

Violation of Civil and Political Rights of Indigenous Peoples in India

*A submission to the UN Human Rights Committee for
India's forthcoming ICCPR review (2024)*

Submission made by:

Forum Against Militarization and Corporatization, India

Foundation The London Story, The Netherlands

*International Solidarity for Academic Freedom in India
(Worldwide)*

India Justice Project, Germany

London Mining Network, UK

TABLE OF CONTENTS

Chapter 1: Introduction	5
Chapter 2: Demographic and Geographic information of Chhattisgarh	7
Table 1: Demographic information about Bastar, Chhattisgarh (2011)	9
Chapter 3: Militarisation in context of mining and forcible land alienation in Bastar	11
Chapter 4: Potential violations of ICCPR obligations	15
4.a.: Extrajudicial Killing (see also Table 2)	15
4.b.: Arbitrary arrests (see also Table 3)	17
4.c.: Indiscriminate bombings (see also Table 4)	21
4.d.: Threatening lawyers and suppressing legal aid (see also Table 5)	22
4.e.: Intimidation and silencing of journalists (see also Table 5)	23
4.f.: Sexual violence	25
4.g.: Violation of right to remedy	27
Table 2: Incidents of extrajudicial killings in violation of the right to life	29
Table 3: Arbitrary detentions in violation of right to liberty and prohibition of torture	38
Table 4: Violent oppression and excessive use of force against civilians	44
Table 5: SLAPP litigations, undue delays, and prolongation of trials of HRDs	48
Recommendations	51
Annexures	
Annex A: Table of Paramilitary Camp locations in Bastar	A1
Annex B: Statement by Malini Subramaniam	A6
Annex C: Statement by Bela Bhatia	A8
Annex D: Statistical Overview by Jagdalpur Legal Aid Group	A9
Annex E: Press Release dated 31st May 2024 by Solidarity Forum for Adivasi Rights	A32
Annex F: Bearing Witness: Sexual Violence in South Chhattisgarh- Report by WSS	A34
Annex G: Government document about police encounter and reward from 16th April 2024	A99

THIS REPORT HAS BEEN PREPARED BY THREE INDIAN DIASPORA-LED ORGANISATIONS- INTERNATIONAL SOLIDARITY WITH ACADEMIC FREEDOM IN INDIA (INSAF INDIA), FOUNDATION THE LONDON STORY, AND INDIA JUSTICE PROJECT, IN COLLABORATION WITH LONDON MINING NETWORK, AND FACAM.

FORUM AGAINST CORPORATIZATION AND MILITARIZATION (FACAM) IS A DELHI-BASED PLATFORM OF MULTIPLE CIVIL SOCIETY ORGANISATIONS IN INDIA WITH GROUND PRESENCE IN THE REGION. FACAM GATHERED FIRSTHAND INFORMATION, CORROBORATED VIA EXPERT TESTIMONIES, ON-GROUND REPORTS AND IMAGES SHARED BY HUMAN RIGHTS DEFENDERS (HRDs).

FOUNDATION THE LONDON STORY IS AN INDIAN-DIASPORA LED NOT FOR PROFIT REGISTERED CIVIL SOCIETY ORGANISATION BASED IN THE HAGUE. FOUNDATION TLS FOCUSES ON HUMAN RIGHTS IN INDIA.

INTERNATIONAL SOLIDARITY FOR ACADEMIC FREEDOM IN INDIA (INSAF) IS AN INDIAN DIASPORA LED COLLECTIVE OF ANTI-CASTE ACADEMICS AND SCHOLARS FOCUSING ON CIVIL AND POLITICAL RIGHTS IN INDIA.

INDIA JUSTICE PROJECT IS A DIASPORA LED COLLECTIVE BASED OUT OF GERMANY. IJP FOCUSES ON CIVIL AND POLITICAL RIGHTS IN INDIA.

LONDON MINING NETWORK, UK IS AN ALLIANCE OF HUMAN RIGHTS, DEVELOPMENT, AND ENVIRONMENTAL GROUPS, FOCUSED ON RIGHTS OF THE INDIGENOUS PEOPLES AND SUSTAINABLE DEVELOPMENT.

FOR INFORMATION REGARDING THIS REPORT PLEASE CONTACT ADVOCACY@THELONDONSTORY.ORG

VIOLATION OF CIVIL AND POLITICAL RIGHTS OF INDIGENOUS PEOPLES IN INDIA

A SUBMISSION TO THE UN HUMAN RIGHTS COMMITTEE FOR INDIA'S
FORTHCOMING ICCPR REVIEW (2024)

Chapter 1: Introduction

India's Constitution recognises 705 groups as “Scheduled Tribes” (Adivasis/Indigenous Peoples). Although the list does not include all Adivasis within the country, by official estimates from the 2011 Census (the latest country-level survey available), Adivasis – at 104.3 million – make up 8.6% of India's total population. Nearly 90% reside in rural and forest areas.¹ Articles 15(4) and 46 of the Constitution provide special protections for Scheduled Tribes and India also supports Indigenous rights through legal frameworks such as the Fifth Schedule for central-eastern India and the Sixth Schedule for parts of northeast India, and through endorsement of the UN Declaration on the Rights of Indigenous Peoples. The Fifth Schedule provides for the administration and control of tribal areas in ten States including Chhattisgarh. India legally recognises the rights of customary self-governance of Adivasis over their ancestral lands and resources through traditional institutions such as the *Gram Sabhas*. Additionally, there are several legislations to aid tribal self-governance such as the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006 and Panchayat (Extension to Scheduled Areas) Act, 1996.² However, despite these legal guarantees, India continues to expand militarised mining operations in tribal regions, particularly in the Bastar Division of Chhattisgarh, which stands out as one of the most militarised regions in India.

India has ratified the ICCPR, which obliges it not only to respect civil and political rights, but also to ensure they are not violated in practice. India has not undergone an ICCPR review since 1997.³ In this submission, we provide evidence of violations of the ICCPR in Chhattisgarh state, which is rich in natural resources. This report focuses on ICCPR violations taking place in the southern region of Chhattisgarh commonly known as Bastar Division, comprising the seven districts of Bastar, Dantewada, Bijapur, Narayanpur, Sukma, Kondagaon and Kanker, between 2021 and 2024. These violations range from extrajudicial killings to torture and arbitrary arrests under sedition and anti-terrorism laws.

¹ Census India. (2011). *Provisional population totals paper 1 of 2011 India series 1*. New Delhi: Office of Registrar General and Census Commissioner.

² India Justice Project and European Center for Constitutional and Human Rights (IJP & ECCHR). (2022). *In the Name of Development: Indigenous Rights Violations and Shrinking Space In Chhattisgarh*. Berlin: ECCHR
https://www.ecchr.eu/fileadmin/user_upload/ECCHR_CHHAT_WEB_DS.pdf

³ UN Treaty Body Database.
https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=8&CountryID=79

These human rights violations have been extensively documented by national and international civil society organisations.⁴ There have been at least two previous submissions on Bastar to the United Nations by Human Rights Defenders Alert, and India Justice Project, London Mining Network and seven other organisations.⁵ Additionally, in 2016, several stakeholders submitted a communication to UN Special Rapporteurs on human rights in Bastar.⁶ Since then, violations of civil and political rights have further worsened, with five reported episodes of aerial warfare in the Bijapur and Sukma districts between 2021 and 2024. This report provides a narrative description of potential ICCPR violations and additional information of select cases in tabular format.

There is evidence that India has violated the following civil and political rights under the ICCPR:

ICCPR Article	Right	Violation
Article 2(3)	Right to remedy	Lack of legal remedies for extrajudicial killings.
Article 3	Right to equality between men and women	Sexual violence against women.
Article 4	No derogation during State Emergency against the right to life and right against torture	Extrajudicial killing of suspected Maoists. The State has tortured captured and detained persons, even for ideological involvement with Maoism.
Article 6(1)	Right to life	Extrajudicial killings and excessive use of force by aerial bombings on civilians.
Article 7	Right against Torture and Cruel, Inhuman and Degrading Treatment	Sexual violence against women and custodial torture.

⁴ See. for example, Cultural Survival, Jharkhand Indigenous and Tribal Peoples for Action, and KAT Channel (2022). Observations on the State of Indigenous Human Rights in India. Prepared for United Nations Human Rights Council: March 2022 4th Cycle of Universal Periodic Review of India 41st Session of the Human Rights Council; IJP & ECCHR, 2022.

⁵ Human Rights Defenders Alert. (2019). Gross Violations of the Right to Adequate Housing in Chhattisgarh, India. Submission to the UN Special Rapporteur on the Right to Adequate Housing. Towards Thematic Report on Right to Adequate Housing for Indigenous Peoples. https://www.ohchr.org/sites/default/files/Documents/Issues/Housing/IndigenousPeoples/CSO/HRDefendersAlert_India.pdf; India Justice Project & London Mining Network (IJP & LMN). (2022). Joint Submission Universal Public Review of the Republic of India: Civil Society Coalition for the UPR Submission on Chhattisgarh. United Nations Human Rights Council.

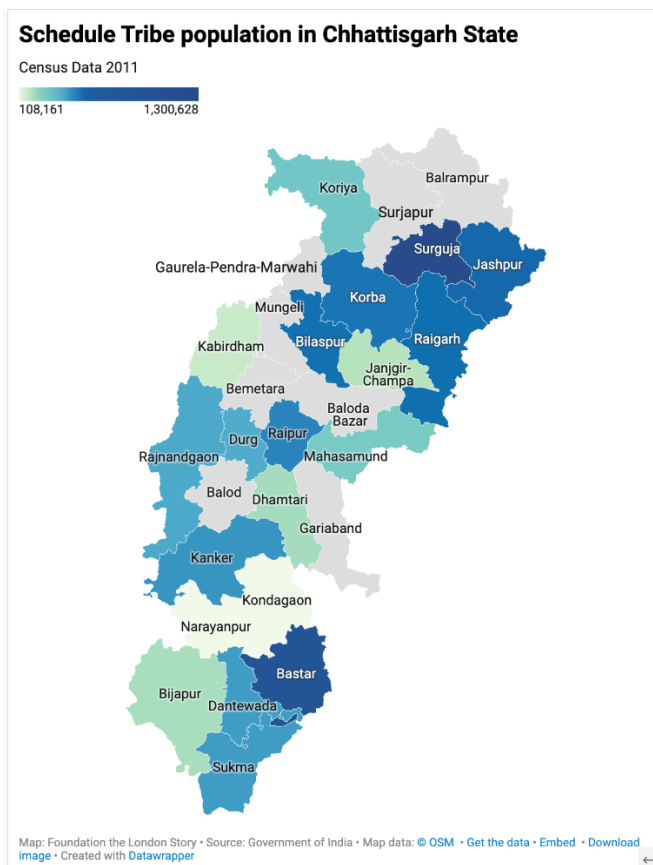
⁶Communication to the Special Rapporteur on Rights of Indigenous People regarding escalation of counter-insurgency violence on indigenous people in Bastar, Chhattisgarh, India and on human rights activists, lawyers and journalists who are working for the rights of the indigenous people in the abovementioned region. (2016). https://sanhati.com/wp-content/uploads/2016/02/ReportonescalatingviolenceonindigenouspeopleandtribalrightsactivistsinBastarDivision_Chhattisgarh_India1.docx.pdf

Article 9(1)	Right to liberty and security and against arbitrary detention	Arbitrary arrests of indigenous populations and Human Rights Defenders and indiscriminate aerial bombings on villages. Aerial bombings violate right to security.
Article 9(3)	Right to trial within a reasonable time	Undue delay in trials.
Article 10(1)	Humane and dignified treatment of persons deprived of their liberty	Torture during detention.
Article 12(1)	Right to liberty of movement and freedom	Forced displacement of Adivasis.
Article 14	Right to equality	Arbitrary use of power, denial of due process and fair trial, undue delays in trial.
Article 17(1)	Right to Respect of Privacy, Family, Home and Correspondence	Harassment of HRDs and journalists, and sexual violence against women.
Article 19	Freedom of Expression	Intimidation and harassment of journalists.
Article 21	Right to peaceful assembly	People killed, injured, and arrested while going for protests.
Article 26	Right against discrimination	State of exception in Bastar region and sexual violence against women.
Article 27	Rights of ethnic, religious and linguistic minorities to profess and practice their religion and culture	State support to a vigilante programme like “Salwa Judum” to alienate tribal identities, religion and culture.

Chapter 2: Demographic and Geographic Information of Chhattisgarh

As per the 2011 Census of India, there are 42 Scheduled Tribes in the state of Chhattisgarh comprising a population of 7.8 million and constituting 26.5% of the total state population (29.4 million) (Figure 1). This population includes various Indigenous groups such as the Gonds, Khonds, Koyas, Madias, Bhils, some of whom are categorised as “particularly vulnerable tribal groups” by the Government of India.

Fig. 1 District-wise Distribution of Scheduled Tribes in Chhattisgarh



The map shows 28 districts as per 2012 district redesignation. Kondagaon was carved out of Narayanpur, and Sukma out of Dantewada districts in 2012. See Table 1 below for the Bastar-division district-wise ST population.⁷

⁷ Census India (2011). A-11 Appendix: District wise scheduled tribe population (Appendix) Chhattisgarh. Table series number A10ST1. New Delhi: Office of Registrar General and Census Commissioner.

<https://censusindia.gov.in/census.website/data/census-tables>

Despite the presence of Indigenous populations in several districts, only seven districts in Chhattisgarh are recognised as full Fifth Schedule Area (FSA) districts, and six are partially recognised.⁸ Hence, large parts of the areas with Adivasi populations are still excluded from the special Constitutional safeguards and protections. Moreover, the literacy rate and socio-economic and human development indicators in all seven districts that comprise Bastar are among the lowest in the country (table 1)

Table 1: Demographic information about Bastar, Chhattisgarh (2011)

	Population ⁹	Percent Scheduled Tribes ¹⁰	Literacy rate ¹¹	HDIA score, national ranking ¹²
INDIA	1,210,854,977	8.6%	63.1%	
<i>Chhattisgarh</i>	<i>25,545,198</i>	<i>30.6%</i>	<i>60.2%</i>	
Kanker	139,820	55.4%	60.9%	0.699; 471/707
Kondagaon	533,638	77.0%	43.0%	0.527; 675/707
Narayanpur	139,820	77.4%	40.5%	0.540; 666/707

⁸ Ministry of Tribal Affairs. Chhattisgarh. Notified Scheduled Areas in the state. <https://tribal.cg.gov.in/scheduled-areas> (last updated 5 January 2018).

⁹ Figures obtained from Population Enumeration Data of the Census of India, 2011 available at http://www.censusindia.gov.in/2011census/population_enumeration.html The district-wise data in this table, columns 2, 3 and 4, have been recalculated from the block-level data available from the census figures.

¹⁰ Ibid.

¹¹ This figure is also sourced from the Final Population Data- Population Enumeration Data of the Census of India, 2011 and are also included in the आर्थिक सर्वेक्षण 2013-14 of the Directorate of Economics and Statistics of the Government of Chhattisgarh. This figure is simply the number of literate persons divided by the total population of the area, and is different from the Literacy Rate, in that the official Literacy Rates excludes the population below 6 years of age. District-wise Literacy Rates are not available for Census 2011 at the time of writing of this report.

¹² The lower the number the poorer the Human Development Score (HDIA) and national ranking. HDIA scores very low: <0.500; low: 0.500–0.700; medium: 0.700–0.850; high: 0.850–0.950; very high: >0.950.(Chaurasia, 2023). Chaurasia, A.R. (2023). Human Development in Districts of India, 2019-2021. Bhopal: MLC Foundation and Shyam Institute. <http://dx.doi.org/10.2139/ssrn.4361364>

Bastar	834,375	62.4%	45.1%	0.555; 654/707
Dantewada	283,479	71.1%	41.2%	0.581; 627/707
Bijapur	255,230	80.0%	34.1%	0.455; 702/707
Sukma	250,159	83.5%	29.8%	0.432; 706/707

This is despite Chhattisgarh being ranked second highest in terms of its estimated potential value for mineral production.¹³ The State contains over 28 known varieties of minerals including precious stones, iron, coal, bauxite and rare-earth minerals such as niobium, cerium, yttrium, lithium and tantalum, with wide applications in electronics, superconductors, aerospace industry and batteries.¹⁴ Chhattisgarh is therefore of interest to both public and private sector mining and industrial/production companies. India's sole tin-ore deposits and high-quality iron-ore are in the Bastar Division. The Ministry of Micro, Small and Medium Enterprises (MMSE) predicts Chhattisgarh as the future "Energy State" of India.¹⁵

The Government of India (GoI) has allowed and facilitated mining by numerous private and public sector corporations in this region, leading to forcible acquisition of Adivasi lands and proliferation of extractive industries. The Adivasis have been subjected to massive dispossession and displacement from their farms, forests and commons lands.

¹³ New Delhi: Government of India. (2022). Ministry of Mines, Annual Report 2021-2022, page 16
https://web.archive.org/web/20220625074003/https://mines.gov.in/writereaddata/UploadFile/Mines_AR_2021-22_English.pdf

¹⁴ Singh, Y., Parihar, P.S. and Maithani, P.B. (2012). Rare-Metal and Rare-Earth Mineral Resources of Chhattisgarh: A Boon for Economic Development. In Proceedings of the National Seminar on "Emerging Trends in Scientific Research". New Delhi: Excellent Publishing House, pp. 136—172, https://www.researchgate.net/publication/316715989_RARE-METAL_AND_RARE-EARTH_MINERAL_RESOURCES_OF_CHHATTISGARH_A_BOON_FOR_ECONOMIC_DEVELOPMENT

¹⁵ Government of India, Ministry of MSME. (n.d.). Chhattisgarh at a Glance. Micro, Small & Medium Enterprises Development Institute.
<https://msmediraipur.gov.in/chhattisgarh.htm#:~:text=The%20geological%20and%20tectonic%20set,tin%20ore%2C%20bauxite%20and%20coal>

Chapter 3: Militarisation in Context of Mining and Forcible Land Alienation in Bastar

Bastar has been a site of ongoing armed conflict stretching over decades, and it is well-recognised within official State documents and reports as an area with heavy militarisation.¹⁶ The below section provides a brief overview of State-facilitated and -led operations against Adivasis and their resistance against acquisition of their land and resources.

Salwa Judum (2007) to Operation Kagar (2024)

The Salwa Judum was a militia constituted of a section of the local population, mobilised and deployed by the State as to counter the growing Indigenous resistance in southern Chhattisgarh in 2007.¹⁷ The inception of Salwa Judum coincided with the signing of a Memorandum of Understanding with Indian multinational corporation Tata Steel, sanctioning large tracts of land for a steel plant and an agreement with another Indian multinational, Essar Group, for the construction of a 267-km pipeline.¹⁸ It has been reported that the villages in Dantewada district were forcibly removed by way of looting and burning, driving Adivasis occupying these villages into roadside settlements and relief camps.¹⁹ In just about two years, Salwa Judum reportedly burnt or cleared out 644 of the 1,354 villages in Dantewada district, with hundreds of disappearances, extrajudicial killings (see section 4.a) and sexual violence (see section 4.f).²⁰ Several Civil Society and Democratic Rights organisations (CSDR) have estimated the number

¹⁶Ministry of Home Affairs (2006). Status paper on the Naxal Problem.

<https://tribal.nic.in/downloads/Statistics/OtherReport/DevelopmentChallengesinExtremistAffectedAreas.pdf>

¹⁷ Sundar, N. (2016). *The Burning Forest: India's War Against the Maoists*. India: Juggernaut Books.

¹⁸ Bharadwaj, S. (2009). Gravest Displacement, Bravest Resistance: The Struggle of Adivasis of Bastar, Chhattisgarh against Imperialist Corporate Landgrab. *Sanhati* (1 June 2009) <http://sanhati.com/excerpted/1545/>; Navlakha, G. & Gupta, A. (2009). The Real Divide in Bastar. *Economic and Political Weekly*, Issue 33:20--23.

¹⁹ Sundar (2016).

²⁰ Sundar, N. (2016). Chhattisgarh Judgment Upends Justice, Fraternity and Basic Common Sense. *The Wire* (04 August 2022). <https://thewire.in/rights/chhattisgarh-judgment-upends-justice-fraternity-and-basic-common-sense>.

of displaced Adivasis to be around 350,000.²¹ The militia members were provided State support through their appointment as Special Police Officers (SPOs) under the Chhattisgarh Police Act 2007. In 2011, the Indian Supreme Court declared Salwa Judum unconstitutional.²² To circumvent this decision, the Chhattisgarh government passed the Chhattisgarh Auxiliary Armed Police Force Act, 2011, which regularised all SPOs effective from 5 July 2011. As per Section 11(1), “notwithstanding anything contained in any judgment, order or decree of any court”, every SPO shall be absorbed into the new auxiliary force for six months. Large-scale anti-insurgency operations similar to Salwa Judum continue to inflict atrocities against locals, with special recruitment drives from among the Adivasis for some regiments such as the District Reserve Guards (DRGs) and the Bastar Fighters, in which about 2,100 otherwise unemployed Adivasi youth have been recruited to work alongside the Special Task Force (STF) and the Central Armed Police Force (CAPF).²³ The continued recruitment and use of members of Adivasi communities as government auxiliary forces in attacks on the Adivasis in Bastar, has given rise to a longstanding civil war-like situation. *Operation Green Hunt* was a full-blown military operation where the Indian Army was used alongside Salwa Judum SPOs to repress Adivasis. In March 2011, SPOs and security forces burned down 300 homes in Tadmela and neighbouring villages in Sukma District.²⁴ The night of 28 June 2012 witnessed brutal attacks by security personnel on an unarmed civilian gathering in the common ground between Sarkeguda, Kottaguda and Rajpenta villages in Bijapur District to discuss the forthcoming seed festival. The security forces surrounded them and

²¹ Peoples Union for Democratic Rights. (2005). When the state makes war on its own people: Violation of peoples rights during the Salwa Judum. New Delhi: PUDR, 17 May 2005. https://cpjc.files.wordpress.com/2007/07/salwa_judum.pdf; Independent Citizens Initiative. (2006). War in the heart of India, 20 July, <https://cpjc.files.wordpress.com/2007/07/ici-warintheheartofindia.pdf>; Human Rights Forum. (2006). Death, Displacement and Deprivation; The war in Dantewada: A Report. Hyderabad. <https://cpjc.files.wordpress.com/2007/07/hrfdantewadareport.pdf>; Asian Center for Human Rights. (2006). The Adivasis of Chhattisgarh: Victims of the Naxalite Movement and Salwa Judum Campaign. New Delhi, 17 March. https://cpjc.files.wordpress.com/2007/07/achr_report.pdf; Medico Friends Circle and Jan Swasthya Abhiyan. (2007). Where There Can Go No Doctor. https://cpjc.files.wordpress.com/2007/11/mfc_report.pdf; National Commission for the Protection of Child Rights. (2008). Report of visit to Dantewada & Khammam to Investigate Status of Health and Education of Children affected by Civil Unrest. https://cpjc.files.wordpress.com/2008/04/ncpcr_final.pdf

²² *Nandini Sundar and Ors. v. State of Chhattisgarh, Supreme Court of India*, 5 July 2011, Para 75, <https://indiankanoon.org/doc/920448/>

²³ Reddy, B.S. (2022, 13 May). Chhattisgarh's 'Bastar Fighters' to boost Telangana Greyhounds' fight against Maoists. *New Indian Express*, <https://www.newindianexpress.com/states/telangana/2022/may/13/chhattisgarhsbastar-fighters-to-boost-telangana-greyhounds-fight-against-maoists-2452894.html>

²⁴ Sundar. (2016).

open fired without warning or provocation. Seventeen villagers were reportedly killed and six grievously injured. A judicial commission report was published in 2019,²⁵ but no investigation or action has been taken against the named perpetrators yet.²⁶ Similarly, in 2013, in Edesmeta in Bijapur District, security forces fired without provocation, killing eight villagers, declared insurgents' post-death by the State. Nine years later, a judicial commission found the State's accusation baseless, and the killing as extrajudicial with disproportionate use of force.²⁷ Operation Green Hunt was never openly acknowledged by the State agencies, and it continues to exist in many forms and shapes in different parts.²⁸ A fact-finding conducted in 2015 found that approximately 60,000 to 100,000 armed forces were stationed in southern Chhattisgarh.²⁹ **Operation SAMADHAN-Prahar** was presented in 2017 as a "final solution" by GoI to the "Maoist problem" in Bastar, using military technologies to counter and

²⁵ Anon. (2022). Sarkeguda 'fake' encounter: Villagers gather on 10th anniversary, demand justice *The Indian Express*, 28 June. <https://indianexpress.com/article/india/sarkeguda-fake-encounter-villagers-gather-10th-anniversary-demand-justice-7997036/#:~:text=A%20judicial%20inquiry%20report%20into%20the%20June%2028%2C%202012%20firing.in%20the%20middle%20of%20night.>

²⁶ Express News Service. (2022). Sarkeguda "fake" encounter: Villagers gather on 10th anniversary, demand justice. *Indian Express*, 28 June. <https://indianexpress.com/article/india/sarkeguda-fake-encounter-villagers-gather-10th-anniversary-demand-justice-7997036/>; Yadav, S. (2019). No proof slain villagers in Sarkeguda "encounter" were Maoists, says panel. *The Hindu*, 4 December. <https://www.thehindu.com/news/national/other-states/no-proof-slain-villagers-in-sarkeguda-encounter-were-maoists-says-panel/article30140899.ece>

²⁷ Anon. (2022). Eight Killed in Edesmetta Firing Were Neither Maoists Nor Armed: Judicial Panel Report. *The Wire*, 15 March. <https://thewire.in/rights/eight-killed-in-edesmetta-firing-were-neither-maoists-nor-armed-judicial-panel-report>; Anon. (2013). Chhattisgarh - Brief Report Of The Killing of Adivasi Civilians by CRPF at Edesmeta in Bijapur District. *Sanhati*, 28 May <http://sanhati.com/articles/7058/>

²⁸ Press Trust of India. (2014). Anti-Naxal operations: Government deploys 1,000 fresh ITBP personnel in Chhattisgarh. *Economic Times*, 21 June. http://articles.economictimes.indiatimes.com/2014-07-21/news/51831007_1_itbp-anti-maoist-operations-anti-naxal-operations; Ghose, D. (2018) Bastar CRPF tribal battalion force: Game changer or Salwa Judum by another name? *Indian Express*, 18 July. <https://indianexpress.com/article/india/india-news-india/chhattisgarh-crpf-tribal-battalion-maoists-issue-raman-singh-bastar-tribal-battalion-dandakaranya-battalion-2920280/>; Drolia, R. (2018). 'Chhattisgarh: CRPF's Bastariya Battalion ready to be commissioned with 33% women troops. *Times of India*, 18 May. <https://timesofindia.indiatimes.com/city/raipur/chhattisgarh-crpfs-bastariya-battalion-ready-to-be-commissioned-with-33-women-troops/articleshow/64222359.cms>; Press Trust of India (2018). Anti-Naxal ops: 5,000 additional ITBP troops to be deployed in Chhattisgarh. *Economic Times*, 13 July <https://economictimes.indiatimes.com/news/defence/anti-naxal-ops-5000-additional-itbp-troops-to-be-deployed-in-chhattisgarh/articleshow/48348466.cms>

²⁹ Report Of the Fact-Finding Team To South Chhattisgarh. (2016). <https://delhisolidaritygroup.files.wordpress.com/2021/03/report-of-the-fact-finding-team-to-south-chhattisgarh-1.pdf>

eliminate.³⁰ Under the operation, GoI aims to build 400 paramilitary camps.³¹ It is estimated that over 200 such camps are already in place in the Bastar division (*see Annexure A*). **Operation Kaghar** was initiated in January 2024 with a similar agenda of crushing Adivasi's movement for protection of their land and resources.³²

We now provide details of the violations to civil and political rights of Adivasis in Bastar that have happened as part of these operations.

³⁰ Ministry of Home Affairs India. (2023). Union Home Minister and Minister of Cooperation, Shri Amit Shah along with the Chief Ministers and Deputy Chief Ministers and other concerned officials of Left-Wing Extremism affected states, chairs a review meeting on Left Wing Extremism in New Delhi, today. 6 October. <https://pib.gov.in/PressReleasePage.aspx?PRID=1965050>

³¹ Forum Against Corporatization and Militarization. (2022). Siege of Silger: A Report on Bastar's Anti-Camp Movement. 15 July. <https://facam.org/wp-content/uploads/2024/05/siege-of-silger-report-facam.pdf>

³² Press Trust of India. (2023). 3,000 CAPF troops to move from Odisha to Chhattisgarh as part of plan to end Naxalism. *Deccan Herald*. 31st December. <https://www.deccanherald.com/india/3000-capf-troops-to-move-from-odisha-to-chhattisgarh-as-part-of-plan-to-end-naxalism-2830612>

Chapter 4: Potential Violations of ICCPR Obligations

4.a Extrajudicial killings (also see Table 2)

Extrajudicial killings and/or ‘encounter killings’³³ by the State forces are rampant in Bastar. Between December 2023 and May 2024 alone, Bastar experienced a spike in the incidents of extrajudicial killings of alleged Naxalites, civilians, women and children. ICCPR Article 6 states that every person has an inherent right to life, protected by the law and no one can be arbitrarily deprived of their life. ICCPR Article 4 states that this right cannot be waived even in times of public emergency threatening the life of the nation. No derogation is permitted from this right, even in situations of armed conflict. Extrajudicial killings of civilians and even alleged Naxalites by the Indian security forces in Chhattisgarh, and their excessive and disproportionate use of force, violate the right to life as outlined in Article 6.

The lack of adequate independent investigation into the role of the State in extrajudicial killings and no prosecution of the persons responsible violates the victims right to remedy under ICCPR Article 2(3). Article 2(3) mandates that every person whose rights under the ICCPR have been violated will have the right to an effective remedy, even if the violation has been committed by persons acting in an official capacity. The rights of the person must be determined by competent judicial, administrative or legislative authorities. The incidents outlined below show that the Indian State has persistently violated Article 2(3) and Article 6 of the ICCPR. India is a signatory to the ICCPR and cannot abdicate its responsibility to protect the right to life and investigate the excessive and disproportionate use of force by the Indian security forces.

Direct evidence from the ground, the testimonies of villagers and witnesses to the killings, CSDR fact-finding teams and our ground investigations, have repeatedly found patterns of killings which violate the Article 2(3) and Article 6 of the ICCPR. HRD and journalist Malini Subramaniam, former head of the Chhattisgarh chapter of the International Committee of the Red Cross, and recipient of the International Press Freedom Award (2016), told the authors of this report (*see Annexure B*):

³³ The term ‘fake encounter’ or ‘encounter killing’ describes incidents where police and security forces kill a person and later present the deceased as an insurgent and the killing as an act of self-defence.

"The fear is not so much of the persons 'rounded up' and produced as Maoists and sent to jail, but of 'being killed in staged encounter' as has been seen in the last couple of months. ... Since the 'anti-Naxal operations have been completely handed over to the special police force created called the District Reserve Guard (DRG), instances of 'staged encounters', wanton arrests, beating up of villagers, ... have gone up. "

Bela Bhatia, an HRD, researcher and academic also stated that:

"My investigations of these incidents have shown that unarmed civilians were shot at and killed on suspicion of being Maoists, other civilians were killed in alleged encounters, and there were also killings of unarmed Maoist cadre as well as ex-Maoist cadre who had returned to their villages after leaving the movement. Many of those who have lost their lives in these incidents are youth, women and even children, the youngest being only six months old." (see Annexure C)

The Indian State justifies these killings by invoking the threat of alleged "Left-Wing Extremists", to internal security and stability of the country. However, the first UN Principle on the Effective Prevention and Investigation of Extra-legal, Arbitrary, and Summary Executions specifically states that government actions to maintain internal political stability may not be invoked as a justification of extrajudicial executions.³⁴ Similarly, the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials also state that security forces must prioritise non-violent methods and only resort to force as a last resort when there is a threat to life. If force is unavoidable to address a threat to life, it must be proportionate, minimise injury, and respect human life.³⁵ Any use of lethal force by law enforcement must be thoroughly investigated, with those responsible for unlawful actions prosecuted. The UN Basic Principles seek to set and define the human rights standards enshrined in the ICCPR, which is binding on India.

³⁴ UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary, and Summary Executions. (1989). <https://www.ohchr.org/en/instruments-mechanisms/instruments/principles-effective-prevention-and-investigation-extra-legal>

³⁵ UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. (1990). <https://www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-use-force-and-firearms-law-enforcement#:~:text=Law%20enforcement%20officials%2C%20in%20carrying.of%20achieving%20the%20intended%20result.>

4.b Arbitrary arrests of villagers and human rights defenders (also see Table 3)

Article 9(1) ICCPR enshrines that every person has the right to liberty and security and against arbitrary arrest or detention. Article 9(3) states that any person deprived of their liberty is entitled to legal recourse and a trial within a reasonable time. Undue delays in trial by the Indian State for the extended incarceration of Adivasis and HRDs violate these rights. Article 10(1) states that all persons deprived of their liberty should be treated with humanity and respect for their inherent dignity and mistreatment of detainees in the duration of their arrest and detention by the State violates this right. Article 14(1) lays down the right to a fair trial which includes the right to a trial without undue delay in Article 14(3)(c) and the right to presumption of innocence in Article 14(2). The denial of care to detainees and excessive delays in trial without justification are violations of these rights.³⁶ Ordinary laws, such as Indian Penal Code sections 147, 148 and 149 (participating in “unlawful” public assemblies) and sections 302 (punishment for murder) and/or section 307 (attempt to murder); the Arms Act, 1959; and the Explosives Substances Act, 1908 are employed in an extraordinary fashion. Despite there being no provision prohibiting bail in cases brought under these ordinary laws, bail is rarely granted. Many of the accused spend several years in custody as undertrials in overcrowded prisons and are denied the benefits of bail - though eventually acquitted of alleged crimes (*see Annexure D*).

In 2013, 11 villagers were arrested and two killed by security forces in the village of Chimlipenta, Bijapur District.³⁷ The list of “deadly” weapons recovered from them were four sets of a bow with one arrow, four knives, one knife shaped like a sickle, one trowel and one large utensil. Yet, the district collector gave sanction to prosecute them under the Arms Act. After more than half a decade, all 11 were acquitted.

In April 2017, 121 villagers, mostly young men, were arrested after a violent encounter between security forces and Maoists.³⁸ The accused were tried under special terror laws despite a lack of evidence

³⁶ *Muñoz v. Spain*, CCPR/C/79/D/1006/2001, 30 October 2003 [7.1]

³⁷ India Justice Project and European Center for Constitutional and Human Rights (IJP & ECCHR). (2022) *In the Name of Development: Indigenous Rights Violations and Shrinking Space In Chhattisgarh*. Berlin: ECCHR; https://www.ecchr.eu/fileadmin/user_upload/ECCHR_CHHAT_WEB_DS.pdf

³⁸ Goyal, P. (2022). False cases: How Chhattisgarh jailed 121 Adivasis for 5 years for a crime they didn't commit. *NewsLaundry*, 21 July. <https://www.newslaundry.com/2022/07/21/false-cases-how-chhattisgarh-jailed-121-ativasis-for-five-years-for-a-crime-they-didnt-commit>

connecting those arrested to the killing. Bail was denied both at the District and High Court levels. On 15 July 2022, all accused were acquitted after wrongfully serving five years in jail. One of them had died in jail, awaiting trial.

Since 2008, the police have also invoked the Unlawful Activities (Prevention) Act, 1960 (UAPA) and the Chhattisgarh Special Public Security Act, 2005 (CSPSA). These special counter-terrorism laws have expanded the scope of executive competences, enabling the State executive body to use excessive forces, and providing such executive actions impunity from review. For instance, the CSPSA allows for detention for up to three years upon “unlawful activity” which is broadly defined as “*any activity that might have a tendency to pose an obstacle to maintenance of public order or administration of law.*” These laws have been criticised by academics, HRDs and UN Special Rapporteurs for being excessively oppressive, and removing the essential right to due process and fair trial.³⁹ Over 23,000 cases have been filed against Adivasis under India’s sedition and anti-terror laws until 2019.⁴⁰

Adivasi leaders, trade union activists, lawyers, journalists, and researchers, are continuously targeted by the State.⁴¹ In the past, HRDs like Soni Sori⁴², Lingaram Kodopi⁴³, Dr. Binayak Sen⁴⁴, and Ajay

³⁹ UN Office of the High Commissioner Human Rights. (2021). Press Release. UN experts urge Indian authorities to stop targeting Kashmiri human rights defender Khurram Parvez and release him immediately. 22 December. <https://www.ohchr.org/en/press-releases/2021/12/un-experts-urge-indian-authorities-stop-targeting-kashmiri-human-rights>; Amnesty International. India 2023. <https://www.amnesty.org/en/location/asia-and-the-pacific/south-asia/india/report-india/>

⁴⁰ Goyal, P. (2020). In Bastar, Adivasis are jailed for sharing a first name with suspected Maoists. *NewsLaundry*. <https://www.newslaundry.com/2023/01/11/2020/06/24/in-bastar-adivasis-are-jailed-for-sharing-a-first-name-with-suspected-maoists>

⁴¹ Amnesty International India. (2016). Blackout in Bastar: Human Rights Defenders Under Threat Amnesty International India. 28 September. <https://www.slideshare.net/AmnestyInternationalIndia/blackout-in-bastar-human-rights-defenders-under-threat>; Dasgupta, K. (2016). Why Chhattisgarh is India’s Hall of Shame. *Hindustan Times*, 20 April. <https://www.hindustantimes.com/analysis/chhattisgarh-is-india-s-hall-of-shame/story-w3BBezInBEoB3QeufR32JN.html>

⁴² Anon. (2022). Chhattisgarh: Rights Activist Soni Sori Acquitted in 2011 Sedition Case. *The Wire*, 16 March. <https://thewire.in/rights/chhattisgarh-rights-activist-soni-sori-acquitted-in-2011-sedition-case>

⁴³ Anon. (2011). Statements concerning the arrest of Lingaram Kodopi by the Chhattisgarh Police. *Sanhati*, 15 September. <http://sanhati.com/articles/4120/>

⁴⁴ Gopalakrishnan, R. (2011). The fate of Dr Binayak Sen will help to show the real India. Amnesty International, 8 February, <https://www.amnesty.org/en/latest/campaigns/2011/02/the-fate-of-dr-binayak-sen-will-help-to-show-the-real-india/>

TG,⁴⁵ have been arrested in terror charges for allegedly being Maoist/Maoist sympathisers. Badri Gawde was one of the leaders of a local villagers-led movement against the upcoming Rowghat Mines and Railway Lines, Rowghat Bachao Sangharsh Samiti.⁴⁶ He was arrested on 24 January 2014 for allegedly being a Maoist conduit. Similarly, Sudha Bharadwaj, a lawyer and activist in the State of Chhattisgarh, working on land and labour rights, was arrested on 28 August 2018 under UAPA.⁴⁷ Activists from Chhattisgarh working on Adivasi rights and land rights have been strategically targeted by the State through spyware like Pegasus and NetWire.⁴⁸

In the year 2021, villagers, mainly youth, came together under the banner of “Moolvasi Bachao Manch” (Save the Natives Movement; MBM) to raise voice against fake encounters, drone attacks, laying of wide roads, felling of huge quantities of trees, illegal setting up of security camps and sexual violence.⁴⁹ The police regularly accuse MBM to be a frontal organisation of Maoists and has been trying to violently suppress the protest and movement. HRD and journalist Malini Subramaniam told the authors of this report (*see Annexure B*):

“Unable to get to Maoists involved in the act, the police runs amok arresting villagers closer to the site of incident.”

⁴⁵ Anon. (2008). Who is Ajay TG? Political arrests and the tightening noose. *Sanhati*, 12 May. <http://sanhati.com/news/778/>

⁴⁶ Pandey, R. (2016). Tribal Communities Oppose Raoghat Iron Ore Mine in Chhattisgarh to Protest Forestland. *Land Conflict Watch*, 4 October. <https://www.landconflictwatch.org/conflicts/raoghat-iron-ore-mines>; Anon. (2014). Raoghat mines in Bastar: Iron in their souls. *Hindustan Times*, 30 March. <https://www.hindustantimes.com/india/raoghat-mines-in-bastar-iron-in-their-souls/story-wh0f6njppQ5tR0lsHAHfM.html>

⁴⁷ Tiwari, D. (2018). Sudha Bharadwaj: Arrested activist who led legal fight against Adani's mines. *The Week*, 7 September. <https://www.theweek.in/news/india/2018/09/07/sudha-bharadwaj-arrested-activist-legal-adani-mines.html>

⁴⁸ Anon. (2021). Pegasus Project: 174 Individuals Revealed By The Wire On Snoop List So Far. *The Wire*, 4 August. <https://thewire.in/rights/project-pegasus-list-of-names-uncovered-spyware-surveillance>; Anon. (2020). India: Human Rights Defenders Targeted by a Coordinated Spyware Operation. *Amnesty International Blog*, 15 June <<https://www.amnesty.org/en/latest/research/2020/06/india-human-rights-defenders-targeted-by-a-coordinated-spyware-operation/>

⁴⁹ Subramaniam, M. (2022). In Bastar, Bhumkal inspires young Adivasis to keep nine-month-old Silger protest alive. *Scroll.in*, 20 February. <https://scroll.in/article/1017776/in-bastar-bhumkal-inspires-young-adivasis-to-keep-nine-month-old-silger-protest-alive>; Sundar, N. (2021). In Bastar's 'Shaheen Bagh', a Youth-Led Movement Quietly Perseveres. *The Wire*, 7 July. <https://thewire.in/rights/silger-bastar-chhattisgarh-adivasi-shaheen-bagh-crpf>

In May 2021, Chhattisgarh Police fired in broad daylight at an assembly of villagers protesting the establishment of a police camp in Silger, Sukma district. Four people died due to injuries and one pregnant woman died because of ensuing chaos. A team of lawyers and journalists were later prevented from visiting the affected communities on a fact-finding mission.⁵⁰

Tribal leader **Sarju Tekam** was arrested after a raid on his house in Kalwar village, Bastar on 2 April 2024.⁵¹ Tekam is an HRD seeking accountability for extrajudicial “encounter” killings as mentor of *Bastar Jan Sangharsh Samanvay Samiti* and Vice-President of *Sarva Adivasi Samaj* (see also Table 3).⁵² Such arbitrary preventive detentions are contrary to Article 9(1) of the ICCPR, as an impermissible deprivation of personal liberty. Additionally, **Hidme Markam**, a 28-year-old Adivasi woman HRD, was dragged by police personnel from an International Women’s Day event gathering and arrested under the UAPA (see table 3).⁵³

Fake Surrenders

Since 2014, there have been an unprecedented number of ‘surrenders’⁵⁴ of alleged Maoists. According to an investigative article, from 1 June - 28 November 2014, 377 alleged Maoists ‘surrendered’ in Bastar division, 155 in November alone.⁵⁵ According to the investigation, at least 270 of the 377 are ordinary

⁵⁰ Forum Against Corporatization and Militarization. (2022). Siege of Silger: A Report on Bastar’s Anti-Camp Movement. 15 July. <https://facam.org/wp-content/uploads/2024/05/siege-of-silger-report-facam.pdf>

⁵¹ Frontline Defenders. (2024). Human Rights Defender Surju Tekam Arrested by Chhattisgarh Security Forces. 19 April. <https://www.frontlinedefenders.org/en/case/human-rights-defender-surju-tekam-arrested-chhattisgarh-security-forces>

⁵² Groundxero. (2024). CASR demands release of Chhattisgarh Adivasi leader Sarju Tekam. Groundxero, 3 April. <https://www.groundxero.in/2024/04/03/casr-demands-release-of-chhattisgarh-ativasi-leader-sarju-tekam/>

⁵³ Shanta, S. (2021). When Process Is Punishment: Hidme Markam’s Activism and the Sketchy Cases Against Her. *The Wire*, 5 April. <https://thewire.in/rights/hidme-markam-chhattisgarh-arrest-ativasi-rights>

⁵⁴ Subramaniam, M (2015). Ground report: The truth about Chhattisgarh’s recent Maoist surrenders. *Scroll.in*, 19 December <https://scroll.in/article/775849/ground-report-the-truth-about-chhattisgarhs-recent-maoist-surrenders>; Shantha, S. (2021). Illegal Detention, Forced Marriage: What Happens After Alleged Naxals ‘Surrender’ in Bastar?. *Pulitzer Center*, 8 November. <https://pulitzercenter.org/stories/illegal-detention-forced-marriage-what-happens-after-alleged-naxals-surrender-bastar>

⁵⁵ Bhardwaj, A. (2014). 70% of Naxal surrenders are neither Naxals nor surrenders. *The Indian Express*, 8 December. <https://indianexpress.com/article/india/india-others/70-chhattisgarh-naxal-surrenders-are-neither-naxal-nor-surrenders/>

villagers not eligible to be termed “surrendered Maoists”. Of the 377, none surrendered with a weapon or received post-surrender relief or rehabilitation. In contrast, in the two and a half years from January 2012 to May 2014, the seven districts of Bastar saw only 29 Maoist surrenders. This pattern of showing ordinary villagers as surrendered Naxalites has continued since then. The police and CRPF pick up men and women from villages and threaten them with arrest or extrajudicial killing if they do not agree to be presented as surrendered Naxalites.⁵⁶ Confirming the suspicion of the fake surrenders taking place in the region, a screening committee of the government suggested that 90% of the surrenders are fake and not genuine.⁵⁷ As per reports, only 3% of those presented as Naxalite surrenders in 2016 and between 2018 and 2021 (1,462) from the affected districts in the State adhered to the definition of “Naxalite cadre” and were eligible for benefits under the Centre or State government’s rehabilitation policy.⁵⁸ These incidents are telling of the complete erasure of the due process of law guaranteed under Article 9.

