Guilty Until Proven Innocent?

A Fact Finding Report on Unlawful Police Activities in Two Panchayats of North Bastar, Chhattisgarh

May, 2013

PEOPLE’S UNION FOR CIVIL LIBERTIES (PUCL)-CHHATTISGARH
Given humanity's collective experience with unchecked power, which becomes its own principle, and its practice its own raison d'être, resulting in the eventual dehumanization of all the people, the scouring of the earth by the unquenchable thirst for natural resources by imperialist powers, and the horrors of two World Wars, modern constitutionalism posits that no wielder of power should be allowed to claim the right to perpetrate state’s violence against any one, much less its own citizens, unchecked by law, and notions of innate human dignity of every individual...

–Supreme Court of India in Nandini Sundar & Ods. Versus State of Chattisgarh, 2011

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A team consisting of lawyers, civil liberties and rights activists went for a fact finding mission to the panchayats of Edanar in Kanker District and Khadkagaon in Narayanpur District of North Bastar. The goal of the mission was to investigate and document the unlawful police activities that came to light through the voices of the Edanar villagers before the National Human Rights Commission (NHRC) on 12th April, 2013 in Raipur, and to examine the associated legal issues, and the overall context in which the violence occurred.

On 18th April 2013 the team visited Edanar and Malmeta villages of Edanar Panchayat. The panchayat is located in the southernmost part of Kanker and is a Scheduled Tribe (Gondi) settlement. There are 393 families with a population of 1400, spread across eight villages (Edanar, Malmeta, Maspur, Chhote Dhosa, Bade Dhosa, Gunjinar, Padbeda, Mahurpad). A public meeting was held at Edanar which around 100 villagers attended. Subsequently the team conducted individual visits to the homes of more than 15 affected persons of Edanar and Malmeta to speak with the victims’ family members, and understand the socio-economic impact the atrocities may be having on their households.

During the course of the discussions the team had at Edanar Panchayat, the case of a small mountain village, Anjrel, in the Khadkagaon Panchayat, of Narayanpur District, at the border of Kanker District, was repeatedly brought to our attention. Situated in the Mahadevgiri Mountains of the Raoghat Hills, the panchayat contains five villages (Anjrel, Paralbhat, Supgaon, Khadkagaon, and Kairabhat). Anjrel Village currently has 28 families all belonging to the Gondi Scheduled Tribe. At Edanar, the team was informed that it is a well known fact in this region that the police are intimidating families into leaving Anjrel and forcing them to settle in Narayanpur Town. We also heard that in the past people have been violently attacked and killed in Anjrel Village. On 19th April 2013, this team decided to travel to the village of Anjrel to confirm these allegations. Here the team engaged with over 20 villagers and recorded their stories about the unlawful police activities happening in their locality.

The incidents that are described in the representation to NHRC by the Edanar village are only some examples of what appears to be a larger history of police repression in the above villages and in the region at large. In Kanker District there are already six Border Security Forces (BSF) deployed, along with several Central Reserve Police Force (CRPF) camps. There are active plans to deploy at least four more paramilitary battalions (both BSF and CRPF) with the construction of 22 barracks between Dalli Rajahara and Raoghat Hills in Kanker to facilitate Bhilai Steel Plant’s iron ore mining at Raoghat Hills. This is being justified by both Central and State governments by citing the alleged threat of Naxalite activities to the welfare of civilian population and industrial activities. While, on the one hand, there is a clear Naxalite presence in the area, it is also evident that violent acts are being disproportionately perpetrated by the police, paramilitary and Special Police Officers (SPOs).

The extent of excessive militarization is illustrated by the case of Edanar Panchayat, which falls within the jurisdiction of the Tadoki police station. Here the police station is combined with a BSF camp and there is also a CRPF camp nearby. In this Panchayat, security forces (CRPF and BSF), accompanied by local police and SPOs, conduct regular combing operations in which homes are looted and villagers are assaulted, threatened, labeled as “Naxalites”, arrested, charged with very serious offences and some of them even killed. In the Khadkagaon Panchayat, which falls under the jurisdiction of the Narayanpur police station, the CRPF-led combing operations are fewer, while the villagers are routinely terrorized by local SPOs. The team recorded over 20 of such incidents in both places.

In addition to the brute force being carried out in these villages, the team observed a systematic subversion of the law and the judicial process. Reopening of old cases, use of standing warrants to arrest anyone anytime, denial of bail, false encounters, false charges, and incarceration of minors are all common place. SPOs are routinely used despite the Supreme Court judgment banning them. During court hearings the investigating officer often absents himself, for which there is no penalty imposed.
The misuse of draconian laws like the Unlawful Activities (Prevention) Act, 1967, and the Chhattisgarh Special Public Security Act, 2005; and the detention of individuals in police remand for more than 24 hours, have become usual practices in these areas.

The physical terror combined with the threat of severe legal action has created a scenario where villagers are afraid to carry out their usual livelihood activities in the forests, fields, and marketplaces. In Edanar Panchayat, villagers live in constant fear of arrest, as many have been arrested for extended periods of time, and there are “standing warrants” for the arrest of hundreds more. Meanwhile, in Anjrel Village, over the course of a few years, 17 families out of 45 families total have left this village out of fear of the police.

Women, children, and the elderly are particularly vulnerable. Women, in addition to being harassed and targeted during the raids and arrests, are having to simultaneously earn for the entire family and maintain the household. Children are facing severe emotional trauma, particularly those who have lost a family member in the “encounter” killings conducted by the police. Both children and elders are being forced to work due to the economic crisis caused by arrests and the loss of wage earning family members. Legal expenses are adding to the financial crises of many families, which in turn has severe consequences on the health and overall wellbeing of the society.

Lastly, all of the incidents mentioned in the following report should be looked at in the context of Bhilai Steel Plant’s (BSP) plans to train and deploy 4,000+ paramilitary personnel in over 22 barracks to protect its 2,028 ha Raoghat iron ore mining project. While BSP claims the project will bring jobs and economic growth to the region, the team feels that the broader impact that the long term presence of paramilitary forces will have on already marginalized adivasi population of this area must be immediately studied. It is also alarming that people of Anjrel, a village which would be completely dislocated due to BSPs mine, have virtually no information about the pending mining project and are also being strategically targeted and evicted by SPOs.

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The methodology of the team was to speak to the directly affected villagers of the three aforementioned villages to document their qualitative accounts, first in large groups to get an overall picture of the abuses, and then in individual home visits. Where possible, the team engaged Sarpanches and other Panchayat representatives. In several cases of severely traumatized victims the team engaged in one-on-one discussions. On 18th April we also met with one local Antagahr lawyer, Mahesh Darro, who is handling the cases of several of the victims, and on May 7th we spoke over phone with SP Kanker, Rajendra Narain Das, and SP Narayanpur, Amit Kamble, at 12 pm and 5 pm, respectively. For background details of the locality, the team resorted to online news reports written within the past three years.

Team members include: Shishir Dikshit (Lawyer, Janhit Legal Center), Lakhman Singh (People’s Union for Civil Liberties, Chhattisgarh), Somdutt Upadhyay (Lawyer, Bilaspur Social Forum), Tathagata Sengupta (People’s Union for Civil Liberties, Chhattisgarh), Samantha Agarwal (Sanhati), Pinki Verma (Chhattisgarh Mukti Morcha-Mazdoor Karyakarta Samiti), and Keshav Sori (Chhattisgarh Bachao Andolan). The following report has been jointly prepared by the members of the fact finding team.

