

THE TSUNDUR MOMENT

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Dhanraj from Tsundur (Guntur, AP) possibly does not know how the rest of the world remembers 6th of August. Neither possibly he knows that there is a city called Hiroshima in far away Japan which was nearly obliterated that day. But for him also the very day symbolises deaths and destruction and an endless wait for justice.

He can still recollect each and every incident on that fateful day way back in 1991 when five people from his own community were lynched before his very eyes by a mob of marauders belonging to his village itself. In fact, the blood thirsty mob had nearly lynched him also but somehow he was saved. Streets of Tsundur that day witnessed deaths of total eight people, all of them dalits when a 400 strong armed mob of Reddys, a landlord caste which has dominated the politics of Andhra Pradesh (AP) since independence-attacked the dalits to teach them a lesson. The perpetrators of the massacre were so brutal that they cut the dead bodies into pieces, put them in gunny bags and threw them in the nearby Tungabhadra canal.

But as of now the wait for justice seems to be finally over. The recent judgement of the Special Court - which was the first of its kind formed under the provisions of the SC and ST Act (1989) at the scene of offence—has rather vindicated their sixteen-year-old struggle. Twenty-one of the accused have been given life imprisonment while 35 of the accused have been asked to serve one year rigorous imprisonment. The court has acquitted the rest of the accused showing lack of evidence, but a coalition of dalit organisations have been pressing upon the government to file a petition in the upper court to challenge the acquittal.

A brief recap of the events in this 'historic case' states that the upper caste (Reddys) used the pretext of alleged harassment of a Reddy girl by a dalit youth in a cinema hall to attack the dalits. The planned nature of the attack was evident also from the fact that within no time a few hundred strong mob of Reddys wielding traditional weapons (and few of them carrying modern firearms) descended on the dalit hamlet and unleashed their fury against the innocents. In fact, sensing an imminent attack, most of the menfolk had already left the village. Once the marauders came to know of this they literally chased the dalits on the road adjoining the Tungabhadra canal and lynched them one by one.

Looking back it is clear that the preplanned attack against the dalits was another futile attempt by the Reddys to reassert their age-old authority which had seen fissures with the growing assertion by dalits. The changed atmosphere in the village was for everyone to see. Not only many of the dalit boys and girls had benefited from the affirmative action programmes in education, a few among them had even surpassed the Reddys in many respects. Many of the dalits from the village were working with Indian Railways. Overall the situation was such that the Dalits had refused to follow the medieval dictats reserved for them under the Varna system.

D Dhanraj was a crucial witness to the whole case. He did not falter for a moment despite tremendous pressure brought upon him by the powerful Reddys. One can see that Tsundur, the small village in Guntur, has created many such 'unsung heroes'—ordinary looking people who faced heavy odds so that they get justice. Merukonda Subbarao, a fifty-six-year-old daily wage-worker, who had served as the first president of the *Tsundur Victims Association* was another such 'hero' who identified and named forty of the accused standing in the court room, from among the one hundred and eighty three accused. It was clear that the whole incident was etched in his memory so strongly that

he did not falter despite the judge's requests to repeat the identification. And who can forget Martyr Anil Kumar, a young man in his twenties who was in the forefront of the struggle so that the perpetrators of the massacre are punished without delay. Anil was killed in a police firing during one of those struggles.

As is clear in every other atrocity against the dalits, the Reddys who have dominated the state politics since independence, tried with all their might so that they are allowed to go scot free. Utilising their contacts in the judiciary, bureaucracy or police administration they tried to delay the process of justice as long as possible.

Attempts were made to buy or coerce the dalits in very many ways and the state also tried to play second fiddle to the Reddys. It felt that by distributing largesse to the dalits, giving jobs to a few of them, awarding compensation to the victims' families they could calm down their yearning for justice. But dalits in Tsundur wanted nothing less than severe punishment for the perpetrators. Unitedly they raised a slogan—'Justice not Welfare'. It was worth emphasising that with their continued resistance they were able to make Tsundur a key issue in state politics.