4.c Indiscriminate Aerial Bombings (see also Table 4)

Between April 2021 and April 2024, five drone bombing attacks have been reported in the Bijapur and Sukma districts (on 19 April 2021, 14-15 April 2022, 11 January 2023, 7 April 2023, and 7 April 2024). The aerial attacks have been documented by testimonies of the local population, fact-finding reports by CSDR organisations, and media which have been able to access the area.⁵⁹ Parts of these munitions have been recovered by the local people and recorded by fact-finding teams and media personnel,

⁵⁶ Shantha, S. (2018). Sign the Papers and Agree to Surrender or We Will Kill You in an Encounter. *The Wire*, 26 February. <https://thewire.in/government/sign-the-papers-and-agree-to-surrender-or-we-will-kill-you-in-an-encounter>; Shantha, S. (2021). Illegal Detention, Forced Marriage: What Happens After Alleged Naxals “Surrender” in Bastar?. *Pulitzer Center*, 8 November. <https://pulitzercenter.org/stories/illegal-detention-forced-marriage-what-happens-after-alleged-naxals-surrender-bastar>

⁵⁷ Singh, V. (2017). Chhattisgarh faked Maoist surrenders. *The Hindu*, 18 November. <https://www.thehindu.com/news/national/other-states/chhattisgarh-faked-maoist-surrenders/article20543086.ece>

⁵⁸ Misra, R (2021) Dichotomy between Maoist surrender and rehab numbers. *Hindustan Times*, 21 October <https://www.hindustantimes.com/india-news/dichotomy-between-maoist-surrender-and-rehab-numbers-101634754443964.html>; Ghose, D. (2017). Chhattisgarh ‘Naxal surrenders’: Screening cleared just 3 per cent in 2016. *The Indian Express*, 29 January <https://indianexpress.com/article/india/chhattisgarh-naxal-surrenders-screening-cleared-just-3-per-cent-in-2016-4496611/>

⁵⁹ Co-ordination of Democratic Rights Organizations. (2023). When Sky Spits Fire: A Report on Drone-Aerial Bombing in Bastar <https://facam.org/wp-content/uploads/2024/05/when-sky-spits-fire-cdro-report-on-aerial-bombings.pdf>

suggesting them to be “high explosive mortar bombs” which can be fitted to and launched from drones.⁶⁰ Most of the attacks have been timed around the month of April, which is the traditional month of the collection of “mahua” flowers from the forest, a minor forest product of immense economic and traditional importance to the Adivasis and have resulted in injuries to villagers. For instance, on 7 April 2023, **Kalmu**, a villager from Jabbagatta Village was collecting mahua in the field when the bombing started (see Table 4).

The indiscriminate aerial attacks violate several rights under the ICCPR, including the right to life under Article 6; right against torture, cruel and degrading treatment under Article 7; right to security of a person under Article 9. Per the general comment no. 35, the State has a responsibility to protect individuals from foreseeable threats to life or bodily integrity proceeding from any governmental or private actors.⁶¹

4.d Threatening lawyers and suppressing legal aid and research (see also Table 5)

Legal aid groups and HRDs providing legal redress have also faced threats, intimidation and harassment by the State. The Jagdalpur Legal Aid Group (JagLAG), a women-led legal and paralegal collective which worked in Bastar between 2013 and 2020, was forcibly evicted from their office in 2016 and threatened with false cases.⁶² Bela Bhatia, lawyer and HRD, who has been instrumental in advocacy with the police to register FIRs,⁶³ particularly in cases of sexual violence (see section 4.f), has faced harassment by both State and non-state actors. In 2017, Bhatia was attacked at her home by a mob, her

⁶⁰ Munitions India Limited. (nd.). Mortar Ammunition. <https://munitionsindia.in/wp-content/uploads/4-Mortar-Ammunition.pdf>

⁶¹ CCPR. (2014). General Comment No. 35: Article 9 (Liberty and security of person), paras 3 and 55. 16 December. <https://www.refworld.org/legal/general/hrc/2014/en/104763>

⁶² Ghose, D. (2016). Chhattisgarh: Police direct owners to evict Jagdalpur Legal Aid Group, journalist. *Indian Express*, 19 February. <https://indianexpress.com/article/india/india-news-india/chhattisgarh-police-direct-owners-to-evict-jagdalpur-legal-aid-group-journalist-of-accommodation/>; Frontline Defenders. (2015). Case History: Shalini Gera. 16 October. <https://www.frontlinedefenders.org/en/case/case-history-shalini-gera>; Frontline Defenders. (2015). Case History: Isha Khandelwal. 16 October. <https://www.frontlinedefenders.org/en/case/case-history-isha-khandelwal>

⁶³ *Pol Khol Bastar CG*. [Press conference with advocate Bela Bhatia and villagers] 18 May 2024. <https://www.youtube.com/watch?v=E6LhwXYpIA8>

landlord also received threats, after which she was evicted.⁶⁴ In February 2023, Bhatia was harassed and stopped from visiting villages where aerial bombing had reportedly occurred in January 2023 (see table 5).

Acts of threatening, harassment, and prosecution of HRDs and civil society activists are in violation of rights under Article 19(1) & (2), Article 22 and Article 21 as guaranteed in the ICCPR. These threats, intimidation and harassment by the State and non-State actors as reprisal for their activities to aid Adivasi communities directly violate their rights under the ICCPR, along with the right against arbitrary detention under Article 9 in cases of arbitrary arrest.

4.e Intimidation and silencing of journalists (see also Table 5)

Article 19 ICCPR requires that states guarantee the right to freedom of expression to everyone, including the freedom to seek, receive, or impart information or ideas of any kind, through any media of a person's choice, including online media. Any restriction from this right is allowed only under Article 19(3), which states that it must be provided based on a precisely drafted law, in pursuit of a legitimate aim. Other rights relevant to the safety of journalists is their right to life under Article 6 and freedom from torture under Article 7. Article 17(1) ICCPR requires States to guarantee to freedom from arbitrary interference with a person's privacy, family, home or correspondence, and to protect individuals against such attacks. The intimidation and silencing of journalists in Chhattisgarh by the State through the police violates the ICCPR.

The Human Rights Committee has also noted that attacks against individuals for their opinions are not compatible with the ICCPR. As journalists are the frequent targets of such attacks, the State is responsible for conducting investigations and prosecuting perpetrators. The misuse of excessive national security laws to prosecute journalists who share information in the public interest or critique the government, politicians and their policies also violates Article 19 ICCPR.⁶⁵ The State also has the responsibility of taking urgent and effective measures to protect the rights of persons at particular risk of threats to their lives, including journalists, due to specific threats or known patterns of violence.

⁶⁴ Kumar, K. (2017). As Bastar mob hounds researcher Bela Bhatia out of her home, little has changed for activists here. *Scroll.in*, 24 January. <https://scroll.in/article/827500/as-bastar-mob-hounds-researcher-bela-bhatia-out-of-her-home-little-has-changed-for-activists-here>

⁶⁵ UN Human Rights Committee. (2011). General Comment No. 34 on Article 19: Freedoms of Opinion and Expression (CCPR/C/ GC/34). <https://www2.ohchr.org/english/bodies/hrc/docs/GC34.Pdf>

Reporting from Bastar has been steadily declining following the increase of threats, attacks and jailing of journalists in the area. On 16 July 2015, plain clothed police arrested journalist **Somaru Nag** on the allegation of being a Maoist on the outskirts of Darbha town.⁶⁶ Nag frequently covered rural issues including development and access to water and electricity in the region (see table 3). On 29 September 2015, **Santosh Yadav**, a freelance journalist, was arrested in Darbha, Bastar District, under UAPA, when he was reporting on alleged false arrests of five Adivasi men.⁶⁷ In February 2016, **Malini Subramaniam**, former head of the Chhattisgarh chapter of the International Committee of the Red Cross and recipient of the International Press Freedom Award (2016) and Oxfam Novib/PEN International Freedom of Speech Award (2017), was attacked in her car and home and evicted after her landlord was threatened by the police.⁶⁸

Indian CSDRs have been at the forefront of maintaining the necessary vigilance to safeguard civil liberties.⁶⁹ For the past decade, their fact-finding missions have also been systematically repressed (*see e.g. Annexure E*). Entry of international humanitarian organisations in the (undeclared) war-torn areas in Chhattisgarh is restricted.⁷⁰ Local independent investigative journalists have been blatantly threatened with violence and prevented entry into the areas by the security forces.⁷¹ Seven members of a Telangana Democratic Front fact-finding team were also arrested by Telangana police on 24 December 2016, on their way to Sukma to investigate allegations of violation of the human rights of local Adivasis.

⁶⁶ Choudi, C. (2015). Arrested, tortured, jailed in South Bastar. *The Hoot*, 8 October. <http://asu.thehoot.org/free-speech/media-freedom/arrested-tortured-jailed-in-south-bastar-8956>

⁶⁷ Frontline Defenders. (2020). Santosh Yadav Acquitted of All Charges. 9 January. <https://www.frontlinedefenders.org/en/case/santosh-yadav-acquitted-all-charges>

⁶⁸ Frontline Defenders. (2016). Case history: Malini Subramaniam. 23 February. <https://www.frontlinedefenders.org/en/case/case-history-malini-subramaniam>

⁶⁹ Ray, P.S. (2021) 2020 witnessed the deliberate destruction of democratic rights organisations in India. *Countercurrents*, 2 January. <https://countercurrents.org/2021/01/2020-witnesses-the-deliberate-destruction-of-democratic-rights-organisations-in-india/>

⁷⁰ European Commission. (2023). Answer given by Mr Lenarčič on behalf of the European Commission. https://www.europarl.europa.eu/doceo/document/E-9-2023-001568-ASW_EN.html

⁷¹ See, e.g., *Bastar Talkies*. (2024). [Why are we prevented from going to the ground to know the truth about any incident?] 3 April. <https://youtu.be/0aBMua39Zw0?si=eEfH6113qzxKPjJY>; Kumar, A. (2017). Embattled lines. *The Caravan*, 1 February. <https://caravanmagazine.in/perspectives/chhattisgarh-journalists-pressure-persevere>

The activists were handed over to Bastar Police, jailed under CSPA and finally released on bail after 6 months of illegal detention.⁷²

4.f Sexual violence

Widespread sexual violence in Chhattisgarh by the security forces, in violation of Article 7 ICCPR, is well documented, with a comprehensive review published in 2022 by Survival International.⁷³ Sexual violence is a form of extreme gender-based violence that amounts to torture, cruel, inhumane and degrading treatment of women.⁷⁴ The State has a responsibility to ensure that no one is subjected to torture or ill-treatment, even in the event of a crisis, such as war and armed conflict.⁷⁵ Conflict-related sexual violence (CRSV) in the form of gang rapes and rapes in detention are recognised forms of torture and inhumane practices. CRSV committed by State agents is also an arbitrary interference with privacy and sexual autonomy and violative of the right to privacy and family life under Article 17. The State must also promptly and effectively investigate allegations of CRSV against women and prosecute those responsible. A failure to do so violates the prohibition of torture and ill-treatment under Article 7 and the right to an effective remedy under Article 2(3).

As per various reports, more than 50 women were sexually assaulted – including around 20 gang rapes in Bastar region by the security forces – between October 2015 and February 2016. All these incidents

⁷² Frontline Defenders. (2017). Arrest and judicial harassment against seven human rights defenders of the Telangana Democratic Front. 5 January. <https://www.frontlinedefenders.org/en/case/arrest-and-judicial-harassment-against-seven-human-rights-defenders-telangana-democratic-front>; Desk. (2017). HC grants bail to 7 Telangana activists. *The Hindu*, 1 July. <https://www.thehindu.com/news/states/hc-grants-bail-to-7-telangana-activists/article19189691.ece>

⁷³ Survival International. (2022). *Brutalized for resistance. The assault on Indigenous women in Modi's India*. Survival International. https://assets.survivalinternational.org/documents/2057/Brutalized_for_resistance.pdf

⁷⁴ Views Adopted by the CCPR at Its 114th Session (29 June-24 July 2015) (21 October 2015) UN Doc CCPR/C/114/D/2234/2013 para 7.4

⁷⁵ CCPR. (1992). General Comment No. 20: Article 7 (Prohibition of Torture, or Other Cruel, Inhuman or Degrading Treatment or Punishment), para 3. 19 March. <https://www.refworld.org/docid/453883fb0.html>

occurred as part of search and combing operations by the police and security forces (*see also Annexure F*).⁷⁶

Between 19 and 24 October 2015, women survivors describe that security and police forces arrived in their villages of Peddapalli, Peddagellur, Chinnagellur, Bugdicheru and Gundam, where they committed gang rape and mass physical and sexual assault of Adivasi women (*see Annexure F*). Since the incident, at least three survivors of gangrapes committed by security forces have come forward, including a 14-year-old minor who was assaulted while she had been grazing cattle. A pregnant young woman was repeatedly submerged in a river by security forces while being sexually assaulted.

Between 11 and 14 January 2016, security forces raided Nendra village and reportedly gangraped 13 women (*Annexure F*). Despite registration of an FIR by 16 villagers including eight rape survivors in Bijapur Police Station, no proper investigation or arrests have occurred. Also in January 2016, security forces entered Korcholi village and gangraped at least one young mother, and sexually and physically assaulted other women, including a minor (*Annexure F*). In May 2016, the police refused to register an FIR by the victims, and representatives of Women against Sexual Violence and State Repression (WSS), stating that they would conduct a preliminary inquiry on the allegations. This in contravention to Indian criminal procedural law that mandates the police to register FIRs first in cases of sexual violence. The lack of legal recourse for the women for sexual violence and no prosecution of the persons responsible also violates the victims right to remedy under ICCPR Article 2(3).

Representatives of the victims approached the National Commission on Scheduled Tribes (NCST) and the National Human Rights Commission (NHRC). Independent inquiries by both Commissions concluded that there is prima facie evidence of mass sexualised violence against Adivasi women.⁷⁷ On

⁷⁶ Chhattisgarh Fact Finding Report Women Against Sexual Violence and State Repression [online]. Available from: <https://wssnet.wordpress.com/2016/04/20/rampant-looting-and-sexual-violence-by-security-forces-in-villages-in-bijapur-chhattisgarh/> and <https://wssnet.wordpress.com/2016/05/26/no-strangers-to-violence-more-stories-of-rape-and-looting-in-chhattisgarhs-bijapur-district/>

⁷⁷ Choudhury. C. (2016). The NCST's Report on Gangrapes and Assaults in Bastar Says There is a Breakdown of Discipline Among Security Forces. *The Caravan*, 12 May. <https://caravanmagazine.in/vantage/bastar-ncst-report-gangrapes-assaults-result-breakdown-discipline>; NHRC indicts Chhattisgarh police for sexual violence against Adivasi women in Bastar. 7 January. <https://indianculturalforum.in/2017/01/11/nhrc-indicts-chhattisgarh-police-for-sexual-violence-against-adviasi-women-in-bastar/>; Bhattacharya, A. (2016). On people's side: Mass sexual assault present reality in Bastar, says NCST. 9 April. <https://www.thenewsminute.com/news/peoples-side-mass-sexual-assault-present-reality-bastar-says-ncst-41380>; ICF Team. (2017).

18 February 2021, Pande Kawasi, a 20-year-old Adivasi woman was picked up by DRGs, along with her friend Jogi Kawasi from Kharkapara hamlet, Katekalyan forest in Dantewada District. They were taken to a detention centre and shown as “surrendered Naxalites”. On 23 February 2021, Pande Kawasi was found hanging in a small bathroom in the detention centre. Her family and HRD Soni Sori have stated that the bruises on Pande Kawasi’s body suggest that she was sexually and physically brutalised and then killed, only to be passed off as a suicide.⁷⁸

More recently, in March 2024, in a fake encounter with Adivasi peasants, a fact-finding team led by Soni Sori alleged that the violent rape of Lakhe Mandavi, an Adivasi woman, at Gampur in District Dantewada was the work of the police. Knife wounds were found on her private parts (see table 2).⁷⁹ On 2 April 2024, a deaf Adivasi teenage girl, Kamli Kunjam, was killed. Her family reported that she had been ill and was dragged from her home, her clothes were torn, along with injury marks near her lower abdomen, suggesting rape.⁸⁰ This pervasive use of sexualised violence against women violates Articles 3 and 7 of the ICCPR.

4.g Violations of the right to remedy

In addition to failure to respect human rights under the ICCPR, India has also failed to provide the right to remedy in violation of the right to effective remedy under Article 2(3) of the ICCPR. The domestic legal framework in India claims to be formally committed to the Rule of Law and the “due process of law” under Article 21 and 22 of the Constitution of India, but these constitutional guarantees are being subverted as can be seen through evidence presented in this report.

There is a systematic, consistent and persistent violation of the ICCPR, including the subversion and denial of the right to remedy. In the last three decades of the conflict, not a single security officer or Salwa Judum member has been prosecuted for the crimes committed by them on the indigenous

⁷⁸ Shantha, S. (2021). Illegal Detention, Forced Marriage: What Happens After Alleged Naxals ‘Surrender’ in Bastar?. *Pulitzer Center*, 8 November. <https://pulitzercenter.org/stories/illegal-detention-forced-marriage-what-happens-after-alleged-naxals-surrender-bastar>

⁷⁹ Anon. (2024) "Rampant" militarisation, "fake" encounters continue in Adivasi areas, notes Delhi meet. *Counterview*, 26 March <https://www.counterview.net/2024/03/rampant-militarisation-fake-encounters.html>

⁸⁰ Raman, S. (2024). Those killed include innocents, say Adivasis of recent anti-Naxal operation In Bastar. *Behan Box*, 18 April, <https://behanbox.com/2024/04/18/those-killed-include-innocents-say-adivasis-of-recent-anti-naxal-operation-in-bastar/>


community in the region. In July 2022, the Supreme Court dismissed a plea seeking independent investigation into extrajudicial killings by security forces which were conducted in 2009.⁸¹ The Supreme Court disregarded the case and testimonies of co-petitioners, instead imposing a fine on one of the HRDs, the petitioner in the case.⁸²

⁸¹Anon. (2022). SC Fines Activist Rs 5 Lakh for “False Charges” in Chhattisgarh Tribals’ Killing Case. *The Wire*, 14 July. <https://thewire.in/law/sc-fines-activist-rs-5-lakh-for-false-charges-in-chhattisgarh-tribals-killing-case>


⁸² Sundar, N. (2022). Chhattisgarh Judgement Upends Justice, Fraternity and Basic Common Sense. *The Wire*, 4 August. <https://thewire.in/rights/chhattisgarh-judgment-upends-justice-fraternity-and-basic-common-sense>; see also: *Suneeta Pottam vs. State of Chhattisgarh (2016)*, High Court of Chhattisgarh W.P (PIL) No. 82 of 2016 <http://sanhati.com/wp-content/uploads/2016/10/Writ-on-encounters-2.pdf>


Incidents of violation of ICCPR


Table 2: Incidents of extrajudicial killings in violation of the right to life (ICCPR Article 6) (incidents from 2024 alone)


Date	No. of victims	Location	Description of violation	Evidence
1/1/2024	1	Mutvendi village, Bijapur District	<p>Security forces killed a six-month old infant, Mangli, while her mother was feeding her – the bullet pierced her hand and killed the infant. While the Bastar police chief, P. Sunderraj, claimed the death was due to crossfire between Naxalites and security forces, the infant’s parent Maase Sodi and other villagers alleged no crossfire was occurring at the time. They had been protesting government’s plan of felling trees in the forest to construct roads.</p> <p>https://facam.org/2024/01/05/condemn-the-killing-of-6-month-old-infant-in-the-name-of-anti-naxal-operations-in-bijapur/</p> <p>https://article-14.com/post/baby-2-teens-3-men-die-in-january-as-bastar-s-anti-maoist-war-intensifies-families-accuse-police-they-blame-maoists-65c05f5bd0d1c</p>	 <p>Image (a) of the dead infant. Image (b) of the ensuing protest against the death of the infant.</p>


19/01/2024	3	Nendra, Bijapur District	<p>Security forces shot and killed two Adivasi teenage girls, Nagi Punem and Soni Madkam, while they were going to a protest against Mangli's death in Gorna village. A 40-year-old man, Kosa Karam, was also killed in the same incident. The security forces attacked for about an hour, and with other witnesses being assaulted by the police. Villagers allege that the teens were taken into police custody. Two witnesses, 12-year-old Jimme Uika and 10-year-old Chottu Podiam were caught and brutally assaulted by the police with the soles of their feet being repeatedly hit by sticks. The police later stated that all three killed were Maoists.</p> <p>https://facam.org/2024/01/24/on-the-fake-encounter-of-three-villagers-in-nendra-bijapur-chhattisgarh/</p>	
27/01/2024	1	Pedka	<p>On 27 January 2024, a 40 year old farmer from village Pedka, Podiya Mandavi died in police custody, with knife marks on his body suggesting torture (see photos). He had been arrested the same day, for an investigation regarding a blast that killed 10 security personnel. The police claimed that his health deteriorated soon after the arrest and he was taken to a hospital, where he died at midnight. His family disputes this version of events, alleging that he was detained along with his friend, Ganga Mandavi, who was released by the police. They state that they went to the police station to look for him, but the police asked them to come back with his Aadhar (ID) card, and later informed</p>	

			<p>them that he had died. When his family tried to register an FIR, the police refused.</p> <p>https://article-14.com/post/baby-2-teens-3-men-die-in-january-as-bastar-s-anti-maoist-war-intensifies-families-accuse-police-they-blame-maoists-65c05f5bd0d1c</p>	Post-mortem photo.
30/1/2024	1	Bodga village beside Indravati river	<p>Ramesh Oyam was killed after being shot at by security forces while on his way to take a bath in the Indravati river along with his brother-in-law, Payko Kunjam. Police acknowledged that a civilian had been killed, but blamed the Maoists for his death, stating that they had thrown a grenade at the security forces once they had crossed the river. However, Payko stated that the men had decided to take a bath while on their way home when they ran into security forces crossing the river around noon. When they were about 400m from the brothers, they suddenly opened fire and both men started to run. Ramesh died after being shot in the ear. Payko reports there were no Maoists firing at the security forces at the time of the incident.</p>	

			<p>https://article-14.com/post/baby-2-teens-3-men-die-in-january-as-bastar-s-anti-maoist-war-intensifies-families-accuse-police-they-blame-maoists-65c05f5bd0d1c</p> <p>https://countercurrents.org/2024/05/condemn-the-deaths-of-two-children-caused-by-the-mortar-shells-fired-by-the-indian-states-paramilitary-in-bijapur/</p>	
2/2/2024	2	Gomangal, Orcha tehsil, Narayanpur district	<p>Two men, Piso and Kanharu Duru, were killed during an exchange of fire between Maoist and security forces near Gomangal village, in Orcha tehsil, Narayanpur district. Two others were injured and reported on the incident. The exchange of fire took place during an anti-Naxal operation launched after security forces received intelligence that the secretary of Nalnar area committee of Maoists, was in the area. The aunt of one of the two killed confirmed that the victims were not Maoists, and Piso, along with three others, had gone to drink Sulphi (local liquor). Then the two men were killed by security forces.</p>	No photos available.

			https://www.thecitizen.in/india/chhattisgarh-bastar-tense-as-polls-approach-people-want-lasting-peace-1016787	
27/3/2024	6	Chipurba tti and Puskaba villages	<p>Indian paramilitary forces claimed to have killed six Naxalites near the Chipurbhatti forest in Bijapur, including two women. Weapons were seized. Villagers have said that at least one of the murdered persons was a civilian. Photos have surfaced where one of the dead persons was seen alive (photo a) in the custody of paramilitary forces indicating that this an extrajudicial killing (photo b).</p> <p>https://www.hindustantimes.com/india-news/six-maoists-killed-in-bijapur-gunfight-with-security-forces-101711565140511.html</p> <p>https://www.hindustantimes.com/india-news/bijapur-encounter-faked-say-maoists-police-deny-charge-101711738533427.html</p>	 <p>Photo (a) and Photo (b)</p>

March 2024	1	Gampur, Dantewada District	<p>The body of Adivasi woman, Lakhe Mandavi, who was allegedly raped by the security forces, was found. The deceased has knife wounds on her private parts.</p> <p>https://www.counterview.net/2024/03/rampant-militarisation-fake-encounters.html</p>	 <p>Post-mortem images.</p>
2/4/2024	13	Nendra village	<p>The police claimed to have killed 13 Naxalites. However, the dead included Kamli Kunjam, a deaf Adivasi girl and at least one other villager. Her family has alleged that she was dragged out of their home and was violently beaten up by the police even as they were dragging her away. They also state that she was taken to a nearby forest, her clothes were torn and was sexually violated. They have vehemently refuted police allegations of her being a Naxalite, saying that she was deaf and almost mute and was not able to do such activities.</p>	No photos available.

			https://behanbox.com/2024/04/18/those-killed-include-innocents-say-adviasis-of-recent-anti-naxal-operation-in-bastar/	
16/4/2024	29	Kanker	<p>The police reported that 29 Naxalites had been killed by a joint team of District Reserve Guard (DRG) and Border Security Forces (BSF) in a supposed anti-Naxal operation along the Kanker-Narayanpur border in alleged combat. Out of the 29 killed, only 7 bodies were in possession of archaic offense weapons, as listed in the bounty disbursement document of the government (<i>see Annexure G</i>). According to ground reports received by FACAM, 17 of the people killed were shot dead after they had been captured by the paramilitary personnel, unarmed and injured, and tortured before they were murdered.</p> <p>There was a reported bounty on the 29 people, of over \$200,000.</p> <p>https://www.ndtv.com/india-news/several-maoists-killed-in-encounter-with-security-forces-in-chhattisgarh-5455181</p> <p>https://thewire.in/government/maoist-chhattisgarh-police-encounter</p>	

30/4/2024	10	Takmeta and Kanker border	<p>4 among the 10 killed by the security forces were civilians who had gathered for their traditional rituals</p> <p>https://economictimes.indiatimes.com/news/defence/chhattisgarh-four-naxals-killed-in-ongoing-encounter-with-forces-in-narayanpur-district/articleshow/109717121.cms?from=mdr</p>	No photos available.
11/5/2024	12	Pediya village, Bijapur district	<p>Twelve villagers were killed in an encounter in Pediya. People of Pediya have said that all 12 were civilians killed in a fake encounter. A villager said that those killed were running away from the security forces when they started to shoot. Another villager was plucking Tendu leaves when he was shot. HRD Soni Sori has stated that some of the villagers were dragged from their houses and shot at. 35 of the protesting villagers were detained and only 30 have been released so far.</p> <p>https://theprint.in/india/chhattisgarh-locals-activists-call-bijapur-encounter-fake-say-those-killed-were-not-naxalites/2081818/; https://www.hindustantimes.com/india-news/pucl-team-rebuts-police-on-bijapur-encounter-says-it-was-extra-judicial-killing-101716378531136.html</p>	No photos available.


12/5/2024	2	Bogda village	<p>On 12 May 2024, two children, Laxman and Boti Oyam, from Gurga village, Bijapur district were killed in an explosion after they unknowingly triggered an unexploded mortar shell buried in the soil. The mortar shell was left in the spot after the Indian State's paramilitary carried out heavy mortar shelling in the forests dangerously close to the villages.</p> <p>https://www.counterview.net/2024/05/bastar-becoming-warzone-death-of-2.html#:~:text=On%2012th%20May%202024%2C%20two,shell%20buried%20in%20the%20soil.</p>	 <p>Photo (a)- explosive device left behind in a combing operation</p> <p>Photo (b)- the explosive remnant</p>
-----------	---	---------------	--	---


Table 3: Arbitrary detentions in violation of right to liberty (ICCPR Article 9) and prohibition of torture (ICCPR Article 7)

Date	No. of Victims	Location	Description of violation	Evidence
03/02/2008	2	Murdunda village, Bijapur	Forty-year-old Irpa spent seven years in jail after being physically assaulted and arrested from his home under the false charge of being at a Naxalite attack site holding a bow and arrow, and 65-year-old Kawasi Rajkumar was charged under the Arms and Explosives Act also on the grounds of possessing a bow and some arrows. The trial was conducted after seven years of imprisonment; the only five witnesses were all policemen, who appeared in the court after 40 summons over seven years; they could not identify any of the accused as being at the site of Naxalite attack. The court notes after seven years that neither of the two co-accused is named in the first information sheet (FIR) or chargesheet. Their families could not afford the bail, having been displaced and dispossessed by Salwa Judum.	https://www.newslaundry.com/2023/01/11/2020/06/24/in-bastar-advivasis-are-jailed-for-sharing-a-first-name-with-suspected-maoists
Since October 2011	1	Bastar region	<p>On 4 October 2011, HRD Soni Sori was arrested with HRD Lingaram Kodopi on false charges for criticising human rights violations by security forces in Chhattisgarh. There are allegations of torture in custody. In November 2013, Soni Sori was finally granted bail.</p> <p>On 14 August 2014, Sori was the target of threats and a smear campaign after she spoke at a press conference about an extrajudicial killing by the police. The threats and slander</p>	<p>https://www.frontlinedefenders.org/en/case/case-history-soni-soni</p> <p>https://thewire.in/politics/is-the-attack-on-soni-soni-is-part-of-a-larger-plan-for-bastar</p>

			<p>campaign were led by Inspector General of Police Kalluri of Bastar region.</p> <p>On 20 February 2016, three unidentified men attacked Sori throwing a black substance onto her face, resulting in intense burns and hospitalisation.</p> <p>On 5 October 2019, Dantewada Police arrested Sori for one day for campaigning for rights of persons languishing in Chhattisgarh jails in the State.</p> <p>On 16 March 2022, Sori was acquitted of all charges.</p>	<p>https://crcc.usc.edu/in-a-maoist-impacted-region-of-india-an-indigenous-activist-continues-to-fight-in-memory-of-the-children-she-couldnt-save/</p>
19/12/2014	1	Chote Longpal, Bastar	<p>Muka Kowasi, previously head of the remote forest village Chote Longpal in Bastar, was arrested in December 2014. The arrest came after he told a major news channel about how fear was being fostered in the area because of the raft of fake and forced Naxal 'surrenders being conducted there with assent from the capital, Delhi'.</p>	<p>https://www.dailyo.in/politics/how-villagers-in-conflict-zones-are-terrorised-into-fake-surrenders-1386</p>

16/07/2015	1	Darbha town	<p>Plainclothes police arrested journalist Somaru Nag on July 16, 2015, at his family's mobile phone shop on the outskirts of Darbha town, according to his brother, Sonaru. The family was told of his arrest three days later. Police accused Nag of collaborating with a group of villagers who on June 26 allegedly set fire to equipment being used to build roads in Chote Kadma. Nag was charged under the Arms Act, according to his lawyer, Isha Khandelwal, and news reports. He was also charged with banditry under Section 395, arson under Section 435, and criminal conspiracy under Section 120B of the Indian Penal Code. Nag's brother told the media when the family Nag at Jagdalpur jail that Nag had been beaten in custody.</p>	<p>https://cpj.org/data/people/somaru-nag/</p> <p>https://scroll.in/latest/812220/court-acquits-somaru-nag-journalist-arrested-on-charges-of-aiding-maoists-in-bastar</p> <p>https://timesofindia.indiatimes.com/city/raipur/court-acquits-bastar-scribe-somaru-nag/articleshow/53342799.cms</p>
9/03/2021	1	Bastar region	<p>Police arrested Hidme Markam, an Adivasi woman HRD under the UAPA, while she was attending an International Women's Day event. Police and paramilitary forces reportedly raided the venue. She is the convenor of Jail Bandi Rihai Committee (prisoners' release committee), a platform demanding the release of thousands of Adivasis falsely implicated in cases, branded as Naxals and incarcerated as under-trial prisoners for years. Hidme has also been a part of the movement to save Nandraj Pahad, a sacred Adivasi hill under threat of destruction by corporations like Adani Pvt Ltd. She was released on bail in January 2023 following her acquittal in four cases out of five.</p>	<p>https://www.article-14.com/post/why-hidme-markam-a-voice-for-adivasis-is-in-prison</p> <p>https://thewire.in/rights/one-year-after-arrest-organisations-demand-activist-hidme-markams-release#:~:text=rights-.One%20Year%20After%20Arrest%2C%20Organisations%20Demand%20Adivasi%20Activist%20Hidme%20Markam's,of%20political%20prisoners%20in%20Chhattisgarh.</p>


17/07/2022	1	Ramgarh, Jharkhand	Rupesh Kumar Singh, who reported on social issues in neighbouring Jharkhand, has been in prison since July 2022, under the anti-terrorism law for yet to be proved links with Naxalites.	https://caravanmagazine.in/interview/rupesh-kumar-singh-isp-shatakshi-journalist-jail-uapa-pegasus
5/04/2023	2	Bechaki village, Narayanpur	Jungai Koram, woman president of Adivasi Adhikar Bachao Manch was picked up from her home in Bechaki village in Narayanpur district, at 3am in the night, by the DRG. Mahadev Salam, belonging to Adivasi Adhikar Bachao Manch was also picked up. Koram was released after one-day detention but Mahadev Salam was sent to custody in Narayanpur district jail.	No media reports are available. Pinky Bhagel, vice president of Adivasi Adhikar Bachao Manj, told FACAM that both Jugai Koram and Mahadev Salam are members of their organisation, and have been protesting to save Amdai Ghati from corporate loot. They did not have connections with Maoists and a false case had been made against them.
9/12/2023	3	In transit in Bastar	Police of Rawghat Camp arrested the President of Mad Bachao Manch, Orcha (Orcha Jan Andolan) Lakhma Koram and activist Ranu Podyam when they were travelling back to Modanaar Jan Andolan. They had gone to attend the two-year-anniversary event of the Kanker Bechaghat movement against the Kanker paramilitary camp and bridge, which had been constructed without the consent of the Gram Sabhas. Simultaneously, Narayanpur Police also arrested two other Adivasi activists, Shankar Kashyap and Samlu Koram. Police has alleged they have links with the Maoists and aiding their organisational and militant activities in the Amdai Ghati hills. However, these people are all involved in the peaceful campaigns (Morohnar Jan Andolan and Orcha Jan Andolan) against human rights violations, militarisation, and the	https://www.counterview.net/2023/12/chhattisgarh-crackdown-on-anti-mine.html https://www.frontlinedefenders.org/en/statement-report/arrest-and-crackdown-against-human-rights-defenders-bastar-district-chhattisgarh https://www.frontlinedefenders.org/en/case/arrest-and-detention-four-indigenous-human-rights-defenders-bastar-district-chhattisgarh

			<p>forcible acquisition of land for corporate interests in Bastar District.</p> <p>Pinki Baghel, Vice President of Adivasi Adhikar Bachao Manch that is leading a protest site against mining and paramilitary camps, reported on the arrests being arbitrary.</p>	
20/1/2024	8	Bellam-Nendra-korcholi village	<p>Eight Adivasi boys and girls were arrested, who had been witnesses to a fake encounter. An FIR has been registered against two people who were taken by the police. The FIR says that the two individuals had explosives and wires used to create explosives and this led to the arrest. Among those arrested were Bodi Uika, Jimmi Uika, Chotu Podiam, Hidme Ranga, Jogi Kalmu and Kamlesh Barsi. This list includes a 10-year-old boy. They were kept in custody for at least four days, with evidence of abuse (see photo).</p> <p>https://article-14.com/post/baby-2-teens-3-men-die-in-january-as-bastar-s-anti-maoist-war-intensifies-families-accuse-police-they-blame-maoists-65c05f5bd0d1c</p> <p>https://behanbox.com/2024/04/18/those-killed-include-innocents-say-adivasis-of-recent-anti-naxal-operation-in-bastar/</p>	


2/4/2024	2	Kalwar, Bastar	<p>Adivasi leader Sarju Tekam was arrested after a raid on his house in Kalwar village in Mohla-Manpur district, which neighbours Bastar. He was presented before the Bilaspur court. During this arrest, several illegal seizures were made in violation of the law. Tekam was produced before a special court of the National Investigation Agency (NIA) and falsely charged under sections of the anti-terrorist law, the Unlawful Activities Prevention Act (UAPA), and the Arms Act. The Campaign Against State Repression, an umbrella body of nearly 40 civil society and democratic rights organisations and labour and student unions, stated that the ‘Naxalite literature, banners and explosives’ found by the police had been planted illegally during the State-managed raid operation. Tekam was previously arrested on false charges in October 2023 but later released.</p>	<p>https://timesofindia.indiatimes.com/city/raipur/tribal-leader-held-for-aiding-maoists-cops/articleshow/108987089.cms</p> <p>https://www.thecitizen.in/india/chhattisgarh-bastar-tense-as-polls-approach-people-want-lasting-peace-1016787</p> <p>https://www.frontlinedefenders.org/en/case/human-rights-defender-surju-tekam-arrested-chhattisgarh-security-forces</p> <p>https://www.counterview.net/2023/11/insidious-arrest-of-sarju-tekam-for.html</p> <p>https://facam.org/2024/04/06/release-adivasi-leader-surju-tekam-end-fake-encounters-and-false-arrests/</p>

Table 4: Violent oppression and excessive use of force against civilians in violation of right to life (ICCPR Article 6)

Date	Location	Description of violation	Evidence
19/04/2021	Adivasi hamlets between Botalanka and Palagudda villages of Bijapur District	At least 12 bombs were dropped in the listed location. The Indian security forces claimed that these IEDs were deployed by ‘Maoist’ groups. This claim of Indian government is disputable given the sophisticated nature of Rocket Propelled Grenades, as have also been noted by the local activist.	https://archive.ph/xdpCG https://www.youtube.com/watch?v=zKH4_vZz9EA .
14–15/04/2022	Bottetong, Mettagudem, Duled, Sakler, and Pottemang villages in the Usoor and Konta blocks of Bijapur and Sukma districts	Air raids with bombing occurred in the night in the forests around these villages, which the police claimed as an attempt to ‘neutralise’ Maoists. Amar Kadati of Botatam village in Bijapur told <i>The Quint</i> media that they saw a bright light in the forest, followed immediately by loud sounds. There were approximately 30-35 blasts. He attributed the lack of casualties to the fact that this took place at night.	https://www.youtube.com/watch?v=l2AFc-qUJck https://www.thequint.com/news/india/chhattisgarh-tribals-claim-drone-attack-in-bastar-forces-deny#read-more#read-more https://facam.org/wp-content/uploads/2024/05/when-sky-spits-fire-cdro-report-on-aerial-bombings.pdf

<p>11/01/2023</p>	<p>Mettaguda, Bottethong, Rasapalli, Sakiler, Kannemerka, and Errapalli villages, Usoor Block, Bijapur</p>	<p>Bombing started at around 11 AM on 11 January, in a joint action undertaken by the Telangana Greyhounds, Commando Battalion for Resolute Action (CoBRA), Central Reserve Police Forces and Chhattisgarh Police confirmed multiple drones dropped nine bombs, followed by intense firing from two helicopters (at Bottethong village). The CDRO team visited a field belonging to Mooka Podium and observed nine pits in a zigzag pattern formed by the explosion caused by the bombs, few metres away from each other, and within 100m of a tree where the first bomb fell and broke a branch. The team also witnessed the remnants of bombs and small metallic balls in the pits.</p> <p>https://facam.org/wp-content/uploads/2024/05/when-sky-spits-fire-cdro-report-on-aerial-bombings.pdf</p>	
-------------------	--	--	---

<p>07/04/2023</p>	<p>Four Adivasi villages in the Morkemetta hills, Bijapur District: Jabbagatta, Meenagatta, Kavargatta, and Bhattiguda</p>	<p>This bombing took place about 50km from the area bombed on 11 January. Following the bombing, three helicopters were deployed and discharged heavy machine gun fire. While no casualties were reported, the alarmed villagers fled, and some sustained injuries. Kalmu from Jabbagatta reportedly suffered injuries on his head and ear while trying to escape the bombings. The attack reportedly continued for approximately two hours. An on-the-ground investigation found ‘there were some small craters and an object that resembled a rocket – that the villagers claimed to be an unexploded ‘bomb’ found the day after the alleged attack.’ All experts consulted in the investigation opined that the debris appeared to be of factory-manufactured ‘precision-guided projectile explosives’. Witnesses reported: “We had gone out early morning to gather mahua when suddenly from the top a drone came and showered bombs over us. We didn’t understand what was happening.” [Translation of villager’s testimony to Inside Story Bastar, 9 April 2023]</p> <p>https://scroll.in/article/1048413/bastar-villagers-allege-aerial-bombing-by-security-forces-what-is-the-truth</p> <p>https://countercurrents.org/2023/04/when-the-state-bombs-its-own-people/</p> <p>https://www.youtube.com/watch?v=Q-kMEzAbx34</p> <p>https://www.youtube.com/watch?v=l2AFc-qUJck</p>	
-------------------	--	--	---

7 April 2024	Palaguda, Ittaguda, Jilorgada, Gommaguda, and Kanchal, near the Bijapur–Sukma border	<p>More than 30 high-intensity explosives were dropped over an area of about 100–200 square metres.⁸³ It caused severe destruction with uprooting of trees and loss of property and cattle. The people in the area narrowly escaped the attacks and reported spotting drones continuously.</p> <p>Afterwards, video evidence was recorded of paramilitary personnel forcing them into police vehicles and dragging them away, threatening them with imprisonment and killing for peaceful protests.</p>	 <p>https://countercurrents.org/2024/04/condemn-recurring-aerial-bombings-and-fake-encounters-in-bastar/</p> <p>https://www.youtube.com/watch?v=Dm-cdPPTthPM</p>
--------------	--	--	---

⁸³ For more information, see also Munitions India Limited. (nd.). Mortar Ammunition. <https://munitionsindia.in/wp-content/uploads/4-Mortar-Ammunition.pdf>

Table 5: SLAPP litigations, undue delays, and prolongation of trials of HRDs

Date	Reported incident	References
2011 to present	<p>HRD Soni Sori, continues to face harassment, and litigation, including arbitrary detention for voicing against oppressive mechanisms deployed against Adivasis.</p> <p><i>See also Table 3.</i></p>	<p>https://www.frontlinedefenders.org/en/case/case-history-soni-sori</p> <p>https://www.amnesty.org/en/latest/press-release/2013/08/release-prisoners-conscience-soni-sori-and-lingaram-kodopi/</p>
Since 9/5/2014	<p>On 9 May 2014, Gokarakonda Naga Saibaba, academic and poet, was brutally abducted on his way home from Delhi University by security personnel. He was convicted in February 2017 on false charges of being a member of an unlawful organisation under the UAPA. Saibaba was a vocal critic of Operation Green Hunt and Salwa Judum and a highly respected member of civil society demanding accountability from the Indian state. Since 2017, he was kept in solitary confinement, despite being paralysed waist down, showing neglect of illness endangering his life. He was first acquitted on 14 October 2022, but the court stayed the acquittal a day later. Saibaba and his co-accused were again acquitted of all charges on 5 March 2024 and released, with the court stating the prosecution had no evidence whatsoever.</p> <p>Saibaba’s co-accused, Mahesh Tirki (agriculturalist), Pandu Narote (agriculturalist), and Vijay Tirki (villager), Hem Mishra (student), and Prashant Rahi (journalist), were also acquitted. Vijay was granted bail in 2022. However, Pandu Narote had died of swine flu in prison on 24 August 2022.</p>	<p>https://news.un.org/en/story/2023/08/1139932</p> <p>https://www.frontlinedefenders.org/en/case/human-rights-defender-gn-saibaba-acquitted-all-charges-and-released-jail</p> <p>https://article-14.com/post/acquittal-of-prof-g-n-saibaba-5-others-is-a-lesson-in-the-importance-of-criminal-procedure-in-securing-personal-liberty--65f0c5876e929</p> <p>https://www.livelaw.in/pdf_upload/gn-saibaba-judgment-526290.pdf</p>

Date	Reported incident	References
29/9/2015	HRD Santosh Yadav was arrested, held in arbitrary detention and physically abused by the police. On 3 October 2015 he was sent to judicial custody following a three-day remand detention. On 2 January 2020 in Jagdalpur, the National Investigation Agency acquitted Santosh Yadav and on 27 February 2017, he was released on bail.	https://www.frontlinedefenders.org/en/case/santosh-yadav-acquitted-all-charges
18/2/2016	HRD and journalist Malini Subramaniam and her family were forced out of their rented accommodation in Jagdalpur in Bastar after their landlord was threatened by police. Two weeks earlier, unknown assailants had attacked the house, which was preceded by months of harassment by the Chhattisgarh government and police authorities.	https://www.frontlinedefenders.org/en/case/case-history-malini-subramaniam
Since 6 June 2018	<p>Since 2018, sixteen people – known as the BK16 – have been harassed, arbitrarily detained, and faced several violations of civil and political rights, including the right to life, liberty, right to freedom from torture and inhumane treatment, for their human rights work in support of Adivasi communities’ rights. They were arrested over multiple occasions, with two waves of arrests on 6 June and 28 August 2018. They are: Sudha Bharadwaj, Arun Ferreira, Surendra Gadling, Mahesh Raut, Shoma Sen, Rona Wilson, Sudhir Dhawale, Vernon Gonsalves, Varavara Rao, Gautam Navlakha, Anand Teltumbde (surrendered in 2020), Hany Babu, Stan Swamy, Sagar Tatyrao Gorakhe, Ramesh Murlidhar Gaichor, and Jyoti Raghoba Jagtab.</p> <p>On 5 July 2021, Stan Swamy died at age 84 in pre-trial detention due to denial of timely medical treatment.</p>	<p>https://amnesty-indien.de/bhima-koregaon-16/</p> <p>https://www.frontlinedefenders.org/sites/default/files/urgent_appeal_india - five human rights defenders arrested and charged in coordinated raids across india.pdf</p> <p>https://cjp.org.in/who-are-the-acclaimed-bk-16/</p> <p>https://www.ohchr.org/en/press-releases/2021/07/india-death-custody-priest-stan-swamy-devastating-un-expert</p> <p>https://www.amnesty.eu/wp-content/uploads/2021/07/Statement-on-the-death-of-Fr.-Stan-Swamy-India_FINAL.pdf</p>

Date	Reported incident	References
	<p>The court granted bail to some of the accused after years of arbitrary detention: Varavara Rao (22 February 2021); Sudha Bhardwaj (9 December 2021); Vernon Gonsalves and Arun Ferriera (28 July 2023); Gautam Navlakha (14 May 2024).</p> <p>Mahesh Raut, an Adivasi-rights scholar-activist, was given bail on 21 September 2023 by Bombay High Court, but the High Court stayed the order a week later. The Supreme Court extended the stay on it on 27 September, 2023.</p>	<p>https://www.uscirf.gov/religious-prisoners-conscience/forb-victims-database/mahesh-raut</p>
16/9/2019	<p>HRD Bela Bhatia has faced threats and intimidation with a false FIR for protesting the killings in Dantewada of Adivasi community leaders Podiya Sori and Lacchu Mandavi. She has faced judicial harassment and interrogations since.</p>	<p>https://www.frontlinedefenders.org/en/profile/bela-bhatia</p>
9/12/2023	<p>Adivasi activists Lakhma Koram and Ranu Podyam were arrested by the police from Rawghat Camp while travelling back to Modanaar Jan Andolan office after attending Bechaghat movement anniversary event. Afterwards, two Adivasi activists Shankar Kashyap and Samlu Koram, were also arrested. All are involved in the peaceful campaigns (Morohnar Jan Andolan and Orcha Jan Andolan) against human rights violations, militarisation, and the forcible acquisition of land for corporate interests in Bastar District. Prior to this, on 24 November 2023 one protest site was destroyed by the District Reserve Guard with brutal assaults on the protestors.</p>	<p>https://www.counterview.net/2023/12/chhattisgarh-crackdown-on-anti-mine.html</p> <p>https://www.frontlinedefenders.org/en/statement-report/arrest-and-crackdown-against-human-rights-defenders-bastar-district-chhattisgarh</p>

Recommendations

To the United Nations:

1. Commission an independent investigation into allegations of violations of the right to life, right to liberty, and prohibition of torture and cruel, inhuman and degrading treatment, in Chhattisgarh.
2. Appoint a UN Special Rapporteur to monitor human rights, civil and political rights violations committed during the course of the armed conflict between Communist Party of India (Maoist) and the Government of India.