Note: The report contains the actual names of people only where people granted the team permission to do so. Some of the interviewees were apprehensive to reveal their identities because of the prevailing state repression in their communities. In these cases, names were either left out entirely or changed to symbolic letters (i.e. X, Y, and Z).
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Map showing Edanar Village and Anjrel Village, which were the primary sites of the fact finding mission, and Tadoki Village where the BSF camp/police station and CRPF camp is located.
The case of Edanar first came to the notice of members of this team in an interaction by the National Human Rights Commission (NHRC) with statewide representatives of voluntary organisations on April 12th, 2013 at the Circuit House, Raipur. About 30 members of the Edanar Panchayat, which is in the Kanker District of North Bastar, had pooled together some cash and rented a vehicle to come to Raipur the previous night and submit a detailed representation to the Scheduled Castes, Scheduled Tribes Commission regarding the various instances of repression they had been facing. On the following day two representatives from Edanar Panchayat—Pyarilal Tandia and Nandlal Potai—attended the Raipur camp of the NHRC and made oral representations to its panel chaired by the (Retd CJI) Justice KG Balakrishnan. They also submitted detailed letters to the Commission, outlining various instances where the policemen of Police Station Tadoki, and personnel of the CRPF and BSF have, without a warrant, picked up villagers from their fields, homes, and have beaten them, arrested them or both, and branded them as Naxalites, although other villagers claimed that they had no affiliation with Naxalites (See Annexure 1 and 2 for the representations made by Edanar villagers). Members of this team therefore decided to conduct an independent fact finding into the cases mentioned by the representatives from Edanar at the hearing.

Note: At the time of attacks or raids, villagers often cannot distinguish between personnel of the CRPF and those of the BSF. Hence in the following account we have used the words “security forces” and “paramilitary forces” interchangeably to denote either the BSF or the CRPF or both.
Incident of 23rd January, 2013

During the early hours, around 2-3 AM, of 23rd January, 2013 two villagers, Phaguram (age 45) and Koluram (age 32, S/o Manghiram), were asleep in their fields in Gudrapada hamlet, near Edanar Village, when they heard a noise. They shone their torches and found a band of over 100 BSF personnel and police surrounding them. Immediately the police party picked them up and started beating them with sticks, after which it took them to the nearby Malmeta village and left them there.

In Malmeta Village the police first visited the home of Ujiyar (age 35, S/o Baisakhu), who was returning from his field around 6 AM where he was threshing rice with his family. Upon arrival he noticed that the lock on the door of his house was broken, that his belongings were in disarray and that Rs. 10,000 was missing from a box. When he asked his neighbor Shri Ram what had happened, he was told that the Tadoki police had come around 3-4 AM and conducted the raid. After raiding Ujiyar’s home, the police proceeded to the home of Jailal (age 40, S/o Melsing, who was threshing rice. By this time it was around 5 or 6 am. The police forces attacked him, and made him come with them to the village school compound where there were over 50 other security personnel. There three police beat him mercilessly with sticks, on his legs, thighs, waist, back, all the while accusing him of aiding Naxalites. He was limping for a month after the incident. Another man, Dannuram, was beaten up badly in Malmeta.

When the police and security forces were returning from Malmeta at approximately 7 AM they passed via Edanar Village where they assaulted and arrested Roop Singh (age 32, S/o Sukduram).** When his mother, Rambatti, protested the beating, the police began to beat her too. The police did not show an arrest warrant, nor was his family otherwise informed in what connection he was arrested. While leaving Edanar the forces threatened that “next time they would kill one or two”. Then around 10-11 AM the police and security forces proceeded to Chhote Dhaosa Village, where Mangalram (age 55, S/o Gungsuram) was robbed of two ducks and one large hen. When Mangalram protested the theft, the police threatened, “Have you forgotten the incident at Kosronda? We will repeat that again here”. The villagers explained that in Kosronda Village, which also falls within the jurisdiction of the Tadoki police station, two innocent villagers were killed and the police described it a Naxalite encounter. See Annexure 2.

**Roop Singh is still in jail today, and his family is facing an acute economic crisis. The only able bodied persons at his home are his father (55 yrs), his mother, Rambatti, and his wife. He has a brother who is physically challenged, and who, therefore, cannot work. He also has three daughters and one son, all in the range of four to six years. The family is also in dire need of legal aid.

Incident of 23rd November, 2012

Local villagers narrated an incident dating back to 2006/07, in which the Tadoki security personnel looted Rs. 4,000 from Jahnuram Sodi (S/o Meghnath) of Malmeta Village while he was at the local market. Jahnuram subsequently went to the Tadoki Police Station to lodge an FIR, but was instead himself arrested, after being shown a sthai (standing) warrant for his arrest, allegedly for being a Naxalite. He was thereafter released and arrested yet again on 22nd October 2012 along with six other villagers (see the details of this incident on the following page), after which he was released again. He was arrested a third time on 23rd November 2012 and is still in jail. The incident suggests that if someone from Edanar attempts to be proactive about injustices caused to them by going to the police, he or she can be subject to repeated harassment and imprisonment. It also points to the futility as well as near impossibility of trying to file an FIR.
Incident of 22nd October 2012

Seven villagers—Premlal Nureti, Gannuram Nureti, Jahnuram Sodi, Garwaram, Shobiram, Ramnath, and Shamrath—were picked up from Malmeta Village and subsequently jailed. They continue to be in jail to this day (on April 18th all except Jahnuram, had been in jail for 178 days) without being granted bail. Members of this team spoke to some of the families of the villagers along with Mahesh Darro, the lawyer handling their cases; summaries of those conversations are provided below.

* The Case of Gannuram Nureti

On 22nd October 2012, Gannuram (age ~ 35) was picked up from inside his house, around 6 am, in front of his wife, Ramai. She was lighting the chulha and washing utensils at the time. Suddenly three police officers and several Special Police Officers came inside the house, while the rest of the 80-90 strong security force stood outside. They brutalized Gannuram, beating him on his waist, legs, back and chest with sticks. They accused him of helping the Naxalites, and arrested him without showing any warrant for the arrest or informing the family in what connection he was being arrested. Gannuram and his wife have four children, in the range of three to eleven years. Their main source of livelihood is their land measuring 4-5 acres, and forest produce for the lean season. Ramai is now the only adult in the family and is struggling to manage the household entirely by herself. She has to simultaneously tend to the fields, though she is helped by the villagers who farm her land and give some of the produce back to her. Gannuram is in the Kanker Jail, which is a considerable distance from the village and it is very costly for the family to travel to the jail for visits. Their family has no ration card, no job card, and very little steady income. The household is suffering from acute economic crisis. Both Ramai and the children seem to be malnourished, and could succumb to serious illnesses any day.

Legal details: Gannuram is accused in State vs. Shyamlal & Ors. under Sections 147, 148, 149 of IPC and 25, 27 of Indian Arms Act. FIR no. 329/09 was filed at the Tadoki Police Station.

* The Case of Premlal Nureti

Premlal (S/o Hiraman Nureti) was at home along with his family. Five officers came in at around six in the morning. They woke up the village primary school teachers who generally sleep in this house. Then without showing any warrant they started searching. Here they did not beat anyone, but looted utensils and clothes. The local T.I. was also present during the search operation. Although the police got no incriminating material from the house, they took away Premlal, claiming that they had a sthai warrant for his arrest, and accusing him of being a Naxalite. The SPOs were the ones who came inside the house, while the CRPF waited outside, which, according to locals is the standard practice for such operations. It was told to us that some people from this village who used to be close to the Naxalites, had been expelled from the village because of some malpractices on their part. These people fled to the city and turned into police informers and SPOs. They are the ones that generally lead this kind of combing operation. Premlal, on the other hand, had no connections with Naxalites.

When Chamru Ram, brother-in-law of Premlal, was asked, “If Premlal and the other six arrested villagers were not Naxalites, why were they being targeted by the police?” He stated that the violence they face may have to do with the fact that this entire area is opposed to the proposed Raoghat iron ore and Keshkal mines.
Legal details: FIR no. 16/09 was filed in the Tadoki Police Station. Premlal is accused in State Vs. Shyamlal and Ors, under Sections 147, 148, 149 of the IPC, 25, 27 of the Indian Arms Act, and 3,5 of Unlawful Activities (Prevention) Act (UAPA). This is an old case in which Shyamlal was the primary accused. Shyamlal was acquitted and the case was closed. Later it was reopened and Premlal was thereafter arrested.

* The Case of Shobiram

Shobiram (age 25, S/o Chamruram) was at home with his family. Around 6 am a group of SPOs entered his home, while CRPF personnel stood outside his house. The SPOs told him that there was a standing warrant for his arrest, but did not show him any warrant. They arrested him alleging that he was aiding Naxalites. According to his mother, Gandai, Shobiram was also arrested in 2006 under the same charge. He remained in jail for three years and was released in 2009. Now he is again in jail for the past six months. The arrests have weighed heavily on the economic situation of the family which consists of Shobiram’s mother, his wife and his one-year-old daughter.

