

# Shadow Prison(s) in Tamil Nadu

N MALATHY

Over a period of more than 20 years, successive state governments of Tamil Nadu, even as they have claimed to be politically in favour of the Tamil Eelam cause, have continued to maintain horrid “special camps” for certain Tamil Eelam refugees, one of which is still in existence. This is an account of the awful conditions and the wide-ranging violations of the rights of the inmates of these camps.

The Tamil Nadu government is host to many refugees from Sri Lanka and Tibet. Yet, it is the Eelam Tamils from the island that dominate the refugee scene in the state. Tamil Eelam refugees, though concentrated in Tamil Nadu, also live in Kerala and other states of India in smaller numbers. (Tamil Eelam is a proposed independent state for Tamils in Sri Lanka.)

These Tamil Eelam refugees are categorised into three types—non-camp refugees, open camp refugees, and “special camp” refugees. Non-camp refugees are people with sufficient resources to live on their own in rented places. They have received little attention from activists, researchers or the media, perhaps justifiably. Open camp refugees live in more than a hundred camps scattered across Tamil Nadu. These camps have received some attention, the conditions therein described in terms ranging from inadequate to horrid. This article intends to throw some light on the so-called special camps, which have received very little attention.

India is not a signatory to the United Nations Convention Relating to the Status of Refugees. It manages its refugee intake under the Foreigners Act, 1946, enacted before India gained independence from Britain, and the Foreigners Order, 1948. The Foreigners Act, 1946 states: “The Central Government may by order make provision ... for prohibiting, regulating or restricting the entry of foreigners into India or their departure there from or their presence or continued presence therein,” including “requiring him to reside in a particular place,” and “imposing any restrictions on his movements.”

All three types of Tamil Eelam refugees are managed under this law but with differing levels of restriction on their freedom of movement. The special camp refugees face the most restricted freedom of movement. Radhakrishnan, a lawyer from Tamil Nadu, commenting on the law that governs refugees in India, says:

It is a serious shortcoming that India has no special law for refugees. Only a refugee law can rectify this. In 2000, the Justice Bhagwati Committee recommended provisional citizenship for refugees but that is still on hold.

The flow of Tamil Eelam refugees into Tamil Nadu began with the 1983 pogrom against Tamils in Sri Lanka. At that time, the Tamil Eelam refugees were accepted with sympathy and were given extensive benefits in education and other facilities. This changed in 1990 when the Indian Peace Keeping Force (IPKF) was asked to leave the island following a three-year long operation in the Tamil homeland of the island. Following the exit of the IPKF, the open camp refugees faced severe restrictions on their movement. Also, the very first special camp was created in Vellore in Tamil Nadu following the IPKF episode, purportedly to hold Tamil Eelam militants. Our story starts at this juncture.

The manner in which the Eelam Tamils suspected of being militants were brought to this Vellore special camp did not bode well for what was to follow. The first batch of inmates was taken there on a fake promise of employment and locked up. The Eelam Tamils, in captivity, began protesting. When their hunger strike did not lead to talks, the angry inmates set fire to the “prison” gate and threw stones at the police who arrived. The police opened fire killing two of them. Thus began the 25-year long history of special camps for the Eelam Tamils. Following the assassination of Rajiv Gandhi, successive Tamil Nadu governments continued to open more special camps, in Chengalpattu, Poonamallee, Pudukkottai, Melloor, Thiruchchi, Thiruvaiyaru, Athipatti, and Palani and in other areas. All of these special camps, except one, have been closed over the years. Today, one camp exists in Thiruchchi with 21 Tamil Eelam refugees, many of whom have been held for many years. This Thiruchchi special camp is located within the Thiruchchi prison complex.