To the Indian Government:

1. Allow UN officials and observers to engage in systematic inquiry regarding respect for civil and political rights in India, including allowing UN Special Rapporteurs to visit obstructed areas for the purpose of monitoring.
2. Allow democratic rights organisations and journalists to visit the conflict zones to investigate the allegations of human rights violations.
3. Uphold the rule of law by means of registration, investigation and prosecution of all alleged human rights violations committed against indigenous communities by the security forces. Ensure that perpetrators found guilty of conducting, enabling, condoning, or ordering violent acts are not only removed from active service but are appropriately prosecuted.
4. Repeal draconian laws, including UAPA and CSPA, and ensure that fundamental human rights to due process of law and fair trial is respected.
5. Respect right to self-determination including Adivasi right to manage their own forests and resources, with all due consideration to global warming and the role Adivasis and forest lands play in preserving biodiversity.
6. Disband outfits like District Reserve Guards and similar militia groups in accordance with the Supreme Court order on the disbandment of Salwa Judum and take appropriate action against perpetrators involved in committing atrocities during the Salwa Judum period as directed by the Supreme Court.
7. Ensure the termination of arbitrary and false arrests of Adivasis as insurgents, and ensure that due process of law and principles of justice, fairness, and accountability is met by expediently disposing pending cases of under-trials, including granting bail during the pendency of trials.

Annexures

Annexure A

A1

	Paramilitary Camp Locations	District/Block
CAMPS IN BASTAR DIVISION		
1.	Dubbametta	Sukma
2.	Misma	Sukma
3.	Kerlapal	Sukma
4.	Pulvagde	Sukma
5.	Gadheras	Sukma
6.	Badesatti	Sukma
7.	Kummal Post	Sukma
8.	Jodu	Sukma
9.	Padaigudem	Sukma
10.	Jagurgonda	Sukma
11.	Chintalnar	Sukma
12.	Temelvada	Sukma
13.	Kankerlanka	Sukma
14.	Dharmapenta	Sukma
15.	Injaram-1	Sukma
16.	Injaram-2	Sukma
17.	Gorkha	Sukma
18.	Kutacheru	Sukma
19.	Kolaiguda	Sukma
20.	Pidmil	Sukma
21.	Velkanguda	Sukma
22.	Kistaram	Sukma
23.	Tondamarka	Sukma
24.	Dharmaram	Sukma
25.	Korsaguda	Bijapur
26.	Palodi	Sukma
27.	Gorgonda	Sukma
28.	Dornapal	Sukma
29.	Pusvada	Sukma
30.	Chintaguffa	Sukma
31.	Polampally	Sukma
32.	Ingeram	Sukma
33.	Errabore	Sukma
34.	Darbhaguda	Sukma
35.	Etegatta	Sukma
36.	Kotham	Sukma
37.	Burkapal	Sukma
38.	Pottong	
39.	Elad	Sukma
40.	Bhejji	Sukma
41.	Gorkha	Sukma
42.	Banda	Sukma
43.	Konta	Sukma
44.	Tadmetla	Sukma
45.	Maraiguda	Sukma

46.	Pantha Bazar	
47.	Elmagunda	Sukma
48.	Narsapur	Bijapur
49.	Dondar	
50.	Tongguda	Bijapur
51.	Velcome	
52.	Ethal	
53.	Kondasavali	Sukma
54.	Kamarguda	Sukma
55.	Bottem	Dantewada
56.	Murtonda	Sukma
57.	Awapalli	Bijapur
58.	Timmapuram	Sukma
59.	Silpuram	
60.	Puvarthi	Sukma
61.	Galgam	Bijapur
62.	Sarkeguda	Bijapur
63.	Silger-1	Sukma
64.	Silger-2	Sukma
65.	Kollai	
66.	Kadiyum	
67.	Vimpa-1	Sukma
68.	Vimpa-2	Sukma
69.	Kirandul	Dantewada
70.	Salnar	Dantewada
71.	Mosatonta	Bastar
72.	Palnar	Dantewada
73.	Nerli	Dantewada
74.	Sameli	Dantewada
75.	Mardapoti	Kanker
76.	Kondagudem	
77.	Aranpur	Dantewada
78.	Potal	
79.	Barregudem	Dantewada
80.	Nakurnar-1	Dantewada
81.	Nakurnar-2	Dantewada
82.	Keriargati	
83.	Chintaguffa	Sukma
84.	Gudra	Bijapur
85.	Singan	
86.	Dodum Korra	
87.	Pakela	Dantewada
88.	Chindagarh	Dantewada
89.	Keratong	Dantewada
90.	Michwar	Dantewada
91.	Patvara	
92.	Kuknar	Bastar
93.	Palem	Dantewada

94.	Favadam	
95.	Leddha	Dantewada
96.	Tongpal	Dantewada
97.	Kummakoleng	Dantewada
98.	Mupadar	
99.	Temrapal	Bastar
100	Keyang	Kondagaon
101	Guma	Raipur
102	Koleng	Bastar
103	Kutru	Bijapur
104	Jhiram Ghati	Sukma
105	Chikpal	Sukma
106	Pakhnar	Bastar
107	Darbha	Bastar
108	Kamanar	Bastar
109	Nethanar	Bastar
110	Bovgur	Rajnandgaon
111	Tiriya	Bastar
112	Geedam	Dantewada
113	Bijapur District HQ (9 camps)	Bijapur
114	Sukma	Sukma
115	Karli Police Lines	Dantewada
116	Satdhada	Dantewada
117	Jarem	Dantewada
118	Mettapal	Bijapur
119	Tumakpal	Dantewada
120	Tetam	Dantewada
121	Gangaloor	Bijapur
122	Gangaloor Peddapara	Bijapur
123	Cherpal	Dantewada
124	Pamulavaya	
125	Ponjer	Bijapur
126	Vitpal	
127	Gongla	Sukma
128	Gati-1	Bijapur
129	Gati-2	Bijapur
130	Gudma	Bijapur
131	Mingachal	Bijapur
132	Gadamali	Bijapur
133	Jaivaram	Bijapur
134	Jangla	Bijapur
135	Jegur	
136	Matvada-1	Bijapur
137	Matvada-2	Bijapur
138	Keshkutul	Bijapur
139	Karremarka	Bijapur
140	Bhairamgarh	Bijapur
141	Pathorpara	

142	Bodli	Bastar
143	Mirtur	Bijapur
144	Fulgatta	Bijapur
145	Kodoli	Bastar
146	Bangapal	Bastar
147	Darbha	Bastar
148	Bedre	Bijapur
149	Karkeli	Bijapur
150	Ranibodli	Bijapur
151	Farsegarh	Bijapur
152	Mandem	Bijapur
153	Hariyali	
154	Nelasnar	Bijapur
155	Fundari	Dantewada
156	Kokudi	
157	Naimed	Bijapur
158	Muchler	Bijapur
159	Murikinar	Bijapur
160	Chinna Kodepal	Bijapur
161	Cheramangi	Bijapur
162	Murdonda	Kanker
163	Murdanda	Bijapur
164	Basaguda	Bijapur
165	Timmapur	Bijapur
166	Nukanpal	Bijapur
167	Motakpalli	Bijapur
168	Lengpalli	
169	Tummirigubbal	
170	Madded	Bijapur
171	Patnam-1	Bijapur
172	Patnam-2	Bijapur
173	Timdi	Bastar
174	Dhepla	
175	Badrakali	Bijapur
176	Chandur	Bijapur
177	Mettalocheru	Bijapur
178	Parsum	
179	Pandevara	Dantewada
180	Kammad	
181	Jirka	
182	Kodem	
183	Kanchala	Bijapur
184	Tekalgudem	Sukma-Bijapur Border
185	Paralnar	Bijapur
186	Dumri Paralnar	Bijapur
187	Kavadgaon	Bijapur
188	Chotte Dongar	Narayanpur
189	Amdai Mine Site-1	Narayanpur

190	Amdai Mine Site 2	Narayanpur
191	Amdai	Narayanpur
192	Dhanaura	Narayanpur
193	Orcha	Narayanpur
194	Kadiametta	Narayanpur
195	Kadenar	Narayanpur
196	Kanargaon	Narayanpur
197	Dhaudai	Narayanpur
198	Bhansi	Dantewada
199	Durli	Dantewada
200	Dantewada HQ	Dantewada
SOME OF THE CAMPS IN THE REGIONS ADJACENT TO BASTAR DIVISION		
201	Bodhgudem	West Godavari District, AP
202	Murliguda	Raipur, Chhattisgarh
203	Banda	Durg, Chhattisgarh
204	Gajulgatta	Warangal, Telangana
205	Dammameta	Khammam, AP
206	Rengam	Rayagada, Odisha
207	Redd	Bilaspur, Chhattisgarh
208	Dhanora	Durg, Chhattisgarh
209	Pydikonda	East Godavari, AP
210	Sitapur	Surguja, Chhattisgarh
211	Kundpan	Surguja, Chhattisgarh
212	Dugga	Surguja, Chhattisgarh
213	Turkapali	Janjgir-Champa, Chhattisgarh
214	Mandi	Kabeerdham

Total: 222 Camps*

*Note: This is NOT an exhaustive list. This data has been collected with the help of activists of Moolwasi Bachao Manch and various other HRDs working in the region. Additionally, media reports, civil and democratic rights organization's reports have been utilized in compiling this information. FACAM has also utilized the data it has gathered from its ground visits in the 2022-2024 period.

**This list DOES NOT include the various fortified police stations that have been built in the region. Along with the recent developments, this list also includes the various paramilitary camps built prior to the initiation of Operation SAMADHAN-Prahar in 2017.

Whenever somebody is picked up we usually get a call from the villagers, especially when they are not released until late evening. As a journalist I then reach out to concerned thana in-charge or the sub divisional police officers to confirm that the persons (of given names) have been detained by the police.

The fear is not so much of the persons 'rounded up' and produced as Maoists and sent to jail, but of 'being killed in staged encounter' as has been seen in the last couple of months. The situation becomes worrisome, when the concerned police station declares no such person has been brought in their respective police station. Since the 'anti-Naxal operations have been completely handed over to the special police force created called the District Reserve Guard (DRG), instances of 'staged encounters', wanton arrests, beating up of villagers, including women, by entering their homes, stealing their hens, brewed liquor, cash etc have gone up. Thus, frantic phone calls to make sure the 'rounded up' villagers are shown as arrested becomes of prime importance.

Often minor boys and girls are also picked up by the police. When villagers fearfully call up, we ask for any identity proof to be shared over WhatsApp to confirm the age and the police is accordingly informed.

It is difficult to document cases of illegal detention and arrests as information is not made available even when it is officially sought. Moreover, arrests and detention follow a certain pattern. Often arrests follow after being illegally detained for a couple of days. When villagers seek information on release of their detained relatives, they are often sent back at least for a couple of days promising release after 'some puchh-tachh' (enquiry). For relatives to either stay back in town where their family member is detained or returning to their village is difficult as the villages are deep inside the forest, and they would have to travel by foot halting a night or two. Hopeful of their release, villagers wait for their release until after a few days of wait, before they begin to panic when their kin are not released even after 48 hours. Finally, after several phone calls and family members almost camping outside the police station, two-three of them are released and a few others are shown arrested.

Activists and villagers who gather to protest such arrests or staged encounters that results in the death of innocent villagers are declared to be 'Maoist supporters'. Access to villages, to the site of so called 'encounter' is denied to activists and journalists. Check posts are propped up to hinder entry under the pretext of 'ongoing search operations'.

Reports that challenge the police version of 'encounter killings' are dismissed as supportive of Maoist propaganda thus making real facts and truth appear to be anti-government.

This is not to deny there is no violence perpetrated by Maoists. There have been several ambushes laid by the Maoists that has taken the lives of several security personnel and state police personnel. But what is equally shocking is the state response to such incidents. Unable to get to Maoists involved in the act, the police runs amok arresting villagers closer to the site of incident.

A stark example of such state response is that of Burkapal. In [REDACTED] the Maoists had laid an ambush near Burkapal village of Sukma district of Bastar region. This led to the death of [REDACTED] personnel [REDACTED]. Soon after the ambush, a case was filed and 126 people were arrested, about [REDACTED] men from Burkapal village were arrested as being involved

in the Maoist ambush. . Three years later , all the 126 were acquitted by the special NIA court. . This has been the the modus operandi adopted for almost most of the incidents, big or small, young boys, including school boys, women and young girls and men are rounded up with a few showing involved in the incident and sent to jail. Most come out acquitted after couple of years primarily because the state witnesses turn hostile, thus exposing shoddy investigation and randomly arresting people on trumped up charges. here, that after any incident, because you can't easily catch hold of maoists who are underground and move about in the forests, you catch people from villages and show them as arrested maoists.



Annexure C

Statement by Bela Bhatia

Since 1 January 2024 human rights violations during anti-Maoist operations in Bastar have sharply increased in frequency and intensity. My investigations of these incidents have shown that unarmed civilians were shot at and killed on suspicion of being Maoists, other civilians were killed in alleged encounters, and there were also killings of unarmed Maoist cadre as well as ex-Maoist cadre who had returned to their villages after leaving the movement. Many of those who have lost their lives in these incidents are youth, women and even children, the youngest being only six months old. At least two women were raped before being killed. One other woman was stripped.

The latest incident of this kind occurred in the morning of 10 May 2024 in Itavar and Pidiya villages of Gangalur thana in Bijapur district, when twelve adivasis who were collecting tendu leaves were shot at and killed, and six others sustained bullet injuries.

After the incident, family members reported that 86 persons were missing from these two villages. Over 300 of them from the two villages went to Bijapur police headquarters to look for those who had gone missing. Over the next two days, we could slowly figure out who had been killed, injured, detained and arrested. All of them, they asserted, were ordinary villagers except two visiting relatives who used to be part of the Maoist organisation but left it later on.

During these two days, the administration did not make any systematic efforts to keep the relatives informed. Instead, continued to build undue pressure that they should identify the dead bodies and take them to their villages for cremation. The police had issued a list of the twelve alleged Maoists killed in the "encounter". However, there were several errors. For instance, two of them were not deceased but alive. One of them was later arrested and one was still in the village. Instead, two others had been killed. Amongst the injured too, in Pidiya I found a 15 or 16-year old who had sustained three bullet injuries and was in the village when I visited the village with others. Until then, his family members were too scared to take him to the doctor, fearing that like others he would also be arrested.

For several of the incidents that occurred since 1 January, I was able to help the family members to register complaints in the police stations. We were given receipts for our complaints in four police stations, but in the Itavar-Pidiya case, the same police station (Gangalur) that had taken the families' complaint in January and given a receipt now refused to do so. The Superintendent of Police of Bijapur district also refused to take the complaint. These are gross violations of the Code of Criminal Procedure. The police and security forces in Bastar have always enjoyed impunity, but their attitude since January has become more unaccountable than before. What is occurring is clearly a matter of policy.

OVERCROWDED JAILS, UNENDING TRIALS

A STATISTICAL OVERVIEW

By Jagdalpur Legal Aid Group

(This draft report was last edited in 2015¹)

Every conflict has its own signature, a unique pattern of disruption of lives. In Bastar, the distinctive imprint of this conflict is visible in its overcrowded jails, spilling over with restive, young, adivasi men.

Routine “area domination exercises”, frequent search operations in the weekly village markets, numerous forest patrols by different security forces result in the capture of large numbers of men on the flimsiest of evidences. These men are herded together and driven like cattle into filthy, overfilled pens of the state prisons, and left to languish there for years to come. They are finally acquitted at the end of a “fair” trial.

In this chapter, a macroscopic view of the criminal justice system is presented from data obtained through RTIs.

Chhattisgarh has the distinction of being the only state in the nation which has consistently exceeded 200% occupancy rate in its jails i.e. its jails have been housing more than twice the number of inmates than their sanctioned capacity.

Table 1: Occupancy Rate of Jails in India and in Chhattisgarh for the years 2008-2022²

	2008	2009	2010	2011	2012	2013
India	129.2%	122.8%	115.1%	112.1%	112.2%	118.4%
Chhattisgarh	215.2%	232.6%	237.0%	256.3%	252.6%	260.4%

	2014	2015	2016	2017	2018	2019
India	117.4%	114.4%	113.7%	115.1%	117.6%	118.5%
Chhattisgarh	258.9%	233.9%	189.9%	157.2%	153.3%	150.1%

	2020	2021	2022
India	118 %	130.2%	131.4%
Chhattisgarh	131.8%	140.1%	144.6%

In the conflict-torn Bastar Division, the overcrowding is far worse than the state wide averages represent, and the teeming district jails of Dantewada and Kanker have been housing prisoners at four to five times their capacity as discussed in detail later.

¹ Except the occupancy data for Chhattisgarh prisons

² Data taken from NCRB annual reports on Prison Statistics in India and corresponds to the occupancy of jails on December 31st of the relevant year.

The Overcrowded Jails in Bastar Division

Currently, there are three functional jails in the Bastar Division – the two District Jails of Dantewada and Kanker, and the Central Jail in Jagdalpur, with a combined capacity for 844 inmates. There is an unused capacity for 100 additional inmates in the sub-jails of Sukma and Narayanpur, both of which are currently being used to house security forces instead of prisoners.

Dantewada District Jail: Nestled among lush green hills of Dantewada, the Dantewada District Jail only houses male inmates from the districts of Southern Bastar – i.e. Dantewada, Sukma and Bijapur. Being a District Jail, it is only allowed to house convicts who have been sentenced to less than 3 years of imprisonment, who are clearly few in number. In recent years, it has been experiencing increasingly severe problems of overcrowding, as shown in the table below:

Table 2: Overcrowding in Dantewada District Jail 2010-2013³

	Capacity	Acutal number of inmates			Occupancy Rate (%)
		Convicts	Undertrials	Total	
2010	150	4	577	581	387%
2011	150	6	574	580	387%
2012	150	4	609	613	409%
2013	150	11	546	557	371%

Kanker District Jail: This is a small unassuming jail which opens right onto the main highway that runs through the town of Kanker. Its inmates are largely male prisoners from the district of Kanker, but as of 2012, it has started housing a few women prisoners also. Being a district jail, it has few convicts, but the number of undertrials within its premises has shot up alarmingly over the past few months, as evident in the table below.

Table 3: Overcrowding in Kanker District Jail 2010-2013⁴

Date	Capacity	Acutal number of inmates			Occupancy Rate (%)
		Convicts	Undertrials	Total	
31.12.2010	65	8	217	225	346%
31.12.2011	65	4	281	285	438%
31.12.2012	65	7	292	299	460%
31.12.2013	65	12	336	348	535%
19.6.2014	65	3	402	405	623%

³ Data taken from the NCRB report of the Dantewada District Jail for 2010, 2011, 2012 and 2013 obtained through RTIs

⁴ Data taken from the NCRB report of the Kanker District Jail for 2010, 2011, 2012 and 2013 obtained through RTIs and from a personal visit to the jail on 19.6.2014

As the conflict in Kanker has intensified over the past few months, the number of inmates in the Kanker Jail has mushroomed to over six times its capacity. A large number of the new undertrials being brought in are charged in Naxalite offences, and categorized as “High Security Prisoners.” In May 2014, local newspapers reported that the Kanker Jail staff refused to accept new prisoners, as the number of inmates it housed swelled to 430 (662% of its capacity).⁵

Prisoners here complain of the filthy bathrooms and toilets, and the frequent quarrels that break out amongst desperate inmates queuing up in long lines for their morning ablutions. The severe space crunch also makes sleeping at night a luxury, since there is not enough space in the barracks for all inmates to lie down at the same time. Prisoners here sleep in shifts – one batch lies down for a few hours, while the other sits and waits its turn.

The occupancy records for a recent date are shown below:

Table 4: Occupancy of Kanker District Jail on 19.6.2014⁶

	Male	Female	Total
Convicts (Rigorous Imprisonment)	2	-	2
Convicts (Simple Imprisonment)	1	-	3
Undertrials (Ordinary)	215	8	221
Undertrials (High Security) ⁷	173	6	181
Total	391	14	405
Capacity	60	5	65
Overcrowding	652%	280%	623%

Jagdalpur Central Jail

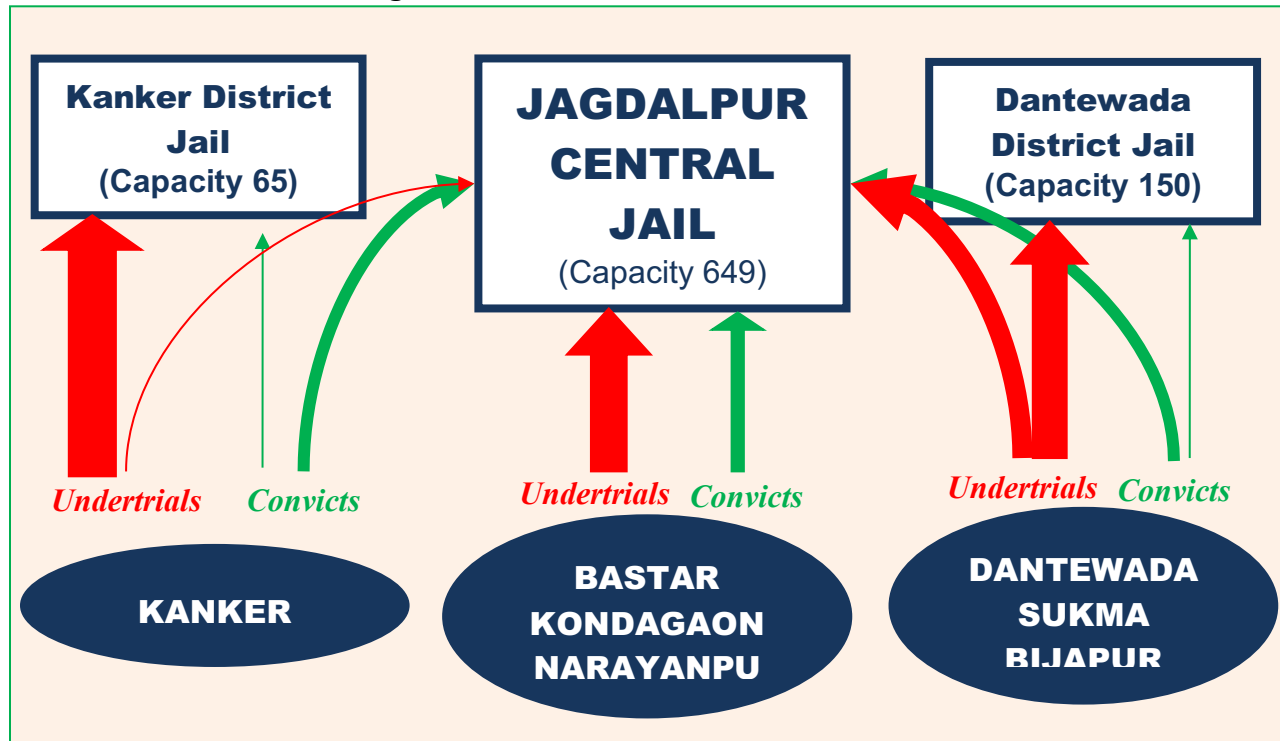
Jagdalpur Central Jail, being the largest jail in the area, houses the majority of convicts from all districts in the Bastar division, and almost all its women prisoners (undertrials and convicts). All undertrials from Bastar, Kondagaon and Narayanpur districts necessarily go to the Jagdalpur Central Jail. In addition, it also has a large number of spillover undertrials from South Bastar who cannot be housed in the Dantewada District Jail due to overcrowding or other issues. Of late, Kanker has also been transferring some of its undertrials to Jagdalpur due to the intense space crunch.

⁵ जेल में नए बंदियों को नो एंट्री, Patrika, May 31 2014, Bastar edition, available at <http://epaper.patrika.com/c/2973989>

⁶ Data from Kanker District Jail, personal visit

⁷ “High Security Prisoners” are mainly those who have been charged in Naxalite crimes

Figure 1: Prisoner Flow in Bastar Division



The Jagdalpur Central Jail also has issues of overcrowding, but these appear to be modest in comparison with those faced by the district jails. The occupancy rate hovers around 250%, which is close to the overall state average. The number of prisoners in Jagdalpur Central Jail as on 15.5.2014 are given in the table below:

Table 5: Types of Prisoners in Jagdalpur Central Jail as on 15.5.2014⁸

	Male	Female	Total	Children ⁹
Convicts (Rigorous Imprisonment)	630	20	650	2
Convicts (Simple Imprisonment)	3	-	3	-
Convicts (High Security) ¹⁰	26	-	26	-
Undertrials (Ordinary)	404	40	444	3
Undertrials (High Security) ¹¹	315	41	356	5
Civil Prisoners	1	-	1	-
Total	1379	101	1480	10
Capacity	569	60	629	-
Overcrowding	242%	168%	235%	-

The above figure also shows that although almost half the undertrials are *high security* prisoners (i.e. accused of involvement in a Naxalite crime), only 4% of the convicts are *high security* convicts. This implies an abysmally low rate of conviction in Naxalite crimes.

⁸ Data obtained from Jagdalpur Central Jail

⁹ Women with children under the age of 6 are allowed to keep those children in jail till they reach 6 years of age

¹⁰ "High Security" convicts and undertrials are those relating to cases of Naxalite incidents

¹¹ *ibid*

It is notable that the vast majority of prisoners in Bastar division are undertrials (71% of total prison inmates). The Kanker and Dantewada district jails, which are witnessing critical levels of overcrowding at 4 to 5 times their capacity, have 97% and 98% undertrials respectively.

Table 6: Ratio of Undertrials to Total Inmate Population (2013)¹²

	Population		Percent of Inmates	
	Convicts	Undertrials	Convicts	Undertrials
INDIA	278,503	411,992	31%	68%
CHHATTISGARH	8,725	9,241	42%	58%
BASTAR DIVISION	696	1,717	29%	71%
<i>Jagdalpur Central Jail</i>	673	835	45%	55%
<i>Dantewada District Jail</i>	11	546	2%	98%
<i>Kanker District Jail</i>	12	336	3%	97%

Hence, in Bastar, it is these undertrials in the District Jails – those awaiting trial and who should be considered innocent till proven guilty – who bear the brunt of these inhumane levels of overcrowding. Ironically, if they get convicted, they are moved to the Jagdalpur Central Jail, where overcrowding is far less and conditions much more bearable.

High Incarceration Rate in Bastar

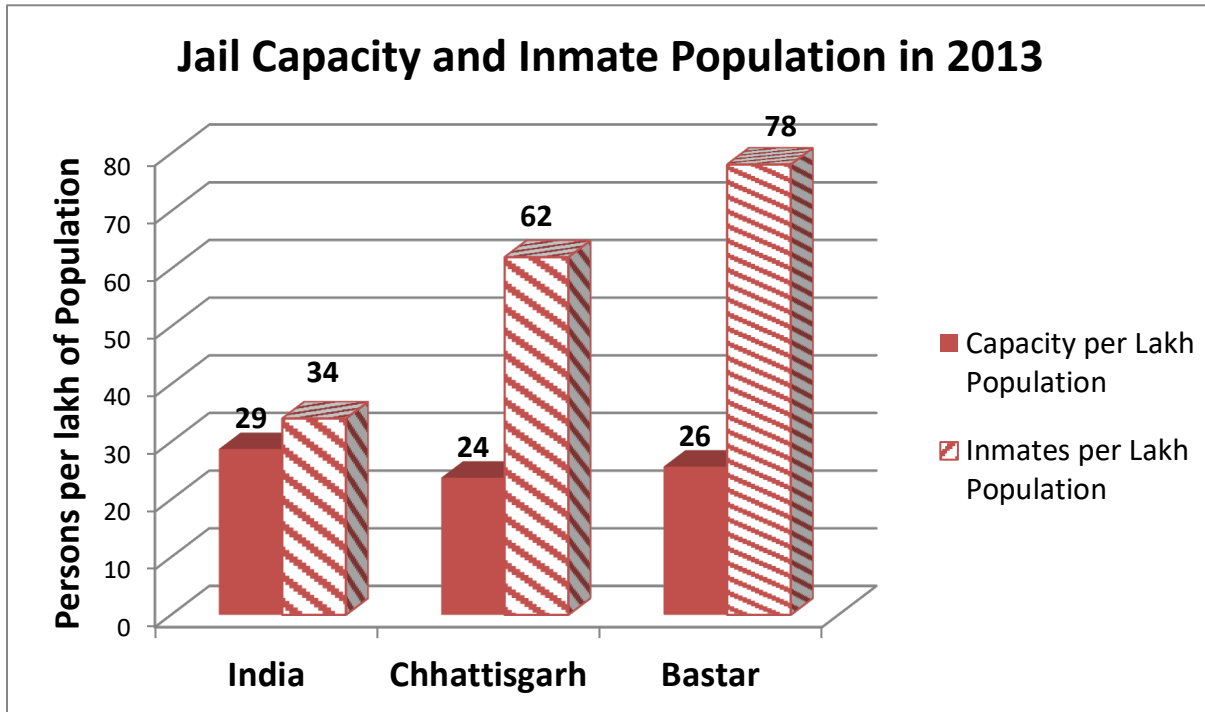
Overcrowding in jails depends on two factors – the capacity of the jails to house prisoners, and the total number of prisoners which need to be housed. Is it possible that the high levels of overcrowding in Bastar jails exist because there are fewer jails in Bastar compared to rest of India, or do the high levels of overcrowding in Bastar reflect the significantly larger populations of people that are being imprisoned in Bastar?

To tease apart these factors, the total prisoner population in Bastar, as well as the sanctioned capacity of prisons in Bastar, was recalculated per lakh (100,000) of the population in Bastar and compared with similar figures for the entire nation and the state of Chhattisgarh. Figure 2 below shows outcome of this calculation – the sanctioned jail capacity in India stands at 29 persons per lakh of population, which is not significantly different from the sanctioned jail capacity in Bastar division of 26 persons per lakh residents.

However, the actual rate of incarceration in Bastar is a shocking 78 persons in jail for every lakh of residents in this Division – more than twice the national incarceration rate of 34 prisoners per lakh people. ***Clearly, the high occupancy rates of Chhattisgarh and Bastar Division jails are related to the large number of prisoners and not to a paucity of jail space.***

¹² Data obtained from Prison Statistics in India, 2013 and NCRB data of individual jails obtained through RTIs

Figure 2: Jail Capacity and Jail Inmates per 100,000 population¹³

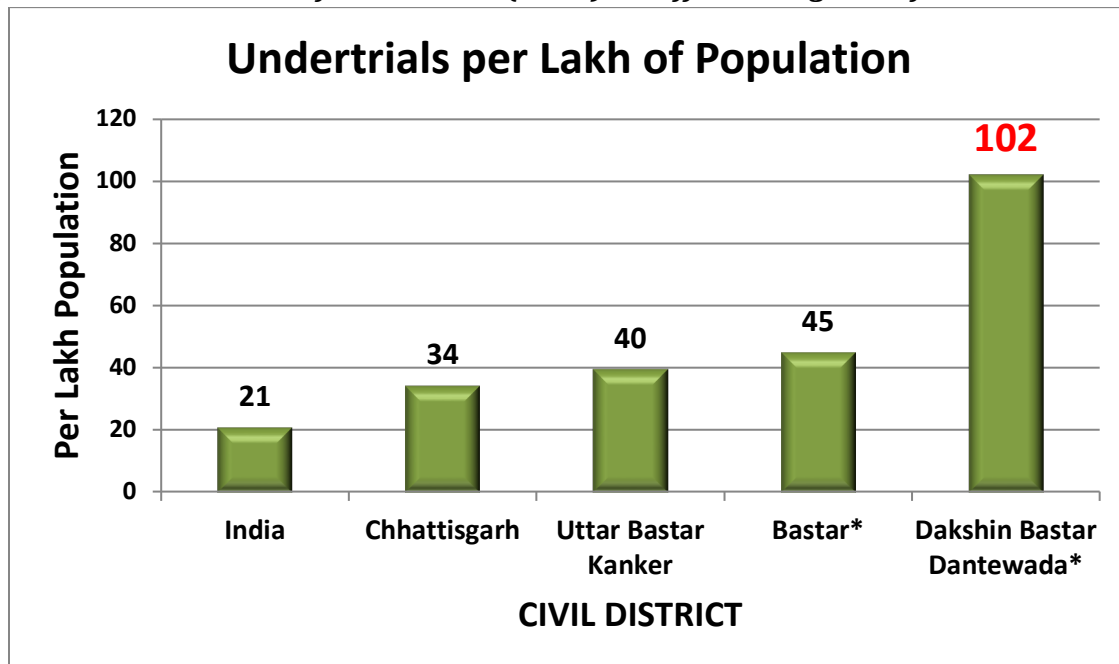


Within Bastar Division also, there appear to be inter-district variations. The districts of South Bastar (comprising of Dantewada, Sukma and Bijapur) have a higher incarceration rate compared to the others. Figure 3 below captures the variations in the number of undertrial prisoners per lakh of the resident population in different areas of the Bastar division. As this figure shows, the civil district of Daskhin Bastar Dantewada (which encompasses the administrative districts of Dantewada, Sukma and Bijapur), clearly stands out with incarceration rates for undertrials which are 5 times the national average.¹⁴

¹³ Prisoner numbers and jail capacities are for 31 December 2013, based on the NCRB data in Prison Statistics India – 2013, and from the NCRB reports of Dantewada, Kanker and Jagdalpur jails obtained through RTIs. Population data is taken from the Final Population totals of Census 2011.

¹⁴ It should be noted that this is, at best, an underestimate of the incarceration rates of undertrials in Dantewada. Undertrials from the civil district of Dantewada (including Bijapur and Sukma) are housed at both the Dantewada District Jail and the Jagdalpur Central jail. While total number of undertrials in Dantewada District Jail is available from the NCRB data, the number of those in the judicial custody of the Dantewada District Court but housed in Jagdalpur Central Jail is calculated based on the monthly reports filed by the Jagdalpur Central Jail before the district court. However, this data is available only for those undertrials who have been in prison for upwards of 6 months. For the purposes of this figure, it is assumed that all undertrials in Jagdalpur jail, who have been incarcerated for less than 6 months are in the judicial custody of the Bastar District Court. This assumption will provide the maximum incarceration rate for Bastar and the minimum rate for Dantewada.

Figure 3: Incarceration of undertrials (2012) in different regions of Bastar Division¹⁵



**These figures are based on the assumption that all undertrials who have been incarcerated for less than six months in the Jagdalpur Jail are in the judicial custody of the Bastar Court and not the Dakshin Bastar Dantewada Court. This assumption provides the maximum incarceration rate for Bastar and the minimum for Dakshin Bastar Dantewada.*

Clearly, there is something special about Daskhin Bastar Danewada, and in the rest of the chapter, we focus mainly on trends in the civil district of South Bastar Dantewada, which sends its undertrial prisoners to Dantewada District Jail and Jagdalpur Central Jail.

Increasing Duration of Undertrial Detention Leads to Overcrowding in Jails

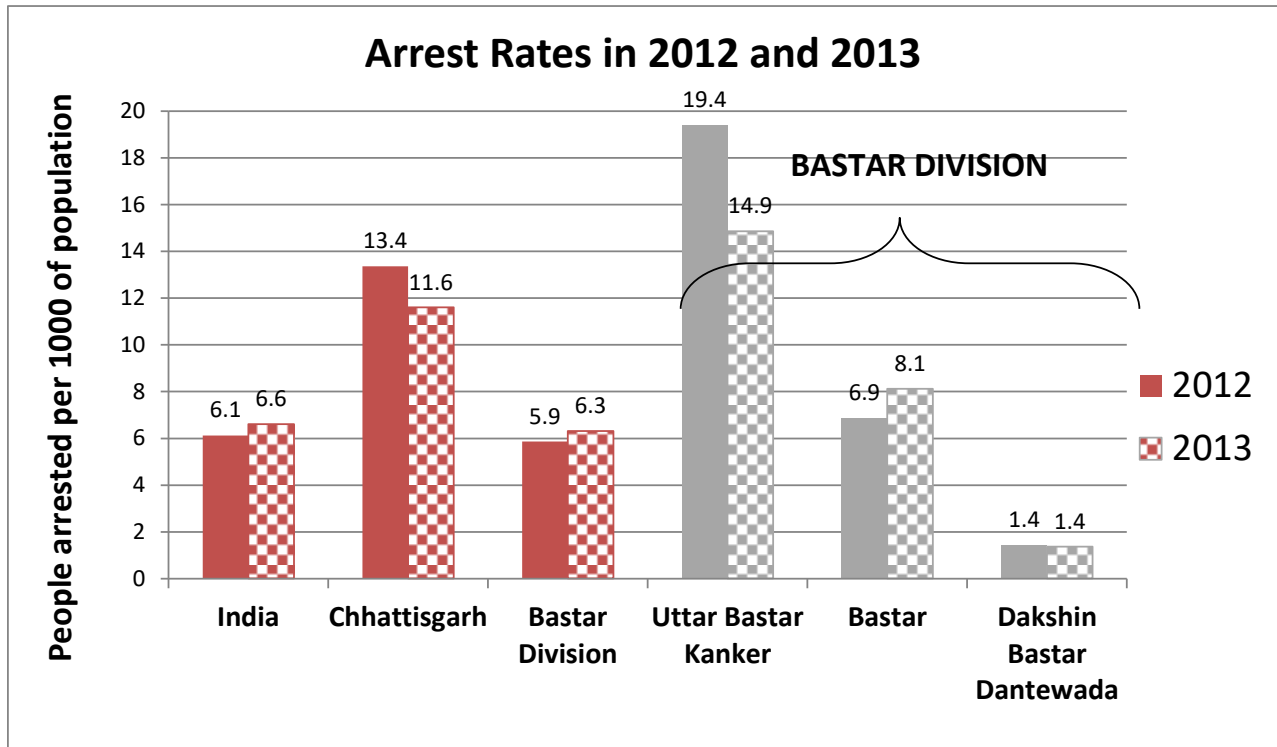
The number of undertrials in jails is a direct consequence of the rate at which the undertrials are added to the system, and the rate at which they are bailed out, acquitted or convicted. If there is a significant mismatch between the rate of influx of new undertrials, and the efflux of existing ones, then their numbers within the jail can swell significantly.

Rate of arrests

The number of arrests in a judicial district is usually a good indicator of the influx of undertrials in the system. The figure below (Figure 4) compares the arrests per 1000 people in different regions of Bastar division with the national and state average for the two years of 2012 and 2013. As is evident, the rate of arrests in Dakshin Bastar are substantially lower than the national and state average – coming in at one-quarter of the arrests nationwide.

¹⁵ As explained later, the civil district of Bastar includes the administrative districts of Kondagaon, Narayanpur and Bastar, and the civil district of Dantewada Dakshin Bastar includes the Dantewada, Bjaipur and Sukma. The population figures are taken from provision totals put out by Census 2011 of Government of India. Undertrial figures are taken from the NCRB reports obtained for 2012 from Kanker and Dantewada District Jails, and the annual 2012-2013 report of the Jagdalpur Central Jail. .

Figure 4: Rate of Arrests in India, Chhattisgarh and Bastar (2012 and 2013)¹⁶

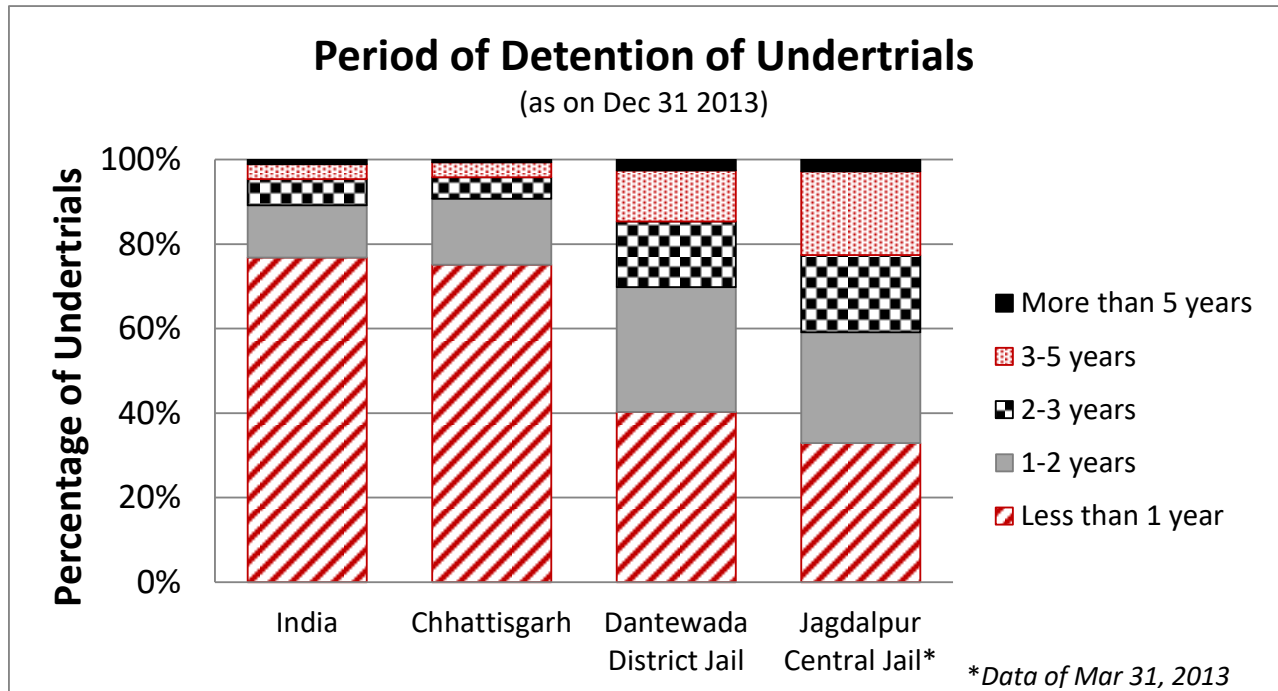


Length of Undertrial Detention

The seeming contradiction – that the rate of arrests in South Bastar is one-fourth the national average, yet the number of undertrials from the same area are five times the national average – is resolved if one looks at the duration for which undertrials remain in South Bastar prisons. As the figure below shows, the length of imprisonment in Jagdalpur Central Jail and Dantewada District Jail is significantly longer compared to national and state figures.