Legal details: Shobiram is accused in State vs. Mamta & Ors. under Sections 147, 148, 149, 307 of the IPC, and 25, 27 of the Indian Arms Act. FIR no. 13/06 was filed at Tadoki Police Station.

* The Case of Samrath

Samrath (age 35, S/o Dasru) was at home with his family when he was arrested on the allegation that he is a Naxalite. At home are his wife, Sukhadih, and two daughters. Their only source of income is their land measuring 3-4 acres. Following the arrest the family has been in a dire financial condition.

Legal details: Samrath is accused in State vs. Madhu Singh & Ors. under Sections 147, 148, 124 (A, B), 307, 302 of the IPC. FIR no. 44/99 was filed at the Koylibeda Police Station.

* The Case of Garwaram

Garwaram was arrested at Malmeta Village on the allegation that he is a Naxalite. The bail order has been issued for his release, but because he was unable to find a person who could deposit the required surety, he is still in jail.

Legal details: Garwaram is accused in State vs. Sagru & Ors. under Sections 147, 148, 149, 363, 323, 506 of the IPC, and 25, 27 of the Indian Arms Act. FIR no. 383/09 was filed at the Tadoki Police Station.

* The Case of Jahnuram Sodi

Jahnuram (S/o Meghnath) was arrested at Malmeta Village under the allegation that he is a Naxalite. This is the third time he has been arrested since 2006/07.

Legal details: Jahnuram is accused in State vs. Bazaru & Ors. under Sections 147, 148, 149, 307, 302 of the IPC, and 25, 27 of the Indian Arms Act. FIR nos. 444/07 and 48/05 were filed at the Tadoki Police Station.

* The Case of Ramnath

Ramnath (age 25, S/o Dhansai) was arrested at Malmeta Village under the allegation that he is a Naxalite. Legal Details: Ramnath is accused in State vs. Ratnu & Ors. under Sections 147, 148,149, 395, 506 (B), 435 of the IPC and 25, 27 of the Indian Arms Act in FIR nos. 02/06 and 526/02.
Incident of 3rd August 2012

Vijay Dhanelia (age 40) of Edanar Village had gone to the forest near Jampara in the morning hours to collect neem daatun. The security personnel fired at him from inside the forest without any provocation or warning. He succumbed to a single bullet injury on his forehead. The police took the corpse with them, and returned it to Tadoki village after the post mortem. But the post mortem report was not shown to the villagers. Villagers claim that Vijay had no connections with the Naxalites, but the police claim that he was killed because he was a Naxalite.

On the same day, teenagers Harendra Kumar (age 18), Manesh Goud (age 19), Rahul Kalar (age 16), and one young man Bisambhar Sahu (age 32) were picked up by police when they were chit chatting on the road by nearby village, Sarandi. They have been in jail without being granted bail, ever since.

Incidents Prior to 2012

Aside from the above mentioned events from 2012-2013, there were at least a dozen similar instances narrated to the team by Edanar villagers, dating back to 2004. In the cases of arrests and jailing, the duration of the incarceration has been as long as three years, as in the cases of Deoram Nureti (age 22, S/o Kachheriram), Bhanwar Singh (age 40, S/o Deolal) and Sobhrai Dharru (Age 23, S/o Gandoram), and many have been repeatedly jailed. Prior to 2012, however, the exact dates of incidents are typically not known to the people as they have no written record keeping system of the atrocities, and FIRs are practically never lodged for instances of unlawful police activities. However, a couple of noteworthy exceptions have been mentioned below.

Incident of 22nd November 2010

This case has noticeable impact on the group’s collective memory. It dates back to 22nd November 2010, when Ankalu Ram (age 50) of Malmeta village was passing through Bhanupratappur and heading towards Kanker to help his sister with the harvest. He was on his way when Ravindra (a.k.a. Indradev) Bhuria, a police informer, stopped him at Bhanupratappur, and accused him of being a Naxalite and of killing his father. Ravindra was drunk. He snatched the Rs. 200 that Ankalu was carrying, and stabbed him in his stomach. The police took Ankalu to a hospital in Kanker. The hospital refused to admit Ankalu, after which the police handed him over to his sister. His sister took him to the government hospital in Raipur.

Above: Ankalu Ram shows his wound from a brutal attack on his life where he was stabbed in the stomach by a police informer in November 2010
Ravindra has since been arrested and remains in jail. This is perhaps one of the only cases where the village has seen any “justice” for the crimes committed against them. And it is not difficult to imagine why, as the crime was committed in broad daylight with a number of witnesses, and the assailant was a plain clothed civilian informally working for the police (thus making him an easy scapegoat).

However, the government has yet to provide any compensation to Ankalu, who is now unable to work because of his handicap. See Appendix 1 for the representation submitted to NHRC by Edanar villagers regarding Ankalu Ram’s case.

**Incident of March 2009**

In Sarandih Village, early in the morning, Phaguram, Mandar and Baiju were collecting sulfi from the jungle. Without any warning or intimation, the paramilitary forces shot and killed all three of the men. The police thereafter branded the three villagers as Naxalites. However, according to locals of Edanar the three men did not have any connection with Naxalites and were earning their livelihoods through agriculture.

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Although the above sequence of events seems to suggest the pattern of one major incident every month or every other month, villagers say that the security forces visit the panchayat at least twice every month. They always come from Tadoki (8 km from Edanar), where there is both a police station and BSF camp combined, along with a CRPF camp. Combing operations, it seems, are almost always conducted by the CRPF and/or BSF in large numbers, but typically the police and SPOs, the members of which are characteristically plain clothed, are the ones who physically carry out human rights abuses. Operations are never announced, and warrants are almost never shown for searches or arrests. Forces usually approach the village from the jungle and leave via the main road.

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In the course of the discussions the team had at Edanar Panchayat, the case of a small mountain village, Anjrel, in the Khadkagaon Panchayat, of Narayanpur District was repeatedly brought to our attention. We were informed that it is a well known fact in this region that the police are intimidating families into leaving Anjrel. On 19th April 2013, this team decided to travel to the village of Anjrel to confirm these allegations. Here the team engaged with over 20 villagers and recorded their stories about police atrocities in their locality.

For the past three to four years SPOs (Special Police Officers-usually local adivasi youth) have been coming frequently to this village, wearing civil dress, usually at night. At times they are accompanied by armed forces consisting of CRPF and police personnel from both the Narayanpur and Raoghat camps. The security forces often conduct combing operations and raids, while SPOs beat, loot, molest, and harass people. SPOs threaten the villagers that they “should leave this village and settle in Narayanpur”.

This team found that in the past four years (since 2009) 17 families have left this village out of fear of the SPOs. When the villagers used to visit the nearest market in Narayanpur for foodstuffs and other non-agricultural items they were often harassed and attacked by SPOs in civil clothes. Now villagers of Anjrel

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1Anjrel is a very old Gondi settlement and a revenue village. It is located in the dense Bhanupratappur Forest Division in the Raoghat Hills. It is an area both rich in very high quality iron ore and unmatched biodiversity. Villagers seem to have a strong interdependence with the forests from which they collect Mahua, Sal, Konum, Tendu, Bamboo, Amla, Chur, Lacca, and medicinal herbs like kaula haldi, wild tubsi, shilajit, etc. They also graze cattle. Locals claim that the forests are teeming with wildlife including rabbits, wild rats, porcupines, bears, cheetah, leopards, sambar, wild dogs, deer, wild boar, aigar. There is a cave in the forest nearby which has a shiv linga. It is a very important place of worship for all the villages around the area. There are also adivasi gods that the local adivasis believe live in Anjrel village itself – the sarnas of Matagudi, Nagel Madia, and others.
only visit the markets in Baisgaon, Kolar and Tadoki in Kanker District, where they are not harassed as frequently.

We were also informed that the SPOs also try to recruit local persons to join the police, and sometimes locals are joining out of fear. Allegedly several men from this village (Suraj, Rajesh, Sanku, Aitu and some others) have moved to Narayanpur and become SPOs. Now they work with the police as informers and also as instruments for the police to strike terror into the villagers.

