees.”

On 12.08.2022 a first batch of arrests were made which included 10 persons and subsequently on 14.08.2022 7 accused persons were arrested and at and then they were remanded to judicial custody. That as per the Fact finding team’s interaction with the Investigation Officer (In this case it is Deputy Superintendent of Police); there have been a total of 42 arrests under this FIR and that the investigation is pending and hence Charge-sheet has not yet been filed. That all accused persons arrested and remanded under this FIR have been remanded to Central Jail Bellary, primarily because of the possibility of violence breaking our in the local jail and

Crime No. 86/2022

This is the third FIR filed Soumotu was dated 13/08/2022 by the Kanakagiri PS under sections 1860 u/s 143,147,341, 332, 353, 504, 506, 149 on the same incidents on 11.08.2022 and the stated reason for delay is that as there were two murders, the situation in Hulihyder village was sensitive and case and counter case was registered in the police station, the officer was busy in search of the absconding accused. After reporting the incidents to the Higher Officers and after obtaining their suggestions, a complaint is registered. Under the accused column, “150 – 200 persons All belong to Hulihyder Village, Koppal, Karnataka”

The contents of the complaint state that :-

“When an information of 2 groups comprising of approximately 150-200 persons fighting each other with stones, sticks and etc., I immediately informed the PI and the Station of the event and rushed to the vicinity of HulihyderGovernment School along with PSI Shri. Khasim Sab (Investigation) at 9:20 am. When we went there we witnessed two groups of people comprising of 150-200 persons fighting among each other with stones and sticks. We tried to pacify the situation by telling them to maintain peace until our higher officers came for the spot. But they did not listen to us. Some of them in the group abused us saying “Hey Police Soolemakla, nammorigeyakabandirlebosudimakla. Illindahogiillaandrenimannakolemaadivi,” (Hey Police Bastards why did you come to our village. You bastards better go off from here otherwise we will kill you). But still we tried to pacify them telling not to fight amongst themselves. But abruptly a few people from the group advanced towards us and some held my shirt collar and said “Hey Bastard, don’t you listen at once? We have seen many police officers like you and we will not allow your higher officers into our village. You better go now or else will not let you alive” Thus they have threatened us. They have dragged us and also obstructed our duty. Even though they have been adamant and aggressive, we still tried to pacify them. We also received

information that there are people fighting in Karader Oni. We then rushed to the spot around 9:45. When we reached there, the group of people saw us and began abusing us verbally saying "You Police bastards, have you come now? You arrive after people die. You better warn those Nayakaaa bastards. If you interfere in our fight, we will also kill you." They did not listen to us when we tried to pacify them. Then Police Inspector of our station Shri ParasappaBajantri and staff Hanumanthappa HC102, Bylappa HC20, Gavi Kumar PC-201, Durugappa PC-86 arrived on the spot and dispersed the group. In this fight, 2 persons are dead and there has been case and counter case registered regarding the incident. As I had to report the incident and seek guidance from the higher officers, I am registering the complaint now. So, I request you to take action against the 150-200 persons who abused me and the police staff verbally, threatened to kill us and obstructed us to discharge our duties while we were on duty. I will recognize the person who abused us and threatened us and held our collars."

Therefore, on a combined reading of the FIRs one can see that the location of the incident seems to be different when we compare Cr No. 84/22 and 85/22 and from description it seems to be two entirely different incidents. However, a combined reading of Cr. 84/22 and 86/22 reveals that only one incident occurred wherein there was a clash of several persons out of which several persons were injured and a total two people lost their lives, including one person with severe injury.

However, the third *soumotu* FIR registered by the Police station raises doubts and concerns about the neutrality of the Police in the investigation as the description of incidents seems to be only be narrating the abusive language used by one side of the clash/conflict that is the side of the Madigas and Muslims and does not narrate any of the offences carried out by the Nayakaaas and in particular the Thalwars. Moreover, the mentioning of 150 - 200 accused persons, is concerning as this then becomes what is called colloquially an open FIR, which gives the licence to the police to make mass arrests without little or no justification. The Fact finding team hopes that this power of arrest under this FIR will be used sparingly and only used when backed with concrete evidence of wrongdoing, if not, the result would be mass incarceration of members of Hulihyder village.