¹⁶ The total number of arrests in India and Chhattisgarh is taken from the NCRB report Crime in India, for years 2012 and 2013, and the corresponding data for the districts is taken from RTIs done with the SCRB in Raipur, Chhattisgarh. The population figures are from Census 2011.

Figure 5: Duration of Undertrial Detention (2013)



The above figure shows the distribution of the lengths for which undertrials have been in jail, for data taken on the 31st Decemer of 2013 (except for Jagdalpur Central Jail, when the data is taken for March 31, 2013). A clear trend is visible in the data -

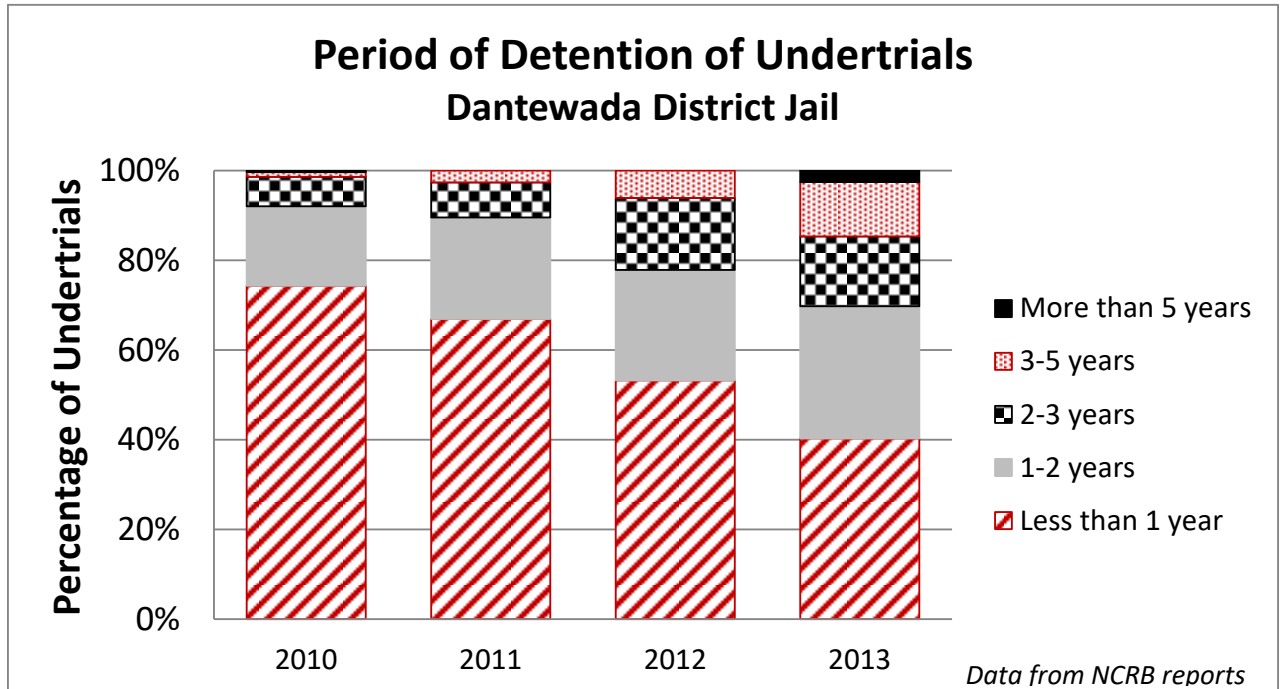
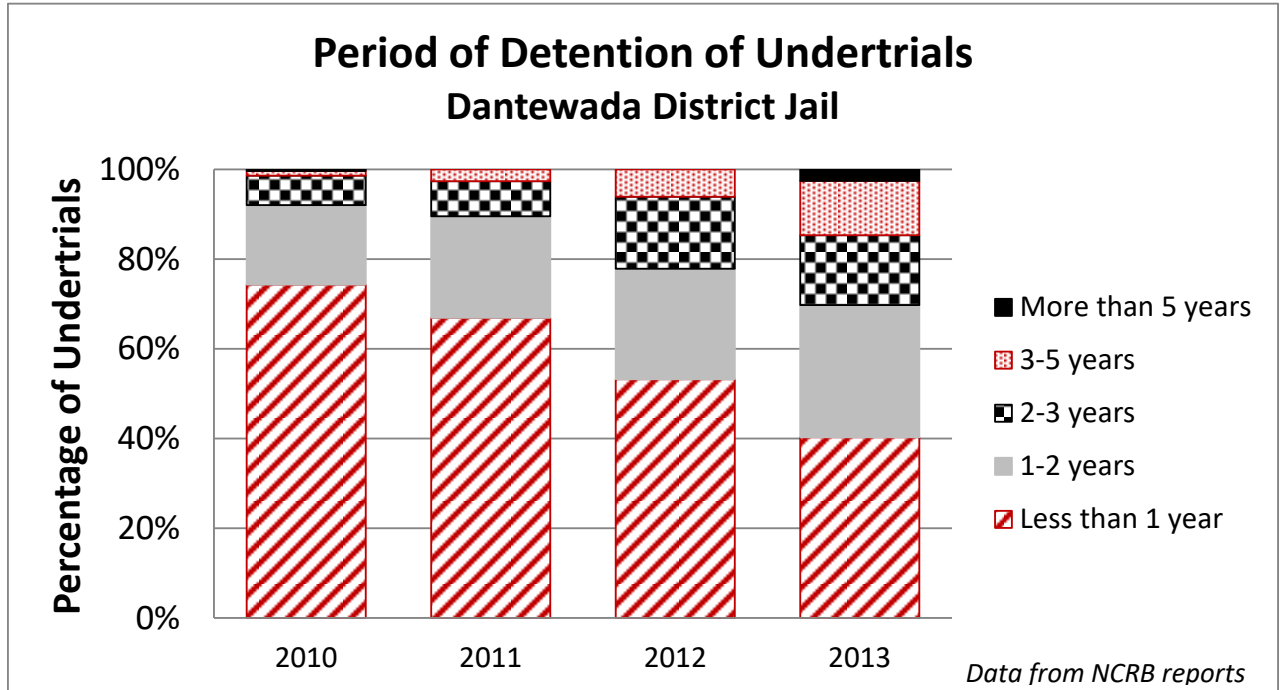
- The All India figures show that over three-quarters of the undertrials stay in prison for less than 1 year i.e. they are granted bail, or acquitted or convicted within a period of a year. Nearly 90% of all undertrials in India remain in jail for less than 2 years.
- The Chhattisgarh state figures are not that different from the All India figures, with 91% of the undertrials changing their status within 2 years
- However, Jagdalpur and Dantewada jails show a different picture. Less than 40% of all undertrials are in prison for less than one year, and over 30% of all undertrials in Dantewada and 40% of all undertrials in Jagdalpur have been in prison for more than 2 years. Furthermore, of the 77 undertrials in the state of Chhattisgarh who had been in prison for more than 5 years on 31 Dec 2013, three quarters (47) are in the jails of South Bastar (14 in Dantewada jail and 33 in Jagdalpur jail).

These data suggest that on 31 Dec 2013, the average duration for which an undertrial had been imprisoned all over india was 9.7 months, but in Dantewada jail, the average stay was 19.9 months, and in Jagdalpur Jail it was 21.8 months.

The longer detentions of undertrials in Jagdalpur and Dantewada jails are an emerging trend over the past few years. This can be seen in the graphs shown in Figure 6 below, where the distribution of detention periods of undertrials in these two jails has been shown for the past few years. In both jails, the fraction of undertrials who have spent less than a year in jail is

decreasing successively over the years, while the fraction of undertrials who have been in prison for longer periods is gradually increasing.

Figure 6: Period of Detention of Undertrials in Dantewada District Jail (2010-2013) and Jagdalpur Central Jail (2010-2013)



It should be recalled that while Dantewada District Jail houses undertrials who are in the custody of the Dantewada courts, the Jagdalpur Central Jail has a large number of undertrials from the Bastar and Dantewada courts. In fact, most of the longer-serving undertrials of Dantewada courts are housed in the Jagdalpur jail.

What are the cases under which undertrials in South Bastar are routinely imprisoned for such long periods of time? What are the reasons for such long delays? To understand these cases, information was obtained through a series of RTIs from the Sessions Case Disposal Registers maintained at the District and Sessions Court of Dantewada, pertaining to the disposal of criminal cases from the districts of Sukma, Bijapur and Dantewada from the years 2005 to 2013.¹⁷

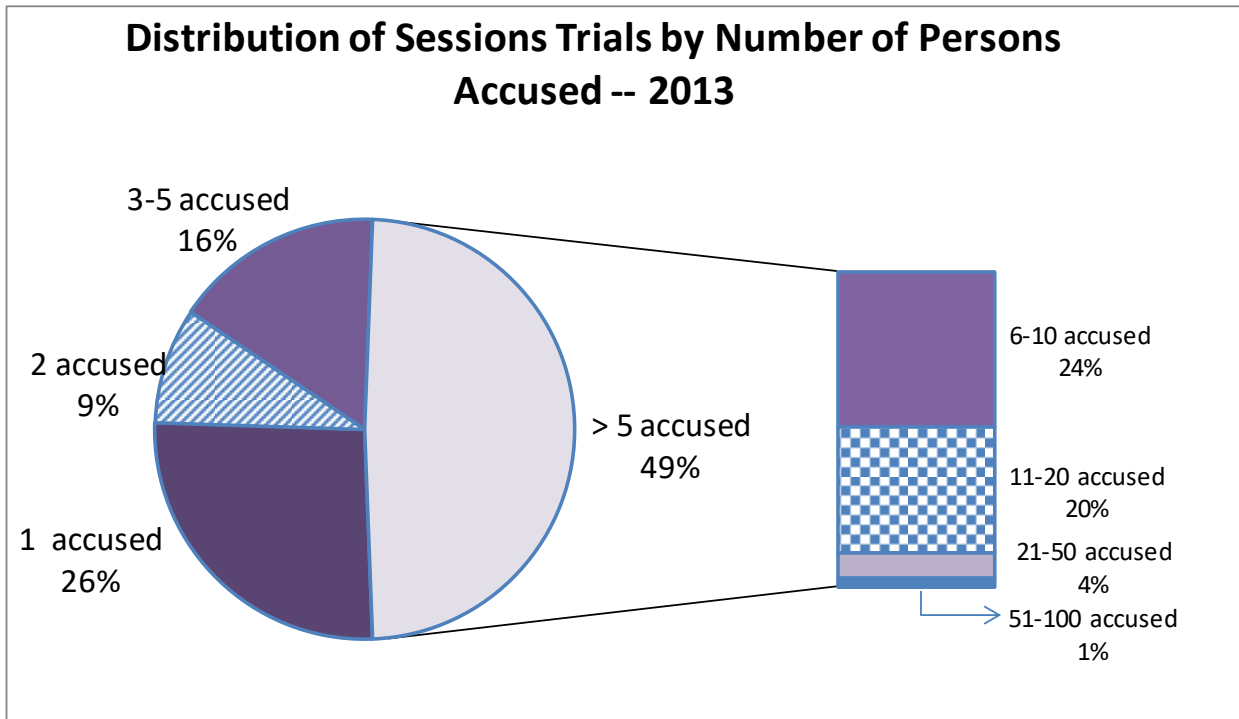
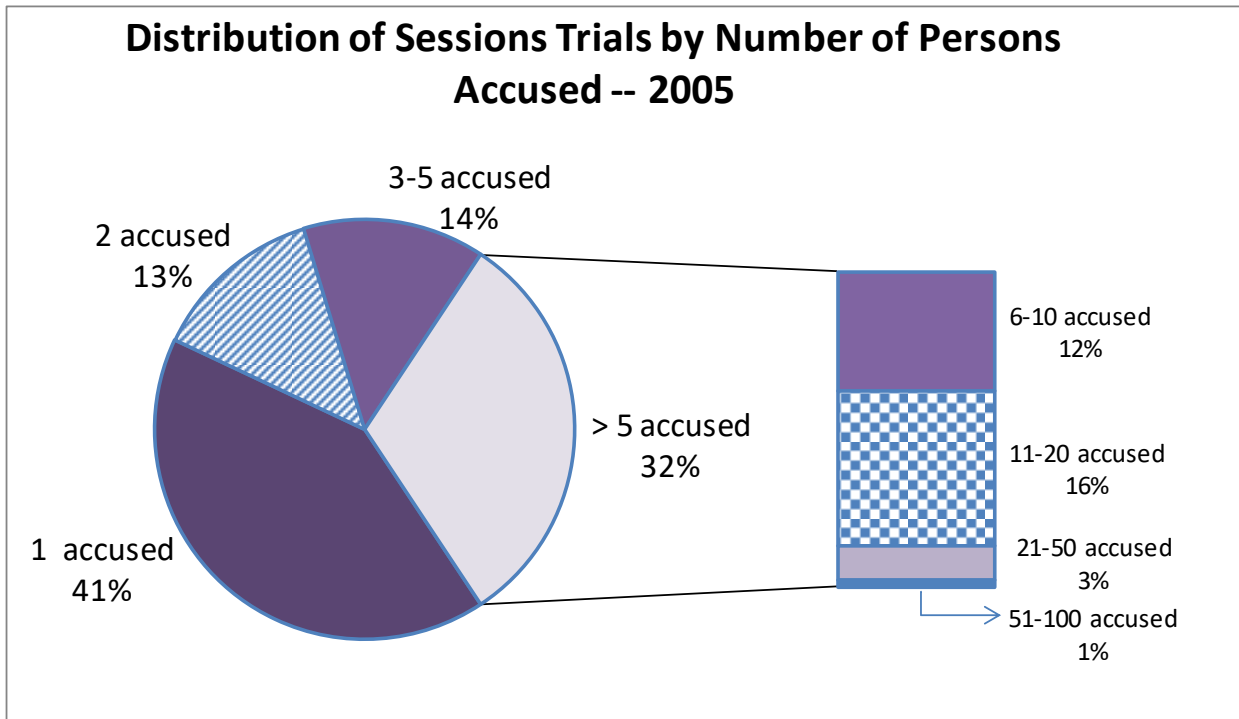
Large Number of Accused Persons per Case

The first thing that strikes one while going through the Sessions Court registers is simply the large number of accused per case. Usually, criminal trials have one or two accused, but in Dantewada, it is common to see FIRs where the accused are listed as “300 unknown Naxalites,” and the accompanying chargesheets that are presented in the courts, presumably at the end of some kind of investigation, show the arrests of a few people and list dozens of others, identified by their names and father’s names and place of residence, as “Absconding.” These “Absconders” have permanent warrants issued against them by the court, which give the police to arrest these people at any time in relation to this particular case.

The pie charts in the figure below (Figure 8) show the distribution of Sessions Trials by the number of named accused (who have a specific identification, as opposed to “unknown others”) in each case – these include both the arrested people and the “absconders” per case. As illustrated below, even in the cases disposed in 2005, it is notable that almost a third of the cases had more than 5 people named as accused, and 20% of cases had more than 10 persons named as accused. However, startling these numbers are, they pale in comparison to the corresponding numbers for Sessions Trials disposed of in 2013, where almost half the cases have more than 5 named accused, and a quarter of the cases have more than 10 named accused.

¹⁷ See Appendix 1 for details on judicial districts of Bastar

Figure 8: Distribution of Sessions Trials by Number of Accused in Dantewada Sessions Court for the years 2005 and 2013

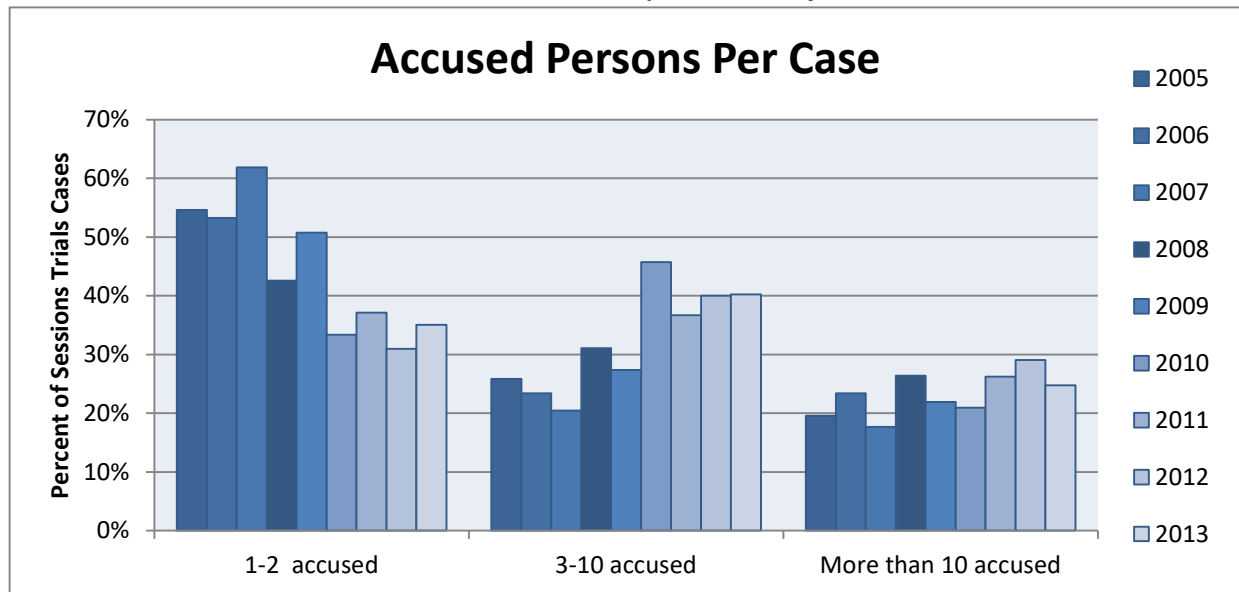


Cases with only 1-2 accused usually form the overwhelming majority of cases in most criminal courts throughout the country. However, in Dantewada Sessions Court, such cases only accounted for 54% of cases disposed of in 2005, and merely 35% in 2013. In comparison, take the neighbouring Sessions Court in Jagdalpur, which supervises the district of Bastar comprising of a comparable mix of population, but far less conflict-affected areas. In

Jagdalpur Sessions Court, 70% of the Sessions Trials instituted in the year 2005 had 1-2 accused, while in 2013 this number had gone up to 78%.¹⁸

Figure 9 below shows the trend in Dantewada Sessions Court over 9 years, from 2005 to 2013, in which the percent of cases with only 1-2 named accused has steadily decreased, and this decrease is matched by an increasing proportion of cases with 3-10 accused, and a somewhat less perceptible increase in the percent of cases with more than 10 accused.

Figure 9: Distribution of Sessions Trials According to Number of Accused in Dantewada Sessions Court (2005-2013)



Pooling the data for all 9 years together shows that the average number of accused per Sessions trial in Dantewada over disposed cases from 2005 to 2013 is a whopping 7.04! Indeed there are instances where over 90 people have been named in a chargesheet, along with their father's name and their place of residence.

Grave Charges Levied

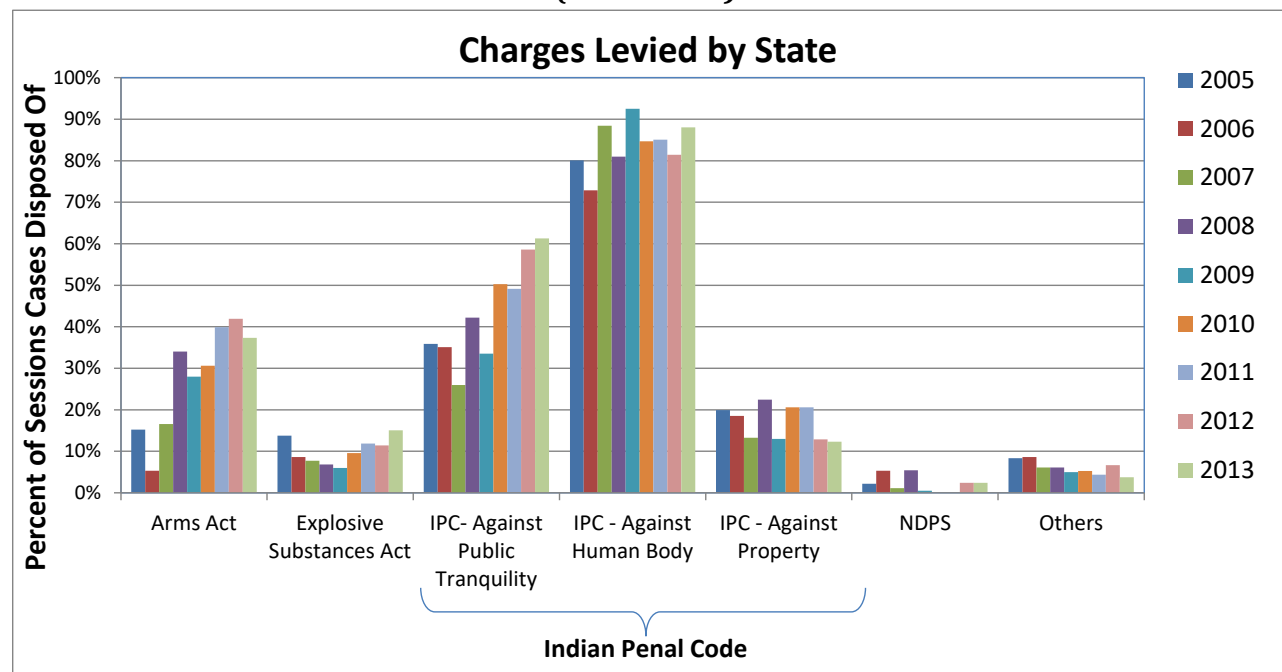
In most cases in Dantewada Sessions Court, the state charges the numerous accused with sections under the Indian Penal Code (IPC). The Arms Act and Explosive Substances Act are also commonly applied. Most of these charges are upheld by the Sessions Court at the time of framing charges.

¹⁸ It should be noted that the numbers from Jagdalpur Sessions Court are not directly comparable to those from the Dantewada Sessions Court, in that the former inform on the percent of cases *instituted* in the particular year, while the latter denote the percent of cases *disposed* of in the specific year. However, the differences between the two are large enough to illustrate the trend that there are a far greater number of cases with only 1-2 accused in Jagdalpur Sessions Court than in Dantewada Sessions Court.

Figure 10 below show the percent of all Sessions Trials disposed of between 2005 and 2013, which had sections from the various acts applied. Each year, nearly 70% -90% of these cases had IPC sections from Chapter XVI, Offences Affecting the Human Body. Far fewer cases (less than 20%) pertain to offences against property, listed in Chapter XVII. An increasing number of cases each year are falling under Chapter VIII, Offences Against the Public Tranquility, which accounted for over 60% of the cases disposed of in 2013. The most commonly applied charges in these cases are sections 147, 148 and 149, pertaining to rioting, rioting with deadly weapons and membership in an unlawful assembly. These are significant, because these charges can only be applied to groups of 5 or more people.

There is an increasing application of Arms Act as well, and around 40% of all cases in recent years have seen sections applied from that act. The Explosive Substances Act is also applied in approximately 10% of the cases. However, common acts such as the NDPS (Narcotic Drugs and Psychotropic Substances Act), and the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, are almost missing from the Dantewada Court.

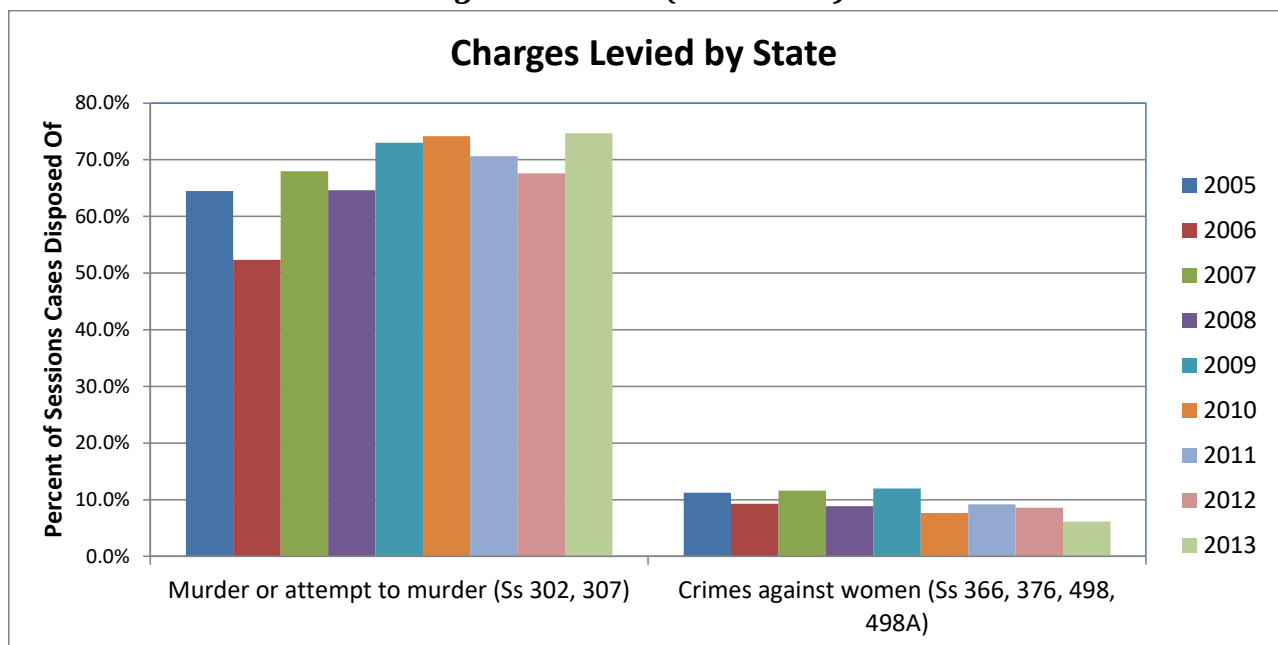
Figure 10: Distribution of Charges Levied by the State in Sessions Trials in Dantewada (2005-2013)



It is also interesting to note that special laws, introduced to fight terrorism and Naxalism related crimes, such as the Unlawful Activities (Prevention) Act, the Chhattisgarh Special Public Security Act, and the IPC sections of sedition (s124) and waging war against the state (s121) are also missing from the Dantewada court. The signature of a Naxalite case here is the mix of charges under Arms Act (sections 25, 27), the IPC sections relating to unlawful assembly (sections 147, 148 and 149), and the charge of Murder (s302) or attempt to Murder (s307), and optionally, the Explosive Substances Act (sections 3, 4).

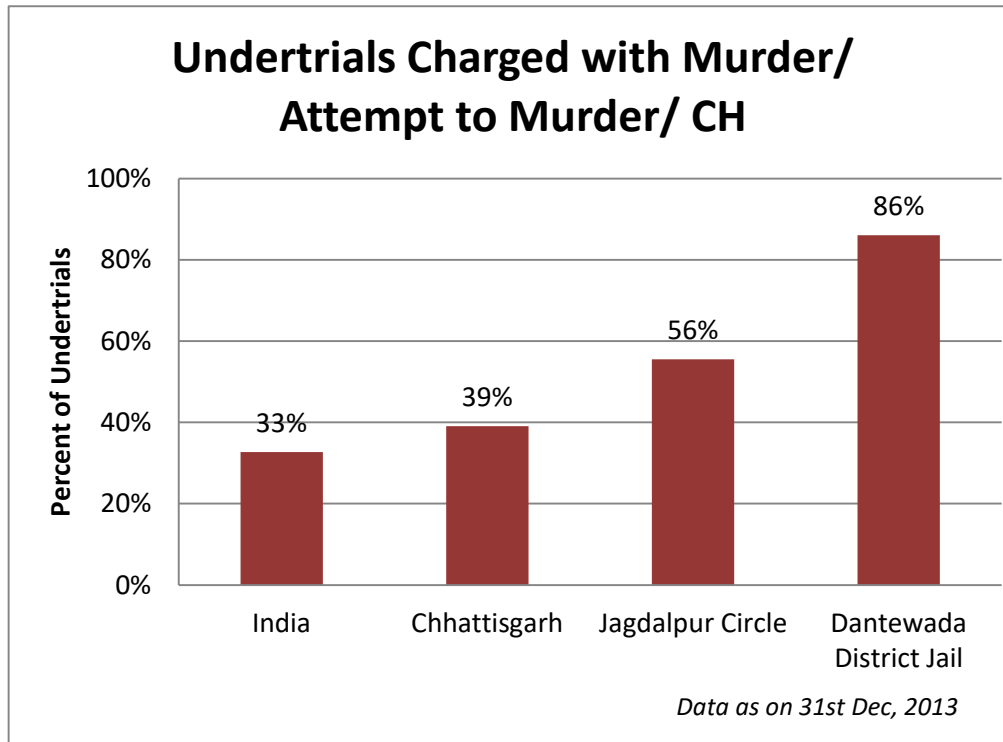
The IPC chapter on Offences Affecting the Human Body covers a large number of charges, from murder and culpable homicide, to simple and grievous hurts, to kidnapping, criminal restraint, and sexual offences. Since an overwhelming majority of sessions cases in Dantewada have charges from this chapter, this category was looked into in greater detail. The most serious charges of Murder (s302) or Attempt to Murder (s307) were identified separately, as were the sections relating to crimes against women (including sections from Chapter XX of Offences relating to Marriage). As the figure below shows, the vast majority of cases (50%-75%) in Dantewada Sessions cases have charges relating to Murder or Attempt to Murder, while offences against women contribute to a very small percentage (approx. 10%) of total sessions cases in Dantewada.

Figure 11: Dantewada sessions cases with offences against life compared to offences against women (2005-2013)



It should be noted that there could be multiple people charged in each case, and conversely one person could have multiple cases lodged against him. In order to see how this data obtained from courts, of such a large number of cases having charges of murder or attempt to murder, translates into actual undertrials, the NCRB prison statistics were also consulted. As shown in the Figure 12 below, the percent of undertrials in Dantewada District Jail on 31st December 2013 facing trial for a charge of murder or attempt to murder is a whopping 86%, more than twice the national and state averages.

Figure 12: Percent of Undertrials charged with Murder (s 302, 303) or Attempt to Murder (s 307) or Culpable Homicide (sections 304, 308) - 2013¹⁹



It should be noted that the profile of charges in non-conflict affected areas of Chhattisgarh is very different. In the adjacent district of Bastar, the Sessions Court in Jagdalpur, the Arms Act is applied in approximately 10% cases, offences against public tranquility are applied in around 8% of the cases, and murder/ attempt to murder is applicable in 45% of the cases. On the other hand, over 20% of the sessions trials have charges from the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities Act), and nearly 30% of the cases include charges of crimes against women. Surprisingly, UAPA is applied more frequently in Jagdalpur, in about 7-10% cases, although the Chhattisgarh Special Public Security Act is still missing from this mix²⁰.

What, then, explains the difference between Jagdalpur and Dantewada courts? Is it really possible that Dantewada is a paradise for women, but where men have a maniacal tendency to commit murders, armed with deadly weapons?

From all accounts it appears that in conflict situations, the role of police becomes aligned with those of paramilitaries, and it is entirely focused on conducting raids and searches and “area domination exercises” of villages, during which operations the villagers are routinely picked up as involved in Naxalite crimes. The normal, day-to-day policing functions, which

¹⁹ Data is taken from the NCRB report Prison Statistics in India for the year 2013, and for the corresponding NCRB reports of Jagdalpur Central Jail and Dantewada District Jail for 2013 obtained through RTIs.

²⁰ These data are taken from the Case Institution Registers between 2005 and 2013, which were inspected under an RTI request. Unlike Dantewada Court data, which is exhaustive, the data from Jagdalpur Court was sampled to include data for a 100 cases each alternate year.

include recording and investigating complaints of less serious crimes, private violence, sexual offences etc. take a short shrift in these situations, as the entire energy of the department is geared towards “winning the war.” Crimes against women probably occur in both judicial districts, but get recorded only in Jagdalpur where the police have the leisure to investigate such crimes.

The Low Rate of Release of Undertrials

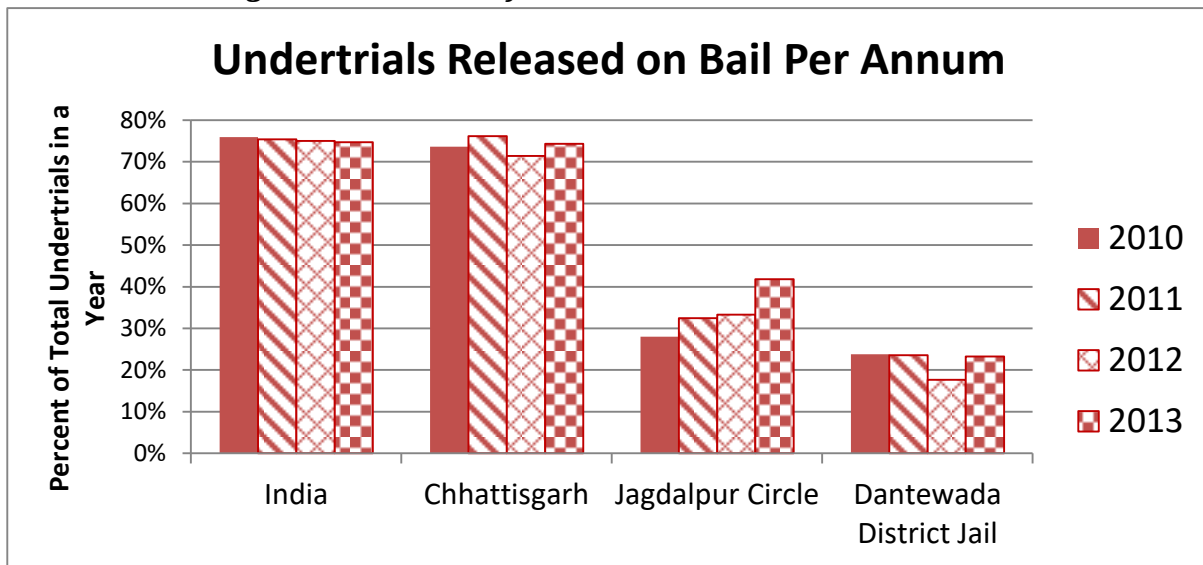
As pointed out earlier, the overcrowding of jails in South Bastar is explained largely by the long duration for which undertrials are kept in prison. While the rate of influx of new undertrials into jails appears to be lower than the national average, the rate of efflux of undertrials must be even lower, keeping in mind the long incarceration periods. The pre-trial detention of an undertrial ends either with the release of the undertrial on bail, or the conclusion of the trial itself. Below we examine how long both these processes take in the conflict zones of Bastar.

Denial of Bail in Conflict Zones

Indian jurisprudence has always held that a person is innocent till proven guilty, and hence for undertrials, bail is the rule and being in jail is an exception. The Supreme Court has repeatedly held that denial of liberty is in itself a punishment and there have to be strong, cogent reasons to imprison those who have not yet been proved guilty by a competent court. In spite of these clear guidelines, Indian jails continue to be crowded by undertrials awaiting the conclusion of their trial, and they far outnumber those who have been convicted.

In Bastar Division, data suggests that the relief of bail is infrequently availed of by the undertrials. Figure 13, below, compares the percent of undertrials released on bail in Jagdalpur Circle Jails with the national and state figures. As this figure shows, every year approximately 75% of undertrials who have been imprisoned are granted bail nationwide. The state of Chhattisgarh also roughly follows the same pattern. However, of the prisoners in the Jagdalpur Circle Jails (including the Jagdalpur Central Jail and the two district jails in Kanker and Dantewada), the percent of undertrials availing of bail per annum drops to 30-40 percent, and is even lower when we look specifically into the Dantewada District Jail in isolation, where it stands around a mere 20%.

Figure 13: Release of Undertrials on Bail, 2010-2013²¹



Why are there so few releases on bail? Part of the answer may lie in the crushing poverty in the region, which makes bail amounts and sureties difficult to procure. Even *adivasis* who have been cultivating a patch of land for generations have only tenuous claims to title deeds.

But another, and a more compelling reason, may simply be the denial of bail applications. Although it is difficult to document exactly how many bail applications were dismissed, anecdotal evidence suggests that it is nearly impossible to procure bails in cases where the accused is charged with a Naxalite crime, however weak the actual evidence. Indeed, the severity of the charges facing the undertrials, discussed in the previous section, contribute towards the routine denial of bail in such cases.

Rate of Disposal of Cases

In the absence of the relief of bail, the only way an undertrial gets released from jail is at the conclusion of the case, when the undertrial is either acquitted of all charges, or continues imprisonment as a convict.

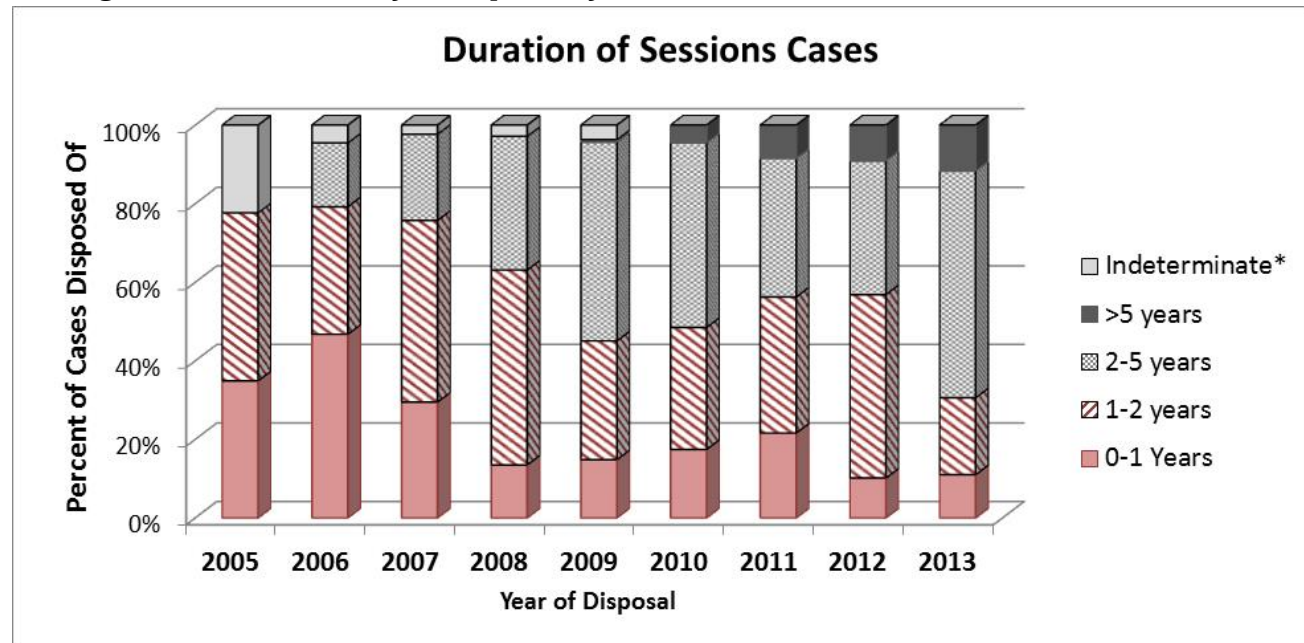
Examining the Case Disposal Registers of the Dantewada Sessions Court over the past 9 years shows a steady trend towards longer and longer disposal times. Figure 14 shows the distribution of cases disposed of from 2005 to 2013 against the number of years from the institution of cases.

As evident from Figure 14, for the years 2005-2008, over 70% of the cases were disposed off within two years of their institution, but in 2013, only 30% of cases are ending within that

²¹ The data is sourced from the NCRB annual reports, Prison Statistics in India for the years 2010 – 2013, and the corresponding NCRB reports for the Jagdalpur Central Jail and the Dantewada District Jail obtained through RTIs. The total number of undertrials in a given year is taken as the sum of the undertrials shown to be present on Dec 31 of that year, and the total number of undertrials released in that calendar year.

time period. In 2013, 11% of the total cases disposed took more than 5 years for final disposal. Concomitantly, the percent of cases that get disposed of in the first year itself drops to a mere 11% of all cases disposed.

Figure 14: Time taken for Disposal of Sessions Cases in Dantewada, 2005-2013²²



* The Dantewada Sessions Court started in 2003, at which time sessions cases from the Jagdalpur Court were transferred to it, and renumbered. Hence, for cases originating in 2003, it is unclear how many were initiated in 2003, and how many were simply transferred from Jagdalpur – these have been listed as “indeterminate”.

The slow rate of disposal of cases, coupled with lack of the relief of bail, accounts for the high occupancy rates in jails seen in this region.

There are a few main reasons for the slow disposal of cases –

1. Non-appearance of witnesses: The main reason for delay in cases that have been going on for several years is simply that witnesses do not answer summons to appear in court and testify. In most such cases, it is the police themselves who have arrested the accused and investigated the crime who are absent for years on end. In others, doctors in government hospitals who have examined the injured or the dead, or CRPF jawans who have witnessed the crime, ignore such summons. While statistical data on this aspect is rather difficult to come by, experience suggests that villagers summoned by court appear routinely, but it is the people in service of the state who

²² The case disposal registers from which these numbers are calculated do not have the exact date of the institution of the case – just the year of institution. Hence, the number of years for disposal of a case is calculated as difference between the calendar year in which the case is disposed of from the year in which it is instituted. Also, there may be cases where the case is instituted much earlier, but is reopened when one of the absconders is arrested later. In this method of calculation, there is no way to distinguish such a case from one where the accused is in jail from the time of institution of the case. However, the general trend of cases taken longer times to dispose of should not be affected by these minor inaccuracies.

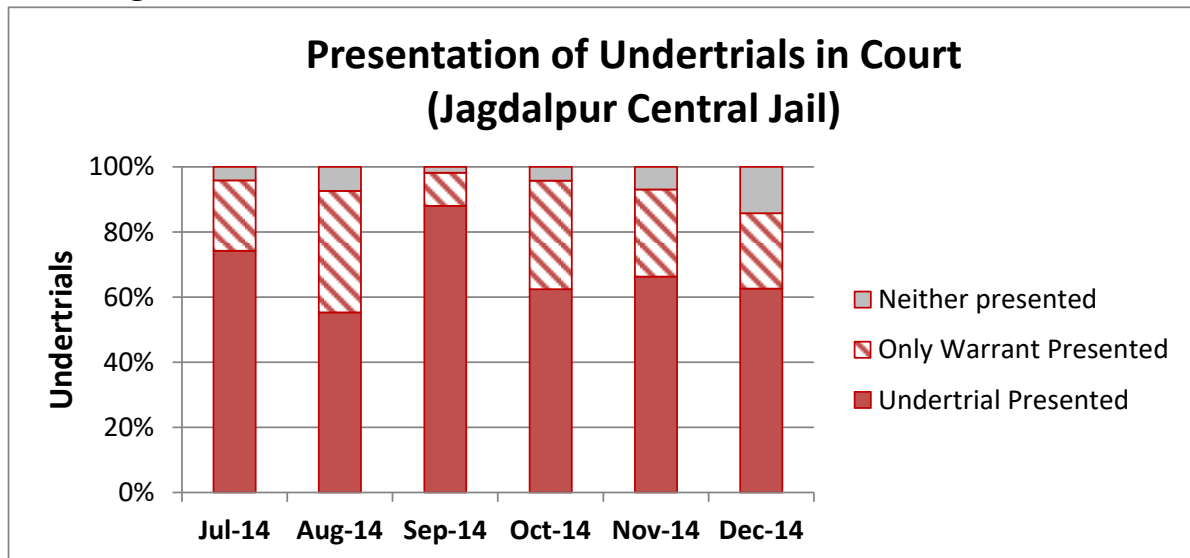
delay the cases for years. In such cases, the court also does not exercise its powers to compel attendance, or close the evidence in a reasonable amount of time, turning a blind eye to the continued pre-trial detentions. Many such cases have been documented in the following chapters.

2. Non-presentation of undertrials in jails: In many stages of a trial, the presence of the accused in the court is essential. For framing charges, for the purposes of identification by witnesses, for the examination of the accused under section 313 of CrPC etc, the accused has to be present, or the trial gets stalled. During the remand stage also, an undertrial is required to be produced before the magistrate every 15 days so that the court can oversee the condition and the needs of the undertrial in the custody of the court. For a person on bail, it is her individual responsibility to show up at the court, but for an undertrial, the jail assumes the responsibility for producing her in court.

In Bastar courts, though, undertrials in jails are commonly not produced on the dates of their court hearing. Since jails are only in a few locations, while the courts are spread out over the territory, the jail administration often advances the excuse that there are not enough police personnel available to accompany the accused to the courts. Magistrates in Bijapur, Sukma, Konta or Narayanpur routinely see the accused only at their first production in the court after arrest, and do not see them again for the entire remand period of 2-3 months till the eventual committal of their before the Sessions Court in Dantewada or Kondagaon. Acquittals in these courts are often delayed for months because the accused cannot be brought for examination. Many a time, a witness who has shown up after dozens of summons, is returned unexamined because the accused has not been brought.

The figure below depicts the data for the six months from July 2014 to December 2014 on presentation of undertrials in court from Jagdalpur Central Jail, which is the largest jail in the area and holds a large number of men undertrials and all women undertrials for the judicial districts of Kondagaon, Bastar and Dakshin Bastar Dantewada. In the figure, 100% is the total number of undertrials which required police guards in that month. As shown below, the percent of undertrials who could get these guards and attend their hearings ranged from 56% to 88%. On the remaining occasions, either a jail official carried their warrants to the court to get the next dates listed for them, or even that did not happen.