Interestingly, the extent of repression occurring in Anjrel, seems to be proportionately much greater than that faced by the neighboring villages, although the villagers categorically state that they are not Naxalites. “If we were Naxalites, we would have lived in the forests. Why would we do agriculture here!”

**Incident of August 2012**

This incident happened last monsoon (~August 2012). Budhram Nureti (age 25, S/o Mehtu Nureti) was sitting by the fire, at his home in the evening around 7 PM. Several drunk police informers (SPOs) came with an axe. They hit him on his head with the axe, and started beating him with sticks. Budhram's skull was fractured, and a stream of blood covered his face. He ran to Ankaluram's (age ~45, S/o Rainuram) house nearby, for protection. Ankaluram tried to protect Budhram but he was also hit on his head with a burning stick, which the goons had collected from the fire burning at Budhram’s place. After this the SPOs fled, and several villagers took both Budhram and Ankalu to the government hospital at Narayanpur. The same villagers then went to the Narayanpur police station to file a complaint. But the police did not register a case. Rather, they wrote an unofficial narrative of the incident and sent the people back promising that they will look into the case and call them back. But the villagers were never called after that. Budhram has now left the village out of fear. He works in Khadkagaon as a daily wage labourer and sends money home to support his parents.

**Incident of October 2012**

Sometime in October 2012, three women from Anjrel – X (45), Y (~40) and Z (~35) – had gone to the Narayanpur market for their weekly groceries. They were returning to Anjrel on foot, around 3 in the afternoon. They did not know that they were being followed by three SPOs from the market. Near Mahka Village, where there was no one else on the road, three people riding on motorbikes stopped them, and started punching and kicking X. The beatings went on for around 10 minutes during which Y and Z were paralyzed into inaction. The attackers then fled, leaving X in acute pain with a bleeding nose. The villagers did not try to file any police complaint.

**Incident of March 2011**

In March 2011, a police force of 300 policemen were conducting a combing operation in the forests around Anjrel. At around 4 pm, Chain Singh along with two others – Saudev Dugga and Dhaniram Dugga – were picked up from their homes by SPOs, who then proceeded to beat the men with sticks. All three of them were kept in the police station for three days. The SPOs continued kicking and beating them with sticks in the police station, in front of the police. After three days, Anjrel villagers came to the police station, asking for their release. Two people were released by the police after this, but Chain Singh was imprisoned at the Jagdalpur prison under charges of being a Naxalite and remains in prison till date.

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CONVERSATION WITH THE POLICE ADMINISTRATION

Conversation with Rajendra Narain Das, Superintendent of Police, Kanker

On May 7th at 12 pm members of the team spoke with SP Kanker, Rajendra Narain Das over the phone. When asked what the overall situation is like in the area under the jurisdiction of Tadoki police station, he said, “The area is infested by Naxalites, and we (Kanker police) dominate and control the area.” He said the strategy of the police is to conduct joint operations with the BSF and CRPF, based on information gathered from villagers. “We contact villagers and convince them that the Naxalites are taking advantage of their illiteracy and ignorance...We visit the villages, randomly. Sometimes we give prior information, sometimes we go randomly on market days. We conduct police programmes, health camps, and distribute information on various government schemes.” When asked if the Kanker police is using SPOs in these operations, he responded “there are no SPOs in Chhattisgarh State”. When confronted about the allegations of human rights abuses by Tadoki police and security forces in Edanar Panchayat, he said “Abuses are not happening. [The] people understand the forces are for them. When the forces go to villages they do so after informing many authorities and senior officers, so this [serves as an] enquiry into the conduct of the forces—if there are abuses, that would be very embarrassing”. He added that the Naxalites are promoting the rumor that there are human rights abuses to “dehumanize (sic) the forces”.

Conversation with Amit Kamble, Superintendent of Police, Narayanpur

On May 7th at 5 pm members of the team spoke with SP Narayanpur, Amit Kamble, over phone. The team asked him if he knew of any human rights violations committed by the police in Khadkagaon Panchayat, particularly about the dislocation and harassment of Anjrel villagers, he said that he “had no any idea about any of this”, and that he “had not received any complaints in this regard till date.” He added that villagers are generally afraid to complain to the police. When asked if any police operations are happening in Khadkagaon he responded “We (Narayanpur police) have not conducted any operations in Anjrel for the past six months. Our operations are intelligence based and there was no credible evidence of Naxalite activity in this area.” He added that there is not much Naxalite activity happening in the Khadkagaon Panchayat because it is only 10-11 km from the Narayanpur CRPF camp and police station. When asked specifically about the use of SPOs in Khadkagaon, he denied that SPOs were operating in Khadkagaon.
MILITARIZATION FOR THE SAKE OF MINING

It is clear that the various incidents that were brought to our attention in Edanar Panchayat and Anjrel Village have not occurred in isolation, but are a part of a long history of undocumented violence that has been going on in North Bastar at the hands of the state police, CRPF, BSF, and the Special Police Officers. The team also feels that the events must be looked at in the context of the Central government and the Chhattisgarh State planning to militarize the entire area to facilitate the process of mining.

Militarization for the Sake of Mining

In 2011 a plan was mooted by the top authorities of the Steel Authority of India Limited (SAIL), and subsequently approved by the Home Ministry, to deal with the growing opposition by Naxalites to the cutting of trees in Raoghat Hills. The proposal involved the deployment of four elite paramilitary personnel (two battalions of CRPF consisting of 1,135 personnel each, and two battalions of BSF consisting of approximately 1,400 personnel each) in 22 barracks along a 95 kilometer stretch between Dalli Rajhara and Raoghat Hills in Antagarh Block. If one considers the entire population of Antagarh Block of 64,820 as per 2001 census data, this amounts to a ratio of one soldier per sixteen civilians, using SAIL’s conservative estimate of 4,000 personnel. In actuality the soldier to civilian ratio will be even higher, as Antagarh Block is a much larger area, than would be covered by the armed forces under this plan.

The police atrocities in the Khadkagaon Panchayat till date may further be connected to the state government’s motive to quell any opposition to the transferring of a large amount of private and common property land to the Bhilai Steel Plant (BSP) and other mining companies. Particularly the village of Anjrel, which this team visited on April 19th, seems to fit this profile, as it is at a strategic location for Steel Authority of India Limited/Bhilai Steel Plant’s 14 MTA 2,028.797 ha mining operation at Raoghat Hills. As per the official project documents prepared by BSP, “Anjrel” is actually the name of one of the six sub-blocks of Block-F of Raoghat and is among the three which are to be mined in Phase-I, along with Block-A and Tarhur. The company also plans to establish an explosive magazine on 2.235 ha of land North of Anjrel village, which will require the complete displacement of Anjrel village and all surrounding wildlife, as per the project’s technical documents. Anjrel will also be the site for a crushing plant, and a conveyor gallery. Interestingly when we spoke to villagers they were completely unaware of BSP’s project which has received its final clearances in 2009 from the Ministry of Environment and Forests. Neither have they been informed that they will be displaced, nor have they been notified about land acquisition by the tehsildar, nor has their Gram Sabha been consulted about the project.

The only experiences the villagers had with company were once in 2012 and once many years ago, when, they claim, some personnel from the BSP came and conducted surveys of the nearby forest. Even in these instances, the company did not meet the Khadkagaon villagers or communicate anything about the proposed project. It is also strange that, while villagers of Anjrel say that there are five villages in Khadkagaon Panchayat-Paralbhat, Supgaon, Kairabhat, Khadkagaon, and Anjrel-and dozens more villages in and around this mountain, yet Anjrel has been the focal point of all of the police violence. As mentioned above, Special Police Officers (SPOs) and policemen from Narayanpur visit this village frequently and terrorize the people with the line that they should “leave this village and move to Narayanpur”. The facts suggest that this may have to do with the fact that only Anjrel out of the five

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villages in this panchayat, will be mined in the first Phase, while Khadkagaon is the name of another one of BSP's sub-blocks in Block-F but it will be mined in Phase-II. It could be that, for reasons unknown to us, the company prefers not to reveal officially that there are any villages within their mining lease area; it is more convenient for them that the state uses extralegal means to instill terror in the villagers, and thus dislocate them “voluntarily”.