## Courts and Special Camps

Given that no regulations existed with respect to management of the special camps, in a ruling in 1991, the Madras High Court laid down the administrative

N Malathy ([n.malathy@gmail.com](mailto:n.malathy@gmail.com)) is a writer based in Wellington, New Zealand.

guidelines for managing the special camps. According to these guidelines: (i) An assistant tehsildar should be appointed to manage and ensure regular food supplies. (ii) Other than restrictions on their movement, the natural rights of the special camp refugees are not to be denied. (iii) The refugees, if they wish, should be allowed to have their families with them at the expense of the state. (iv) The refugees should not be locked up in cells and should be allowed to move freely inside the camp premises. (v) Visitors should be allowed to visit the inmates without any time restriction and can give the inmates materials for their personal use. (vi) Police should be placed outside the premises for guarding the camps, but all other matters should be in the hands of the tehsildar. (vii) If the refugees wish to return to their homeland, they should be permitted to do so, and the expenses for this may be borne by the state, if necessary.

According to many activists and lawyers in Tamil Nadu who have worked on the

cases of the special camp inmates, the guidelines of the Madras High Court have not been respected by successive Tamil Nadu governments. Pugalenthi, a prominent Tamil Nadu lawyer, who takes up cases on behalf of the special camp inmates to the courts, says:

All the courts all the way to the Supreme Court are maintaining that special camps are 'living spaces.' Yet, these 'living spaces' do not allow families to stay together. Family members can only visit them after getting permission from an administrative office that is not near the camp. This can take up to a day to obtain. The family members must leave the camp before 5.00 pm. Even lawyers have to go through this procedure.

Pugalenthi says that the Poonamallee special camp was indeed a prison complex set up to hold the accused in the Rajiv Gandhi assassination case, which was later renamed a special camp. The ground of this special camp is cemented and the roof is low; the inmates feel cramped and one cannot even play inside. Many Eelam Tamils were held here for many years.

Over the years, the special camp refugees have gone on a number of protest fasts demanding improvements to their living conditions, but their protests were simply ignored. Instead, some of them were charged with attempted suicide. According to Pugalenthi, nearly 50 such charges had been brought against the Eelam Tamils held in these special camps. Pugalenthi cites several examples when they were punished for protesting against the way they were kept inside the camp.

On many occasions the inmates challenged their detention before courts of law. Among the 21 inmates presently held, there are two who were released by the courts but are still being held in the special camp.

The case of Balachandran, who was eventually released after eight years, is illustrative of the plight of special camp refugees. Balachandran published an account on the special camps in 2015.<sup>1</sup> He had arrived in India legally in 1990 with

## Openings at the EPW

### The EPW Digital Initiative

The *Economic and Political Weekly* will be appointing editors, writers, visualisers, designers and programmers to conceptualise different forms of text and design for communicating social sciences and humanities content to a digital audience.

The EPW is initiating a project to revamp its digital presence by, among other things, using its archives to create platforms for debate and public engagement. Please have a look at the positions open now:

**I. Deputy Digital Editor:** She will work closely with the digital editor, be involved in all aspects of the initiative and take key decisions about innovating with editorial content. She will work with subject experts and the design team and also collaborate with the technology and business team. We are looking for someone who:

- has a strong background in the humanities and social sciences and has strong writing and editing skills
- will be able to transform academic expertise into communicating research to a digital audience
- has experience with online publishing

Interested candidates should send their applications to [edit@epw.in](mailto:edit@epw.in) before 16 April 2017 with a curriculum vitae, published writing samples and a letter describing their interest in and plans for the EPW Digital Initiative.

**II. Data Visualiser (Design):** She will primarily work with editors to break down components of EPW articles and recreate and redesign them in interesting digital formats. She will implement design changes on the website and design occasional campaigns for social media. We are looking for someone who:

- is able to conceptualise templates and layouts for infographics
- has a deep understanding of digital design and user experience
- is familiar with current practices in visualising data and interactive media, and is open to experimenting with visualising data which is narrative and not entirely quantitative

The candidate should be proficient with Adobe Software suite (Photoshop, Illustrator and similar design tools). Familiarity with HTML, CSS and ability to work with a front-end developer will be a plus.