Figure 16: Monthly data (July 2014 to December 2014) from Jagdalpur Central Jail showing the proportion of undertrials who were presented in court for their hearings²³.



3. Large number of “absconders” in each case leading to multiple re-openings- As discussed earlier, most chargesheets list a large number of accused, a few of whom are arrested and many of whom are said to be absconding. Commonly, these “absconders” are simply villagers living in the village, who are oblivious to the fact that they are listed as accused in these cases. The police, then, have the power to arrest them, as and when they desire. The trial is instituted against the arrested people and proceeds against them, and frequently, other “absconders” get arrested in the meantime. The new arrestees get added to the ongoing trial, which often means setting the clock back on the trial. The witnesses who have been already examined against the previously arrested people have to be re-examined against the new arrestees, thus extending an already long trial. In some cases, the trial keeps getting “reset,” as it were, multiple times before the case is finally disposed of.

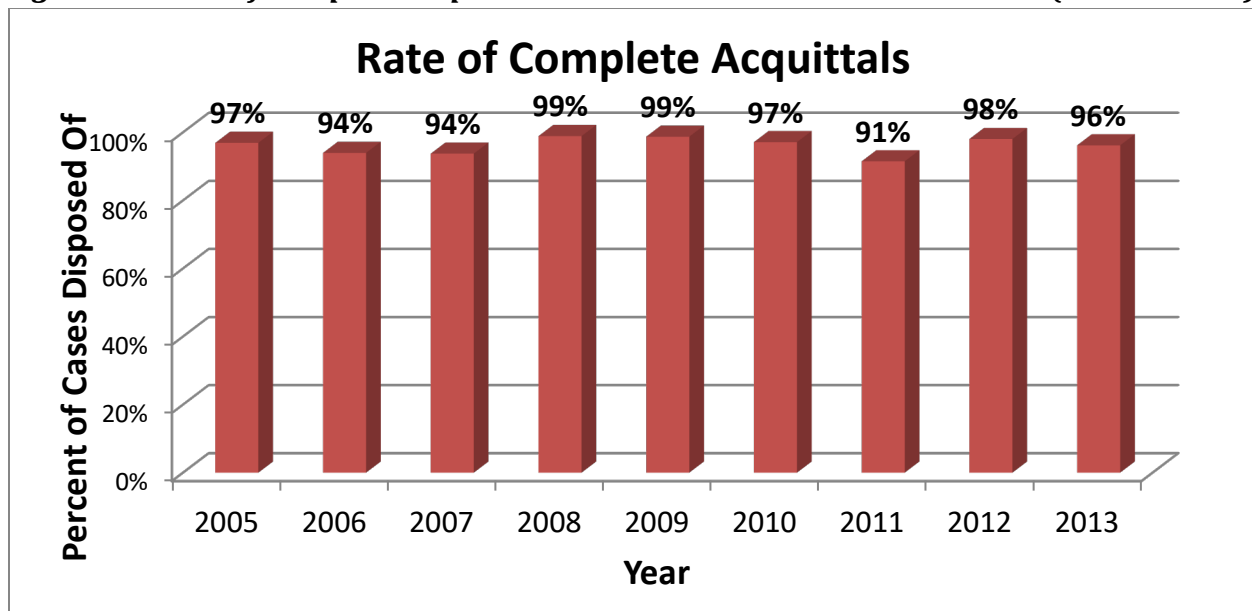
A High Rate of Acquittals

The data so far has shown that there are many cases which last for long periods of time, in which bail is routinely denied. Were all of these undertrials eventually held guilty of the serious crimes with which they are charged, all the above discussion would have been merely of academic interest – and one would be hard-pressed to show any injury to the accused. After all, if a person is guilty of a serious crime, one can see some justification for withholding bail from him, and such an undertrial does not suffer unduly because of delay in trial if he is eventually convicted for life.

²³ Obtained as a reply to an RTIs from Jagdalpur Central Jail

However, the true extent of the large scale abuse of human rights of adivasis in the area becomes staggeringly clear if one looks at the acquittal rates in these crimes. From 2005 onwards, as depicted in Figure 17 below, the acquittal rates of the sessions' courts in Dantewada Judicial District range between 91% to 99%, the average rate of "complete acquittal" (i.e. all accused in the case are acquitted of all charges against them) is 96%. That is to say, that less than 4% of all cases tried in the Sessions court at Dantewada between the years of 2005 to 2013 had *any* convictions for *any* of the accused. This can be compared to the national conviction rate of 40.2%, and Chhattisgarh's conviction rate of 38.8% in IPC crimes, which are the majority of crimes being tried in these Session's Courts.²⁴ Specifically, the national conviction rate in 2013 for murder is 36.5%, for attempt to commit murder is 26.5% and for culpable homicide not amounting to murder is 34.2%.²⁵

Figure 17: Rate of Complete Acquittals in the Dantewada Sessions Courts (2005-2013)²⁶



What these figures tell us that a large number undertrials accused of heinous crimes, spend many years in custody as undertrials in dirty, overcrowded conditions, denied of the benefits of bail – eventually to be acquitted of these crimes.

Conclusions

The data shared in the passages above is a severe indictment of the criminal justice system in the southern districts of Bastar region. A trial is supposed to be a swift determination of a person's guilt after it has been established that there is *prima facie* evidence to charge him. A high conviction rate is a result of thorough investigation which collects infallible evidence

²⁴ These figures are from the National Crimes Records Bureau's report "Crimes in India – 2013"

²⁵ *ibid*

²⁶ Data taken from the Disposal Case Registers of the Dantewada District and Sessions Court from 2005 to 2013, obtained through RTIs.

against the perpetrators of a crime, a strong prosecution which examines witnesses and lays out the case, and an intrepid judiciary, which can quickly arrive at a reasoned decision which cannot be challenged in superior courts. On the contrary, an abysmally low conviction rate can stem from incompetent police force, an indifferent prosecution, or a lax judiciary.

Data and mere statistics cannot tell the whole story. In particular, these numbers are inadequate in determining the role of the judiciary, the police and the prosecution in the failure of justice in Bastar. Who are these people who are being held in prison? What was the evidence that the police collected against them? Why are the cases against them failing? What are the reasons behind the interminable delays in these criminal trials? What happens to people in these overcrowded jails?

There are numerous cases in which locals are arbitrarily picked up by a police force under tremendous pressure to produce results, of personal grievances which lead to motivated "secret tips" which are not scrutinized, and of political foes being conveniently set aside as dreaded Naxalites. Chargesheets that should not have been entertained by the court at the outset, lead to trials that last more than five years before collapsing under their own weight.

What these cases reveal, along with this macroscopic view of the undertrials, is that long periods of imprisonment as undertrials are being used as extra-judicial forms of punishment of *adivasis*, whom the criminal justice system is unable to convict. The basic presumption of innocence is being virtually overturned, as hundreds of these undertrials are denied bail and other concomitant relief by the judiciary, even though there is insufficient evidence against them to secure a conviction. In the process, lives are destroyed, families torn apart, childhoods stunted and entire communities further alienated from a state which is only perceived as a merciless jailer of young men.

SOLIDARITY FORUM FOR ADIVASI RIGHTS STRUGGLE (SFARS)

PRESS RELEASE 31-5-2024

Fact Finding Team of SFARS stopped by Armed Forces on the borders of Chhattisgarh

Condemn the repressive attitude of State and Police.

We demand to facilitate free passage to the areas in Chhattisgarh, where Adivasis are killed.

Solidarity Forum for Adivasi Rights Struggle (SFARS) consists of Civil Liberties Committees of Telangana and Andhra Pradesh and various Peoples Organisations apart from other Rights Organisations of different States, i.e. Karnataka, Kerala, Tamilnadu and West Bengal, which are part of Co-ordination of Democratic Rights Organisations (CDRO), had decided to meet the villagers in Chhattisgarh, wherein about 120 Adivasis in the name of Maoists have been being killed by Paramilitary forces in the last five months.

About 60 members of these organisations under SFARS have formed Fact Finding Teams and intended to go to the villages of Chhattisgarh from Bhadrachalam on 30-5-2024.

One such team lead by Chiluka Chandrashekhar, Secretary, AP Civil Liberties Committee (APCLC) was stopped at Kunta village by paramilitary forces and forced to return to Bhadrachalam on the same day. Another team consisting of 42 persons, led by Chiluka Chandrashekhar (APCLC), N. Narayana Rao, Madana Kumaraswamy, Jabali (CLC Telangana) and members of CDRO started from Bhadrachalam on 30-5-2024 by 5:15 p.m. towards Bijapur via Eturnagaram. By 11 p.m. this team was stopped by armed forces at Terlaguda, 40 kms away from Bhoopalapatnam in Bijapur District and asked to go back citing security reasons. The team members have requested the armed men to allow them to go up to Bijapur for taking rest since they were tired after the long journey for 26 hours. The armed police vehemently denied their request and forced the team to go back. The team members have expressed their dissent and argued that they be allowed to travel further as a part of their Constitutional Right. Then, the armed personnel threatened them and asked them to leave the place immediately. As a result, the team was forced to launch a sit-in protest on the highway in the midnight itself. The paramilitary forces threatened and dispersed them and sent them back to Bhadrachalam at 1:00 a.m. on 31-5-2024. Large posse of police in plain clothes trailed the vehicles of the team throughout the way on motorbikes and flashing the cameras of cell phones on the faces of team members for taking photos, creating panic situation during the entire journey towards Bhadrachalam.

One such Fact Finding Team of Civil Rights Organisations was also stopped at Chinthoor (AP) on 31-5-2024 around 2.00 p.m. by police. The team was surrounded by armed men with sophisticated weapons which frightened the team members. They were forced to board the bus at gunpoint and reached Bhadrachalam ultimately.

It is a fact that the Government has firmly decided to suppress the voice of democrats at the behest of big Corporates to loot the rich mineral resources in Adivasi areas. So, the Government has given a freehand to Paramilitary Forces to establish hundreds of Police Camps in Chhattisgarh by deploying thousands of armed men. These CRPF, DRG, BSF, ITBF and Other Armed Forces have resorting to Extra-Judicial killings of Adivasis and attacking villages with Ariel Bombs by using Drones which is against the norms of International Laws and Indian Constitution.

In the light of above, the Rights Organisations have expressed their concern to go to the Adivasi villages to reveal the truth to the World. The Fact-Finding Team should have been allowed freely to meet the Adivasi people. But, they were prevented and threatened with dire consequences if they went ahead.

We condemn this attitude of the Government and police and demand to facilitate the team to be allowed to meet the Adivasi people in Chhattisgarh. And we also appeal to the democracy loving people to condemn the dictatorial attitude of Governments in the interest of Adivasi lives and protecting of natural resources and forests of this country.

Steering Committee:

Solidarity Forum for Adivasi Rights Struggle (SFARS)

K.Govardhan, CPIML (New Democracy)

Pani, VIRASAM (Revolutionary Writers Association)

B.Jyoti, Chaitanya Mahila Sangham, (CMS)

D.Jhon, Praja Kala Mandali, (PKM)

K.Ravi Chander, Forum Against Repression, Telangana

Annexure F

BEARING WITNESS

Sexual Violence in
South Chhattisgarh

Women Against Sexual Violence and State Repression (WSS)

Bearing Witness: Sexual Violence in South Chhattisgarh

Several people have contributed to this effort. Some have supported fact-finding teams, helping to navigate, translate and comprehend. Others have proof read several drafts. Their invaluable comments and suggestions have helped shape and guide this work, making it a collective effort in every sense.

WORKING GROUP FOR BEARING WITNESS

Shreya K
Shivani Taneja
Sudha Bharadwaj
Maheen Mirza
Fareeda A M
Rinchin
Shalini Gera

EDITOR

Laxmi Murthy

COVER PHOTO

Sakhi SC

DESIGN

Priyanka Chhabra

PUBLISHED BY

Women against Sexual Violence and State Repression (WSS)
March, 2017
www.wssnet.org
againstsexualviolence@gmail.com

Copies available at booksbywss@gmail.com

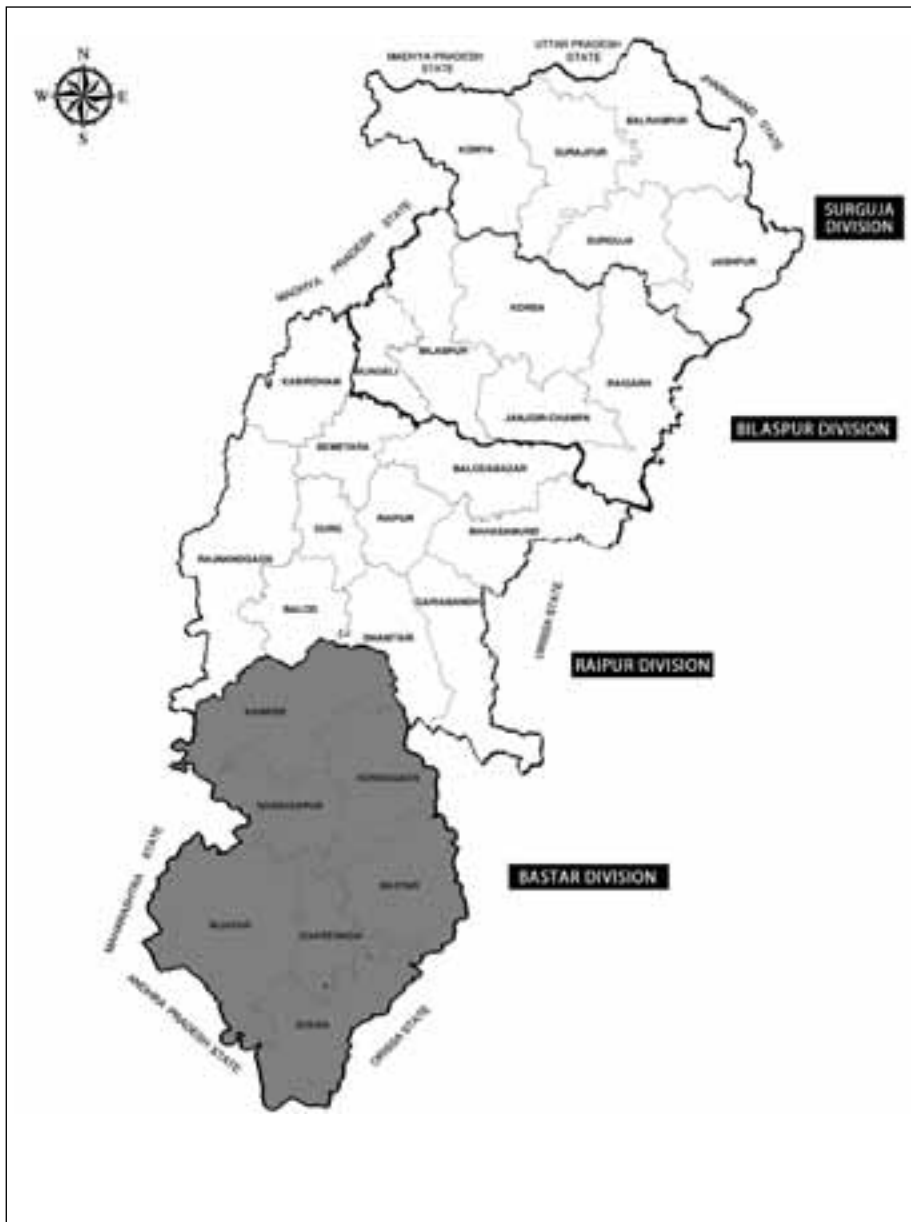
Suggested Contribution: ₹100/-

Printed at Aadarsh Printers, Bhopal

Contents

1	A Brief History and Geography of Militarisation in Chhattisgarh.....	5
2	Contours of Military Operations	15
3	Salwa Judum and Sexual Violence.....	22
4	Valorisation of Rape in Custody.....	26
5	Sexual Violence after the Salwa Judum.....	28
6	Current Crisis in Bastar.....	30
7	Recent Incidents of Mass Sexual Violence.....	34
	<i>Peddagellur and Surrounding Villages</i>	
	<i>Nendra</i>	
	<i>Kunna</i>	
	<i>Korcholi and Surrounding Villages</i>	
8	The Pattern of Malice, Power and Impunity.....	45
9	Everyday Life: Photo Essay.....	49
10	The Fight for Justice.....	66
11	Paradigm shift in the Development Discourse.....	78
12	An End Note for Justice in Chhattisgarh.....	80
	Appendix 1-14.....	85 - 125

District Map of Chhattisgarh with Bastar Division highlighted



Reworked from maps available at Chhattisgarh Infotech Promotion Society (CHIPS)
http://www.chips.gov.in/sites/map/Composite_Maps/CG_DIVISION.pdf

Chapter 1

A Brief History and Geography of Militarisation in Chhattisgarh

The growth and spread of military power in South Chhattisgarh is intrinsically linked to the question of land acquisition for corporations – national and global. Any story of militarization has its history; in Chhattisgarh it also has a telling geography of its own. Contrary to the dominant refrain that the deployment of security forces is meant to combat the problem of Naxalism, evidence shows that militarisation has more to do with mineral wealth and industrialisation.

Within two years of Chhattisgarh being carved out as an independent state from Madhya Pradesh, Central Reserve Paramilitary Force (CRPF) was permanently deployed in 2003. However, its presence was negligible at the time. In 2005, the Government of Chhattisgarh signed an MoU with Tata Steel, sanctioning large tracts of land in Lohandiguda to begin a five-million tonnes per annum (MTPA) steel plant. Around the same time, the government also entered into an agreement with the Essar Group, which constructed a 267 km pipeline to transport iron-ore slurry from Dantewada in Chhattisgarh to Vishakhapatnam. In order to protect the pipeline from attacks by the Naxalites, then-Director General of Police, Vishwa Ranjan, is quoted as saying “the company’s security officer suggested we raise a battalion that they would fund.”¹ As this was apparently refused at the time, what was born

1 Kennedy, J (2014): ‘The Socioeconomic Determinants of Natural Resource Conflict: Minerals and Maoist Insurgency in India’, *Society & Natural Resources: An International Journal*, DOI: 10.1080/08941920.2014.941447

instead was a vigilante group, Salwa Judum, which companies like Tata and Essar are believed to have supported. The Salwa Judum displaced a quarter of a million Adivasis in a process that was accompanied by murder, burning of houses, looting, and sexual violence.² Soon thereafter, in 2006, the State asked for “Seven to ten additional battalions to tackle the fall-out from the rising Salwa Judum-related violence.”³

By 2010, there were 19 CRPF battalions and an increased number of CoBRA (Combat Battalion for Resolute Action), Naga and Mizo battalions in Chhattisgarh, most of these in South Chhattisgarh. In 2009, notably, the mining lease for the Raoghat mines covering 2028.797 hectares of land in Kanker and Narayanpur districts was granted to the Steel Authority of India Limited (SAIL) and the Bhilai Steel Plant. In 2011, a plan was mooted by the top authorities of 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 battalions (two of the CRPF consisting of 1,135 personnel each, and two of the Border Security Force (BSF) consisting of approximately 1,400 personnel each) in 22 barracks along a 95 km stretch between Dalli Rajhara (now in District Balod) and the Raoghat Hills in Antagarh Block, District Kanker.⁴ 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.

Today, the numbers are much larger – not only of the number of battalions deployed, but also of the hectares of land sanctioned for mining, and the number of MoUs signed between the government and mining corporations.

More than 6000 hectares of land in Bastar Division have been sanctioned for lease for iron ore mining. Of this, 3205.79 hectares lie in Kanker and 2692.22 hectares in Dantewada. At least 3152.59 hectares of this area are presently not available for mining owing to Naxal presence. Additionally,

2 Kennedy, J (op cit)

3 Sethi, A (2010) <http://www.thehindu.com/opinion/op-ed/the-road-to-jagargunda/article538624.ece>

4 Statement released by Chhattisgarh Bachao Andolan, available at <http://sanhati.com/articles/9232/>

prospecting licenses for iron-ore have been granted to Jindal Power and Steel Company for 1162 hectares in Dantewada, and to Sarada Energy for 1647.5 hectares in Narayanpur, but these are inactive so far.⁵

Nearly 750 acres have been sanctioned to mine tin ore. For limestone and bauxite, hundreds of acres have been sanctioned across the districts of Bastar, Sukma and Dantewada. For gold, diamonds and other precious stones, reconnaissance permits have been sanctioned over an area of 19,555 sq km that stretches across Kanker, Bastar and Dantewada. Some of these sanctions have been granted to large multinational corporations such as De Beers, Broken Hill Properties and Rio Tinto.

In addition to the CRPF, CoBRA, District Reserve Group Force (DRGF), Naga and Mizo battalions, Chhattisgarh is now also home to six BSF camps, all of which have been established in the district of Kanker (home to the Raoghat mines) over the past few years, clearly in anticipation of heightened industrial and mining activity. Two of these camps are located within 15 km of Raoghat, where SAIL is mining steel; one at Korar (Raoghat Camp) and the other at Tadoki Village, where the BSF camp has been combined with a police camp. Right beside this, is a CRPF camp. There is strong evidence to suggest that the presence of BSF in Raoghat will increase significantly as the Bhilai Steel Plant begins preparations for its 14 MTPA iron ore mining operation at Raoghat. According to a report in *The Hindu*, senior officers of the BSF admitted that “its 24[th] battalion had been moved to Korar in Kanker district to facilitate ore extraction at Raoghat.”⁶ Further, in another interview, top sources in the Steel Authority of India Limited said that the Bhilai Steel Plant was spending more than Rs 250 crore “in the construction of 22 barracks for five or more paramilitary battalions, six of these would be placed around Block F, allotted to BSP.”⁷

How do the people of Chhattisgarh view the taking over of their lands and minerals?

The dominant narrative in support of large-scale mining argues that it is

5 All data retrieved from the list of prospecting and mining leases available at www.cgmines.gov.in

6 <http://www.thehindu.com/todays-paper/steel-plant-building-barracks-in-maoist-belt/article4155806.ece>

7 Ibid.

for the sake of development – for the benefit of people and the growth of the economy – and that mining must be encouraged. As the former Union Minister of Finance, P. Chidambaram, claimed, “Mineral wealth is wealth that must be harvested and used for the people.”⁸ In the district of Dantewada, lie the Bailadila mines of the National Mineral Development Corporation (NMDC) which, since 1965, have been yielding 29 million tons of iron-ore every year through five mining leases totalling an area of 2558.424⁹ hectares. However, according to the response given by the NMDC to an RTI filed about the matter, it was learnt that only 31 jobs have been given to the people from affected villages/areas of Bailadila Iron Ore Mine.¹⁰ It is hardly surprising then that the locals are staunchly opposed to expansion of the Bailadila mines by another Extension Project, a plan that would enhance the yield of iron ore to 55 million tons by 2017 and to 100 million tons by 2020. Not only have they not received any employment in the mines, they have instead been gifted the blood-red rivers of Shankini and Dankini, polluted by iron ore.¹¹

The Nagarnar Steel Plant of the NMDC which faced resistance¹² of the 20-25 affected villages since 1992 has finally been completed, and according to newspaper reports¹³ may eventually be disinvested. More recently, the Prime Minister announced yet another Ultra Mega Steel Plant,¹⁴ projected to have three times the capacity of Bhilai Steel Plant, situated in villages around Dilmili in Bastar. Here, lands have already been bought up by traders and speculators and even the Adivasi elite including Ministers in the present cabinet, but there is fierce resistance from the Gram Sabhas (village councils) and Adivasi villagers.¹⁵

At present, railway lines for the Raoghat mine are being laid under tight

security. While the forest clearances granted to the mine claim that there are no villages in the mining lease area, actually two villages Anjrel and Pallakasa have been evicted by the paramilitary without any legal process whatsoever. The forest rights applications of about 20 villages have not yet been decided and the Gram Sabhas in these areas almost totally Adivasi have declared their opposition to the ruthless felling of their forests. However, their opposition has gone unheard, and the government appears determined to go ahead with the project.¹⁶

As it marches forward in its drive to exploit the mineral wealth of the region, the government relies on the police and the paramilitary. Today, in Bastar, there is one paramilitary soldier for every 40 civilians, making it one of the most heavily militarised areas in the world.¹⁷

What has been the effect of such heavy militarisation?

In a matter of just a couple of years, the BSF has a chilling record of human rights violations. In a particularly grotesque incident that took place on September 5 and 6, 2010, the BSF and the accompanying district police brutally assaulted over 40 men, molested two teenage girls and picked up 17 villagers: ten from Alor and seven from Pachangi. The 17 villagers were held hostage at a nearby BSF camp and tortured over the course of three days; several people were administered electric shocks and forced to confess that they were Naxalites. Two men complained of being sodomized with sticks and brutalised 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 29, 2010. Eventually the SC/ST Commission conducted an inquiry into the incident, following which BSF claimed to have initiated an “internal inquiry”. It is not clear if any action was taken against the offending officers.¹⁸

Since October 2015, four cases of mass sexual violence have been documented in South Chhattisgarh – two within the same thana area. Reports which have been submitted by various fact-finding teams and media houses

16 <http://www.thehindu.com/news/national/villagers-in-chhattisgarh-accuse-bsf-of-torture/article625422.ece>

17 <http://scroll.in/article/806105/what-does-indias-fiscal-deficit-have-to-do-with-the-war-in-chhattisgarh>

18 <http://www.thehindu.com/news/national/villagers-in-chhattisgarh-accuse-bsf-of-torture/article625422.ece>

8 http://archive.tehelka.com/story_main43.asp?filename=Ne211109coverstory.asp

9 From the list of prospecting and mining leases available at www.cgmines.gov.in

10 RTI application number 512015/2014/ filed by Gutta Rohit

11 <http://www.tehelka.co2014/05/dantewada-Adivasis-say-no-to-polluting-mine/>

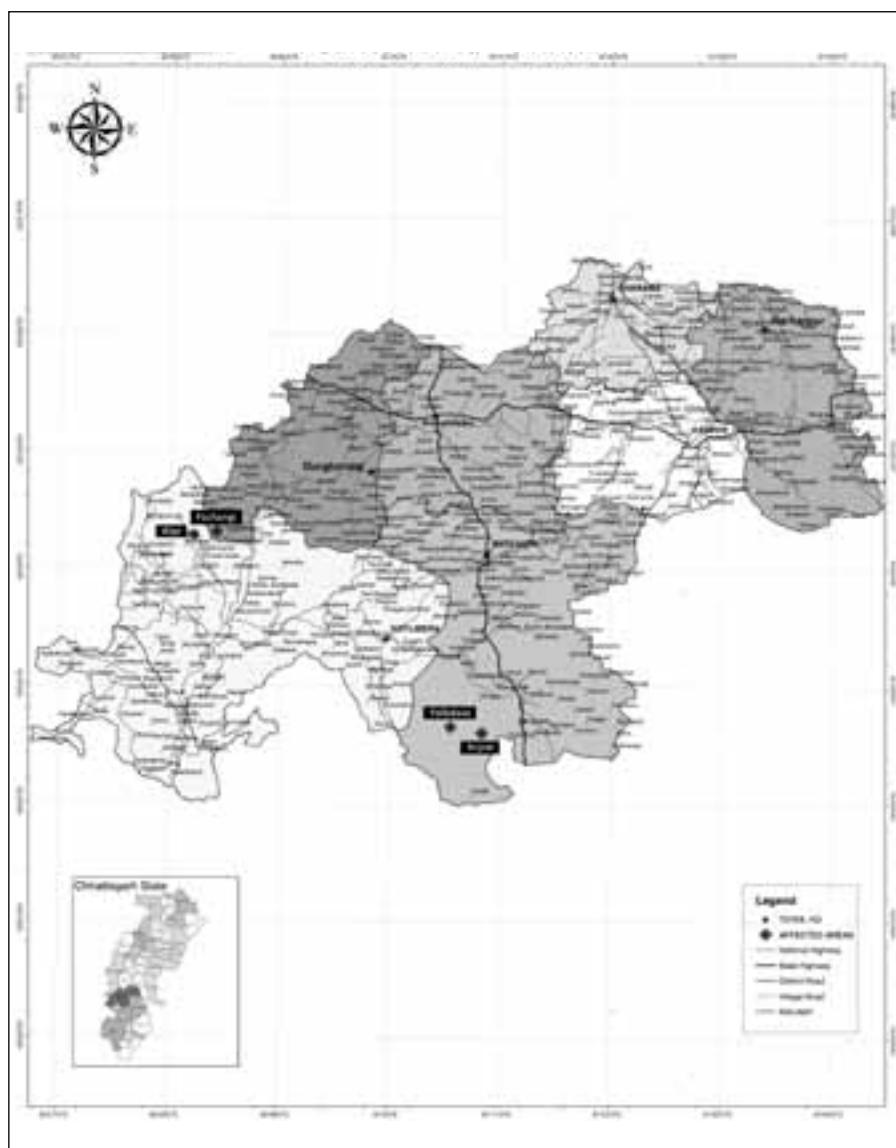
12 http://www.business-standard.com/article/companies/sail-nmhc-bastar-steel-project-lands-in-trouble-115051200635_1.html

13 <http://www.patrika.com/news/bastar/bastar-opposed-to-privatization-of-nagarnar-steel-plant-1442065/> and http://www.business-standard.com/article/pti-stories/govt-considering-disinvestment-in-nmhc-s-nagarnar-steel-plant-116120201339_1.html

14 <http://www.railnews.co.in/pm-modi-inaugurate-ultra-mega-steel-plant-rowghat-jagdarpur-phase-2-railway-line-chhattisgarh-today/>

15 <http://www.ndtv.com/india-news/Adivasis-in-chhattisgarh-protest-against-steel-plant-announced-by-pm-narendra-modi-762331>

Map of District Kanker



Reworked from maps available at Chhattisgarh Infotech Promotion Society (CHIPS)
http://www.chips.gov.in/sites/map/Political_Map/KANKER.pdf

attest to over 20 gang-rapes and several other instances of sexual assault.¹⁹ All these incidents occurred as a part of search and combing operations by the police and security forces. Given the similarity in nature and scale in all cases, there is a discernible pattern of sexual violence that emerges – indicating that rape and other acts of sexual violence are being used systematically as a strategy to intimidate, humiliate and spread terror among the Adivasis of South Chhattisgarh. It is clear that it is being used as a weapon in the war between the Indian State and the Maoists.

Using sexual violence as a weapon of war, however, is not new. Rape and sexual violence have historically accompanied militarisation across the world. The United Nations Committee on the Elimination of all forms of Discrimination Against Women (CEDAW) has said that sexual violence is also used “as a form of punishment, particularly where women are politically active, or are associated with others who are politically active. Sexual violence can further be used as a means of inflicting terror upon the population at large. It can shatter communities and drive people out of their homes. Sexual violence can also be part of a genocidal strategy.”

In India, rape by the Indian Army in the Northeast and in Kashmir has been widely documented.²⁰ In Chhattisgarh itself, the state-sponsored vigilante group Salwa Judum together with security forces carried out a large number of rapes. Human rights groups and scholars have written widely on the use of sexual violence by armed forces in conflict affected areas.

Being killed or even shot at randomly by the police and security forces, is a genuine fear of almost every Adivasi in South Chhattisgarh. People are afraid to go to their fields to work, or into the forests to gather forest produce, fearing they could be shot at – and later, their death would be termed an ‘encounter’ and their body would add to the count of dead “Naxals”. The policy of rewarding members of the police and security forces with money for each body they deliver, increases the number of innocent Adivasis being

¹⁹ These reports have been submitted to Dr. Rameswar Oraon, chairperson of the NCST, in Raipur and Bijapur on April 3-4, 2016

²⁰ See for example <https://www.hrw.org/sites/default/files/reports/INDIA935.PDF>, <http://www.refworld.org/docid/3ae6a8558.html%20%5Baccessed%2018%20April%202016%5D>, <http://www.humanrights.asia/resources/journals-magazines/article2/0105/fear-of-rape-the-experience-of-women-in-northeast-india>

killed. This incentivisation of violence has been widely documented and condemned in the case of Kashmir as well.²¹

The presence of armed security forces and policies that reward violence are a danger to the survival of the indigenous population of South Chhattisgarh. It is clear that militarisation is not only accompanied by much evil, but in itself prepares the ground for sexual violence and gross human rights violations. A state interested in indigenous populations and the rights of Adivasi women would not use armed forces even for curbing armed resistance.

The Unconstitutional Use of Adivasi Youth in Counter-Insurgency

As mentioned earlier, the constitution of a force like the District Reserve Guard Force (DRGF) is exactly what the 2011 Supreme Court judgment²² warns against. It says:

“Many of these Adivasi youngsters, on account of the violence perpetrated against them, or their kith and kin and others in the society in which they live, have already been dehumanized. To have feelings of deep rage, and hatred, and to suffer from the same is a continuation of the condition of dehumanization. The role of a responsible society, and those who claim to be concerned of their welfare, which the State is expected to under our Constitution, ought to be one of creating circumstances in which they could come back or at least tread the path towards normalcy, and a mitigation of their rage, hurt, and desires for vengeance. To use such feelings, and to direct them into counter-insurgency activities, in which those youngsters are placed in grave danger of their lives, runs contrary to the norms of a nurturing society. That some misguided policy makers strenuously advocate this as an opportunity to use such dehumanised sensibilities in the fight against Maoists ought to be a matter of gravest constitutional concerns and deserving of the severest constitutional opprobrium.”

The fact that the State continues to use young Adivasis in counter-insurgency operations is in direct violation of the Supreme Court judgment.

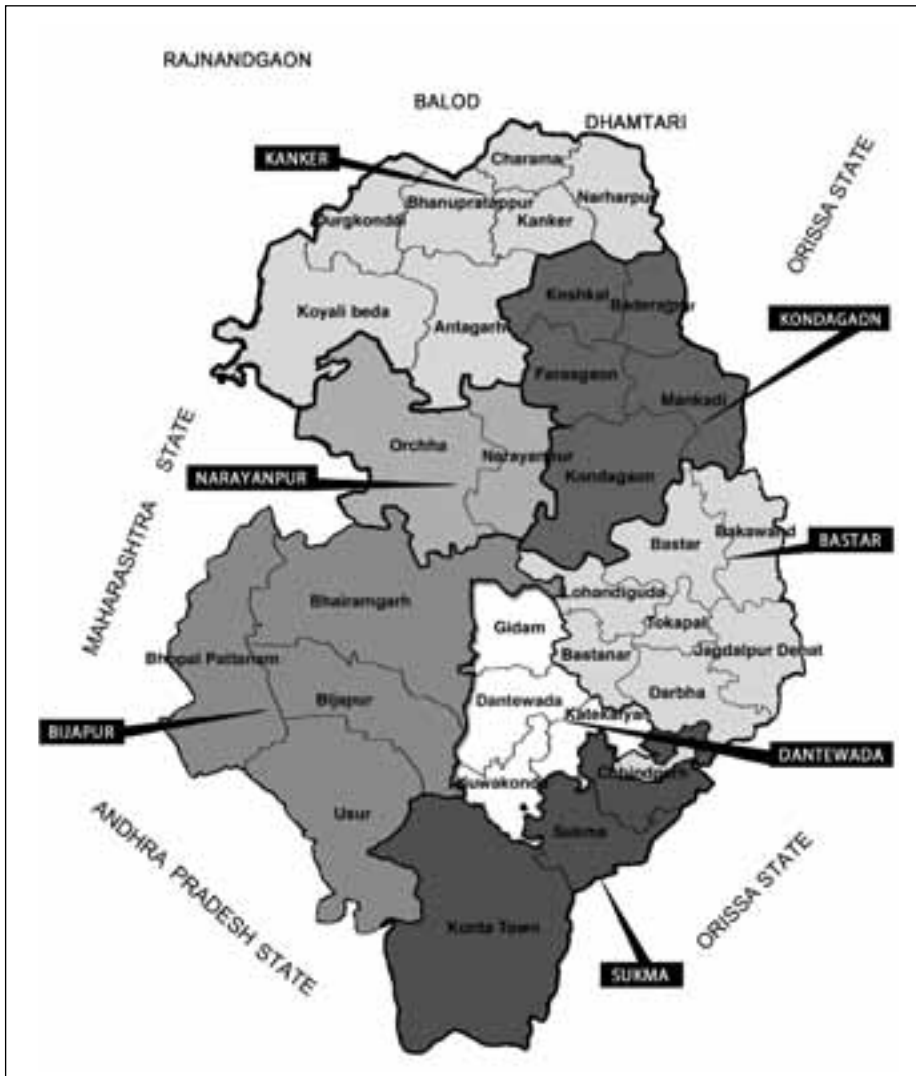
²¹ http://kashmirprocess.org/reports/alleged_Perpetrators.pdf

²² <http://www.hrln.org/hrln/images/stories/pdf/salwa-judum-order.pdf>. All quotations and references to the Supreme Court judgement can be found in this order.

While the Salwa Judum itself has been disbanded, the SPOs of the time have been absorbed by the police, and together with internally displaced Adivasis, surrendered Naxals and those affected by Naxal violence, they continue to be at the forefront of search and combing operations. They lead these operations since they know the terrain well. Most women who testified to sexual violence said that at least one of the rapists would be speaking to them in Gondi. As reiterated by the Supreme Court, the use of Adivasis and surrendered Naxalites has distorted social relationships in the villages.

Dividing the Adivasis of the area by pitting one against the other, and thus breaking families and communities, is a direct attack on the social fabric of the area. The Adivasi way of life, particularly that of the Muria Gonds of these areas, which is characterised by collectiveness in different aspects of life, is being compromised by the interests of the State.

Map of Tehsils in Districts of Bastar Division



Reworked from maps available at Chhattisgarh Infotech Promotion Society (CHIPS)
http://www.chips.gov.in/sites/map/Composite_Maps/TEHSIL%20MAP.pdf

Chapter 2

Contours of Military Operations

What was earlier undivided Bastar, has now been split into seven new districts. Of these, Bijapur was carved out in 2007 and Sukma in 2012. Bijapur has a population of over 2.5 lakh people, of which 80 percent is Adivasi. Literacy rates in the district are around 40 percent. Large parts of Bijapur are covered by dense forests. Sukma, neighbouring Bijapur, was carved out of Dantewada more recently. It is also largely Adivasi and has a population similar to that of Bijapur. Sukma has 13 Primary Health Centres while Bijapur has 10. Travelling through these parts, one can witness the ubiquitous armed police and paramilitary roaming the roads that were built for them. However, there is no precise information about the number of security camps in the area or the exact numbers of personnel deployed.

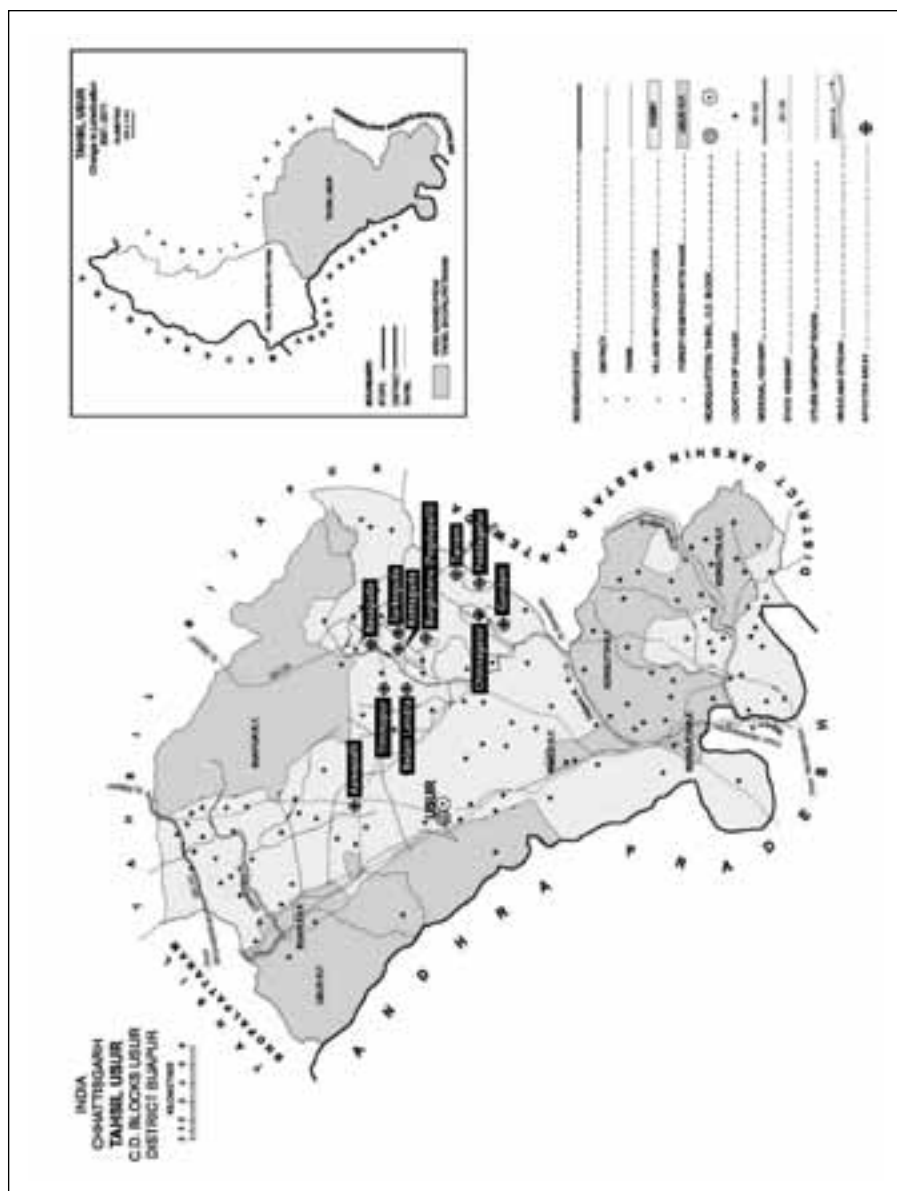
The maps included here indicate the villages where the recent incidents of mass rapes and sexual violence have occurred.

About the Villages

Peddagellur and the surrounding villages of Chinnagellur, Gundam and Burgicheru are difficult to reach. Nestled deep inside the forest, the motorable road stops at Kothaguda, adjacent to the infamous village of Sarkeguda, where the CRPF killed 17 people, including seven minors, while they were celebrating a seed festival in 2012.²³ A week after the massacre, a camp was set up at Sarkeguda, and with it, an asphalt road from Bijapur through to

23 http://archive.tehelka.com/story_main53.asp?filename=Ne210712Death.asp

Map of Tehsil Usur



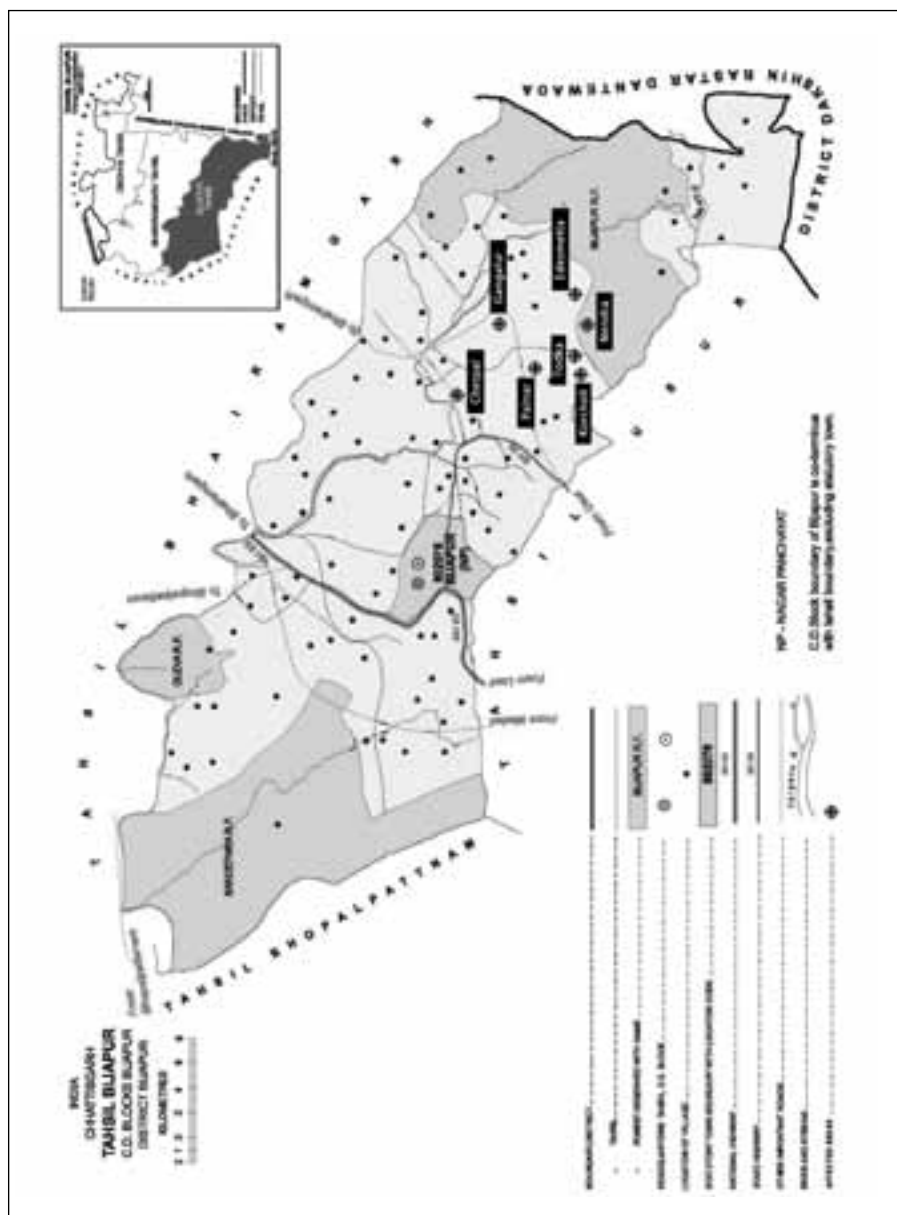
Based on Census of India 2011 map available at <http://www.censusindia.gov.in/2011census/maps/atlas/22part3.pdf>; pg396

Basaguda. To get to Peddagellur one would have to travel 17 km beyond Kothaguda, through hilly, forested terrain. Villagers from these parts set out at dawn every Friday and walk over 20 km to get to the nearest bazaar in Basaguda. They buy their supplies and return only by nightfall after an arduous trek in the forest. There is no school in Peddagellur or any of the other villages, no electricity either. The nearest anganwadi is 17 km away, the nearest school, more than 20 km. The nearest primary health centre and public distribution shop are as far.