The Illegal Use of SPOs and its Implications

A key feature of the operations that have been occurring both in Edanar and Anjrel is the use of SPOs, who are mostly local adivasi youth. They accompany security forces in combing operations and raids and also conduct independent operations in which they beat, threaten, harass, and propagandize villagers who are allegedly suspected Naxalites or suspected Naxalite supporters. The use of SPOs is clearly in violation of the Supreme Court Order in Nandini Sundar & Ors. Versus State of Chattisgarh, 2011, in which the Court ordered,

75. (i) The State of Chattisgarh immediately cease and desist from using SPOs in any manner or form in any activities, directly or indirectly, aimed at controlling, countering, mitigating or otherwise eliminating Maoist/Naxalite activities in the State of Chattisgarh;

Aside from the unconstitutionality of “arm[ing], with guns, thousands of mostly illiterate or barely literate young men of the tribal tracts, who are appointed as temporary police officers, with little or no training, and even lesser clarity about the chain of command to control the activities of such a force, to fight the battles against alleged Maoist extremists”, the judgment makes several important observations regarding SPOs and their roles. Our experience in the field confirms such observations, some of which are outlined below:

- Contrary to GoC’s claims SPOs are not just engaged in non-combative roles. They are also carrying out violent attacks on villagers. The case of 25-year-old Budhram whose skull was fractured by an axe wielding SPO is just one of such cases. This team found that there are even instances, like that of Chain Singh Kumeti of Anjrel Village, where the SPOs were entrusted with the task of beating people in police remand, in front of the police.
• In the affidavit submitted to the Supreme Court of India the Government of Chhattisgarh’s claims that tribal youths who join the ranks of SPOs “voluntarily come forward and express their willingness” to “protect their villages/families from Maoists”. Even if we assume this to be true, says the Supreme Court judgment, “We cannot, under any conditions of reasonableness, assume that [the recruited tribals] even understand the implications of engaging in counter-insurgency activities bearing arms, ostensibly for self-defense, and being subject to all the disciplinary codes and criminal liabilities that may arise on account of their actions.” Additionally, this team found that many of the young men who are allegedly “given the choice” to join the SPOs are only joining after receiving repeated threats and harassment by SPO recruiters. As we found in the case of Anjrel, of Narayanpur District, in recent years 17 families have migrated to Narayanpur town either to escape the harassment by SPOs or because a male member of their family has joined the ranks of SPOs under continued harassment and intimidation.

• In its affidavit to the Supreme Court, the Government of Chhattisgarh admitted that children who hadn’t even passed 5th standard were amongst those recruited into the ranks of the SPOs (p.38 of the judgment). This is a grave violation of the human rights of these children, who become incapable of obtaining a decent education, and are often traumatized by horrific scenes that they have witnessed whilst serving their “duty” as SPOs.

• Using members of the community to do the “investigative work” of the police causes deep fissures within the community, as the SPOs are branded as “police informers” and are no longer trusted by other members of the village community. Under pressure to meet the quotas of the police, SPOs often give false information about their fellow villagers, often times resulting in the imprisonment and torture of innocent people. The existence of SPOs leads to overall deepening of violence in the region; as the SC noted, “Armed, the very same groups can turn, and often have turned, against other citizens, and the State itself.”

See p.29 of Nandini & Ods. Versus State of Chattisgarh, 2011 for the court’s full analysis on SPOs.

Border Security Force (BSF) and its Human Rights Record in Kanker

According to the official website, the Border Security Force “established on December 1, 1965... is a paramilitary force charged with guarding India's land border during peacetime and preventing transnational crime.” However, since the early 1990’s Jammu Kashmir insurgency, the BSF has also been used as a counter-insurgency/counter-terrorism force, and in recent years, BSF has also been increasingly used to combat the growing Maoist movement in Central India. In Chhattisgarh there are six BSF camps to date, all of which have been established in the Kanker District in the past few years, perhaps in anticipation of heightened industrial and mining activity. Two of these camps are located in the vicinity (within 15 km) of Raoghat—one is at Korar (Raoghat Camp) and the other is at Tadoki Village, where there is a BSF and police camp combined, and next to that there is a CRPF camp. There is strong evidence that the presence of BSF in Raoghat will increase significantly as Bhilai Steel Plant begins preparations for its 14 MTA iron ore mining operation at Raoghat. According to a report in The Hindu, senior officers of the Border Security Force admitted that “its 24[th] battalion had been moved to Korar in Kanker district to facilitate ore extraction at Raoghat. ‘The strength of a few companies will be enhanced, and they will be placed at Raoghat...',” one officer said”. Further, in another interview top sources in the Steel Authority of India Limited said BSP is spending more than Rs 250 crore “in the construction of 22 barracks for five or
BORDER SECURITY FORCE (BSF) AND ITS HUMAN RIGHTS RECORD IN KANKER

more paramilitary battalions along a 95-km stretch between Dalli and Rajhara and Raoghat. Six of these will be placed around Block F, allotted to BSP”. As suggested above, the combat battalions will be trained and funded entirely by Bhilai Steel Plant (BSP).

It is not difficult for villagers to imagine what kind of impact the construction of 22 permanent military barracks and the sudden intrusion of thousands of paramilitary combat personnel might have on the social fabric and basic human rights of their community. In a short time, Kanker locals have grown to be fearful of the BSF, and the forces’ human rights record has proven to be utterly atrocious. In a particularly grotesque incident that took place on 5th and 6th September 2010 the BSF and the accompanying district police brutally assaulted over 40 men, molested two teenaged girls and picked up 17 villagers in all: ten from Aloor Village and seven from Pachangi Village, both in Kanker District. The 17 villagers were held hostage at nearby BSF camp and tortured over the course of three days; multiple people were administered electric shocks and forced to confess that they were Naxalites. Two men complained of being sodomized with sticks and brutalized by the security forces in the jungle. BSF claims that this two day combing operation was in connection with a Naxalite ambush that occurred on August 29th, 2010. They also denied that any of the atrocities occurred, when speaking to a reporter of The Hindu, despite medical evidence to the contrary. Eventually the SC/ST Commission made an inquiry into the incident, following which BSF claims to have initiated an “internal inquiry”, however is not clear if any action was taken against the offending officers.

Above: One of the peaks of Raoghat Hills, where BSP plans to deploy paramilitary battalions in six barracks near “Block F” of its proposed mine

4 Ibid
5 Ibid
7 Ibid
The impact that continued state-sponsored violence has on the family unit must be studied, as physical attacks or arrests are often coupled with economic hardship and deterioration of the communal and cultural lives of the family. Most of the people picked up by the police are young earning male members of the community. This leaves the rest of their families, often consisting of the wives, young children and elderly parents in dire economic circumstances. Often the wife of the victim is the only able bodied earning member of the family and has to look after both the household and the work outside of the household.

Added to this are the costs for medical treatment of people injured by such violence, travel costs for visiting jails and lawyers, and costs for the legal actions. The local markets are also being affected since the people are now afraid to go there, as the marketplace has become the standard public spaces from where they are picked up by the police or are attacked by the SPOs.

The people in these areas, as is the case throughout the rest of Bastar, are largely dependent on the forests and other natural resources. Not only their livelihoods, but every aspect of their lives such as the corporeal, communal, cultural and spiritual is tied to the forests and has been so for thousands of years. Yet the villagers are now afraid to move around in the forests for their livelihood activities, such as mahua and tendu picking, grazing of animals, etc., because of the combing operations that regularly go on in the forests. There are many accounts of the forces opening fire on someone without any provocation or warning, injuring or killing persons. One illustrative case of this is that of a villager, Vijay Dhanelia, of Edanar Village who in the early morning hours of 3rd August, 2012 had gone to the forest near Jampara for collecting neem daatu and was fired at by the security forces from inside the forests without any provocation or warning. He succumbed to the single bullet injury on his forehead. The police took the corpse with them, and
Impact of State Repression on Women and Girls

On 18th April the female members of the team visited the home of the deceased Vijay and spoke with his 14-year-old daughter. When asked about the incident in which her father was killed, she looked anxious...She shared, “The police came and told me, ‘We killed your father’”. Her mother (Vijay’s wife), was, at the time of our visit, away from the home, and generally comes very infrequently to this home, which may be because she is traumatized after the killing of her husband. She has three daughters, all under the age of fifteen. One of them is married and lives in her husband’s village, while the other two are living practically alone, with their bedridden grandmother and grandfather. The eldest of the two daughters at home is not attending school, and the youngest of age six looks underweight and ill. It is also important to note that the state did not offer any material or financial compensation to this family.