Conclusions and Findings

The fact finding team after a study of available complaints, FIR's, media reports as well as an interaction with victims, came to the following conclusions

The incident's origins lies in caste antagonisms and not communal antagonisms as made out in the media

The incident of 13.08.2022 was portrayed in the media as the result of a Hindu boy falling in love with a Muslim girl, thereby trying to give a communal colour to what happened. Our

fact finding exercise revealed that, it was not a communal incident though it was sought to be portrayed as a communal incident. The testimonies reveal that inter-community relationships have happened in the past and there has never been a strong communal opposition to the same. Just before the incident, we could find no evidence of any such relationship which triggered communal passions.

Rather its roots lay in the changing nature of the caste relations in the village. The social, cultural and political life of the village has been historically dominated by the Nayakaaa community whose writ runs in the village. This overwhelming dominance with strong feudal overtones began to be increasingly challenged in the village. Reference was repeatedly made to social, political and economic dominance of Hanumesh Nayakaa and his family, not only in the village, but in the entire region. Their dominance was eclipsed by social mobilisation against their role in the murder of an RTI activist, Yallalinga, a few years ago, leading to the arrest of Hanumesh Nayakaa and others. It is the efforts of this household to reassert their stranglehold that led to situations where caste conflict became inevitable. The challenge to this dominance was posed through an alliance of the other castes and communities in the village which in practice meant the coming together of the other OBC communities, Muslims and the Madigas. It is against this backdrop that the incident of 11.08.22 has to be seen.

The roots of the incident of 11.08.2022 can be traced to the effort on 01.08.2022 of leaders of the Nayakaa community to install a statue of Valmiki in the premises of the village Panchayat including the initiation of Bhoomi Pooja. As a response to this proposal, those belonging to the Madiga community proposed that in addition to the Valmiki statue, statues of Buddha, Basavanna and Ambedkar as well be installed. This counter proposal was met with hostility by the Nayakaa leaders leading to tension. This tension in the village was sought to be defused by peace committee meetings held by both the District administration as well as the police administration.

However the peace meetings held on 2nd August as well as 5th August, 2022, do not seem to have had the necessary impact as immediately following the peace meeting hosted by the police, a complaint was filed by members of the Madiga community that they were threatened and abused using caste slurs in the very presence of the police ! This unresolved tension, mainly of a caste nature forms the background to the incident of 11.08.202.

On the day of the Muharam festival on 11th August, when a Muslim boy went near the bus stand to buy bananas and flowers for the Muharram rituals, he was assaulted by some persons. He in turn informed members of his community that he had been assaulted and consequently a full fledged clash developed between some members of the Muslim community and the Nayakaa community. The Madiga community members who were seen as supportive of the Muslims joined the clash supporting the Muslim members. In the clash which then ensued, which had Nayakaas on one side and Muslims and Madigas on the other side, two people died and 6 people were wounded. The dead included one member from the Nayakaa community, Yenkappa and one member from the Muslim community Pasha with one member from the Madiga community, Dharmanna being seriously wounded.

The incident happened due to the negligence of the police and failure to continue police presence in the village inspite of rising tensions

This being the backdrop of tension in the village it is inexplicable and criminally negligent that the police withdrew their OB vans from the village just a day before the incident on 10.08.2022. The fact that the peace meetings convened by the police as well as the district administration did not have the requisite results was a fact that the police ought not to have ignored. The tension unless effectively resolved was bound to play itself out. This foresight the police should have had and continued to monitor what was undoubtedly a tense situation. The fact that the SP admitted to the suspension of certain officers indicates that the negligence of the police is something that the police themselves will not deny.