Nendra, which falls under the same thana area, is somewhat easier to approach. The Timapur camp marks the point of entry to the five kilometre path that leads to Nendra. The journey, through the forest and some fields, is mostly motorable. Ironically, the combing operation during which the mass rapes took place was undertaken as a precursor to a road being built all the way to the village. Beside the Timapur camp is a ‘Porta cabin’, where some children from Nendra stay and study. According to the 2011 census, the literacy rate in Nendra is 0 percent. A young girl, now in class 8, is the lone exception to this statistic. Nendra is a small village of less than a 100 households spread over four paras or neighbourhoods. For the villagers of Nendra as well, the closest bazaar is at Basaguda. For health care, they must travel to Awapalli or Basaguda, which have the nearest available access to primary healthcare. Only as recently as May 2016, a solar panel was installed in the village; it is not yet functional. Travelling out of Nendra, as one approaches the main road, we are confronted by a watch tower covered in black rexene with two holes at the level just above the head. The holes are meant for rifle barrels aimed directly at those exiting the forest. Nendra was burnt down twice during the days of the Salwa Judum. As our team went from one para (hamlet) to the next, we were shown patches of empty fields where people’s homes had once existed. Amidst grass that had grown wild at one such site, was a single burnt log – once a pillar, presumably – the only reminder of the houses that once stood there. During the time of the Judum, some families had fled to Andhra Pradesh, the border of which is about 15 km from Nendra. Many have not returned since.

Korcholi, also in Bijapur district, lies nestled in the hills that surround Gangalur. Some 12 km off the motorable road which ends at Gangalur, getting to Korcholi involves an arduous trek for a few hours, or a couple of

Map of Tehsil Bijapur



Based on Census of India 2011 map available at <http://www.censusindia.gov.in/2011census/maps/atlas/22part3.pdf>; pg397

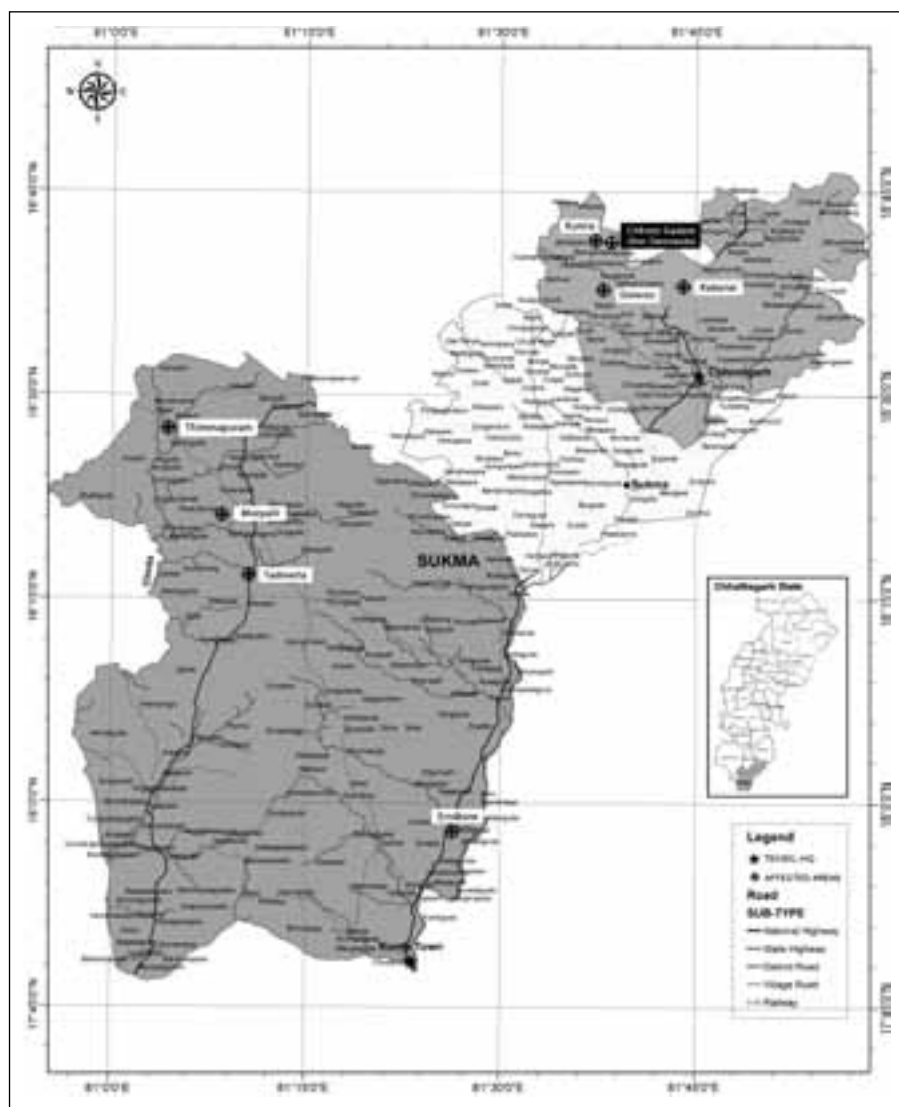
hours by tractor over hilly terrain. It can also be reached by motorbike in an hour and a half. It is a small village comprising less than a 100 households. It has no electricity. Cherpal and Gangalur serve as the nearest locations for a primary health centre, a public distribution shop and a primary school. Both are at least 10 km from Korcholi. Some young people from Korcholi and the surrounding villages study at the government hostels in Cherpal and Gangalur. Most of them are boys and according to the 2011 census, there is a 0.65 percent literacy rate among males in the village. Even further away from Korcholi lies the village of Itavar and across the hill lies Edesmetta, where eight villagers – including four minors – were gunned down by security forces in 2013, while the village was celebrating Beej Pondam.²⁴ The people of these villages are no strangers to state violence.

Kunna, in the Kukanar thana area of Sukma district, is one of the relatively larger villages in the area, with a population of 1884 (census 2011) spread over a dozen hamlets. Approximately 95 percent of the population comprises of the Muria Gonds. The village is one of the few in the area which has a school, although it was reported that the teacher only visits once every fortnight or so. Electricity was brought to the village about six years ago. Kunna is about 15 km from the main road and one has to cross three nullahs to reach the village. It is a three-hour walk to reach the main road. In the non-monsoon months, a good vehicle suited to the terrain could get you there faster. There are two defunct urinals constructed here as part of a sanitation campaign. The village of Chotegadam, is a further two kilometres’ walk from Kunna. This village technically falls in Dantewada District. The village has electricity poles but electricity has never reached the area. Children from here travel to Kunna to study.

People in all four places survive largely on subsistence farming, sowing paddy once a year. They also breed livestock and sell their chickens and goats at the weekly markets. The collection of minor forest produce is their other main source of livelihood. Between February and March each year, many villagers temporarily migrate to chilly farms in Telangana and Andhra Pradesh during the chilly picking season. They usually return in time to pluck the

²⁴ http://humanrightsforum.org/beta/wp-content/uploads/2013/11/HRF_Inhuman_Counter-Insurgency.pdf

Map of District Sukma



Reworked from maps available at Chhattisgarh Infotech Promotion Society (CHIPS) http://www.chips.gov.in/sites/map/Political_Map/SUKMA.pdf

mahua flower which they sell at the local markets. In summer, they are busy plucking tendu leaves (used in the manufacture of beedis or local cigarettes) which are then packed and transported by migrant labour who have been brought to the village by contractors. In one of the villages, we witnessed a fish market, which was the outcome of fish farming in a collectively-owned pond looked after by three villages. Smaller fish were distributed equally among all those present, while the larger fish were cut and sold.

Water sources are scarce and in some places, women walk long distances to fetch water. Child mortality is high and children are severely malnourished. According to a survey by the Government of Chhattisgarh in 2014, 42 percent children (0-5 years) in the southern tribal districts are malnourished while the overall figure for the state is about 33 percent.²⁵ Diseases such as malaria are rampant.

On one of our visits, we met migrant workers from Maharashtra who had been brought by contractors to pack the bundled tendu leaves. They were to spend a month in the village, having brought their own rations and travelled for days in pick-up trucks. These workers are sent to a new place each year – Jharkhand, Orissa, Telangana, Andhra etc – and have seen much of Central and South India’s countryside. “But we’ve never been to a place like this one” they say. “There is nothing here. Even food is difficult to come by. We can’t fathom what the people here eat, or when they eat,” they said, shaking their heads in wonder. The contractors, we were told, have an understanding with the police and security forces – ensuring beforehand that during the tendu leaf plucking season combing operations don’t affect the villages in which their work is being carried out. This mutually convenient arrangement offers temporary respite to villagers. But listening to the migrant workers and their wonder, one can’t help but think that it is in these very parts, where “there is nothing” where people are the most vulnerable, living on the extreme margins of society, that the State rears its most murderous head. The stories of violence from these villages, eerily resonant of one another, reveal a pattern of violence being used by the State to terrorize its own people. In each place, lungis and saris were burnt, blankets torn, livestock consumed or killed, grains looted or even spilt; women were beaten for attempting to protect their homes. Many were raped and others threatened with rape.

²⁵ <http://timesofindia.indiatimes.com/city/raipur/7-lakh-children-under-five-in-Chhattisgarh-malnourished/articleshow/38996196.cms>

Chapter 3**Salwa Judum and Sexual Violence**

The Salwa Judum, a term in Gondi which loosely translates as ‘Peace Hunt’ or ‘Purification Hunt’ was an armed vigilante movement sponsored by the State, financed by private capital and used by the police and security forces in their attempt to wipe out the Naxal movement in South Chhattisgarh. The official and police version, still maintained by Inspector General of Police, Bastar Division, S.R.P. Kalluri, is that it was a spontaneous reaction to Maoist violence. However, not only was the support from the State evident,²⁶ but in a landmark judgement in 2011, the Supreme Court declared that the group was illegal and unconstitutional.

Under the reign of the Judum as it is popularly called (Judum means getting ready for a hunt), thousands of villagers were evicted and moved into security camps, their homes were torched, their livelihoods destroyed. The pretext for such action was ostensibly protection against the Maoists, but in reality, those who refused to leave their homes however were beaten, threatened or killed. A polarisation of “us” and “them” was woven in to the narrative used by the Salwa Judum and the State – anyone who decided to live in their ancestral home was branded a Maoist sympathiser and targeted.

The link between armed vigilantism to crush resistance against corporatisation can be clearly established. The Salwa Judum had its first

26 From phone transcripts to the fact that Special Police Officers, who were officially on the payroll of the police, consisted largely of active members of the Salwa Judum, the report by the Independent Citizens Initiative carries detailed documentation that makes State-sponsorship clearly evident

meeting in June 2005, days after the Chhattisgarh government had signed an MoU with the Essar Group and another with Tata Steel, promising these corporations large tracts of mineral-rich land in Dhurli, Bhansi and Lohandiguda. Members of the Salwa Judum consisted mainly of young Adivasi men who were led by the more affluent sections of Adivasi society – those who owned land which tended to attract the ire of the Maoists, and also those who happened to be the more sanskritised.²⁷ Mahendra Karma, for instance, one of the most prominent leaders of the movement, was originally called Massa Karma until he was taken into the Hindu fold.²⁸ Other members included some surrendered Naxals. Massive combing operations were launched across vast tracts of undivided Bastar, led by Salwa Judum members with the police and security forces in tow. The members of the Judum knew the land and its people better than the jawans of the Central Reserve Police Force (CRPF) who came from states as far away as Haryana and Nagaland. In the first few months alone, several hundred villagers were evicted and herded into camps. Over the next few years this number would increase to 3,50,000.²⁹

These mass evictions were often accompanied by various forms of violence – people would be beaten, stripped and their homes set on fire. But what was also common was the rampant use of sexual violence. The horror of that violence lingers. Women we met in 2016 tell us how they were raped during the time of the Judum, recalling every detail as though it happened just yesterday.

In its report,³⁰ the National Commission for the Protection of Child Rights (NCPCR), which visited Dantewada in December 2007, says “Many people

27 Sanskritisation refers to the process by which castes placed lower in the caste hierarchy seek upward mobility by emulating the rituals and practices of the upper or dominant castes. First analysed by B.R. Ambedkar, the term was popularised by sociologist M.N. Srinivas in the 1950s.

28 From *Walking With The Comrades* by Arudhati Roy <http://www.outlookindia.com/magazine/story/walking-with-the-comrades/264738>

29 “Committee on State Agrarian Relations and Unfinished Task of Land Reform”, a report drafted by the Ministry of Rural Development, Government of India (pp161): http://www.rd.ap.gov.in/ikpland/mrd_committee_report_v_01_mar_09.pdf

30 Report of *National Commission for the Protection of Child Rights visit to Dantewada (Chhattisgarh) & Khammam (Andhra Pradesh) To Investigate Status of Health and Education of Children affected by Civil Unrest* (17 to 19 December 2007). http://ncpcr.gov.in/view_file.php?fid=103

shared accounts of family members killed and women raped by the Salwa Judum”. In one instance, a villager from Lingagiri describes how members of the Salwa Judum would come and repeatedly harass them. Since no one from their village joined the Salwa Judum, the “police came with guns and killed two members of my family and raped my niece”, he recalls. The report also carries several written petitions they received from displaced villagers, asking for protection from the Salwa Judum. In almost every one of these letters, there is a mention of someone from their family or village having been raped.

Before the visit of the NCPCR, a team of independent citizens – the Independent Citizens’ Initiative visited Dantewada district in May 2006. The team conducted interviews with government representatives, Salwa Judum representatives, a senior spokesperson of the CPI (Maoist) and hundreds of villagers across Dantewada. In response to the widespread reports of rape described by local NGOs and citizens, the team tried to visit villages where incidents of rape had been reported. However, their attempts to visit these villages were “physically blocked” by the Salwa Judum and the security forces. At Jagdalpur jail however, they met a woman who was gang-raped by the CRPF while she was cycling with her brother. She was then taken to the local thana and gang-raped for another ten days.³¹ Acknowledging the difficulty in documenting rape, the report nevertheless carries a list of as many as 31 women who were gang-raped by the police and security forces and members of the Salwa Judum.

Over two visits in 2006, a national women’s team visited the area and documented the widespread use of rape and sexual violence against women.³² Several villages reported that combing operations were often accompanied by sexual violence. Others said that the extent of violence was far greater than what was being spoken about, given the fear and taboo that surrounds rape. The team also met with an anganwadi (child care) worker who was brutalised by 15 cadre of the Naga Battalion. In jails, team members met

31 From the report *War in the Heart of India: An Enquiry into the Ground Situation in Dantewada District, Chhattisgarh* by the Independent Citizens Initiative. <https://cpjc.files.wordpress.com/2007/07/ici-warintheheartofindia.pdf>

32 An All-India Women’s team visited Dantewada in late September and mid-November, 2006. Its findings were presented in a report brought out by the Committee Against Violence On Women (CAVOW)

with women who had been raped and tortured in custody. There were also reports of young women within the auxiliary police force – Special Police Officers (SPOs) – who had been molested and forced into providing sexual favours to men in the security forces. Their report carries an appendix with the names of 37 women who were brutally beaten, sexually assaulted or raped. Another appendix details several cases of rape, forced marriages and assault of women by police and security forces in CRPF camps and roadside relief camps promoted as part of the village evacuation campaign in the Salwa Judum phase.³³

In May 2007, three citizens filed a writ petition in the Supreme Court based on some of these fact-finding reports. This was followed by another writ petition filed by three residents of Dantewada who had personally suffered beating, arson, loot and intimidation by the Salwa Judum.³⁴ The petitioners demanded an independent enquiry under the guidance of the Supreme Court to look into reports of killing, looting, abductions, rapes and other violations of human rights by security forces and members of the Salwa Judum. It also requested the court to direct the Chhattisgarh government to refrain from supporting or promoting, in any manner whatsoever, the activities of the Salwa Judum. The Chhattisgarh government, in its response to the court, denied any violation by the Salwa Judum and resisted an independent inquiry. However, in a landmark judgement passed in 2011,³⁵ the Supreme Court called for the disbanding of the Salwa Judum, deeming it unconstitutional. The petition also carried 99 affidavits which accused members of the Salwa Judum of rape. However, five years on, not a single First Information Report (FIR) has been registered.³⁶

Amidst burnt homes, displaced lives and death, the memory of violence and sexual violence in particular, continues to haunt the people whose lives were torn apart by the Salwa Judum. While the movement itself has been disbanded, its legacy lives on, and the State continues to find new ways of justifying the use of extreme violence against its people.³⁷

33 From *Salwa Judum and Violence on Women in Dantewara, Chhattisgarh*, CAVOW. <https://cpjc.files.wordpress.com/2007/07/cavow-sj-ff-report.pdf>

34 http://www.india-seminar.com/2010/607/607_nandini_sundar.htm

35 <http://www.hrln.org/hrln/images/stories/pdf/salwa-judum-order.pdf>

36 <http://www.firstpost.com/india/salwa-judums-record-99-allegations-of-rape-not-one-fir-826067.html>

37 Most of the SPOs at the time of the Salwa Judum were later absorbed into the Chhattisgarh Auxiliary Force – a special force within the Chhattisgarh police, created specifically for this purpose.

Chapter 4**Valorisation of Rape in Custody**

In South Chhattisgarh, as in many parts of the country, the infliction of sexual violence in custody is rampant. However, in places of conflict and war, the use of custodial sexual violence takes on a more potent form – it is not only used as a systematic means of torture and repression, but is also valorised.

During the time of the Salwa Judum, several women were sexually assaulted at the time of their arrests and later while in police custody. The report by CAVOW describes how two women were stripped by CRPF jawans and tied with ropes before being taken into custody. Another woman in Jagdalpur jail described how her breasts were repeatedly squeezed and rifle butts jabbed into her body. Since these interviews took place in the presence of jail officials, the women were not at liberty to speak freely, but in most cases, as the report indicated, circumstances of arrest seemed to indicate sexual assault.³⁸ Members of the then over-ground women's group Krantikari Adivasi Mahila Sangathan (KAMS) affiliated to the Communist Party of India (Maoist) were specifically targeted.³⁹ Their political allegiance seemed, in the eyes of the police, to justify acts of extreme violence.

More recently however, there have been other instances of custodial torture and rape. In October 2011, Soni Sori, an Adivasi school warden, was picked up and falsely accused of being a Maoist sympathiser. While

in custody she was repeatedly stripped and given electric shocks. She was verbally abused by Ankit Garg, the then Superintendent of Police (SP), Dantewada. He used abusive language to humiliate her and watched as she was stripped and administered electric shocks. Later, he ordered three men to torture her; they inserted stones into her private parts.⁴⁰ Despite evidence of this in a medical examination ordered by the Supreme Court, Ankit Garg was given the President's Gallantry award for his accomplishments. This valorising of violence not only breeds a culture of impunity that serves to maintain structures of power, but also legitimises the use of sexual violence as a form of repression and torture. Though Soni Sori joined the Aam Admi Party after her release and has since become a powerful voice of the people of Bastar, she continues to be harassed by the police.

Soni's experience was one of the few that made its way to the mainstream media, but hers was by no means a unique story. Soni says she met several women during her time in jail who had been sexually tortured by the police before being sent there. One of these women was Kawasi Hidme. Hidme was picked up as a young girl while she was out with her sisters at the local village fair. After her arrest, she was shifted from one police station to the next and repeatedly raped. The extent of her torture proved almost fatal. Fearing that a custodial death would raise too many questions, she was finally produced in court and then sent to jail, charged with participating in the ambush of security forces in Regeggatta forests near Errabore which left 24 policemen dead. The repeated sexual torture had taken a severe toll on her health. While in jail, she was repeatedly in and out of the hospital, and was operated upon twice. After her release, Soni narrated Hidme's story to human rights lawyers and activists, who then fought for Hidme to be released. In March 2015, Hidme was finally released after having spent seven years in jail.

Soni and Hidme are but two of countless women who have been sexually tortured in custody by the Chhattisgarh police. Despite damning evidence, no action has been taken against them; instead, medals have been conferred and promotions granted.

40 See <http://www.tehelka.com/2011/12/shockingly-soni-sori-has-been-sexually-tortured-with-stones-who-will-answer-for-this/> and the case of Soni Sori in the report available here: <https://wssnet.org/2012/12/10/the-state-and-sexual-violence-challenging-impunity-demanding-justice/>

38 *Salwa Judum and Violence on Women in Dantewada, Chhattisgarh* (CAWOW)

39 *Women's Movement in Dandakaranya - Half of Struggle and Half of Sky*, PEOPLE'S MARCH, as cited in the CAVOW report

Chapter 5**Sexual Violence after
the Salwa Judum**

In March 2011, a combined group of Koya Commandos, CoBRA and Special Police Officers (SPOs) wreaked havoc in the three villages of Morpalli, Tadmetla and Thimmapuram. Three villagers were killed, and over 300 homes were torched. Three women were also raped.⁴¹ This operation, deemed a major success by the police, was allegedly carried out under the orders of SRP Kalluri, then SP of Dantewada.⁴² Kalluri has a notorious track record; Ledha Bai, an Adivasi woman, accused him of raping her when he was SP of Sarguja. She had testified before a magistrate that after having raped her, he also ordered his juniors to continue to gang-rape her every day over the course of the next several days. Ledha Bai filed the case in 2006, but she was forced to withdraw it and has been missing since.⁴³

After several fact-finding reports about the violence in Tadmetla and around, a Central Bureau of Investigation (CBI) inquiry was instituted and Kalluri was transferred out of the area to ensure an impartial probe. However, even as the inquiry was underway, Kalluri was conferred the President's Police Medal for Meritorious Service in 2013, and then in June 2014, he was brought back as Inspector General of Police (IG), Bastar Range. In October 2016, the CBI released a status report on its investigation, holding security forces responsible for burning 160 homes, revealing that the police

had lied about the homes being burnt by the Naxals. The report claims to have evidence of the “involvement of 323 SPOs/policemen” and 95 CRPF/COBRA personnel.⁴⁴ Kalluri himself has publicly claimed responsibility for the operation.⁴⁵ However, just days after the damning report was produced in court, Kalluri was invited to welcome Prime Minister Modi at the celebration of Chhattisgarh formation day.⁴⁶ This in itself is a clear validation of the use of sexual violence as *modus operandi* among many other brutal forms of repression to acquire land for corporates.

The repeated use of sexual violence by the State as a means of repression and torture, in order to humiliate and terrorise people and curb dissent, is not merely an unintended consequence of militarisation and conflict. On the contrary, the infliction of sexual violence has come to be inextricably linked with the maintenance of law and order and the preservation of ‘national security’. What is more, in honouring those accused of rape, the State is not only condoning the use of sexual violence as a tool in counter-insurgency operations, it is in fact, ensuring that such acts are accompanied by complete impunity.

44 <http://indianexpress.com/article/india/india-news-india/security-forces-burnt-160-homes-in-chhattisgarh-village-tadmetla-says-cbi-march-2011-3096011/>

45 <http://www.catchnews.com/india-news/kalluri-mukt-bastar-own-comments-and-cbi-probe-may-cause-cop-s-downfall-1477338187.html>

46 <http://naidunia.jagran.com/chhattisgarh/raipur-ig-kalluri-said-to-pm-naxalite-will-kill-before-next-election-844558>

41 https://www.tamilnet.com/img/publish/2013/10/HRF_Inhuman_Counter-Insurgency.pdf

42 <http://sanhati.com/excerpted/12510/>

43 <https://iadhri.wordpress.com/2013/01/25/ledha-bais-statement-against-srp-kalluri/>

Chapter 6**Current Crisis in Bastar**

Since September 2015, there have been several reports announcing the step-up of operations in South Chhattisgarh. IGP Kalluri has issued statements about the use of “aggressive intelligent based operations”⁴⁷ and better co-ordination among forces.⁴⁸ Announcing Mission 2016 to “eliminate Maoism”, the Chhattisgarh police have increased recruitment to their locally raised and specially trained District Reserve Guards force (DRG), which is working together with paramilitary forces such as the CRPF to combat the Maoist movement. Speaking about the DRG, Kalluri has said that its members are “basically former Naxalites of lower cadres, Maoist sympathisers, villagers displaced during Salwa Judum, who are fondly called son of soils, strongly passionate to reclaim their lost land from rebels.”⁴⁹ It must be noted that the Supreme Court in 2011 ruled against the use of Adivasi youth in counter-insurgency operations, while calling for the disbanding of the Salwa Judum. Using Adivasi youth to counter the Naxal movement, the judgement said, would be “tantamount to sowing of suicide pills that could divide and destroy society” (Para 20). Para 17-18 of the judgement points out that “[r]ecent history is littered with examples of the dangers of armed vigilante groups that operate under the veneer of State patronage or support. Such misguided policies, albeit vehemently and muscularly asserted by some policy makers,

47 <http://economictimes.indiatimes.com/news/defence/naxals-peoples-liberation-guerrilla-army-week-security-stepped-up-in-chhattisgarh/articleshow/50001672.cms>

48 <http://indianexpress.com/article/india/india-news-india/forces-in-chhattisgarh-count-more-dead-naxals-than-ever/>

49 <http://timesofindia.indiatimes.com/city/raipur/Mission-2016-DRG-force-pressed-into-anti-Naxalite-ops-in-Chhattisgarh/articleshow/50870871.cms>

are necessarily contrary to the vision and imperatives of our Constitution which demands that the power vested in the State, by the people, be only used for the welfare of the people...” The judgment (Para 51) goes on to say that the use of local Adivasi youth in the identification of Maoists or Maoist sympathizers would not only result in the branding of persons unrelated to Maoist activities as Maoists or their sympathizers but would also “almost certainly vitiate the atmosphere in those villages, lead to situations of grave violation of human rights of innocent people, driving even more to take up arms against the state.” It is telling that IG SRP Kalluri publicly declared his disagreement with this view, claiming that the Hon’ble Supreme Court has been misled by activists.⁵⁰

The result of this step-up in operations has been an increase in human rights violations, some of which have been widely reported. News of several fake encounters, illegal arrests and fake surrenders has made its way to the national media. With the arrests of journalists and attacks on human rights defenders, Bastar has suddenly come under public scrutiny.

The most disturbing of these reports however, has been the use of sexual violence by the police and security forces. Between October 2015 and February 2016, there have been reports of mass rapes and sexual violence during at least four different combing operations. Whenever there are massive combing operations, the men of the village usually flee into the forests, fearing death or arrest. It is the women who stay back to protect their homes and children, making them targets of the terror unleashed by the police and security forces. In October 2015, the police and security forces entered Peddagellur and surrounding villages of Basaguda thana area of Bijapur district, on a combing operation. They beat up several women, looted their rations and poultry and wrecked their homes. They raped a 13-year old girl, a pregnant woman, and her mother in-law who tried to protect her.

Less than three months later, in the same thana area, forces entered the village of Nendra. Here, amidst looting, physical assault and destruction of property, more than 15 women were molested or raped. At exactly the same time in the neighbouring district of Sukma, six women from Kunna were being

50 <http://www.thehindu.com/todays-paper/tp-national/bastar-ig-backs-karma-juniors-campaign/article7245643.ece>

paraded naked by the police and security forces. Their breasts were squeezed and buttocks were pinched. Two women even described how some of the men from the security forces “sat on top of” them. Again in January itself, a young mother from Korcholi, Gangalur thana, Bijapur district, was brutally gang-raped by the police and security forces while they were on a search and combing operation in the area. There is a discernible pattern to the violence in each of these cases. Sexual violence has defined the grammar of warfare for centuries. But even in the 21st century, when there has been widespread public outrage against the culture of rape, resulting in the amendment of the laws governing sexual violence, the State continues to use rape as a tool to “lay siege” and spread terror unchecked.

No Middle Ground

In order to counter the polarisation of discourse as a conflict between the Maoists and the State there is a need for independent organisations and civil liberties groups to be actively involved in conflict areas. In Chhattisgarh however, instead of encouraging such groups to support people to negotiate their struggles for survival and justice, the police and administration have taken measures to ensure they do not survive. In 2009, the Vanvasi Chetna Ashram was demolished, its members harassed and terrorised. In 2013, the International Committee of the Red Cross (ICRC) was ordered by the Chhattisgarh police to suspend its activities. Medicins Sans Frontiers (MSF) was accused by the police of treating Maoist rebels, which is permissible as per the Geneva Conventions of armed combat. In early 2016, the Jagdalpur Legal Aid Group (JagLAG), which was providing legal aid to adviasis, was hounded and evicted from Jagdalpur. A climate is being created in which the police is actively making sure that anybody who dares to question their actions or bring out truths they don't want told, is intimidated and evicted from the area. The active participation of civil society groups and journalists is central to the functioning of a democracy and the curbing of crimes perpetrated by the State.

In December 2016, Shalini Gera of JagLaG who has been providing legal support to the cases, was falsely accused of changing notes for Maoists and provoking villagers against the state, when she had actually gone to Jagdalpur to assist in following up on an order by the Chhattisgarh High Court.

More recently, Bela Bhatia a member of the WSS fact-finding teams, was attacked after she accompanied a five-member NHRC team to Peddagellur and Bellam Lendra villages in Bijapur on January 21, 2017. Subsequent to the visit, a belligerent mob of 30 people forced their way into her house and threatened to kill her dog, and burn down the house unless she left immediately.

A free and independent media is crucial for the healthy functioning of democracy. It is necessary that crimes perpetrated by the State are constantly checked and exposed, in order to increase accountability. In places where the military, para-military and police are deployed in large numbers, there is a high risk of such crimes recurring, and therefore a crucial need for watchdogs. But in recent months several journalists have been arrested and others have been harassed and intimidated. In July and September last year, Somaru Nag and Santosh Yadav were arrested and beaten up in custody. They were booked under non-bailable offences, and they continue to be in jail. Later, Malini Subramaniam was intimidated by the police and vigilante groups supported by the police, forcing her to leave her home in Jagdalpur. In March this year, Prabhat Singh and Deepak Jaiswal were arrested within few days of each other. At a press conference held by the women of Nendra, one journalist, moved by the testimonies of the women requested them to hold press conferences outside of Bijapur, saying that despite their belief in the need to report these incidents, they were under too much pressure to do so. In March, members of the Editors Guild of India visited the area and conducted a fact-finding. Their report⁵¹ states that not a single journalist in the area is working without fear.

51 <http://scroll.in/article/805866/not-a-single-journalist-working-without-fear-or-pressure-editors-guild-on-bastar>

Chapter 7**Recent Instances of Mass Sexual Violence**

This section details recent incidents based on fact-finding missions conducted by members of Women against Sexual Violence and State Repression (WSS) and other independent activists.

Peddagellur and Surrounding Villages

From October 19 to 24, 2015, four batches of police and security forces carried out a search and combing operation in the villages of Chinnagellur, Peddagellur, Gundam, Burgicheru and Pegdapalli. On our visit to the area on October 31, as a matter of chance, we learnt of the mass violence that had been meted out there. We were able to confirm two gang-rapes. In Peddagellur, a 13-year old girl was grazing cattle when she was chased by the security forces. Overpowered and blindfolded, she was raped by at least three people before she became unconscious. Another four-month pregnant woman was stripped by the security forces on October 21, repeatedly dunked in a stream, and then gang-raped.

A week after our visit, on November 6, 2015, a member of the team also met with some other women from Gundam and Burgicheru at the local market in Basaguda. The SDM and DSP who were also present, recorded the testimony of one other rape survivor at this time.

Several women, at least 15 in Chinnagellur and Peddagellur alone, and many others from neighbouring villages (Gundam and Burgicheru) reported

being stripped and beaten on their thighs and buttocks. Their lower garments were raised and they were threatened with further sexual violence (such as the pushing of chillies up their vaginas). Their blouses were torn. At least two breast-feeding mothers said that their breasts were pinched and squeezed. Other women also mentioned that their breasts were grabbed, pulled and squeezed.

Women were chased out of their homes which were then occupied by the forces. In some cases, the policemen removed their clothing and mockingly called to the women to come and “sleep” with them.

Severe beatings were reported by many women. In some cases, women were holding their infants when they were hit from behind. They were dragged, their hair was pulled and heads were banged on the ground. They were jabbed with guns and batons. Scars and bruises were still visible on the bodies of many of the women we met. Some had difficulty walking, despite having used hot compresses to relieve the pain in the absence of any medical service in the area. Infants and small children were also brutally beaten by the security forces. While trying to save them, women were subjected to further assault.

Some of these women travelled to the district headquarters of Bijapur and testified before the Collector and Additional Superintendent of Police (ASP) (Naxal Operations). In the early hours of November 1, 2015, the first ever FIR of rape against security forces was registered. Ironically, Chhattisgarh celebrates this day as the occasion on which it gained statehood. One year later, despite media attention and several subsequent fact-finding visits, no action has been taken against any member of the police and security forces.

Nendra

“Your men will drop to the ground like falling leaves shaken out of a tree”

— A member of the security forces warns a woman in Nendra

Less than three months later, a joint team of activists from WSS and the Co-ordination of Democratic Rights Organisations (CDRO) visited Bijapur in January 2016, as a follow up to the Peddagellur incident, and also to investigate other reports of encounters and killings in the area. With a chilling sense of *deja vu*, we learnt of what happened in Kunna, Sukma and Bellam Lendra (known as Nendra), Bijapur, as we reached the area.

Between January 11-14, 2016, five batches of police and security forces entered the village of Nendra in the Basaguda thana area of Bijapur district, Chhattisgarh. The forces blindly fired a round of bullets into the surrounding hills. The men of the village and its surrounding *paras* fled. Making their way from the hills into the village, the police and security forces invaded people's homes – they grabbed their chickens, took their rations, and cooked their food in their vessels. Almost all the instances of rape described were preceded by some form of resistance to the forces taking rations or livestock.

Incidents of sexual violence have been reported from all *paras* of the village.⁵² Nearly all confrontations between women and members of the security forces appear to have involved sinister and menacing sexual undertones. Women in the villages were taunted, jeered at and mockingly called upon to come and sleep with the troops while their houses were occupied. They were subject to grave sexual threats. Some were told that they would be torn apart from the centre, their vaginas slashed with knives and stuffed with chilly powder. Several were stripped and their bodies leered at. In one instance, Uika Podi,⁵³ a woman of about 50 years, described how a young girl's nipples were pinched and she was dragged away, until others intervened.

Many women shared their own experiences of violence, while others described what they had seen or how they had helped the others. During the first three days of the occupation, over fifteen women were raped in the village. Several women reported hearing cries of distress, making it clear that the crimes did not happen quietly, and that the identities of the perpetrators could not have been easily concealed from other members of the forces.

52 Appendix 5 includes a list of women who were beaten, raped and sexually assaulted in Bellam Lendra

53 Name changed

From the women's testimonies, it is apparent that several incidents of sexual violence occurred simultaneously over a widespread area, implying that it was not the same group of select jawans who committed these crimes. At any given point in time, the women reported, there may have been four people in one house, three in another, and five in the third, so the acts of sexual violence occurred simultaneously. This effectively discredits the notion that a specific group of four or five men may have been the culprits.

The women's testimonies and descriptions reveal that all the rapes were instances of gang-rape, involving four or five men perpetrators. One or two people would pin the woman down by her shoulders and/or stand on her feet, while another would force himself on her. Sometimes, there would be another standing at the door to keep away either the wailing children or other members of the household and village who might seek to help the woman being raped.

Many women reported being thrown down on the floor while their children were in the room, holding on to them, crying. In a few instances, some women of the household were pushed out of their homes with a baton, and one of them would be kept inside, cornered, and then raped.

The squeezing of breasts to the point of causing physical pain was a part of many narratives. A young 22-year-old was in extreme physical pain after a violent rape, even six days later when the team met with her; her nipples had been squeezed brutally and her vaginal region was sore and hurting.

In several instances, women were raped when they pleaded with the troops not to take their livestock. Any woman who tried to save her chickens or goats from forceful seizure was subjected to harsh abuse in retaliation.

“They took four kilos of rice from my home and promised to pay me. They also took four chickens. We sell chicken to buy clothes. When I told them this and asked them for money for the rice they took, they threw a fishing net over my face and pushed me into my house. They took off my clothes and threw them away. They even held my breasts. One of them held my legs down, another my shoulders. A third raped me. When I screamed for help, my mother-in-law came running in and began hitting the man on top of me. That's when they wore their clothes and ran,” said one of the women.

The police and security personnel asked another woman where the men of the village had gone and why they had run. When she responded that the men run because they fear what the forces would do to them, she was held by two men and taken into her house. “They threw me on the floor. They took off my clothes, tore my blouse and squeezed my breasts. One of them raped me and said ‘You give food to the Naxals. We will set fire to your homes. You’re lucky it’s daytime. If it was night, we would kill you’. My two children held me and began crying. That’s when they let go of me and warned me not to tell anyone what they had done. They took my chickens and left.”

As one woman from Gotum para recalls “I was working in the fields when they came. Four policemen took me and my mother-in-law to my house. I recognised two of them – one of them is from a village nearby. They used to work for the Naxals, but they were in police uniform. They chased my mother-in-law away, and tied a cloth to my face. One of the men held my legs down, another my shoulders, and another policeman raped me. I screamed and screamed, but they didn’t listen. After raping me they threatened me and told me to keep my mouth shut. They said they’d shoot me the next time they came if I told anyone what they had done. My breasts and private parts still hurt. I also have difficulty walking...”

Another woman from Gotum para was in the vegetable patch behind her house when two men stealthily approached her from behind. “They covered my face with a black cloth and pushed me to the ground. One of them held my chest down. The other raped me. They pressed my legs down with their shoes...Later, when we approached them at the boring well and asked them why they did such things, they told us not to falsely accuse them. They said they would again do what they did to us during the time of Salwa Judum. They also threatened to burn our houses with us and our children inside.”

Women were warned not to make any complaints, and if they did, they would be shot the next time the forces came into the village. Despite this, 12 women, including eight rape survivors, travelled to Bijapur to register their complaints. After several gruelling days of recording their testimonies and many refusals, an FIR was finally filed just before midnight – four full days after the women of Nendra had travelled to Bijapur. On the fifth day, medical examinations were conducted. Details of these exhausting negotiations with the authorities will be discussed in the next section.

Kunna

“Police and security personnel took turns to touch us squeezing our breasts, pinching our nipples, touching me on my stomach, back, and thighs. They laughed mockingly as they did this.”

— A woman from Kunna recounts how they were paraded naked

At the same time that the combing operation was underway in Nendra, another operation was being carried out in and around the village of Kunna in the neighbouring district of Sukma. Incidents of sexual violence have been reported from various hamlets, specifically on the first two days of the occupation by the troops.

Many young women in the age group of 13 to 30 years were attacked. Women’s blouses and out garments were pulled and torn. Breasts were squeezed and nipples pinched on the presumption that if they were not lactating mothers, they must be Naxalites. When a woman was not lactating, she was taunted saying that they could help her conceive. About ten young women were identified as having been sexually assaulted. While sexually tormenting the women, the troops would constantly also hurl allegations of being Naxalites. In Chotegadam village, three young girls were molested and threatened with rape. A 14-year-old girl was disrobed. The child’s mother, Bheemi was also beaten. In Kunna, Lakha Buda’s young daughter was being pulled when she screamed and managed to save herself.

In the school and en route from the school to the camp, groups of women were encircled by the security forces and molested. In some instances, they were pushed inside homes and sexually assaulted. In one house, women’s undergarments were burnt and pinned to the wall, and a phone number ‘9589117299’ was written under it, saying they could call the number for security, further mocking the women’s vulnerability.

Nandi, the 17-year old daughter of Lakku, recounted that she was badly beaten and her clothes were torn off her back. “They kept saying that you all feed the Naxalites. They made us sit in a line and kept hitting us with

sticks. When I said I don't have a child, they said, 'come inside, we'll give you a baby'. I was very scared that they would do something wrong with me. They dragged us from the school to the place a few kilometres away, where the vehicles were standing. I didn't have any clothes on, I was only left with a small gamcha (towel) to cover myself. While walking, police and security personnel took turns to touch us – squeezing our breasts, pinching our nipples, touching me on my stomach, back, and thighs. They laughed mockingly as they did this.”

Seventeen-year-old Ungi, wife of Bunda, had a similar experience, “The troops touched me in a bad way. They pushed me till the school and dragged me inside the room. They tore off all my clothes. They said ‘why are your breasts so small; doesn't your husband squeeze them’. Many people (of the security forces) touched my body in a wrong way.”

Reeta, 17, said “They pushed me into my house and threw me on the ground. They tore off all my clothes. They touched me everywhere. Later they took me to the school ground and there they tore off whatever little was left of the clothes on my body. We kept saying that we didn't know where the Naxalites were. They kept pushing the girls inside the school. In front of everyone, they touched our bodies in the wrong way. Sexual insults were being hurled from all sides. When they took us from the school to the camp, we were continuously being pushed to one corner of the road and molested repeatedly. Members of the security forces touched me on my stomach, back, legs, thighs....I was not wearing anything at all, and was feeling very ashamed and upset. I started crying. And then they hit me more because I was crying. I was scared that they would kill me and say I was a Naxalite.”

Moita recounted how she was disrobed. Her waist-string was pulled and her blouse torn. She said that several police officers sat on top of her and “did bad things”.

From the women's descriptions of the sexual torture and phrases like “they sat on top of me”, there is a strong sense that some women were raped, but are afraid to pursue the matter. Two women confirmed to the team that they had been raped.⁵⁴

⁵⁴ Appendix 6 includes a list of the women who were sexually assaulted and raped in Kunna

In Kunna, unlike in all the other villages, many of the men did not run away. Several of them were severely beaten. Lalu Sodi, 21, was in the fields when members of the force caught him and beat him up. Badly injured, he somehow managed to stumble back home, where his mother nursed him. But his body could not survive the brutal beating, and he succumbed two days later. His old mother showed the team his voter identity card and told us how she tried to feed him rice water (pench) but he was unable to take even a sip. When she touched his body to apply some medicine, he would scream in pain. His body was cremated without any complaint having been filed.

Korcholi and Surrounding Villages

“We go hunting for animals in the forest. They go hunting for human beings like us”

— A villager from Korcholi,
speaking about the police
and security forces

Between May 5 and 7, 2016, a WSS team along with independent activists visited villages in the Gangalur thana of Bijapur, following reports of violence during a search and combing operation carried out by police and security forces. Villagers reported several instances of loot, plunder, arrests and violence over the last couple of years. In one such recent operation in November 2015, a young man was shot dead and then falsely declared a Naxalite; two young women were stripped, abducted and held in captivity in the forest for two days and were sexually assaulted. In another operation in January 2016, three young girls were sexually assaulted, and a young mother was gang-raped.

Korcholi and Itavar, among other villages in the area, share a history of violence, loot and plunder meted out by the police and security forces. In the summer of 2013, police and security forces shot and killed the cattle in Korcholi. They looted rations, blankets and clothes. They took their money – amounts ranging from Rs 150 from some to just over Rs 3000 from another. They took away their knives and axes, bows and arrows, and torches. They even took away the anklets and clothes that adorned their gods. They beat up

old people with sticks. In 2014, again, people suffered similar losses. More people –women in particular– were beaten. Sukki Pottam, Sannu Mangli, Gayta Budhri among others. An older woman, Ayti Pottam, was hit in the stomach with the butt of a rifle and hot cooked food was thrown on her when she protested against the troops taking her utensils. Her daughter-in-law who argued with them was threatened, “When we bring a military camp here, where will you go?” Some troops entered their home and called her in. Afraid that she would be raped, she stopped arguing and stayed outside. They burnt one person’s stock of rice. In neighbouring Duval Nendra, the list of loot and physical violence is similar. That same year in Itavar, they burnt down the house of Poonem Raju.

Over the past year, between the end of 2015 and early 2016, the violence seems to have become more vicious. This report details incidents from two large-scale search and combing operations carried out in the area – one in November 2015, a month after the operation in and around Peddagellur, and another in January 2016, around the same time of the operation in Bellam Nendra, both of which involved cases of sexual violence.