It is only because of the communal structure of the village, according to which some others from Edanar are farming the 2-3 acres of land that this family possesses while providing some of the produce to the family, that is allowing them to survive. In fact Vijay’s widow was hospitalized for three to four months after the death of her husband, and remains mentally weak. The 14-year-old girl to whom we spoke, seems to be severely disturbed and depressed, and a female neighbor approached us and told us that Vijay’s wife worries a lot about how her family will survive. The mental health of both the widow and the victim’s daughter must be seen as a part of a larger “fear complex” that is being created through the constant exposure to police violence and demoralization of women and children.

Also at stake is the self esteem of young girls due to their inability to attend school, and the associated ossifying of societal inequalities that comes with not having the opportunity for education because they are forced to fill the gap created by the departure of an adult figure from the household.

In cases of arrests and encounters of men, often the wife of the victim is the only able bodied earning member of the family and has to look after both the household and the work outside of the household. Anjrel Village exhibits this trend and is also unique in that several men have actually ceased to live in this village due to the fear of harassment from the police.

All of these cases should be examined at in the broader context of state repression which dehumanizes the surviving women who are forced to suddenly shoulder all the burden of raising the family. It is a fundamental right of the kin of the deceased, to receive fair compensation from the state, for the unlawful killings of their relatives by the state, in addition to criminal prosecution of the persons accused of the murder. Yet very rarely is any compensation is paid to surviving widows. In the past, in various
instances, such as in the course of the 5th–6th September (2010) combing operations, the police and security forces have used torture and molestation of women not only as a weapon against anyone “sympathetic” or “aiding” Maoists but also as a systematic method of indignifying the village community. It is known from various wars throughout history (Bosnia, Kosovo, Congo) that the systematic targeting of a woman’s body during times of war is also a mechanism of attacking a community’s honor by threatening their ability to carry on their progeny and economic exercises. In this case, it is an attack on the adivasi peoples fundamental right to self-determination (as promised in The United Nations Declaration on the Rights of Indigenous Peoples). On the other hand it seems that a woman’s body is also being used as a weapon of the propaganda of the state against the Maoists, as seen following the incident of 12th December, 2012 when the police fired on tribal children allegedly attending a Maoist camp and killed a teenager, Chainu Mandawi, and arrested nine others.

Two of those arrested were girls, who according to the police were “Local Guerilla Squad member(s)”. Subsequently the police and news media hailed the operation as a huge success and news reports claimed that the girls were being raped at the alleged Maoist military camps implying that the police had liberated the sexually tortured minors. Whether or not the children were being forcibly being abducted by Maoists for military training, is a separate issue which certainly must be investigated. However it is pertinent that the villagers, when questioned by a reporter from The Hindu, openly stated that many children of the area had been regularly attending the Maoist camps, yet that the media allegations that the young girls were being raped by Maoists was blatantly false.

Above: Minors and women who were sexually molested and tortured by BSF personnel during a September 2010 raid in Kanker. Courtesy of Tehelka.

Obstacles in Getting Fair Legal Aid and Justice

The team found that legal stipulations and principles for natural justice are being blatantly violated, not just by the police administration but by the courts as well. The salient features of cases of this nature are outlined below:

- Although the police while arresting always speaks (rather abuses) the arrestee of "aiding Naxals", the cases foisted are often of extremely serious nature - for instance under 124A (sedition), under special laws like the UAPA or the Chhattisgarh Special Public Safety Act, for possessing unlicensed weapons under the Arms Act (Sections 25, 27) and for heinous crimes like murder (Section 302) of policemen or blowing up a police station.
- Inevitably while the villagers are not directly named in the FIR, the provisions attracting vicarious liability for all acts committed by an unlawful assembly like Section 149 are also included making for possibility of grave sentences even to the other "several other unknown".
- Permanent (sthai) warrants issued in the name of unknown persons can be and are being grossly abused to arrest ordinary villagers in these areas.
- Bail applications as a practice are rarely moved and if so are routinely rejected. Usually the cases result in acquittal since there is hardly any evidence, but in the meantime the villagers are subject to long periods of incarceration.
- Repeated arrests in different cases are very common. One villager spent three months in jail on an Arms Act, then one year in a case of "beating up", and then three years as a "Naxalite sympathiser".
- Usually family members, often women or old persons, who are not even informed the details of the case, have to struggle to engage a lawyer, and don't visit the jail for fear of being arrested themselves.
- Typically in one case about Rs. 10,000 to Rs. 35,000 might be spent by these extremely poor families.
- Young people are especially vulnerable to arrest, and no proper procedure of ensuring that they are not juveniles is carried out before they are simply sent off to jail.
- Warrants are never shown for searches, seizures, or arrests.
- Post mortem reports for those who are killed in “encounters” are not handed over to the family members.

The judiciary has also failed to perform its role of protecting the adivasi undertrials.

- The Magistrates hardly ever enquire about the actual circumstances of the arrest from the accused when they are produced or order any medical examination or forensic tests of the weapons and other materials allegedly recovered from the site.
- There has been no judicial action against the police for keeping the arrested in police remand for more than 24 hours.
- Only after the accused have been sent to judicial custody which is very remote for their family members, does the court play a role in assuring legal defense usually through legal aid lawyers.
- There are often long delays in the sharing of documents related to old cases between different courts, which leads to further delays in the court proceedings.
- Even if the accused are brought to the court hearings—which they are often not, citing lack of police guard—the witnesses, who are usually policemen, do not show up during court hearings. Even after witnesses have turned hostile, and it is clear that the charges against accused are baseless, the judgment is not pronounced because of the non appearance of the Investigating Officer on successive hearings, following which no judicial action is taken against the errant officers. All this leads to prolonged incarceration of the undertrials.
OTHER LEGAL ISSUES: VIOLATION OF TRIBAL RIGHTS

In the United Nations Declaration on the Rights of Indigenous Peoples to which India is a signatory, it is explicitly stated that indigenous peoples have the right to not be exposed to violence (Article 7), and that military activities will not take place on indigenous lands without indigenous peoples’ free, prior and informed consent, unless it is necessary for the well-being of all of society and it takes place through consultations with indigenous peoples’ representatives (Article 30). SAIL and the Government of India’s proposal to deploy at least 4,000 paramilitary personnel in the largely Gondi adivasi settlements near Raoghat Hills, is a flagrant violation of the UN Declaration. Neither the state nor the central government, nor the company have engaged in dialogue on this subject with the indigenous people of North Bastar, whose livelihoods will be irreversibly impacted by the deployment of paramilitary, combat forces on their native land. The deployment of security forces will also require housing, transportation, and other facilities, which will further require the acquisition of land and resources. Certainly, free, prior, and informed consent has not been granted by the affected adivasi people for any of these projects.

Mining projects are also being taken forth without the consent and/or knowledge of the people. In Anjrel Village, a Gondi adivasi settlement, the people are completely unaware of BSP’s 2028.797 ha mining project. When asked about the public hearing for the project which, according to the Chhattisgarh Environment Protection Board, was conducted on 25th and 29th June 2007, villagers claim that nobody from Anjrel attended this meeting nor were they informed about it. This is very shocking, as BSP’s project would require the complete dislocation of this village and alienation of all of its private and community land. BSP, which is a public sector enterprise and is thus expected to follow the laws of the Government of India, is in blatant violation of the aforementioned UN Declaration, The Panchayat (Extension to Scheduled Areas) Act, 1996 and The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 which require that the gram sabha be consulted and give informed consent prior to any diversion of traditional forest community or individual forest land.