Any independent observer of the dalit situation in the country—who has been watching with awe the spurt in cases of dalit atrocities at a national level—would note the fact that the conviction of the perpetrators at Tsundur is a significant milestone in the ongoing dalit emancipation movement.

The sixty-year-old history of independent India bears witness to this phenomenon where perpetrators of crimes against dalits in majority of the cases were allowed to go scot free. The mechanism for denial of justice to dalits has rather been perfected down the years. Normally such cases are either not registered and if at all they get registered they are not filed under appropriate provisions of the law. Registration of cases under proper law is no guarantee that they would be investigated by designated authority in such cases. The result is for everyone to see—acquittal on flimsy grounds.

A conclusion of a detailed and systematic study of 400 judgements passed by different district courts of Gujarat done by Vajibhai Patel, Secretary of Council for Social Justice corroborates this. According to the utterly negligent police investigation at both the higher and lower levels coupled with a distinctly hostile role played by the public prosecutors is the main reason for the collapse of cases filed under the atrocities act. It is worth noting that he has meticulously documented these judgements delivered under this act since April 1, 1995 in the Special Atrocity Courts set up in 16 districts of the state. The study also blasts the common perception that the inefficiency of this law is due to false complaints being lodged or compromises between the parties, in actuality it is a complicit State that has rendered the Act toothless. (*Communalism Combat*, March 2005)

People would recollect that in an inter state council meet called by the Prime Minister to deliberate on the specific issue of dalit rage, the Prime Minister himself had lamented the fact that (The Hindu, 10th December 2006) "implementation of SC and ST (Prevention of Atrocities) Act has not been effective" and "cases continue to be registered under weaker sections of IPC".

A convention held last year under the aegis of the social justice minister (Jan 2005) Meira Kumar which was duly attended by the home minister had brought home this point with emphasis. According to a newspaper report :

"Social justice minister Meira Kumar pointed out that the conviction rate in cases registered under the Protection of Civil Rights Act is a mere 3.75 percent. Besides, 75 to 77 percent cases of crimes against Dalits remain pending despite the existence of special and designated courts'.

(January 12, 2005, *The Telegraph*)

It is possible that all this details where the state and its different organs come out in rather unflattering terms could be brushed aside as a story repeated *ad nauseam*. All the talk of dalit atrocities could be presented as another extension of the way in which “state in the third world’ unfolds itself. But the key point worth emphasising is that caste atrocities much like gender oppression or racial atrocities have a specificity which transcends the binary of “state as perpetrator’ and “people as victims”. In fact they implicate the partisan role played by the people themselves.

The ‘Report on Prevention of Atrocities against SCs’ prepared by NHRC (2004) presents details of the way in which the civil society presents itself. Here civil society itself becomes a distinct beneficiary of caste based order and helps perpetuate the existing unequal social reactions and frustrates attempts to democratise the society because through the customary arrangements the dominant classes are assured of social control over people who can continue to abide by their commands without any protest.

Of course the uncivil nature of the civil society presents a unique challenge where the need then becomes to rise above a mere discourse on civil and constitutional rights and address the failure of the largest democracy of the world to go beyond mere form.

It would not be an exaggeration to say that the victory of the Dalits in Tsundur is ‘historic’ in so many ways :

It demonstrated the immense possibilities inherent in the SC and SI Prevention of Atrocities Act (1989) which till date remain on paper. As rightly noted by main analysts it is the first time in the nearly twenty-year-old trajectory of this act that special courts had to be set up at the scene of offence. And the dalits were saved from travelling long distances to depose in the courts and face harassment on the way at the hands of the dominant castes.

The significance of the Tsundur struggle was that the people leading the campaign were successful in keeping the people mobilised all these years. Of course the help rendered by dalit as well as left organisations also played an important role in keeping the flame alive. Tsundur became a rallying point for different left and democratic forces in the state and it was harbinger of a new turn in the left politics also which resolved to take up the issue of caste oppression. □□□