In late November 2015, a large search and combing operation was carried out in the area. A few hundred troops entered village Itavar from the surrounding hills. A young man from Itavar was later killed in a fake encounter in the neighbouring village of Korcholi.⁵⁵ On November 23, the forces tried to abduct Jogi Pottam, 25, accused her of being a Naxalite when she resisted,

⁵⁵ Sukku Kunjam was working in the fields with his brother when the forces arrived. Their whole family had gone to the fields earlier that morning, but while the rest of them returned for lunch, Sukku and his brother stayed back to finish some post-harvest work. Fearing being shot or arrested, they ran from the fields into the forest. They made their way to the neighbouring village of Nendra. When the troops reached Nendra and began firing, they split ways. Sukku made his way to Korcholi. Forces had by then encircled the village. He was first at the home of Pottam Pandey, but once he left the house, he was with Dula Pottam and Sannu Pottam. The three of them were spotted by forces later in the day. On seeing them, troops opened fire. Sukku, who was unarmed, was shot in his chest and died on the spot. Dula was shot in his leg, but managed to escape. This firing took place right outside the house of Peedo Pottam, who testified to having heard the gunshots. Later she also saw that Sukku was dead. His body was wrapped and taken to Bijapur Thana where he was falsely declared as a Naxal who had been killed in an encounter. Women of Itavar travelled to Bijapur to recover his body. They were accompanied by Sukku’s 13-year old nephew Lakku Kunjam who was beaten badly at the thana when they demanded Sukku’s body. Sukku’s body was finally released and his funeral was held on November 27, 2015. Pottam Dula, who was shot at the back of the knee while running away, could not walk for a month after this.

and dragged her away. Her sister⁵⁶ followed, trying to save her, and was taken by the forces as well. The women were dragged into the surrounding forests, stripped and beaten. When women from the village followed them to rescue the two girls, they were threatened with rape and chased off. Several older women said that they had gone to save them hearing their calls for help but were driven away by the security forces. For two days, Jogi and Mangi were kept in the jungle and later dropped off at the neighbouring village of Duval Nendra. The women from Korcholi who narrated the incident said that while they had not witnessed it they were told that the girls had been raped. However, the two sisters themselves told the team that they had been beaten up and pulled by their hair but not sexually assaulted. A young man from the village said that when the troops visited the village four months later, they showed him a video of the women while they were being stripped and demanded to know their whereabouts.

In January 2016, another search and combing operation was carried out in the area. The same young girl, Mangli Pottam, who was out grazing cattle with her sister and friend, was attacked once again. Mangli and Somli are orphans. Mangli’s clothes were torn and they threatened to kill her. Tulsi, who was wearing a school uniform was asked by the troops why she was wearing the uniform when she doesn’t go to school. They then began to hit her and threatened to kill her. Mangli’s sister, Somli was hit on the stomach with a rifle butt. They tore her blouse, then dragged her by the hair and flung her to the ground. While they were dragging her away, an older woman confronted the troops. She asked them “Is this what you come here to do? To harass and assault young girls?” The men told her to keep quiet and threatened to hit her as well. But she persisted until the three young girls were able to free themselves.

During the same operation, the troops also attacked a young mother from Korcholi while she was on her way to fetch firewood. They dragged her into a forested patch and hurled her to the ground. She repeatedly asked them to let her go since her young child was crying. Instead, one member of the police and security forces dragged her away. There were two others who held her down. Two of them then took turns to rape her. The rape was witnessed by

⁵⁶ Names of both women have been changed

two women from the village, who reported it when they returned.

On May 7, 2016, over a hundred villagers from Korcholi, Duval Nendra and Saonar set out at dawn from their villages to share their testimonies of repeatedly being subjected to the terror unleashed by the police and security forces. Around 70 villagers made their way to the district headquarters of Bijapur. They testified in front of a three-member team comprising E.N. Rammohan, former D.G, Border Security Force (BSF); Dr. Virginius Xaxa, Director of Tata Institute of Social Sciences (TISS), Guwahati; and Sunil Kuksal of Human Rights Defenders. They held a press conference where they spoke out strongly against the practices of the police and security forces. The victims also repeatedly expressed their desire to register complaints about theft, looting, physical assault and sexual violence, and demanded that the State keep their forces in check. “We work so hard to feed ourselves, and then the forces come and loot what we have. When we protest, they beat us up. How can they do this?” they demanded.

Chapter 8

The Pattern of Malice, Power and Impunity

An analysis of all four operations reveals a distinct pattern: police and security forces enter the village in large numbers (between 150 and 500), they head into the forests during the day, and return in the evenings to the nearest village where they take over the homes of villagers, pushing them out for the night. It is usually the homes closest to sources of water that are occupied. Duties seemed to be divided between the mixed-group troops – some cook, others search and loot the village for rations, and some taunt, threaten and rape the women. Local alcohol found in some houses is often consumed. This is in complete contradiction of the picture painted by the police and senior officials who insist that the troops fear for their lives on such operations and they therefore cannot rape. Since the troops are able to cook and sleep in people’s homes, to claim that they are too fearful to spread terror, beat or rape, strains credulity.

There seems to be a distinct pattern to the rapes themselves – in many instances, it is the women who protested against the looting of their ration and livestock that were subjected to rape. Young girls who were grazing cattle in the forests too were molested or raped – in Peddagellur, in Korcholi, in Nendra. One repeated complaint was that women were stripped and beaten.

In most of the villages, young girls' and women's breasts were squeezed – in a 'test' to see whether or not they were lactating. To use a form of sexual violence as a tool to establish political allegiance, to rape to stifle protest – not once, but time and again, in one operation after the next, by different batches of troops – clearly reveals the structural nature of this violence, and cannot be explained away as deviant behaviour by a group of frustrated policemen.

Listening closely to reports of violence, we note that the language used and the atrocities committed reveal a deep malice accompanying wielding power with relish. Not only did the troops loot, pillage, and overturn houses in the village, leaving a trail of destruction in their wake, they killed goats that they did not eat, and spilled rations that they did not consume. They tore up lungis and blankets for which they had no use, making the daily survival of the people even more difficult. In one village, there were repeated complaints of notebooks and school textbooks being torn or burnt. What gives rise to such malice? And what allows it to exist?

“Your men will drop to the ground like falling leaves shaken out of a tree,” said a member of the security forces to a woman who travelled to Bijapur to testify. Time and again we heard that troops had threatened to destroy the hand-pumps in the village: “Where will you drink water from then?” Insinuating association with the Naxals, a woman attempting to fill water at the hand-pump was told, “This is our government's water. You go drink water that your government provides.” In more than one instance, the threat of setting up a security camp was made “Where will you run to then?” they said. In many cases, references to the Salwa Judum were made, and people were threatened with a repeat of the brutal wave of violence and terror unleashed during that time. As one of the women revealed in her testimony, she was even issued a warning in the name of the Prime Minister: “If Narendra Modi gives us the orders, then we'll burn down your village,” she was told.

Is it the faith of the police and security forces in officials in positions of power that grants them this impunity, this relish of power over the most vulnerable people of our society? Is this what the special training and “better co-ordination” of the forces has resulted in? Is this daring impunity what the IG, S.R.P Kalluri refers to when he speaks of the “morale” of security forces? Is this then, the same morale he accuses the villagers and rights activists of reducing when they bring to light the rapes and looting? Have those in power succeeded in creating such a culture of hatred – a culture in which the capacity for such extreme violence is born, justified and sustained?

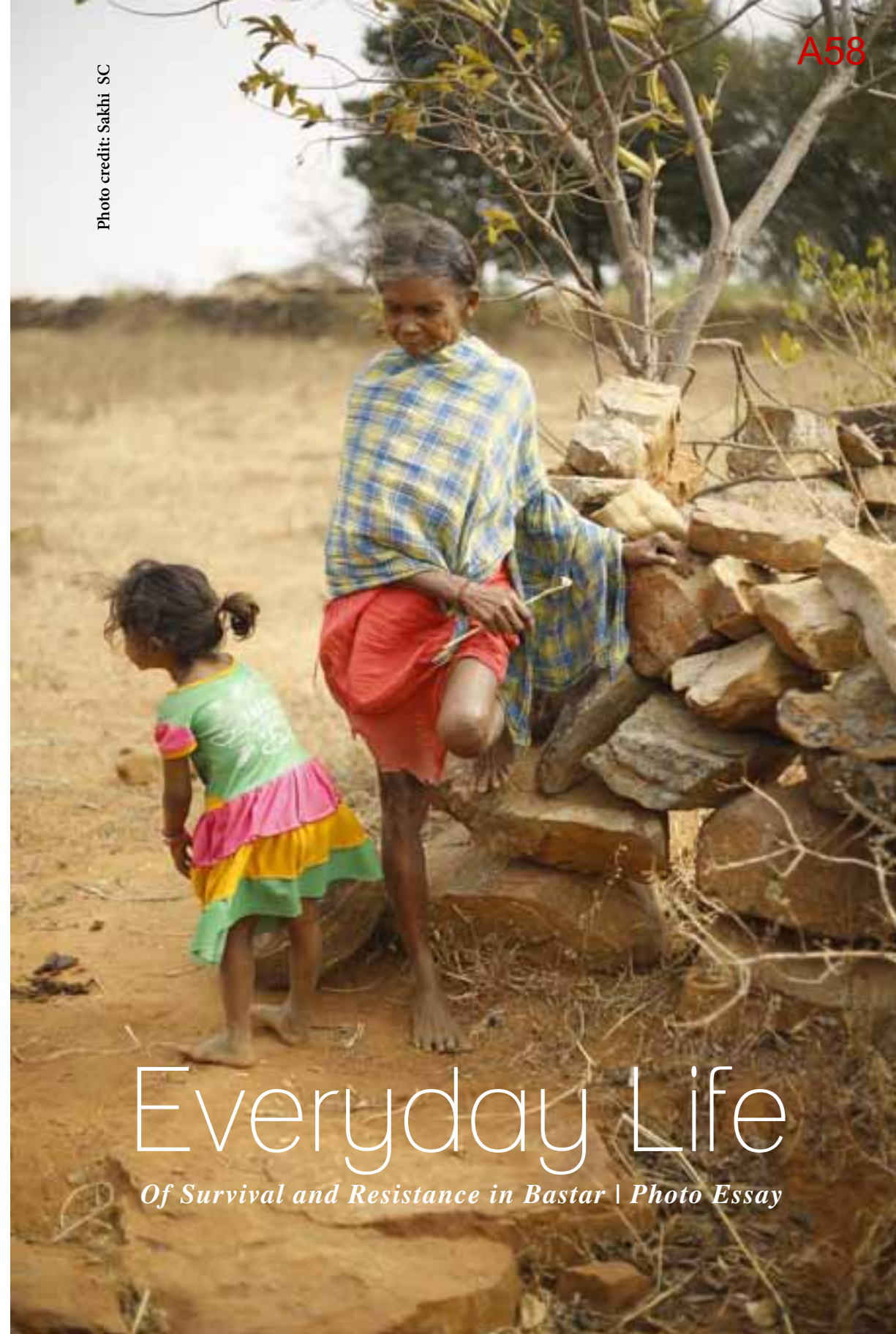
In the face of such extreme violence perpetrated by a State that is intolerant of any form of dissent, where and to whom must we turn in search of justice?

Landscapes can be deceptive. Sometimes a landscape seems to be less a setting for the life of its inhabitants than a curtain behind which their struggles, achievements and accidents take place.

- From *A Fortunate Man* by John Berger

Photo credit: Sakhi SC

A58



Everyday Life

Of Survival and Resistance in Bastar | Photo Essay

Photo credit: Maheen Mirza



50

Welcome to Jagdalpur, the administrative and commercial hub of Bastar. This 'exotic' land is rich in mineral wealth which lies under Adivasi forests. Big mines and power plants – there is much at stake for corporations. The motto is simple: found minerals, will extract.

Photo credit: Maheen Mirza



Photo credit: Maheen Mirza

Deep inside the forest, in villages that are sometimes a 20 km walk from the main road, life is a complex balance of giving, taking and preserving.

51

Photo credit: Maheen Mirza





Photo credit: Shreya K



Photo credit: Maheen Mirza

52

A year after having bred fish in a pond, people from three villages hold a collective fish harvest. Small fish are distributed equally among all those who participated – as recognition of their hard work – while larger fish are up for sale. Community living is a way of this world.

In a life that shuns excess, because there is no place for it, basic necessities and family fortunes amount to hens, the land that one tills and some savings. In an emergency, you sell one hen.

53



Photo credit: Maheen Mirza



Photo credit: Maheen Mirza



Photo credit: Malini Subramaniam

54

Hard work and ingenuity go hand in hand. Villages are largely self reliant. There is no electricity in most villages. The one government facility is the hand pump.



Photo credit: Maheen Mirza



Photo credit: Shreya K

Death is a part of life. Events that shaped life are sculpted into timeless memories. These days death comes in uniform, wielding guns. In 2016 alone, there were over 134 incidents of encounters reported in the region.

55



Photo credit: Maheen Mirza



Photo credit: Bela Bhatia

The 267 km long Essar slurry pipeline, carrying iron ore from the NMDC mines in Kirandul to the port city of Visakhapatnam is the longest pipeline in the country. The mines which produce this ore release effluents into the rivers of Shankhini and Dankini, killing scores of cattle and turning the soil barren. More than 52 villages have been affected by the environmental degradation caused by these mines. Since being commissioned in 1968, NMDC has provided only 31 jobs to affected villagers. All others, ferried back and forth on trucks, live precariously as contract labour.

Surveillance and extensive photographic documentation of residents and outsiders are commonplace. In the forest, at home or at the local haat, people are being watched.

Weekly markets are a connection to the outside world. Women walk for miles every week to bring back necessities. Oyam Tulsi, 13, was killed on the way to the market in January 2016. Her killing was shown as a 'Naxalite encounter'. Podiyami Lakmee, 16, was picked up in March 2016 while buying clothes at the Avapalli Bazaar. After a two-day police detention, she was sent to Jagdalpur Jail.



Photo credit: Maheen Mirza



Photo credit: Maheen Mirza



Photo credit: Maheen Mirza



Photo credit: Shreya K



Photo credit: Maheen Mirza

The possession of agricultural implements is seen as being heavily armed. Even though the Arms Act (1959) specifies that common farming implements cannot be classified as arms, a large number of people found with these tools have been booked under this Act. Over 2000 Adivasi under-trials have been arrested on charges of being associated with the Maoists which inevitably includes the Arms Act.

Bastar is intensely militarised. There is one paramilitary soldier for every 40 civilians. Every couple of kilometres, there is a thana or security camp. Thanas are like fortresses and for most villagers, do not spell safety. The thana is where you go looking for a missing relative, the place you surround, demanding the release of fellow villager, or the place you go to pick up the dead.



Photo credit: Maheen Mirza



Photo credit: Malini Subramaniam



Photo credit: Pushpa Rokde



Photo credit: Pushpa Rokde



Photo credit: Shreya K



Photo credit: Maheen Mirza & Malini Subramaniam



Photo credit: Maheen Mirza



Photo credit: Malini Subramaniam

62

Whether it is citizens or members of fact finding teams, admission into the region has become increasingly difficult. Attempts made by citizens to access justice or complain against human rights violations are treated with hostility and even aggression.

Outside the Bijapur Collectorate women waited for four days to meet the Collector and hand over their complaint of physical and sexual assault. The Collector did not meet with them.

In Dilmili, villagers at a gram sabha opposed the setting up of an ultra mega steel plant. The fight against land grab is at the heart of the conflict in Bastar. Despite the stipulations of the PESA Act that no project can be cleared without the gram sabha's consent, these processes are often subverted to serve corporate interest. Heavily militarised conditions during consultations have coerced local bodies to give NOCs.

In late January 2017, two people from Village Gampur, one a minor, were encountered. Refuting that they were Maoists, over 500 protestors walked 30 km from their village and surrounded the Kirandul thana demanding that an FIR be registered against the security personnel responsible.

63



Photo credit: Shreya K



Photo credit: Pushpa Rokde



Over the last year, more than 50 women have been sexually assaulted by the security forces. Many more have been beaten and their homes looted. Hundreds have lost a family member during combing operations.

With the belief that justice ought to be served, they have picketed at thanas, taken out rallies, waited days and nights outside the doors of Collectorates and Courts, traveled miles to register their testimonies with human rights teams. They continue to fight for their democratic rights.

Chapter 10**The Fight for Justice****Difficult First Step: Filing an FIR**

Women from these villages have unequivocally expressed a strong desire to register their complaints and fight for justice. After each fact-finding visit, affected women have travelled long distances to get a hearing and register formal complaints. The contempt and difficulty they have had to face is astonishing – it prompted one woman to say, while sitting on the floor of the Bijapur Collectorate, after many tiring days of repeated testimonies and refusals, “It would’ve been easier to forget what we have gone through. What we have had to face here is almost worse.”

Peddagellur and Surrounding Villages

In the Peddagellur case, the administration was fairly co-operative. Women made their way to Bijapur on October 31, and by the early hours of November 1, after repeating their testimonies to the Sub-Divisional Magistrate (SDM) and the police, and after much negotiation, an FIR was registered – the first alleging rape by security forces under the amended rape laws. Following the filing of an FIR, many other teams have made their way to Peddagellur and surrounding villages. A team of the local Congress party led by Kawasi Lakhma visited the area on November 6, 2015, met with the victims and submitted a detailed report of the atrocities committed. Taking cognizance of the fact-finding and media reports that covered the incident, a delegation from the State Women’s Commission visited Basaguda a few days after this. Later, on November 14, 2015, 56 members of the Sarva Adivasi Samaj also

met with the victims, recorded their testimonies and drafted a report on the issue. The Adivasi Mahasabha, supported by the Communist Party of India also travelled to some of the villages. In December 2015, after a series of detailed articles in the Hindustan Times, cognizance of the incidents was taken by the National Human Rights Commission (NHRC), who directed the police to submit their report within four weeks.⁵⁷

Finally, a three-member delegation from the National Commission of Women (NCW) also met with the rape survivors in January 2016. Some of the rape survivors also travelled to Delhi, where they met with Congress Vice-President Rahul Gandhi. However, despite such widespread media coverage and the seriousness of the offences, not a single arrest has been made. In fact, there has been no attempt to identify the perpetrators, over a year after the FIR was filed.

The magisterial inquiry instituted was suddenly closed (after a report was submitted by the SDM, but not released to the public), stating that a Special Investigative Team had been constituted by the police to look into the matter. The team was being led by Indira Kalyan Elesela, who was then the ASP (Anti-Naxal Operations) in Bijapur. Kalyan Elesela had personally listened to some of the testimonies of the women, and when he was approached by a reporter shortly thereafter, he suggested that the allegations were being falsely propagated by the Maoists.⁵⁸ A few days later, SRP Kalluri repeated this claim, saying it was all done to reduce the morale of the forces.

Nendra

On January 18, the affected women, together with the fact-finding team, first met with the Collector to bring to his notice what had happened in Nendra. Given the difficulty in registering an FIR in the Peddagellur case, the team requested the Collector to ensure that the police lodged an FIR without further delay. Abhishek Kumar Singh, the CEO of Bijapur Zila Panchayat, sat through the entire meeting with a smirk on his face. He even broke into a laugh every once in a while. When the matter of an FIR was brought up, he

57 <http://www.hindustantimes.com/india/bijapur-rapes-under-nhrc-lens-govt-to-file-report-in-4-weeks/story-Y9lRvbYklGygCmdrwaY67O.html>

58 <http://scroll.in/article/770330/chilling-rape-allegations-force-police-to-conduct-rare-investigation-of-security-forces-in-chhattisgarh>

said it was a matter of “national security”. The Collector, more cooperative than his CEO, ordered testimonies to be recorded immediately.

Despite the chilling testimonies recorded by both the police and the Sub-Divisional Magistrate (SDM), the police initially refused to lodge an FIR. When we confronted the Deputy Superintendent of Police (DSP) Bhairamgarh, Sahu, he said the matter must be investigated before an FIR could be lodged. Section 154 of the Code of Criminal Procedure (CrPC) makes it mandatory for a police officer to file an FIR on receipt of any information of a cognizable offense such as rape, molestation or disrobing. Further, no preliminary inquiry is permissible in such a case. By refusing to file an FIR, any public servant can be held culpable under Section 166A(c) of the Indian Penal Code (IPC). When we cited this law to the DSP, he agreed to lodge an FIR, but when it came to actually filing it, he went back on his word and evasively responded that the police would accept a complaint at that time but not register an FIR, since his seniors were not available for consultation as they were out of town.

Sahu was later joined by the Basaguda Thana-in-charge (TI), Sharad. When the group of activists confronted them about the delay in lodging an FIR, they skirted the issue by talking of Naxalite violence, while the others made phone calls to their superiors. Eventually, the TI exited the Collector’s office through the back gate, unable to come up with reasons for further delay, while the DSP left the matter for lower-ranking officials to deal with it as they saw fit. It is clear that while thana-level officials are legally vested with the power to file an FIR, they are unwilling to do so in practice.

When we informed the Collector about the refusal of the police to lodge an FIR, he assured us that he would personally see to it that an FIR was lodged once the Superintendent of Police (SP) was back in town. Earlier that day, a police official in Bijapur told us, “In Bijapur, there are no Thana-in-charges. There is only one Thana-in-charge. And that is the SP himself.” Two days of gruelling testimonies later, and then another long day of negotiating with officials, there was no sign of the SP or an FIR. When we finally managed to contact the SP by telephone, he said he would first meet with us and then talk about the filing of an FIR. Citing bad weather conditions, he said his helicopter was unable to land that day. By the time of the second phone call,

he had flatly refused to order an FIR. “I have discussed it with my seniors...I will not give the order to file an FIR” he said, in no uncertain terms.

As though the violent brutality they had been subjected to was not enough, the women of Nendra were forced to spend five arduous days recounting their trauma, and negotiating with and testifying before apathetic police authorities and contending with the callousness of the bureaucracy, all to register a simple FIR – an FIR that the authorities are required by law to file immediately when a case is brought before them. Women who had left their children behind had begun to worry for their safety. Exhausted after multiple retellings of the violence she had survived, one woman said she couldn’t stay another day. “What if the forces come again? Our men will run. What will happen to our children then, she asked. Three children who had accompanied their mothers to Bijapur also fell seriously ill and were diagnosed with malaria, which is endemic in the area.

On the fourth day, the SP finally called and asked the team to meet with him. By then, the media had already carried reports of the refusal to lodge an FIR, and people had begun calling, texting and emailing the collector, SP and Additional SP about the matter. The SP managed to return the next day, and seeing that a three-member team from the National Commission for Women (NCW) was visiting Bijapur with a view to investigate the Peddagellur sexual violence case the very same day, the SP hurriedly ordered an FIR from the gates of the circuit house, while the rest of the officers made every attempt to prevent the fact-finding team from meeting the NCW delegation. In the end, the team was able to deliver a letter requesting an audience. This put considerable pressure on the authorities.

An FIR was finally filed just before midnight – four full days after the women of Nendra had travelled to Bijapur to register a complaint. On the fifth day, medical examinations were conducted, and the NCW delegation even met with nine of the women complainants.

However, during this time, there were some troubling new developments. While a few members of the team were waiting to meet with the NCW delegation, a large mob of about two hundred individuals identifying themselves as “victims of Naxal violence” had gathered around the circuit house. While representatives from the group presented their grievances to

the NCW delegation, others continued to shout slogans demanding that the human rights team leave Bijapur. This carried on for some time, and then the crowd finally dispersed without any major confrontation. However, the next day, when the complainants and the team waited to meet with the NCW delegation, a smaller section of the same mob reappeared at the circuit house. They engaged in a discussion with some of the activists who were part of the team, accusing them of being “Maoist supporters” for taking up issues that pertained to violence by the forces but not violence by the Maoists. Some members of the assembled mob confronted the women directly for registering an FIR against the forces and even threatened them, demanding that they leave Bijapur immediately. This altercation was extremely upsetting and intimidating for the 12 complainants, including the eight rape survivors.

The group –which included some former members of the Salwa Judum– seemed to have the complete support of the police. They arrived in what appeared to be police vehicles. Their sudden appearance and the ease with which they were let into the fortified thana which is otherwise unapproachable without prior permission also raises questions. More than this, their unrestricted access to the team at all times, without any sort of intervention on the part of the police, indicates prior knowledge of the presence and objectives of the complainants. The mob followed the team from the meeting with the NCW to the thana (where some paper-work had to be completed for the medical examinations). They also continued to staunchly defend the security forces despite the team’s efforts to argue that victims of violence –as some of them claimed to be– should stand together rather than apart.

While some of the discussion was amicable and a few individuals from the mob and members of the team seemed to see eye-to-eye on issues, others in the group began to antagonistically shout slogans the moment such civilised dialogue began. It was clear that while some of them were genuine victims troubled by their experiences, others were there with a single agenda, clearly present as instigators only. This is not the first time we have witnessed such a phenomenon. Time and again, the State and those in power have pitted people against people, driving a wedge between them to ensure that they do not unite. The uncritical defence of the security forces, dismissing women’s complaints about rape as false and the repeated suggestion that they would have believed the complainants if their men had accompanied them, made it

evident that it wasn’t simply a mob that had gathered to stage a spontaneous protest. They appeared to have prior information about events in the thana, given the manner of their arrival and knowledge of the team’s whereabouts. Given the unwillingness on the part of the officials present to take any action against the mob, we can only conclude that this information came from the police.

A week after the FIR was filed, the group, which identified itself as the Naxal Peedith Sangharsh Samiti (Committee of Naxal victims) and led by the ex-Salwa Judum leader Madhukar Rao, went so far as to stage a rally in Bijapur, targeting individual members of the team, and also shouting slogans against Arundhati Roy, who had nothing to do with recent visits to Bijapur. After this, the vigilante group Samajik Ekta Manch which emerged in late 2015, went on to harass journalists, lawyers and rights activists and hound them out of Bastar. Eventually, in April 2016, the Manch was forced to disband, after a sting operation conducted by India Today, revealed that contrary to the claims of being a spontaneous civil society group, it enjoyed full support of the police and like the Salwa Judum, it was formed to “fight those who stand in [their] way.”⁵⁹

It is important to note that, contrary to the picture being painted by the police and large sections of the mainstream media that tends to pit the local Adivasi public against human-rights activists, journalists and lawyers, significant sections of the Adivasi civil society in Chhattisgarh as well as other political parties have been raising concerns over the systematic use of sexual violence and the increasing murders of innocent people being labelled “encounter killings” by the police.⁶⁰

Kunna

As the forces receded from Kunna, villagers contacted Soni Sori to assist them in filing their complaints. She reached the village on January 14, 2016, to meet with them and hear their stories. Seven affected women travelled with Soni to register their complaints, but given intense patrolling on the

59 <http://indiatoday.intoday.in/story/sting-op-exposes-how-activists-lawyers-were-hounded-out-of-chhattisgarh/1/643207.html>

60 <http://epaper.patrika.com/706552/Raipur-Patrika/30-01-2016> \l “page/2/1”Adivasi Mahasabha, Sarva Adivasi Samaj)

way to the district headquarters in Sukma, where they feared that they would run into the same forces which had terrorised them, they decided to travel to Dantewada instead. The next day, on January 15, they tried to register a complaint but could not do so. The Dantewada police took refuge in the excuse that since the complaint related to another district it should be filed in that district (notwithstanding the provision in the Criminal Code that cognizable complaints can be filed at any police station, and if the place of action is not in the jurisdiction of that police station, then the responding police station should lodge a Zero numbered FIR, and transfer it to the appropriate police station for further action.)

Not confident of going back to Sukma, the seven women accompanied by Soni Sori, travelled to Jagdalpur to meet with the Divisional Commissioner, Dilip Vasnekar and apprise him of the incident. Mr. Vasnekar was away and his deputy, Sukhsagar Navratna heard the women's complaints, accepted a written application on their behalf and forwarded it for immediate action to various authorities, including the Superintendent of Police of Sukma, the District Collector of Sukma and the Inspector General of Police of Bastar Range. He also arranged for medical examinations of the two women, who were complaining of pain, at the Jagdalpur District Hospital. The women eventually returned to their village the next day. Despite the action taken by the Commissioner's office, neither the police authorities nor the district administration, made any effort to contact the women or register their complaint for the next several days. Eventually, it was only when the Adivasi Mahasabha staged a large protest with several thousand people at Sukma on January 23, that the police promised to follow up on the complaint and register an FIR. Under intense pressure from the villagers, the police finally recorded the statements of the women, and registered an FIR on January 27. However, the sections cited do not include rape and are limited to "outraging modesty" and "disrobing" of women.

Korcholi and Surrounding Villages

Determined to register a complaint, villagers of Korcholi and surrounding villages went to the Kotwali thana at Bijapur to register an FIR on May 7, 2016, after having testified in front of the high level fact-finding team. The three-member team even accompanied them to the thana and were assured

that an FIR would be registered. However, despite this assurance, after a complaint was drafted, Nitin Upadhyay, station-in-charge at Kotwali thana, Bijapur, refused to lodge an FIR, saying that since the incidents were from November 2015 and January 2016, they would need to investigate the claims before registering an FIR. Upadhyay finally admitted that he was in a difficult position as the order to refuse to register an FIR had come from his superiors.

The police later travelled to Korcholi on May 12, 2016 and again on May 19 to record statements of the women. Since they went in full strength of an operation, most people of the village had fled to the forests out of fear. The police then left a notice saying that if the villagers did not show up at Gangalur thana by May 21 – just two days later – they would close the enquiry assuming that people were non-cooperative and not serious about their complaint. During the same visit, apparently unknown to the thana officials, members of the security forces threatened the villagers that were present, saying that they would hunt down those who had made complaints and make them disappear. They also beat up an old man and took some dried pork from one house.

On June 2, however, affected villagers, including the rape survivor, travelled to Gangalur thana and submitted a letter citing the reasons for not coming on May 21. However, they said, they were determined to register an FIR and pursue the case. Thana officials however, not only did not register an FIR, they even refused to record the women's statements, saying that they had sent the file back to Bijapur. The rape survivor demanded that her testimony be recorded, stating that she was being threatened by a member of the police who hailed from a neighbouring village to retract her statement. However, the Station House Officer (SHO) pleaded helplessness to even initiate an FIR – a right of every citizen and something well within his jurisdiction. They claimed, however, that it was now out of their jurisdiction and that we should meet with the SP. On meeting the SP, he said he would look into the matter and have statements taken.

Finally, on July 31, when the women of Korcholi visited the police station at Gangalur once again, their statements were recorded. One of the girls who had been assaulted – the youngest – gave a confident testimony and but told not to "speak like a Naxal" when she spoke out strongly against what the police had done. Despite the statements being recorded, including one which testified to rape, an FIR was not lodged.

Roadblocks to Investigation

The difficulty of reporting rape is manifold, a major reason being the taboo that surrounds rape in most societies. There have been instances in South Chhattisgarh, where despite eyewitnesses, women have denied it in front of their families and villagers. One of the men in Nendra said “When the forces come, we flee into the forests. When we return, we never know or hear of what they have been through, except for the loot and some physical violence.” Some women told us that they had been raped but did not want to make it public, and their testimonies have not been recorded officially. The other major difficulty is of establishing rape, since evidence relies heavily on identification of the perpetrators, which is often difficult, since all men are in uniform and in many cases they either covered their own faces or the face of the woman. However, some of the women managed to identify their perpetrators, particularly those who were surrendered Naxals from neighbouring villages. Despite this, arrests have not been made.

The process of establishing the crime of rape involves the complainant’s body being subjected to humiliating probes, which have been legally done away with under the amended rape laws, but continue to be used in practice. Since rape resists accountability, feminist activist V. Geetha argues that “[t]his is why it is repeated, even as one protests its illegitimacy; and by those very agencies – the police, the army – that have to punish it” and can be seen therefore as “the ultimate mark of impunity”.⁶¹ On the one hand, reporting rape is extremely difficult, and on the other, it is easily dismissed as politically instigated slander. In this situation, where the woman is always seen as either suspect or “fallen”, and the torturer is in fact the investigator, what is the hope of justice being delivered?

In each case, even while the investigation was underway, and in some cases even before it had begun, police officials claimed that the allegations were false, that the complainants had been instigated by the Maoists only to slander the police and security forces and decrease their morale. With this evident bias, it is difficult to believe that there is scope for a fair police inquiry. While arguing for an FIR to be filed in the case of Nendra, Kalyan Elesela,

then ASP (Naxal Ops) said that “allegations (of rape) will keep coming. Does it mean we will lodge an FIR every time?” This blatant disregard for the law, and the fact that Elesela, who heads the Special Investigative Team (SIT) to look into some of these cases, used this as a justification to close a magisterial inquiry raises serious concerns.

An investigation conducted in the village is carried out by the police accompanied by a convoy of security forces. This, they claim, is necessary for their own security. Given that the accused are the security forces themselves, it is inconceivable that survivors of violence can participate in such a process, free from fear and intimidation. Often, villagers, including the affected women have fled in fear of the police when they have arrived to record testimonies. The police have used this as an excuse, when they have been pulled up about their inaction.⁶²

Addressing this very question however, Supreme Court lawyer Vrinda Grover says, “The delay in arrests is only helping the guilty. The entire unit, which had conducted the military operation should be suspended. Precautions should be taken to ensure they do not have access to the complainants and witnesses. Given the power and status differences between the complainants and the accused, and that the complainants might have little knowledge about investigation procedures or their rights under the law, the state needs to take immediate steps. It should put the survivors in touch with women rights groups, and appoint independent and credible oversight for the investigation. The National Human Rights Commission or the National Commission for Scheduled Tribes should step in, and appoint a Special Rapporteur, maybe an eminent woman, to ensure the investigation is fair. Let the State take civil society into confidence if investigators are having problems in accessing the villages. It cannot plead helplessness.”⁶³

Between April 3-5, 2016, a team of officials from the National Commission of Scheduled Tribes (NCST) headed by Dr. Rameshwar Oraon, visited the area and called for affected people to submit their complaints. After having

⁶² In their report submitted to the NCST, the police have argued how they made several attempts but the affected women have not come forward to testify. A copy of the report is available here: <http://ncst.nic.in/sites/default/files/219scan0030.pdf>

⁶³ As quoted in <http://www.hindustantimes.com/india/over-50-days-after-bijapur-assault-two-probes-but-no-arrests-yet/story-cguToagIvtRTMKOeT8Ri3J.html>

⁶¹ http://www.socialsciencecollective.org/wp-content/uploads/2013/01/On_Impunity.pdf

met victims and activists, the Commission, in its 15-page report released on April 29, took “serious” note of the delay in lodging of an FIR in these cases. The Commission has also clearly stated that the progress made by the police in their investigation of these cases so far is “unsatisfactory”.⁶⁴ The report makes a strong demand for an independent inquiry: “Transferring the cases out of the district is necessary, because those responsible for investigating the crimes are themselves involved.”⁶⁵

In a significant development, on January 7, 2017, the NHRC, based on its investigations conducted in March 2016, issued a ‘show cause’ notice to the Government of Chhattisgarh, acknowledging prima facie that at least 16 women were subjected to sexual violence by the police and security forces. It held the Chhattisgarh government “vicariously liable” and called for an invocation of the SC/ST Prevention of Atrocities Act, directing the government to pay monetary compensation to the victims. It also directed that an investigation team record statements of those women the Commission was unable to meet with, and submit its findings within a month. This recognition of what the NHRC refers to as “a gross violation of human rights”, is a testament to the strength and resilience of the women who have bravely persisted in their fight for justice. While the NHRC has acknowledged the gross human rights violations and the responsibility of the state government, criminal liability of the perpetrators still remains to be fixed.

In Argentine-Chilean novelist Ariel Dorfman’s play *Death and the Maiden*, a woman who was repeatedly raped and tortured in custody during the dictatorship asks her husband, (a human-rights lawyer who has been appointed to the commission to look into crimes perpetrated by the previous regime once the country has transitioned to democracy): “And then? You hear the relatives of the victims, you denounce the crimes, what happens to the criminals?” “That depends on the judges.” he says. “The courts receive a copy of the evidence and the judges proceed from there to—” Cutting him off, his wife asks “The judges?... Who never accepted a single habeas corpus ever? Judge Peralta who told that poor woman who had come to ask for her missing husband that the man had probably grown tired of her and run off

with some other woman? That judge?...”

Reading the play, more than twenty-five years after it was written, one is almost tempted to replace Dorfman’s words with “The police?... Who refused to accept an FIR? The policeman who told that poor woman who had come asking for money for her chickens that they would burn her house down with her children in it? That policeman?...”

As Dorfman himself said some years ago: “I’m thrilled that *Death and the Maiden* has not aged over these 20 years... Thrilled, yes, but it is also sobering to realise that humanity has not managed to learn from the past, that torture has not been abolished, that justice is so rarely served, that censorship prevails, that the hopes of a democratic revolution can be gutted and distorted and warped. I can’t help but ask if 20 years from now I will be writing this phrase all over again: this story happened yesterday, but it could well be today.”⁶⁶

In Chhattisgarh, this story did happen yesterday. And it continues to happen today.

64 <http://ncst.nic.in/sites/default/files/219scan0030.pdf>

65 <http://www.caravanmagazine.in/vantage/bastar-ncst-report-gangrapes-assaults-result-breakdown-discipline>

66 <http://www.theguardian.com/commentisfree/2011/oct/14/death-maiden-relevance-play>

Chapter 11**Paradigm Shift in the
Development Discourse**

The Supreme Court in its landmark 2011 judgement points out that “the fight against Maoist/Naxalite violence cannot be conducted purely as a mere law and order problem to be confronted by whatever means the State can muster.” It goes on to state that the root of the problem lies elsewhere: “The primordial problem lies deep within the socio-economic policies pursued by the State on a society that was already endemically, and horrifically, suffering from gross inequalities.”

It also states: “The problem (of Naxalism) rests in the amoral political economy that the State endorses, and the resultant revolutionary politics that it necessarily spawns.” (Para 5) “That violent agitator politics, and armed rebellion in many pockets of India have intimate linkages to socio-economic circumstances, endemic inequalities, and a corrupt social and state order that preys on such inequalities has been well recognized.” (Para 6)

Quoting from a report⁶⁷ written by an expert group constituted by the Planning Commission of India, it recognizes that a large part of the problem lies in the development policies pursued by the State:

“The development paradigm pursued since independence has aggravated the prevailing discontent among the marginalized sections of the society.... The

development paradigm as conceived by policy makers has always imposed on these communities....causing irreparable damage to these sections.”

If the root of the problem indeed lies in unequal access to resources and anti-people policies which do not redress these imbalances, then State violence is certainly not the solution. The report by the Expert Group constituted by the Planning Commission of India succinctly states: “Since the goals of the movement are political, it has to be addressed politically.”

67 Development Challenges in Extremist Affect Areas: Report of an Expert Group to Planning Commission. Government of India. 2008 http://planningcommission.nic.in/reports/publications/rep_dce.pdf

Chapter 12**An End Note for Justice
in Chhattisgarh**

Political solutions need political will. While radical transformation can be driven only by immense political conviction, a significant change in the direction of the development policy in India could be wrought even with sincere implementation of existing laws and policies. These policies must recognise the multiple inequalities in Chhattisgarh, a state with abysmal human development indicators. Effective implementation of the Fifth Schedule, the Forest Rights Act, the Panchayats (Extension to Scheduled Areas) Act, 1996 (PESA) and other policies that ensure not only the protection of Adivasi lands and forest resources, but also the participation of Adivasis in the development process must be an important component of development policy. Such genuine people-centred development and more equitable distribution of resources would not necessitate the deployment of military might to batter the citizens of Chhattisgarh into submission to corporate-led industrialisation.

Militarisation gives sanction to spread terror through sexual violence, fake encounters and what the Supreme Court refers to as “continuation of the condition of dehumanisation”. The special units at the forefront of conducting these violations must be immediately disbanded and surrendered Naxalites, ex-Salwa Judum members, and Adivasi youth affected by Naxal violence must not be used in any operations by the armed forces.

Prosecuting the members of police and security forces responsible for crimes of murder, assault, loot, rape and molestation is essential to make a dent in the ever-hardening impunity enjoyed by these perpetrators. Despite

several reports, wide media coverage and the registering of FIRs, no action has been taken in any of three instances of mass sexual violence, leave aside in individual cases.

In a militarised context, sexual violence stands out as the ultimate symbol of impunity. On the one hand the taboo surrounding sexual violence which prevents its occurrence from being made public by reporting it to the police; and on the other, the ease with which it is dismissed as politically instigated slander contribute to allowing the crime to go unpunished. Accompanying this contradiction is the continuing view of rape –notwithstanding the Criminal Law Amendment of 2013– of penile-vaginal penetration defining the ‘gravity’ of the crime.

This shifts the discourse away from the central point of sexual violence, the malice, invasion, power and impunity that accompanies it and how such acts become institutionalised and even justified.

Despite the fact that laws have been amended, those who seek justice are confronted by the sheer tedium of convoluted legal procedure – having to tell and retell the trauma – on the one hand, and the utter suspicion with which a woman complainant is viewed in a situation of war/military conflict on the other. Despite the enormous challenges, several women have come forward to speak publicly about their experiences of sexual violence. Braving stigma, breaking the silence and a readiness to bear the consequences of naming perpetrators has been a political act of immense courage on the part of the survivors, who are determined that they will not remain victims.

What then can be the institutional response to such courage? In polarised situations, accessing justice is all the more fraught, especially when members of the police and security forces are themselves accused. Setting up an independent investigation process, the mechanisms of which must be worked out with rights groups is perhaps the only route to accountability and justice. A free and fearless media must accompany the process for unbiased investigation and trial to ensure that complainants and witnesses can continue to live and work in the area during the pendency of the trial and after.

Laying down mechanisms to ensure time-bound and smooth investigative processes including collection and analysis of forensic evidence; victim and

witness testimonies and a viable and robust witness protection program that is workable in a rural setting where identities cannot remain hidden for long, could ensure that these steps go beyond mere rhetoric.

What then would accountability look like in such a situation? Justice is a hoary notion. 'Fair play' and 'integrity' for people that have been at the receiving end of every kind of violation, denied their traditional lands and forests and subjected to the mockery that goes by the name of law enforcement, defy definition. More concrete steps towards the ephemeral notion of justice could be taken by ensuring that proper procedures are followed in investigating crimes in a context where perpetrators enjoy the impunity of the uniform, armed might and political and corporate backing.

Appendix 1

FIR

Incident of mass scale sexual violence, physical assault and loot in Peddagellur and adjoining villages, Bijapur

XVI(a)-212
पुलिस स्टेशन

पार्य नं. 1

पुलिस स्टेशन

प्रथम सूचना प्रतिवेदन (धारा 154 द. प्रक्रिया संहिता के अंतर्गत)
FIRST INFORMATION REPORT (Under Sec. 154 Cr. P.C.) 39

1. * जिला बिलासपुर थाना बिलासपुर वर्ष 2015 महीना 01/11 दिनांक 01/11/2015

2. (1) * विषय - 376 (क) 395, 354 (B), 323, 294

(2) * विषय - थाना -

(3) * विषय - थाना -

(4) * अन्य विवरण एवं थाना - 3012 पी. 0111 0

3. (अ) * अपराध की तिथि - 19, 20, 24/10/2015

(ब) * थाना का स्थान - बिलासपुर, थाना बिलासपुर, गुंडम, बर्गिचरु

4. * घटना का प्रकार - 'सिखार/पिछार'

5. * घटना स्थान - (अ) * घटना स्थान का पता - बिलासपुर, थाना बिलासपुर, गुंडम, बर्गिचरु

(ब) * थाना स्थान - बिलासपुर, थाना बिलासपुर, गुंडम, बर्गिचरु

6. * अपराधी/सूचनाकर्ता - (अ) * नाम - अनिल कुमार शर्मा

(ब) * पता - बिलासपुर, थाना बिलासपुर, गुंडम, बर्गिचरु

(क) * पता - बिलासपुर, थाना बिलासपुर, गुंडम, बर्गिचरु

(द) * पता - बिलासपुर, थाना बिलासपुर, गुंडम, बर्गिचरु

(ए) * पता - बिलासपुर, थाना बिलासपुर, गुंडम, बर्गिचरु

7. * अपराधी/सूचनाकर्ता का पता - बिलासपुर, थाना बिलासपुर, गुंडम, बर्गिचरु

8. * अपराधी/सूचनाकर्ता का पता - बिलासपुर, थाना बिलासपुर, गुंडम, बर्गिचरु

9. * अपराधी/सूचनाकर्ता का पता - बिलासपुर, थाना बिलासपुर, गुंडम, बर्गिचरु

10. * अपराधी/सूचनाकर्ता का पता - बिलासपुर, थाना बिलासपुर, गुंडम, बर्गिचरु

11. * अपराधी/सूचनाकर्ता का पता - बिलासपुर, थाना बिलासपुर, गुंडम, बर्गिचरु

12. * अपराधी/सूचनाकर्ता का पता - बिलासपुर, थाना बिलासपुर, गुंडम, बर्गिचरु

1. District Bijapur Thana Bijapur Year 2015
FIR No. 0/15 Date 1.11.2015
2. Law I.P.C. Sections 376 (2)(c), 395, 354 (B), 323, 294
Other Laws Section 6 of POCSO Act, 2012
3. Time of incident Between Monday to Friday
Date During 19, 20 to 24.10.2015
Date of receiving complaint 1.11.2015 Time 21:10^h
4. Nature of information Written
5. Place of crime
Direction and distance from thana 65 km, south
Address Chinnagellur, Peddagellur, Gundam, Burgicheru
(if jurisdiction of another thana) Thana Basaguda District, Bijapur
6. Informant / Complainant Bela Bhatia
7. Description of the Accused Security Forces

Case transferred to Basaguda Police Station and FIR No. 22/2015 registered in PS Basaguda on 4.11.2015.