Above: A local adivasi tribute to martyrs of the Bhumkal Rebellion of 1910, one of the first adivasi freedom struggles in India.
SHRINKING OF DEMOCRATIC SPACE AND
FAILURE OF THE MEDIA

In the past, journalists who have carried versions of incidents from “Naxalite press releases” have been issued notices of sedition under Section 97 of the CrPC, and there are several instances of SPOs openly threatening journalists who have reported atrocities by the security forces. Thus, it is no surprise that there is hardly any fair media coverage in the area. When the 23rd October, 2012 incident in Edanar (mentioned above) was covered by the mainstream media it was reported categorically that “seven Maoists had been arrested”, and that moreover three of them were “hardcore”. The only source cited for this information was DSP Rahul Bhagat. This is indicative of a larger problem of mainstream news uncritically carrying police versions of events, without making any efforts for independent investigation, or to carry the version of the villagers.

It seems there is also a noticeable dearth of information in the media about what happens to these cases once they are brought before the judiciary. The “operation” of 3rd August, 2012 at Edanar village was described by one of the media houses as “A Naxalite was on Thursday killed in an exchange of fire with security personnel after a joint team of BSF destroyed a Maoist camp in Kanker district of Chhattisgarh”.

Whereas, in reality, there was no exchange of fire involved, and Vijay was killed without the slightest provocation. The report also says that “several weapons including guns, tiffin bombs, detonators and wires were recovered from the encounter site”. Very rarely are proper forensic tests done for these so-called “recovered weapons”, leaving no way to tell if they were really recovered from the site.

Further, despite the victim, in this case, having several alibis and 40 other villagers who can confirm that he had no connections with Naxalites, that he was not carrying any weapons, and that he had gone to collect daatu from the forest at the time of his death, the media and civil society at large is led to unquestioningly believe the police version of the story.

Control of thought is more important for governments that are free and popular than for despotic and military states. The logic is straightforward: a despotic state can control its domestic enemies by force, but as the state loses this weapon, other devices are required to prevent the ignorant masses from interfering with public affairs...

— Noam Chomsky


Concluding Remarks

On 12th April 2013 a peoples delegation from the Edanar Panchayat came to the NHRC hearing and the SC/ST Commission at Raipur with a mission to seek justice for their grievances. The delegation was not coordinated by any political party, nor any established civil society group, rather it was a spontaneous mobilization of a people after experiencing many years of abuse at the hands of the police. The faith that the Edanar people have displayed in the democratic process is even more significant, because of the many signals that indicate to them that speaking out will result in repression of a serious order.

The petition to the NHRC written by the Edanar villagers which is essentially a factual account of events, is a starting point to delve deeper into what seems to be a broad justification for massive paramilitary and police deployment in a small geographical space. The justification which is displayed in regular media and police reports is, overwhelmingly, the perceived threat of Naxalite violence to the functioning of democratic society. The team, inspired by this attempt by Edanar villagers, visited the area of concern and found that the main grievances with regards to human rights violations of the villagers are abuses by the state police and security forces, and there was no mention of abuses inflicted by any non-state actors. Broadly, the same democratic processes that the state purportedly wants to protect are being violated by its own means.

In Bastar, in particular, the presence and intervention of armed forces and unaccountable armed vigilantes in the form of SPOs has led to the destruction of the lives and livelihoods of a staggering number of families and an overall disintegration of the village community. The Supreme Court of India, in Nandini Sundar & Ods. Versus State of Chhattisgarh, 2011, upheld that the policy of arming tribal youth in the form of SPOs “represents the yawning gap between the promise of principled exercise of power in a constitutional democracy, and the reality of the situation in Chhattisgarh, where the Respondent, the State of Chhattisgarh, claims that it has a constitutional sanction to perpetrate, indefinitely, a regime of gross violation of human rights...”

Two years after this landmark judgment—not withstanding the police’s claims to the contrary—the state of Chhattisgarh is still actively recruiting and using SPOs, who seem to be governed by no explicit laws or policies. In all of the cases that this team investigated, arrest and/or search warrants were virtually never shown to the accused villagers. It seems the police, SPOs, and security personnel can effectively walk into any house and conduct searches, pick up anyone they chose, without having to show any reason whatsoever, and keep people in police custody for however long they chose.

Perhaps nothing better shines light on the humanitarian crisis in North Bastar than the role of the judiciary: on the one hand the victims of this climate of terror seem only to have the judiciary to turn to for the protection of their rights. On the other hand, while the judiciary is expected to be independent of the state and safeguard the citizen against abuse of law by the state, it usually ends up accepting whatever “evidence” the police places before them, without enquiring about the actual circumstances of the arrest from the accused, or ordering forensic and medical tests, etc. The so called “sentinels of the rule of law” thus are losing respect in the eyes of ordinary citizens, especially the tribals, who have no one to protect them from police abuses, and often languish in jail for months or years on end.

The direction in which the Chhattisgarh State is moving does not promise hope for a brighter future. As this team recorded in the course of its mission, the police refuse to even admit that human rights abuses are occurring. Thus, in a process of criminalizing its citizens through draconian laws like the Unlawful Activities (Prevention) of Act and Chhattisgarh Public Security Act, the long term impact on society caused by prolonged and unchecked exposure to violence hardly gets recognized. More importantly, the state has planned to deploy thousands of paramilitary personnel to promote a large scale open caste mine, without the active consultation and involvement of local governance systems and the citizens of the region. What we have presented in this report is a small cross section of the known impacts of this strategy. We call on civil society groups to thoroughly examine the longer term consequences of the escalating militarization on the common people of North Bastar and their democratic aspirations.
Recommendations to the Chhattisgarh Government

1. Carry out a review of the cases of persons from the Edanar and Khadkagaon Panchayats incarcerated in the past year. Ensure a fair and speedy trial to them.

2. Incarcerated persons who are not accused of specific overt acts or have not been shown to be part of actual violence, and have been accused in conspiracy clauses (i.e. section 120B or 148 IPC) should be released on personal bond.

3. Put an immediate halt to deployment of further paramilitary forces in Kanker and Narayanpur districts.

4. Conduct a judicial enquiry into the encounters of Vijay Dhanelia of Edanar; Phaguram, Mandar, and Baiju of Sarandih; and into the cases of the stabbing of Ankaluram of Malmeta; the loot of valuables from Edanar, the beatings of the women of Anjrel, and the attacks on Budhram Nureti and Ankalu of Anjrel.

5. Register offences against the police officials responsible for fake encounters and other atrocities in these villages.

6. Disband the SPOs who have already been declared illegal by the Supreme Court of India.

7. Compensate the families of the victims of unlawful police activity.

8. Immediately halt all mining operations in the area and suspend all mining and prospecting leases until proper processes have been followed, including proper consultation and consent of affected gram sabhas.

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निस्सा - नई निर्मित आवस्था की राहती। अगर हम से गुहों गुहों के बारे में रखना सख्त अपने दिल को आज आज वह दिल को अपने दिल को रखना।

महेंद्रजी,

विभागाधिकारी - लेख यहाँ है कि हैं।

हम अंतरराष्ट्रीय सुरक्षा जिला श्री भुवनेश्वर उम्मे 45वां अगस्त ओवर आर्मी मॅनोज अभियंतर स्कूली वारके, संगीत समारोह तक। आत्मनिर्भर की है।

उक्त कृष्णेश का निकायी है। उक्त कृष्णेश का पानी का वातावरण तक। उक्त कृष्णेश का पानी का वातावरण तक।

१२३७/२०१० के सत्ता में अपने मौसूम हैं। आज के अंतर्राष्ट्रीय सुरक्षा जिला श्री भुवनेश्वर उम्मे 45वां अगस्त ओवर आर्मी मॅनोज अभियंतर स्कूली वारके, संगीत समारोह तक। आत्मनिर्भर की है।

गृह आया जिले के देश और वह मूंग माला आया। वह भांग गया। इसी तरह कोई आया। देश और देश। भारतीय सुरक्षा आर्मी नर्मदाण्डी उन्नत अवधारणा वस्तिहर निर्माण के बाद गुरुवार कोमलधार हबली चोला गया। चोला गया। चोला गया।

दोहराए नबन्ध को नहीं हुआ है।

संकेत नी आवेदनों का बार करने वाले कहने स्कूल से राजिया दिलवाने का कहीं भारतीय
करने की फूट लिया।
विषय — पुलिस धाना ताड़की के द्वारा जवरदस्ती बिना कार्यान्वयन और लुटपाट की जाँच किये बिना उपलब्ध उपमानाएँ किये गए।