Interested candidates should send their applications to [edit@epw.in](mailto:edit@epw.in) before 16 April 2017 with a curriculum vitae and a letter describing their interest in and plans for the EPW Digital Initiative and a portfolio of relevant work.

**III. Editorial Digital Assistant:** She will be responsible for curating EPW's archival content to provide insights into current debates. She will also implement a social media strategy for the EPW Digital Initiative, working with the design and editorial team to gauge response and reach, and follow-up with interface changes on the website. We are looking for someone who:

- has strong writing and editing skills and an interest in current affairs and the social sciences
- has a mastery of social media channels, SEO strategies, and is swift in adapting to new publishing platforms and technologies

Interested candidates should send their applications to [edit@epw.in](mailto:edit@epw.in) before 16 April 2017 with a curriculum vitae, writing samples and a cover letter describing their interest in the EPW Digital Initiative.

The interview for the shortlisted candidates will be conducted either through telephone/Skype and/or in person in Mumbai. Only shortlisted candidates will be contacted. The selected candidate would be required to work out of our Mumbai office at the earliest. Work experience may influence remuneration. We give preference to candidates from marginalised backgrounds who meet our requirements.

the intention of proceeding to Canada to join his brother. One year after arriving in India, while waiting for his Canadian visa, he was arrested by the Q-branch, the intelligence division of the Tamil Nadu police. He was not told the reason for his arrest. According to Balachandran, he was asked to cooperate with the Q-branch intelligence agents to tarnish the then Tamil Nadu chief minister, M Karunanidhi, whose government was sacked by the central government. Balachandran refused. A friend brought a habeas corpus case to the courts, at which stage Balachandran was framed on fake charges. He was brought to the courts and remanded to prison. He was then shunted from prison to special camp to prison and was eventually released with no conviction.

### Conditions in the Special Camps

Protests by the special camp refugees over the years since the early 1990s have received some coverage in certain lesser-known dailies of Tamil Nadu. In 1991, inmates in the Vellore camp went on a protest fast demanding that they should not be locked up in tiny cells, be given sufficient food, be allowed to live with their families, and be allowed to meet their visitors. None of their demands were met. In 1994, media reports say that the inmates in the Thiruchchi special camp with 40 inmates went on a protest fast with similar demands. In 1996, media reports say that in the Meloor camp with 30 inmates, including five children and five women, the inmates went on a protest fast with very similar demands. They demanded that they be allowed to move freely inside the camp, that they be allowed to live with their families, that visitors be allowed to meet them, and that female police officers be appointed to manage the five females in the camp. The children could not attend school. When the chief government officer in charge did not come to meet them, they threatened to commit suicide, and four of the inmates cut themselves with broken bottles and fainted. Yet the officers who were contacted responded by saying that only the government's decision can change their conditions. Such protests and fasting by inmates have continued to this date with little or no

redressal of grievances by the Tamil Nadu government.

In another case in 2015, Maheswaran, the husband of an Tamil Eelam woman, married only for two years, was imprisoned. He was released on bail but as he walked out, he was apprehended and put in a special camp. The family of his wife, Prasanthi, decided to marry her off to someone else because no one comes out of special camps in a short time. The wife visited the husband in the camp and they both committed suicide together in frustration about their future. This was widely reported in the Tamil Nadu media.

In 2010, when Eelam Tamils in the Chengalpattu special camp went on a protest fast, about 200 police entered the camp at night and severely assaulted the 30 protesters. Fifteen of the inmates were severely injured. They were taken to the hospital and then produced before the courts on the charge that they assaulted the policemen. They were put in Vellore prison. When they were released on bail 10 days later, they were again locked up in the Poonamallee special camp, but eventually they were released.