Concern around neutrality of the police when it comes to the registration of the suo motu FIR

As has been noted above there are concerns around the neutrality of the Police in the investigation as the description of incidents in FIR Crime No. 86/2022. It seems to be narrating the abusive language used by one side of the clash/conflict that is the side of the Madigas and Muslims and does not narrate any of the offences carried out by the Nayakaaas and in particular the Thalwars. Moreover, the mentioning of 150 - 200 accused persons, is concerning as this then becomes what is called colloquially an open FIR, which gives the licence to the police to make mass arrests without little or no justification. The Fact finding team hopes that this power of arrest under this FIR will be used only in accordance with law and when backed with concrete evidence of wrongdoing, if not, the result would be mass incarceration of members of Hulihyder village.

Remedy discriminatory action when it comes to disbursal of compensation and ensure fair compensation when it comes to death and serious injury

From interactions with the members from the three families it appears that the wife of the deceased Yankappa in FIR 85/2022 has received some compensation from the district magistrate. That Rule 12 (4) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Rules, 2016. :-

(4) The District Magistrate or the Sub- Divisional Magistrate or any other Executive Magistrate shall make necessary administrative and other arrangements and provide relief in cash or in kind or both within seven days to the victims of atrocity, their family members and dependents according to the scale as provided in Annexure-I read with Annexure-II of the Schedule annexed to these rules and such immediate relief shall also include food, water, clothing, shelter, medical aid, transport facilities and other essential items.

That as per the Annexure-I since Section 302 is invoked this case falls under the category of offences under the Indian Penal Code (45 of 1860) punishable with imprisonment for a term of ten years or more which amounts to Four lakh rupees to the victim and or his dependents;

wherein 25 % of the amount should be disbursed at First Information Report (FIR) stage; additional 50 % at charge-sheet stage and final 25 % post conviction in trial court.

However, from the interactions of the Fact Finding team it was communicated by the mother of the deceased YehatRs. 4,00,000 /- was disbursed to the wife of the deceased victim who neither informed the mother of the deceased victim and nor shared any amount with her. That it is also the District Magistrates responsibility that other dependants also get the requisite financial compensation.

The person Dharmanna Madiga (Victim No. 3) in Crime No. 84/2022 was seriously injured and the extent of the injury is permanent. Such a combination of Insult on grounds caste and attempt to Murder (Section 307) would mean that Dharmanna's dependants are also entitled to a compensation of Four Lakh Rupees by District Magistrate. However, it appears from the conversation with Dharmanna's Fathers that the dependants have only Received Rs. 50,000 /-

Finally, the dependents of Pashavalli (Deceased victim) in FIR 84/2022 have not received any compensation at all from any state authorities. This Team first took note of this fact when interacting with the mother of the deceased and the same was admitted and confirmed by both the Deputy Superintendent of Police and Superintendent of Police Koppal district. The reason being given is that the victim herein is from the Muslim community while the other 2 victims are from a Scheduled Tribe Community and Scheduled Caste community respectively. However, this is not a valid justification as the Karnataka Victim Compensation Scheme, 2011 has been in force since 22.02.2012, which is formed under Section 357-A (1) of the Criminal procedure Code, 1973. In the scheme; the court can refer the case to the District Legal services authority or the DLSA/KSLSA can take it up soumotu or via an application. The conclusion of the trial need not be a condition precedent for the disbursement of the compensation. As per the table in the scheme ; compensation to dependents in case of loss of Life is Rs. 2,00,000 /-.

Therefore; the Fact finding team is convinced that the state authorities must ensure that the dependents of the deceased victim Pashavalli receive a fair compensation. Moreover, under Section 357 A (3) the Hon'ble Trial court at the conclusion of the trial has the power to grant additional compensation if it is of the opinion that the amount of compensation is inadequate. Therefore, it is the Fact Finding team's appeal to both the Legal services authority and the Court to grant a just compensation when it comes to deceased victims. In other words just as one of Yenkappa's dependents received Rs 4,00,000 /- so should Pashavalli's dependents receive the same amount.

Going beyond the question of parity, the team is of the opinion that a compensation amount of Rs 4,00,000 is inadequate in case of death, that to due to the negligence of the police. So it is recommended that an amount of 50,00,000 be disbursed to the kin of those who have died and an amount of 25,00,000 be disbursed in the case of serious injury which may require lifetime medical attention.