महोदय,

विष्योत्तरता सादर लेख है कि —

1) महोदय हम आवेदक की कृपा के माध्यम से केन्द्रीय पिता गंगाधर, उम 32 वर्ष एवं प्राण राम पिता सोमाल, उम 40 वर्ष, दोनों नागर उत्तर बांस बंगाल के कृषक एवं व्यापारी है।

2) महोदय जी दिनांक 23/01/2013 को गाँव की फसल की रखवाली करने अपने खेत में सारांश दे दोनों कृषक एक सा साथ बैठने के फसल के साथ एक ही स्थान (लाडी) पर पुरे परिवार रहते थे। कि सत्र 3 में लगभग 2-3 बजे धाना ताड़की के पुलिस एवं वी.वी एस.एफ के जवान धाना दोनों को लड़की से उठाकर वही पर बढ़े से मारपीट किये एवं वहां से ले गए, वहां दोनों तरह मारपीट करके जाने के अन्य भी होते है, तथा चांदी के निशान भी हो।

3) महोदय जी हम अपने खेत के फसल की नायकृती नज़र से रखवाली करने हेतु रात्रि लाडी में सौंदर्य था।

4) उपरोक्त अनुसार मैं उलझार पिता प्रथम, धाना नूरेस्ता धाना ताड़की की तहसील अट्ठान, जिला उत्तर बांस बंगाल को लिखता हूँ। दिनांक 23/01/2013 के परिवार का दोल लागत हुआ खेत के कीड़े में गुरू भिड़ने के लिए धाना दोनों ने मिलकर काम कर रहे थे। सुबह जब मे धरा गया तो धरा खुला था, एरो समायोजक वा स्थान पैदा था। चूजते हुए, नायक हुए एवं उसके खाल पर रूप के लिए धरा जाता था।

5) धाना नूरेस्ता में सूवाह चांदी में धारा नूरेस्ता में सुप्रिंधल पिता कुलदास को मारपीट किये तीन पुलिंस ने किये गए। जो आज तक जेल में है।

6) पुलिस धाना बांस बंगाल 10-11 बजे जाकर आवश्यक धाना जानकारी प्राप्त करने के लिए जाकर मारपीट की गयी। जिसने कोई नूरेस्ता मे धारा नूरेस्ता में हो बांत के बांस बंगाल में मारपीट किया।
Postscript

Below is a representation written by General Secretary of Peoples Union for Civil Liberties-Chhattisgarh, Sudha Bharadwaj, to the National Human Rights Commission, which highlights the recent killing of two Narayanpur villagers by Chote Dongar police in the Kachora Jungle of Narayanpur District. The underhanded tactics employed by Chote Dongar police which have been exposed by the local villagers in several protests and media reports are reflective of the “encounter” killings and unlawful police violence that the team observed in Edanar Panchayat and Anjrel Village. Chote Dongar is 55 km from the site of this team’s fact finding report and is also the site of a 192 ha iron ore mining operation by the company M/s Jayaswal Neco.

CHHATTISGARH LOK SWATANTRYA SANGATHAN
(PEOPLES UNION FOR CIVIL LIBERTIES, CHHATTISGARH)

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To,

The Hon’ble Chairperson,
National Human Rights Commission,
Faridkot House, Copernicus Marg, New Delhi 110001

Sir,

Kindly peruse the attached scans of newspaper clippings which report that the alleged encounter of two Naxalites – Jay Singh and Phool Singh - on 1st May in the Kachora jungle under the Police Station Chote Dongar of district Narayanpur, Chhattisgarh is being widely protested and questioned.

It is mentioned in the news report of 4th May, Nai Dunia, that the relatives of the said persons have made a complaint and recorded their statements before the police authorities in the district headquarters at Narayanpur stating that the aforesaid two brothers of Village Hodnar, who had once been Janmilitia members, had surrendered 4 years ago and were now engaged in farming. In the past 3 months they had been summoned several times by the SHO Chote Dongar Shri Vijay Chelak. They had been summoned to the police station on 29th and 30th April and were detained on the 30th night. The next morning on 1st May it was claimed that they were killed in an encounter. The relatives said that arms and ammunition were transported by the police into the Kachora jungle where the encounter is alleged to have taken place. They also alleged that the two deceased, who had gone to the PS in civilian clothes, were subsequently clothed in uniforms. The bodies were not handed over to the relatives.

Another news item reports that the local MLA Shri Kawasaki Lakma has protested the incident as a fake encounter and demanded a CBI enquiry.

A news item dated 6th May in the Hitwada reports that thousands of villagers took out a rally and protested at the Narayanpur district headquarters in this regard.

We request you to kindly direct the State of Chhattisgarh to strictly comply by the Guidelines issued by the NHRC from time to time, to register an offence of culpable homicide against the accused police personnel, carry out a thorough investigation by an independent agency, and thus bring the persons who carried out such fake encounter to book.

Thanking you, yours sincerely

Sudha Bharadwaj
General Secretary, Chhattisgarh PUCL
Mobile No. 09926603877

Postal Address:- Janhit, Near Indu Medical Chemist, Ring Road No. 2, Maharana Pratap Chowk, Bilaspur – 495001.
कचोरा के जंगल में एनकाउंटर या हत्या?

हरभजनपुर (मिज़)। अंतरराष्ट्रीय खेल के संपर्क में चुनाव की मेकअप जो सबसे बड़ा है, एनकाउंटर में पुलिस जाने। इस एनकाउंटर में पुलिस जाने।

संदेह

लालरिपु समाज गुरुपलिस
रक्षा अभियान संस्थार
सब पाए थान के सामने पोलिस
दूर करते महार

उत्तराधिकारी जवान होने
कटोरा मुख्य पुलिस के
रक्षा में दोपहर परिक्षा
संदेह

फाजी मुज़्तभेड़ में मारे जा रहे आदिवासी

कोटा विधायक ने की सीबीआई जांच की मांग, कलेवाड़ से मुनाफा मार कर की शिकायत

फाजी मुज़्तभेड़ में मारे जा रहे आदिवासी

शाम पोंच बचे तक
हुआ पोस्टमर्टम

पुलिस-सूचना मुज़्तभेड़ के कोटा आदिवासियों की मांग के जवाब की गई है।

कटोरा विधायक ने की सीबीआई जांच की मांग, कलेवाड़ से मुनाफा कर की शिकायत

कोटा विधायक ने की सीबीआई जांच की मांग, कलेवाड़ से मुनाफा कर की शिकायत
STATE Government has taken a decision to increase the honorarium of 'mid-day meal' cooks from Rs 1,000 to Rs 1,200 per month. 1,68,713 cooks working under the Mid-Day Meal Scheme in primary and secondary schools will be benefited by the decision.

School Education Department has proposed an amount of approximately Rs 20 crore in the current year’s budget for the same. According to State School Education Minister Bijoy Mohapatra, the decision of the state government will be applicable in the 37,710 primary and 16,572 secondary schools where the scheme is going on.

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HUNDREDS of villagers belonging to Madhupur area at Chete Donger Block in Nabarangpur district took out a rally to protest against police brutality and also termed the May 1 encounter that killed Naxals Jay Singh and Phool Singh, as cold and calculated murder. The villagers also demanded the bodies of the slain Naxals. The villagers later submitted a memorandum to Sub Divisional Officer of Police (SDOP) in the name of District Collector (Cont'd on page 6)

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The villagers carrying banners during the rally.

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ASP City takes up its shape at Central Composite Police Control Room at Civil Lines,” he added.

Villagers protest Naxals...

The villagers took out rally.

demanding in depth investigation of the matter and incarceration of the guilty security personnel.

According to information received from police, Jay Singh and Phool Singh were killed in a cross fire and allegedly a huge cache of ammunition was seized from them.

Contrary to this, the family members of the deceased Naxals claimed that they had escorted both Jay Singh and Phool Singh to the Police station a day before, where the duo had surrendered. Later, the family members were asked to return back with the assurance that Jay Singh and Phool Singh were safe in the hands of the personnel. Later, the families were devastated to learn about the killings of both surrendered Naxals in a shady cross firing.

The rallying villagers demanded that bodies of Jay Singh and Phool Singh should be handed over in the bereaved families immediately and also an independent probe should establish the circumstances that led to the death of both the naxals.

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TheHitavada