Even as late as 2015 and 2016, special camp refugees have gone on protest fasts. The 2015 protest was ignored by the special camp authorities, politicians, activists and the media. In December 2016, 11 of them went on a protest fast yet again, demanding that they be sent back to Sri Lanka. According to the fasting protesters, some of them had arrived on tourist visas but had been thrown in the special camp on false accusations. Some are accused of trying to leave India illegally by boat. The 2016 fast had been called off after the authorities promised that action will be taken. The inmates are still waiting for redress.

Pugalthi says that only Tamil Eelam refugees are held in such cruel camps. He cites the example of 12 Nigerians who were held in a special camp in Thirupoor. Eventually, unable to manage the protests of the Nigerians, they were sent back to Nigeria at state expense. The Tamil Eelam refugees who protested demanding similar rights—to be able to live with their families and to expedite the court cases pending against them—

were, however, slapped with criminal charges. Radhakrishnan, also a lawyer, says that India treats different groups of refugees differently.

It has always been hard for Tamil Eelam women to come forward and report sexual abuse and rape. One therefore needs to rely on the statements of other inmates to get a glimpse of this type of abuse in the camps. The police and even the higher authorities have been accused of sexually abusing the women detained in the camps. Women have been taken from the camp on the pretext of medical treatment and then raped by police and others in authority.

Balachandran states several cases in his book about women being taken out and sexually abused. In one case, even the tehsildar in charge of the camp was taking a woman inmate out and sexually abusing her. Even non-camp refugee women did not escape the sexual predation of police personnel, including, in one case, a senior officer of the Q-branch of the Tamil Nadu police. He is said to have framed charges against the woman's husband and thrown him in a special camp after which he demanded sexual favours from her as a precondition for her husband's release. Another police officer who came to know of this also demanded the same from her. When she refused, he threw her in another special camp on a fake charge of narcotics trafficking.

### Threats to Silence

Pugalthi gives an example of how open camp refugees are silenced from protesting by throwing them in special camps. One non-camp refugee, referred to as Eelanehru, is respected for his efforts to raise funds to enable the open camp children to continue with their tertiary education. He would raise the funds from cinema celebrities and other wealthy people in Tamil Nadu. Around this time four Eelam Tamils from the refugee camp were thrown into a special camp. Two of them were badly assaulted and brought back to the open camp. Eelanehru raised this issue with the media. The next day he was thrown into the special camp.

In another example, four Tamil Eelam refugees, who had come to Tamil Nadu to take some medicines and blood bags

to the war-affected people, were thrown into the central prison. When they were released on bail they were thrown in Chengalpattu and Poonamallee special camps. This was just four months prior to the end of the war in 2009 in Mullivaikkal where thousands were killed and injured. Subsequently, another man who had gained British citizenship came from London to Tamil Nadu to get married. He had already visited India twice. He brought a laptop for a friend who happened to be one of the four arrested in the medicine-related incident. The visitor from London was traced through this friend and he too was put in the special camp. All of them were released only after five years.

### Some Common Threads

The special camps have been entirely under the control of the Tamil Nadu government. This is the same government that is supposedly confronting the central government in the courts regarding the release of the seven accused in the Rajiv Gandhi assassination case. It is a contradiction and a puzzle that needs to be reflected upon.

More than seven years after the end of the war in Sri Lanka, these cruel special camps are continuing. The views among the lawyers and activists who have agitated for the release of the Eelam Tamils from the special camps have some common threads. It is seen as an easy way of muzzling the open camp refugees who

may protest about abuse and inadequacies in the open camps as has been described in one case. Activists also believe that the central and the state governments use the existence of special camp inmates as proof that Tamil Tigers are still active in India and therefore, their proscription must continue. The Indian authorities may be unable to provide evidence to maintain the proscription of Tamil Tigers in the Supreme Court, and so the continuation of the proscription on Tamil Tigers is ruled by a special tribunal appointed by the central government.

#### NOTE

- 1 *Concentration Camps of Tamil Nadu: The So-called Special Camps*, by Tholar Balan (translated by M S Thambirajah), Tholar Press, 2015.