1 The complaint was conveyed verbally on 30.10.2015 and a written complaint was submitted on the morning of 01.11.2015, but this has not been reflected in the FIR.

KVS-66-211
पुलिस थाने

पत्र नं. 1

प्रथम सूचना प्रतिवेदन (धारा 154 द, प्रक्रिया संहिता के अंतर्गत)
FIRST INFORMATION REPORT (Under Sec. 154 Cr. P.C.)

1. * थाना बिजापुर जिला बिजापुर वर्ष 2016 दिनांक 01/16 21-01-16

2. (1) * शिकायत 22/30 थाना 376(2)(c), 376(d), 354, 354(B), 323, 395

(2) * शिकायत 2 थाना 22/30

(3) * शिकायत 2 थाना 22/30

(4) * शिकायत पूर्व कायदा 2 थाना 22/30

3. (A) * शिकायत के प्रकार 11/14-1-16 22/30

(B) * शिकायत का दिनांक 21-01-16 थाना 22/30 दि. नं. 21-01-16

(C) * शिकायत का प्रकार 22/30 दि. नं. 21-01-16

4. * शिकायत का प्रकार भौतिक हिंसा

5. * शिकायत का स्थान 50 km

(A) * शिकायत का दिनांक 21-01-16 थाना 22/30

(B) * शिकायत का प्रकार भौतिक हिंसा

(C) * शिकायत का दिनांक 21-01-16 थाना 22/30

(D) * शिकायत का प्रकार भौतिक हिंसा

6. * शिकायत के प्रकार भौतिक हिंसा

(A) * शिकायत का दिनांक 21-01-16 थाना 22/30

(B) * शिकायत का प्रकार भौतिक हिंसा

(C) * शिकायत का दिनांक 21-01-16 थाना 22/30

(D) * शिकायत का प्रकार भौतिक हिंसा

7. * शिकायत के प्रकार भौतिक हिंसा

(A) * शिकायत का दिनांक 21-01-16 थाना 22/30

(B) * शिकायत का प्रकार भौतिक हिंसा

(C) * शिकायत का दिनांक 21-01-16 थाना 22/30

(D) * शिकायत का प्रकार भौतिक हिंसा

8. * शिकायत के प्रकार भौतिक हिंसा

(A) * शिकायत का दिनांक 21-01-16 थाना 22/30

(B) * शिकायत का प्रकार भौतिक हिंसा

(C) * शिकायत का दिनांक 21-01-16 थाना 22/30

(D) * शिकायत का प्रकार भौतिक हिंसा

9. * शिकायत के प्रकार भौतिक हिंसा

(A) * शिकायत का दिनांक 21-01-16 थाना 22/30

(B) * शिकायत का प्रकार भौतिक हिंसा

(C) * शिकायत का दिनांक 21-01-16 थाना 22/30

(D) * शिकायत का प्रकार भौतिक हिंसा

10. * शिकायत के प्रकार भौतिक हिंसा

(A) * शिकायत का दिनांक 21-01-16 थाना 22/30

(B) * शिकायत का प्रकार भौतिक हिंसा

(C) * शिकायत का दिनांक 21-01-16 थाना 22/30

(D) * शिकायत का प्रकार भौतिक हिंसा

11. * शिकायत के प्रकार भौतिक हिंसा

(A) * शिकायत का दिनांक 21-01-16 थाना 22/30

(B) * शिकायत का प्रकार भौतिक हिंसा

(C) * शिकायत का दिनांक 21-01-16 थाना 22/30

(D) * शिकायत का प्रकार भौतिक हिंसा

12. * शिकायत के प्रकार भौतिक हिंसा

(A) * शिकायत का दिनांक 21-01-16 थाना 22/30

(B) * शिकायत का प्रकार भौतिक हिंसा

(C) * शिकायत का दिनांक 21-01-16 थाना 22/30

(D) * शिकायत का प्रकार भौतिक हिंसा

Appendix 2

FIR

Incident of mass scale sexual violence, physical assault and loot in Bellam Lendra (Nendra), Bijapur

1. District Bijapur Thana Bijapur Year 2016 FIR No. 0/16 Date 21.01.16
2. Law I.P.C. Sections 376 (2)(c) and (2) (a) (iii), 376 (d), 354, 354 (B), 323, 395
3. Time of incident Day Thursday Date During 11 to 14/01/2016 Date of receiving complaint 21.01.2016 Time 22:30²
4. Nature of information Written
5. Place of crime Direction and distance from thana 50 km, south Address Village Nendra (if jurisdiction of another thana) Thana Basaguda District, Bijapur
6. Informant / Complainant Karam Aeti
7. Description of the Accused Police and Security Forces

Case transferred to Basaguda Police Station and FIR No. 3/2016 registered in PS Basaguda on 27.01.2016.

2 The complaint was communicated verbally on 18.01.2016 and a written complaint was submitted on the morning of 19.01.2016, but this has not been reflected in the FIR.

Appendix 3

FIR

Incident of mass scale sexual assault,
physical assault and loot in
Kunna, Sukma

A copy of FIR could not be accessed by the WSS team

1. **District** Sukma **Thana** Kukanar **Year** 2016 **FIR No.** 0/16
Date 27.01.16
2. **Law** I.P.C. **Sections** 294, 323, 354 (B)
3. **Time of incident**
Day **Date**
Date of receiving complaint 27.01.2016 **Time** ³
4. **Nature of information** Written
5. **Place of crime**
Direction and distance from thana
Address Village Kunna
(if jurisdiction of another thana) Thana District
6. **Informant / Complainant**
7. **Description of the Accused** Police Forces

Case transferred to Basaguda Police Station and FIR No. 3/2016 registered in PS Basaguda on 27.01.2016

³ The written complaint was submitted to Police Commissioner, Bastar on 15.01.2016 and transferred to Sukma S.P. the next day.

Appendix 4

List of Incidents

Peddagellur, Burgicheru, Gundam,
Chinnagellur, Bijapur

Date and Place	Nature of Incident	Particulars
October 19 to 24, 2015 Peddagellur, Gundam, Chinnagellur	Beating and physical violence on women	<ul style="list-style-type: none"> • Sodhi Mangi • Karti Lachmi • Modhiyam Lachmi • Kadti Aadi • Sori Lachchi • Aemla Bhime • Dodi Bhime • Aemla Sukli • Dodi Payke • Korsa Nandi • (H)Aemla Budhri • Aemla Bhime • Padam Chendri • Barse Deve • Barse Mangli • Barse Some • Dodi Lakhi • Aayam Sone • Sodi Lachchi • Hemla Sukki • Chinnaka • Purem Budri • Lekam Jogi • Punem Soni • Mirgam Budri • Semla Kamla • Kadti Nagamma • Somli Hemla • Kadti Sushila • Sodhi Rame

Date and Place	Nature of Incident	Particulars
		<ul style="list-style-type: none"> • Aemla Todhi • Aemla Jimma • Aemla Mase • Karam Chandri • Borke Dule
Peddagellur	Theft and Pillage	<ul style="list-style-type: none"> • Sodhi Ranu – 25 Kgs rice, 4 blankets, 2 lungis, 3 hens and mirchi worth Rs. 50 • Karti Rama – 10 hens, wall clock, 7 paili rice, 10 litres oil, 2 lungis, 2 Kg. onions and 2 soori • Sodhi Kanna - 5 Kg. onions, 25 Kg. rice, 1Kg. sugar and 1 can of oil • Sodhi Bheeme – 3 paili rice, 2 Kg. sugar and 3 hens • Karti Ganpat – 1 quintal rice, 4 Kg. sugar and 2 soori, 1 godel, 1 hen, oil worth Rs. 20, tea leaves worth Rs. 5 and one wallelock worth Rs.500 • Sodhi Satem – 1 cycle, 1 door broken down, 1 tent worth Rs. 200, 1 can oil – 2 Kg. • Oyam Some – 2 Kg. fish • Name unsure – 1 Kg. dal, 1 Kg. bitter-gourd, 2 gourds, 2 arrows • Sodhi Ramesh – 10 Kg. rice, 2 lungi, 2 bottles sulfie, 2 Kg. maati, 11 hens, 2 bows, santoor – 5, and Rs. 160 cash • Dodi Aaetu - 11 hens, 30 Kg. rice, 5 lungi, 5 towels, 10 Kg. oil, 1 Kg. onions, 1 Kg. garlic, turmeric worth Rs. 10 and Rs. 2130 cash • Name unsure – 1 Kg. fish, 3 shirts, 10 eggs, 2 Kg. sugar, 4 gourds • Dodi Manglu – 3 Kg. rice, 4 hens, 1 Kg. sugar • Vetti Ganpat – 50 Kg. rice, 4 hens, 2 Kg. sugar, 2 necklaces, 2 pieces of mike, 1 amplifier, utensils and one glass

Date and Place	Nature of Incident	Particulars
		<ul style="list-style-type: none"> • Lekam Ghirma – 4 hens, 1 lungi, 1 baniyan, 3 arrows, 1 mobile, 1 radio, 10 soori, ½ Kg. potatoes • Sodhi Minna – 3 hens, 3 Kg. Rice, 1 tangiya, 1 barse, 1 ulli (farming implements), 3 Santoor soaps, 3 packets surf, 3 Kg. rice, 2 Kg. oil, 2 Kg. green chillies, 2 Kg. onions, 3 packets jeera, 2 packets turmeric • Aemla Kesa – 6 hens and 1 pig • Aemla Sunnu – 4 hens, 1 surri, 1 Kg. fish, 1 light bulb • Dodi Payki – 2 hens and 2 Kg. rice • Kunjam Hunga – 2 hens and 50 Kg. rice • Aemla Bheeme – 2 hens, 1 Kg. mirchi, 5 kumra and Rs. 4500 cash • Vetti Satyam – 4 hens, 4 Kg. oil, 6 litres petrol, 5 Kg. rice, 6 santoor soaps, 1 mobile, 1 cycle • Sodi Aekti – 1 quintal rice, 2 Kg. oil, ½ Kg. mirchi, 1 packet turmeric, 2 packets masala, 2 Santoor soaps, 12 eggs, 1 Kg. onions, 1 Kg. garlic • Lekham Joga – 20 Kg. rice, 11 hens, 2 banyans, 1 shirt and cash Rs. 500 • Aemla Dukha – 4 hens, 1 Kg. oil, 1 Kg. garlic, 1 Kg. onions, 3 packets turmeric • Dodi Bechem – 4 hens, 3 eggs, 5 santoor soaps, 1 Kg. sugar, 2 packets turmeric • Uika Vella – 1 hen, 1 light bulb, 5 Kg. tamarind, 2 Kg. chilly • Aemla Paiku – 2 hens, 1 baniyan • Madkam Budhru – a hen • Aemla Somli – 2 lungi • Vetti Hadma – 3 hens, 1 quintal rice, 1 wall clock, 2 light bulbs, 2 Kg. garlic, 1 Kg. oil, 4 thali, 1 drum, 2 Kg. chilly, 1 cycle, 2 combs

Date and Place	Nature of Incident	Particulars
		<ul style="list-style-type: none"> • Hemla Somdhi - turmeric, chilli powder, Kumda and Lonki and some money • Poonem Sukli – Rs. 7000 cash plus other household items • Kharram Iree – Rs. 5000 cash plus other household items • Name unknown – Rs. 2800 cash
Peddagellur	Gang rape	3 women including a minor girl
Peddagellur	Molestation	At least 15 women molested including two young mothers whose breasts were squeezed as a test for lactation
Peddagellur	Destruction	School demolished and burnt down
Burgicheru	Destruction	House burnt and house belongings (cot, utensils) broken
	Camp set up in Tarrem	

Appendix 5

List of Incidents Bellam Lendra (Nendra), Bijapur

Date and Place	Nature of Incident	Particulars
January 6, 2016, Gotum Hills	Fake Encounter	Kamla Podiyami was shot point-blank in Gotum Hills
January 11 to 14, 2016 Nendra Village	Theft and Pillage	<ul style="list-style-type: none"> • Karam Aaite: two cans of oil (one mustard oil and one of koyna) worth Rs. 1200; Rs. 10,000 cash; 2 quintals of rice, moong dal, 40 chickens; one gold necklace and some silver jewellery; 4 urns for water; 1 goat. • Markam Ungi: 1 oil can • Kakkem Mangli: 4 chickens, goats and 8 sacks of rice; • Kosa: one pant; 50 Kg. rice and 4 chickens; 1 goat; garlic and onions • Choma Umra: 2 chickens • Uika Ramai: 4 chickens, some rice and spices • Akin Bheeme: 2 chickens • Karam Ungi: 4 chickens and 35 Kg rice • Kawasi Ungi: cash Rs. 5000 and rice and chickens • Kuwasi Hunga: 10 chickens and masalas; rice • Markam Nandi: 2 goats • Kalmu Lakme w/o Bheema: 3 chickens and sheets • Marvi Ungi: chickens and rations including rice

Date and Place	Nature of Incident	Particulars
		<ul style="list-style-type: none"> • Kosa Masi: 10 chickens, rice, masalas, onions and chillies, oil • Marwi Yoga: 14 chickens, 10 kilos rice, moong dal, tomatoes and other vegetables • Karam Pande: 5 chickens • Kowasi Idme: specifics not noted • Uika Bundi: specifics not noted • Oika Boodu: specifics not noted • Madwi Jogi: specifics not noted • Collective community: sound system for the tractor
	Gang rape	13 women
	Beating and physical violence	<ul style="list-style-type: none"> • Madva Hungi w/o Joga • Karam Bheeme w/o Korsu • Karam Hidme w/o Masa • Kalmu Bheeme w/o Budhru • Karam Aaite w/o Sukku was slapped on her face and back • Markam Nandi w/o – Kosa was attacked with lathis on both her legs with violent and persistent force. • Moyya, 60, was severely beaten.

Appendix 6

List Of Incidents Kunna, Sukma and Neighbouring Chotegadam, Dantewada

Date and Place	Nature of Incident	Particulars
January 11, 2016 Chotegadam Village, Dantewada	Self-inflicted accidental injury of a jawan shown as Naxalite violence	Jawan shot by his own rifle, on his foot, when he stumbled in the darkness of a room in the house of a woman and three children; bike belonging to a villager named Bhima Raj taken to take him back.
January 12, 2016 Kunna, Sukma	Arbitrary detention and beating	29 people from different hamlets of Kunna detained in Bhusaras camp, Kukanar police station. Some released later in the evening, on the second day, others on third day; beating enroute and at the camp.
Chotegadam, Dantewada	Beating	Several men beaten. <ul style="list-style-type: none"> • Kosa s/o Ingalu was beaten with a rifle butt. • Budra s/o Joga was severely beaten. • Budra, 15, s/o Kirma Kowasi, was beaten on his back and arms. • Bodha Kosi, 48, was badly beaten.
Karma Gondi Para, Kunna village	Beating leading to death	Lalu Sodi, 21, s/o Sodi Lakkma
	Beating	Yoga Sori, s/o Sori Lakka was dragged at a distance and then beaten badly

Date and Place	Nature of Incident	Particulars
Kunna and Chotegadam	Sexual assault on minors and young women	9 to 10 women assaulted
January 11 to 14, 2016 Peddapara, Kunna, Sukma	Theft and Pillage	<ul style="list-style-type: none"> • A silver necklace and jewellery stolen from Jogi, 70. • Rice, pulses and other rations stolen from Marakka Podiyami's house. • Barsi Irme's chickens stolen along with rations. • Kose lost 5 Kg. rice, one oil can and one Kg. potatoes • Mobile handset worth Rs. 6500 and Rs. 500 cash were taken from Undaveti's house • 5 chickens were stolen from Mangli's house • Koyami Dhule lost Rs. 2500 cash, 10 chickens and rations. • Rs. 1140 was taken from one man's house. • Podiyami Jogi lost jewellery (earrings and necklace), Rs 2500 and 10 chickens
Chotegadam Village	Theft and Pillage	<ul style="list-style-type: none"> • Loot of livestock: pigeons, poultry and goats • Locks of houses broken • Documents like caste certificate, voter card were taken from Kosa s/o Kosa's house. Other than his mark-sheet, he has lost all his documents. • Materials in the house, as wire and bulb and meat cleavers have also been stolen by the forces. • Bheema's bike has not been returned.
	Camp set up in Kunna	

Appendix 7

List of Incidents Korcholi, Bijapur

Date and Place	Nature of Incident	Particulars
November 23 to 25 2015	Illegal detention and violence	Two women and three men from Itavar village were picked up from their village and detained by the security forces for three days during their stay in the area.
November 25, 2015	Fake encounter	Sukku Kunjam, a villager of Itavar, was killed in Korcholi. He was unarmed, wearing a lungi, was chased and shot down.
End January 2016	Molestation	Three minor girls threatened, beaten and molested.
	Gang rape	One woman caught while she was collecting wood and then raped

Appendix 8

List of Sexual Violence Cases
 Documented in Bastar from October 2014
 to September 2016

*(Documented through complaints by victims and families to the media
 or fact-finding teams)*

Date	Place	Details of sexual violence (nature of crime, victim)	Other violations	Source of information
August 30, 2016	Kottacheru, District Sukma	Sexually assaulted and raped 2 women- Hidme Markam and Bhime Kawasi	One boy disrobed and beaten	https://ar-ar.facebook.com/bastarprahri/videos/1139962936095286/
July 18, 2016	Palnar, Gangalur P.S., District Bijapur	Attempt to rape a woman and nipples of an 8 year old girl squeezed	One man killed in the preceding week in the village	<i>Yet Another Fake Encounter – a young man killed in Palnar, Bijapur</i> WSS Press Release, 25 July, 2016
June 13, 2016	Gompad, District Sukma	Madkam Hidme	Raped and Killed	<i>'A stark nude body wrapped in plastic': What happened to a young woman in Chhattisgarh</i> Article by Malini Subramaniam and Kamal Shukla, appeared on Scroll. in on 27 June, 2016

Date	Place	Details of sexual violence (nature of crime, victim)	Other violations	Source of information
End January 2016	Korcholi, District Bijapur	One young mother gang raped. Three young girls molested while grazing cattle		<i>'No Strangers to Violence: More stories of rape and looting in Chhattisgarh's Bijapur district'</i> A report by WSS, May 2016
January 17-18, 2016	Chichkunta village, Indrawati National Park, District Bijapur	Phullu Devi	Arrested and in Jagdalpur jail	Caught In The Crossfire: A Fact-Finding Report On Bastar May 2016
January 11-14, 2016	Kunna, District Sukma and Chotegadam, District Dantewada	9 or 10 women sexually assaulted, paraded naked, groped		<i>'The Violent Truth of Anti-Naxal Operations in South Chhattisgarh -Border villages of Sukma and Dantewada'</i> A report by WSS, January 2016 and <i>State of Siege: A Report on Encounters and Cases of Sexual Violence in Bijapur and Sukma districts of Chhattisgarh</i> , CDRO and WSS, January 2016
January 11-14, 2016	Bellam Lendra, District Bijapur	13 women gang raped		<i>'Nendra held captive by State Forces'</i> A report by WSS, January 2016 and <i>State of Siege: A Report on Encounters and Cases of Sexual Violence in Bijapur and Sukma districts of Chhattisgarh</i> , CDRO and WSS, January 2016

Date	Place	Details of sexual violence (nature of crime, victim)	Other violations	Source of information
End Nov 2015	Korcholi and Itavar, P.S. Gangalur, Tehsil Bijapur, District Bijapur	One young girl molested Two young women disrobed	One man killed in a fake encounter	<i>'No Strangers to Violence: More stories of rape and looting in Chhattisgarh's Bijapur district'</i> A report by WSS, May 2016
Nov 21, 2015	Nagalguda village, P.S. Gadiras, Tehsil Kuakonda, District Dantewada	One woman raped	4 women, including the rape victim, were killed	<i>Bastar: Where the Constitution is Suspended</i> , a report by AIPF, August 2016
October 19–24, 2015	Peddagellur, P.S. Basaguda District Bijapur	One minor girl gang raped. One young woman and her mother-in-law raped. One young mother's breasts were squeezed		<i>Rampant Looting And Sexual Violence By Security Forces In Villages In Bijapur, South Chhattisgarh</i> , A report by WSS, November 2015
June 2015	Etebalka, District Kanker	Rape and Sexual Exploitation of a young girl		<i>Caught In The Crossfire: A Fact-Finding Report On Bastar</i> May 2016
Mid Dec 2014	Jedipara, Timmapu, District Bijapur	Several women molested and some raped		<i>War and the Lightness of Being Adivasi: Security camps and villages in Bijapur, Chhattisgarh</i> , a report by PUDR, February, 2015

Date	Place	Details of sexual violence (nature of crime, victim)	Other violations	Source of information
October 2014	Kottagudem, P.S. Basaguda, District Bijapur	One woman raped		<i>War and the Lightness of Being Adivasi: Security camps and villages in Bijapur, Chhattisgarh</i> , a report by PUDR, February, 2015

Appendix 9**Testimony of Ledha Bai**
Ledha Bai's Statement

Complaint (Parivaad) C.A. No. 624/09 [Number not clear]

Witness no. 1 for (panjiyan poorva saakshya) Deposition taken on the
27-6-07 day of Witness's apparent age 22 States
on affirmation My name is Mrs. Leda wife of Ramesh
Occupation housewife address Village Tarangava, Police Station
Shankargarh, Distt. Sarguja Chhattisgarh

- 1 This happened around one year ago. I am illiterate. I do not know the date. Israel used to come to our village. His mother also belonged to our Oraon tribe. His mother was from our village. Israel loved me and I became pregnant from him. The foetus got aborted after I was beaten in the village. He always promised to marry me in one or two months. Thus I became pregnant again. He got that pregnancy terminated also. When he did not meet for one month, I enquired about him and came to know that he had married a girl from his own tribe.
- 2 When I called Israel and talked to him, Israel assured me that in his tribe, one can have a junior wife and a senior wife (chotki-badki) and that he will [call] me after five months. I kept quiet for five months. After five months, I called Israel again. He told me that he would not keep me and I could go wherever I wanted. I returned to my father and told him that Israel would not marry me now. Then I went with my father to Shankargarh police station where Nasar Siddiqui was the thana-in-charge. Israel had already met him because of which Nasar Siddiqui did not register my report and threw us out of the thana. We returned home. A boy named Ramesh used to come to our village.

He asked my father what Israel had done to his daughter (me). My father told him to inquire from his daughter (me) instead. Later my father arranged my meeting with Ramesh. Ramesh asked me about everything. So I had told Ramesh whatever Israel had said and done. Ramesh told me that he was in touch with the Naxalites and after talking to them, he would get me married to Israel. After this, Ramesh started coming to my home quite often. In the meantime, one day Ramesh asked my father why we were so keen on my marriage with Israel while Ramesh himself was also a tribal and my father should get his daughter (me) married to Ramesh. When Ramesh talked to me about marriage, I agreed to marry him. Then during sarnapuja, Vikram baba of the village got me and Ramesh married.

- 3 After the wedding, Ramesh came with us to my parents' home and stayed there for two-three days. Then he said that he was going in search of some employment and that when he found some work, he would come and take me with him. One month later, Brijesh Tiwari from Shankargarh police station came to our house and asked [me] to accompany him as sahib had called me to the police station. In the Shankargarh police station, the thana-in-charge Nasar Siddiqui said about me that I was a Naxalite and if I were not sent to jail, then I would surely file a case against Israel.
- 4 Thereafter I was sent to jail. At that time, I was pregnant. My child is very weak. After eight months, when my delivery was due, I was granted bail. I delivered my child at home. After my delivery, when I appeared in the court for hearing, I was again sent to jail. After six months, the judgment was delivered in my case and the court acquitted me. When I was released from the jail, my lawyer advised me that I should inform the Shankargarh police station about my release. After three days, I went to the Shankargarh police station with my father. When I went there, I met thana-in-charge Sapan Choudhary who asked me if I knew Ramesh. I said yes, he was my husband. He asked me what sort of work he was engaged in. I told him that he said that he worked as a labourer and did some farming also.
- 5 Shankargarh thana-in-charge Sapan Choudhary told me that Ramesh was a Naxalite. Before this, I did not know that Ramesh was a Naxalite. Sapan Choudhary advised me that I should make Ramesh surrender before the police and that if he surrendered before them, the police would help him and the government will also give him some money. Otherwise, one day he would come and kill Ramesh in front of me in my house.

6 After one month, Ramesh came to our home. I asked him if he was a Naxalite. He said yes. I told him that the thana-in-charge had suggested that I should ask him to surrender. If he was made to surrender then the government will give us money for our living expenses. Ramesh said that he would be coming next month on leave and then he would tell me about his decision. Next month, Ramesh came to Sivildag and informed me through the secretary that he had arrived. After receiving the information from the secretary that Ramesh had come to Sivildag, my father and I went to Shankargarh police station to inform them that Ramesh had come to surrender. At that time, Sapan Chaudhary, thana-in-charge, was not present at the police station; the other policemen were there. We told the police -men that Ramesh had come to surrender. The policemen told us to sit, the senior officer will talk to the SP and tell us. Then the policemen told us to go back home and return to the police station at the crack of dawn the next day. Next morning, I went to the Shankargarh police station where I met Mr. Kalluri who told me that I was lying that Ramesh would surrender. I told him with folded hands that I was telling him the truth and that Ramesh had come to Sivildag for surrendering.

7 Then I was taken in a police van from police station Shankargarh to police station Kusumi. More policemen joined us at police station Kusumi and from there all of us went to Kasamaar. At Kasamaar, all of us alighted from the van and walked on foot. From Kasamaar, we reached Sivildag on foot. On reaching Sivildag, Kalluri sahib asked that Ramesh be brought. Then Ramesh was brought. Then the policemen beat Ramesh with lathis (sticks). After beating Ramesh, Kalluri sahib interrogated Ramesh and after interrogation, he told Ramesh and me that we should go to the house of the secretary and discuss with each other. We were talking in the room. At that time Ramesh told me that “the bag hung on the peg contained (saade lakh) rupees. These police men are going to take me to jail, you should use that money for my bail etc.” (The witness starts crying at this point.) Brijesh Tiwari came in the meantime and shot my husband Ramesh three times. When Brijesh Tiwari shot at my husband, I started crying loudly. Then the policemen dragged me out of the room. (The witness is crying.) The policemen told Kalluri sahib that they should kill me also. Then Kalluri said yes, kill her. Then the villagers present there opposed it. Then they took me to police station Shankargarh in a police van. I was imprisoned in police station Shankargarh. At night, Kalluri sahib came to police station Shankargarh and warned me not to speak

about this to anyone. “We took pity on you because of your child and let you go. If you complain anywhere, we will shoot you.” They let me out at noon the next day. It was Monday. It was the day of the weekly market in Shankargarh. When they let me out of the police station then I wondered where to go. Thinking this, I went to Shankargarh market. There I met Shankar. He told me that the policemen had shot Ramesh dead. I already knew about [it]. I went crying to my home in village Sarangava. After reaching home, I told my parents about the incident. My father asked me to stay at home for ten days and not go anywhere, because in our community (after a death in the family) no one goes out anywhere for ten days.

8 After ten days, I came to Ambikapur and told my lawyer about the entire incident relating to my husband’s murder. Then my lawyer prepared a petition on my behalf and sent it to the Chief Minister. After filing the complaint, I started living in Ambikapur. I used to work in Suresh’s house as a maid. When I returned to my village around the time of panchpujai dussehra, my parents informed me that the police was looking for me. After consulting my parents, I went to Chainpur to stay with my sister. The next day, policemen from the Shankargarh police station arrested my father and brought him to the police station. My aya (mother) sent a message to my sister’s house that the Shankargarh police had taken my father into custody. Then I returned home. I reached my home in the evening. Soon after, the policemen from Shankargarh police station came in three vans and took me to the Shankargarh police station. When I reached Shankargarh police station, I saw Kalluri sahib who, upon seeing me, asked if I knew who he was. Then I said, “You are Kalluri Sahib. I made my husband surrender before you and you got him shot.” Then Kalluri slapped me twice. I was carrying my daughter. I fell on the ground with my daughter. Kalluri asked me to take off my clothes. When I refused, two policemen twisted my father’s arms and made him stand up, and started beating him. They beat my father mercilessly. Then Brijesh Tiwari unfastened my saree and took off all the other garments. When I was resisting the taking off of my clothes, they started hitting my father harder. I took off my clothes. They completely stripped me. My child was wailing uncontrollably on the ground. Then Kalluri said, “Take her inside the room, I will interrogate her.” In my nude condition, they took me inside the room in the police station. Then Kalluri raped me inside the police station. He brought me outside after an hour and got green chillies shoved into my vagina. Before leaving the police station,

Kalluri told the policemen to rape me everyday. In the Shankargarh police station, the policemen used to rape me everyday. Dhiraj Jaiswal came with the policemen three times to rape me and once Brijesh Tiwari raped me.

9 For ten days, my father, my mother and I were detained in the police station. My mother was also taken to the Shankargarh police station the same day when I was also taken there. After ten days, they took us to Ramanujanj police station. In the Ramanujanj police station, they made us sign some papers on the threat of shooting us. After releasing us, they put four policemen on duty to keep a watch on me. Even when I went for relieving myself or taking a bath, the policemen would accompany me. On the occasion of Chherta, the said policemen went away to celebrate Chherta. They started drinking liquor. Then I ran away on foot and reached Rajpur. From there, I caught a bus to Ambikapur. As I reached Ambikapur at night, I stayed in a dharmshala (resthouse). In the morning, I went to my lawyer's place. When I reached my lawyer's place, his wife informed me that he had gone to Bilaspur. She told me that he would return after two days, so I waited for two days for him. I had no money, so I went to Suresh's house where I used to work earlier and took Rs 200 from him to go to Bilaspur. When I was in jail, a lady had visited me who had given me her contact number. I searched for her in Bilaspur. I looked for her in the Bilaspur High Court and I asked about her from a male lawyer. When he enquired, I told him about the whole incident. That lawyer said he will take up my case, so I got him to prepare my case and file it in the Honourable High Court.

10 One week ago, some people from Delhi had come to ask me some questions, so I told them about the incident. I told the people from Delhi that I had not visited my village since I had filed the case. I want to go to my village. Please arrange for me to go to my village. They assured me that they will make arrangements for sending me to my village in one week. I have presented papers in this case.

Source: <https://iadhri.wordpress.com/2013/01/25/ledha-bais-statement-against-srp-kalluri/>

Appendix 10

Testimonies of Women Submitted during Magisterial Enquiry

In front of Sub Divisional Magistrate, Bhopalpatnam

Testified under oath

Date 01.11.2015

Name xxxx Resident Village Peddagellur (Patelpara)
Age Approximately 45 Years

I, testify under oath that I am a resident of Peddagellur. I am not literate. Two weeks ago, xxxx wife of xxxx, xxxx wife of xxxx, xxxx daughter of xxxx and myself had gone to graze our cows in the forest. There were a lot of security forces men there. One of the men said that we were following them under the pretext of grazing our cows. He also threatened to beat us. When I asked, "Why would you hit us?" He said that I talk a lot. After that he started hitting me with a stick and started saying dirty things to me. xxxx, the daughter of my brother xxxx was also with us to graze the cows. Some men from the security forces pulled xxxx away from us and took her a bit farther away. After the security forces' men left, xxxx and I went towards xxxx. xxxx was unconscious. After she gained consciousness, she told us that some of the security men had raped her. I can recognize the men who beat me up. Some of these security men had cloth tied on their faces but some didn't. This incident is two weeks old and happened on a Wednesday. This incident happened just outside Peddagellur village near the houses of Badse people. This happened in the morning. I have heard that there are more women in the village who have been beaten up. I have also heard that, Kadi Sushila wife of Arjun, Village Peddagellur, Sodhi Mangi wife of Enkar, Sodhi Lacchi wife of Raju, Sodhi Bhime wife of Kanna, Sodhi Rame wife of Gujja, Padm Chandri wife of Dosa, Dodhi Badhri wife of Bhima, Lekam Jogi wife of Hunga, all residents of Peddagellur have been beaten up by the security forces' men but I haven't witnessed it personally. But I have seen marks left by wounds on their bodies.

In front of Sub Divisional Magistrate, Bhopalpatnam**Testified under oath****Date 01.11.2015**

Name xxxx Resident of Village Peddagellur
Age Approximately 15 Years

I stay in the village of Peddagellur Patelpara. My father, xxxx works on the farm. Two weeks ago, some police came to my village. They were many of them. I am not sure how many. That day all four of us, xxxx wife of xxxx, xxxx wife of xxxx, xxxx wife of xxxx all residents of Peddagellur and myself had gone to graze cows. xxxx is my aunt (Mami). One of the policemen talked to my aunt, xxxx. After that apart from xxxx, all the three of us were beaten up. Then we were separated. One of the men who had tied a cloth on his face took me aside to the forest and removed my clothes and raped me. While doing this a towel was tied around my eyes. After that another man came and raped me. Then I became unconscious. I gained consciousness only when I got home. I will recognize the man who raped me. The men who raped me and the man who was talking to my aunt had tied cloth on their faces. There is still pain in my body. I don't know the exact day this incident happened but two weeks have passed after this incident. Apart from this I don't want to say anything else, this is my testimony.

In front of Sub Divisional Magistrate, Bhopalpatnam**Testified under oath****Date - 01.11.2015**

Name xxxx wife of xxxx Caste Muria
Resident of Village Peddagellur (Metapara) Age Approximately 28 years

I, testify under oath that I am a resident of Peddagellur. Two weeks ago, we had gone to cut the grains but there were a lot of security forces present there so we came back. Tuesday or Wednesday evening, some police people came to the village. All the village men had gone to the forest. That night the policemen slept at my house so that night I slept at my brother Dashru's house. In the morning I went to the boring [well] to get water, there the policemen told me that the boring wasn't ours. So I came home and asked for a vessel but they didn't give it and started hitting me. I took my child and went to xxxx's house. There a policeman said that the child wasn't mine and I was carrying somebody else's child. After saying this two men misbehaved with me and pressed my breasts and got some milk out. They also threw out the salt and chilli powder in my house. I won't be able to recognize the men who misbehaved with me because all of them look the same. They also hit Hemla Sukdi wife of Dashru, Hemla Todhi wife of Masa, Hemla Jimma wife of Dhurva, Hemla Budhri wife of Kosa and Hemla Mase, (don't know the husband's name) in front of me. This is my testimony, I don't have anything else to say.

In front of Sub Divisional Magistrate, Bhopalpatnam**Testified under oath****Date - 01.11.2015**

Name Hemla Somdhi wife of Hemla Bhima caste Muria,
Resident of Village Peddagellur (Metapara) Age Approximately 35 years

I, testify under oath that I am a resident of Peddagellur. My husband died two-three years ago. Two weeks ago, on a Wednesday evening a lot of policemen came and asked for a Ganji. I didn't give them that. Next day morning, when I went to the boring [well] to get water, the policemen did not let me take water. They said that the boring belongs to the government and was not mine. Policemen took the turmeric, chilli powder, Kumda and Lonki from my house and refused to give any money. There was some money in the house, they took even that. The policemen stayed at my place so I went to sleep at Dashru's house who stays in another hamlet. Nobody physically misbehaved with me. They swore at me when I went to the boring to get water and shooed me off from there. I won't be able to recognize them. This is my testimony.

In front of Sub Divisional Magistrate, Bhopalpatnam**Testified under oath****Dated 06.11.2015**

Name xxxx Resident of Village Chinnagellur (Usur)

I hereby testify that I am not literate. Police forces had come to our village before the last market day. Fearing beating and violence, the men flee to the jungles whenever the police comes. All the village women had together gone to Telam Hunga son of Nanda's house. There had been a death function in his family. The police people have beaten up some women. Karam Chandri w/o Bucha, resident of Borguda and Borke Dule w/o Dara, resident of Patelpara have been beaten up. Karam Chandri had come to the hospital also last market day. A woman from Gundam had also come to Chinnagellur; her hand was broken. (We tell the) police people why do you follow us. They have enmity with the Naxalites, then why they you beat the public. No incident of rape has been reported in Chinnagellur. I don't know about other villages. I have nothing more to say. This is my honest and truthful testimony.

In front of Sub Divisional Magistrate, Bhopalpatnam**Testified under oath****Dated 06.11.2015**

Name xxxx Resident of Village Peddagellur (Metapara)

I hereby testify on oath that I live in Metapara in Peddagellur village. My husband is a farmer. This incident took place before Dushera. I am not literate. Police people had come to the village; this was in the afternoon. They were

catching our hens, so I said why are you catching our hens and you should do your work. So they hit me with a stick. Several people hit me. I am four months pregnant. The police people who beat me, did not have a cloth on their face. They were all looking the same so I wouldn't be able to recognize them. They were in uniform and also had guns. After that, the police people blindfolded me and dragged me away and raped me. During this time, some people were holding on to my hands and head and feet. They had tied a cloth on my eyes so I cannot say how many people were there nor can I identify them. They were speaking in Gondi. I remember a bit that they were speaking in Gondi that they should kill me there itself. My body had a swelling after this. I was in a lot of pain. I have had (jungle) medicinal plant and am now better. One other girl of the village has been raped, but she has not come to Basaguda (today). Her name is xxxx d/o xxxx ; she is of Patelpara. This is my testimony. I don't have anything else to say.

In front of Sub Divisional Magistrate, Bhopalpatnam

Testified under oath

Dated 06.11.2015

Name xxxx Resident of Village Peddagellur (Metapara)

I hereby testify on oath that I live in Metapara in Peddagellur village. This is the time before Dushera. Police people had come to our village. They had come on Monday and stayed till Saturday. This is a little before the afternoon, when they came and started taking our hens and pigs. So I said, "We are poor people. You all do your work." They beat me for just saying this. They pulled my blouse and clothes. It was a big group; I can't identify them specifically. They were talking in Gondi, and said they are from Gangalur and not from here. They said that they were the police. They have beaten me on my shoulders and my back, and I am suffering in a lot of pain. I am not able to do any work. xxxx is my son xxxx's wife. She is my daughter-in-law. On protesting about their taking our hens, they dragged xxxx and took her to the jungle. xxxx told me that they had raped her there. xxxx had Rs. 2000 with her and they took away that money. This is my testimony. I don't have anything else to say.

In front of Sub Divisional Magistrate, Bhopalpatnam

Testified under oath*

Dated 07.11.2015

Name xxxx Resident of Village Peddagellur (Metapara)

I, xxxx, testify that on the Monday before Dushera, police forces had come to our village and had stayed till Saturday. They were taking away our livestock hens and pigs – from our house. (On my protesting on this) they beat me up. They pulled my clothes and dragged me towards the jungle. There, five men raped me. They were in a big group when they were beating me. There were 4-5 people while raping me. They blind-folded me. They didn't have a cloth on their face. I will not be able to recognize them as they had

tied a cloth on my eyes. Those people also raped xxxx, xxxx and xxxx in our village. xxxx is my daughter-in-law. The police folks dragged her and took her towards the jungles, and raped her there. The security forces had come in a batch of about 100. They have looted many other houses in the village and beaten up people. This is all what I want to say and this is my testimony.

*added from previous day

In front of Sub Divisional Magistrate, Bhopalpatnam

Testified under oath

Dated 19.01.2016

*Name xxxx Age 45 Years Caste Muria
Resident of Village Nendra (Patelpara), Police station Basaguda, Tehsil Usur,
District Bijapur*

I, xxxx, hereby declare that I live in Patelpara, Nendra with my family. I farm. On Monday/Tuesday last week, the police reached my village Nendra. They first came to Gotum para. As the security forces started firing in the air, all the men left the village. One policeman asked me why all the men have run away; I replied, that they are running away as they are afraid of you. On hearing this, two of them caught me and took me inside the house. They threw me on the floor. They pulled off my clothes, tore off my blouse and groped my breasts. One policeman raped me. He spoke to me in Gondi saying that "you people offer food to Naxalites, you give them rice; we will burn your houses", and he also said that "you people are safe today only because it is daytime. If it had been night, we would have killed you." My two children were holding on to me crying all the time. Through this whole time, one policeman was standing guard at the door. They then left, warning me not to speak about this incident to anyone, and went to Masodpara from there. They also took four of my roosters along with them. The security forces also went to several other homes apart from mine. I was afraid and that's why I didn't leave home, but later in the evening, xxxx told me that she too had gone through the same ordeal and like me, had been raped. The security forces and policemen had also threatened to burn my home. This is my statement. I don't have anything to say apart from this.

*Name xxxx Age 22 Years Caste Muria
Resident of Village Nendra (Gotum para), Police station Basaguda, Tehsil Usur,
District Bijapur*

I, xxxx, hereby testify that I live in village Nendra with my family. I am a farmer. Last Monday, policemen came to my village, Gotum para, Nendra. I had gone to work in the fields with my mother in-law, xxxx. In the evening, four policemen brought us back home from the fields. All four were in police uniform. I can identify two of them - Pandu and Ajay. Pandu is from the village Gangol; I don't know where Ajay is from. I would be able to identify them if they were

brought in front of me. Pandu and Ajay worked with the Naxalites earlier. They used to visit our village at times. I don't know what work they do currently. They forced my mother-in-law to leave the house. After that they (four police men) tied a cloth around my mouth and took me inside. They were speaking Gondi. There were three of them inside. Two of them held me down forcibly. Pandu pinned my legs down and Ajay held me down by my shoulders. One policeman raped me. I shouted loudly, asking them to stop but they didn't listen to me. After having raped me, they let go and threatened to shoot me the next time they came if I spoke to anyone about this. I still have severe pain in my vagina. My breasts also still hurt since they had squeezed them very harshly. I wasn't entirely conscious. My aunt, xxxx, took me to xxxx's house. I have a problem urinating and walking. That night, the policemen cooked and had dinner at my house; they cooked 10 of our chickens and used the turmeric and chilly powder from my house. The next day (Tuesday), they cooked at Madvi Joga's place and headed towards the forest. That evening, they returned and slept at my house once again. They continued to stay in our village on the third day (Wednesday). The following day, (Thursday) they used my rations and rice to cook. On the fifth day (Friday) they left Gotumpara, Nendra and headed towards Murdunda.

*Name Kakem Bheeme d/o Shri Soma Age 18 years Caste Muria
Resident of Village Nendra (Patelpara), Police station Basaguda, Tehsil Usur,
District Bijapur*

I, Kakem Bheeme hereby declare that I am a domicile resident of Village Nendra. I study in class 8, Kanya Residential Ashram, Timmapur. Last Thursday, I took leave from the school and went to my village, Nendra. It was around 1 PM on the 14th (January) when I left. I reached Nendra around 2 PM. I saw that people from police and security forces were staying in my village. My father, Soma, is a farmer. Some people from the police and security forces took two roosters from my home. They didn't pay for them. When we asked for money they started shouting and swearing at us. They beat up Madvi Hungi w/o Joga, Karam Bheeme w/o Korsa, Karam Hidme w/o Maasa and two other people of the village. I also heard that troops sexually harassed xxxx from Gotum para, xxxx, xxxx and xxxx. They tore off the blouses and lifted the skirts of some women. This is what I have heard. I have not witnessed it myself. I have not gone back to the ashram after having returned to Nendra. This is my statement. I don't have anything to say apart from this.

*Name Karam Aaite w/o Sukku Caste Muria
Resident of Village Nendra (Masodpara), Police station Basaguda, Tehsil Usur,
District Bijapur*

I, Karam Aaite, hereby declare that I live with my family in Masodpara, village Nendra. My husband's occupation is farming. I have three sons. All three are married. My eldest son's name is Thakur. He has four children. The police entered my village on the Monday before yesterday. My husband had gone to

Pidiya to meet a relative. He had left on Saturday, before the forces had come. Because of the police and their firing, many men had left the village. Nine people have still not returned. All my sons had gone out farming. Police came and demanded to know the whereabouts of my family. I told them that they should go about their own work, and that my family was doing theirs. On hearing this, the policemen caught 40 roosters, cooked them in my house and even ate them there. They also cooked and ate two sacks of rice from my house. When I protested against this, one policeman slapped me. They also said that they will burn our village down when they get Narendra Modi's orders. I don't know who Narendra Modi is. I heard the name only from them. They also took ten thousand rupees from my house. There was a gold necklace in my house which was also taken away by them. Since it was dark, I won't be able to recognize them. Several policemen were spread across the village. Many of them had come to my house. Their faces were covered with black cloth. I won't be able to recognize them if they are presented before me. I recognize only Yogesh. He worked as a Naxalite earlier, and now works with the police. I don't know which village he is from. Yogesh was speaking in Gondi. Policemen scared me away by pointing their guns and sticks at me, and I had to leave my home. I stayed at Madkam Nandi's house on Monday night. The policemen who came to my house initially were speaking in Gondi. Later the group spoke in Hindi as well. They also took an oil can worth Rs. 1200 and four vessels. There were a total of six goats in my house and out of them, they killed one goat and threw it. On Tuesday, they cooked at my house again and ate there. I have not been raped. There is no injury on my body. The policemen said "your men put bombs on the road; your men are Naxalites; they shoot. We will kill your men and throw them away. What will you do then." They also said that they will uproot the handpump "where will you drink your water from then?" they said. A woman has been raped in Masod Para. Whenever the police come to the village, they call us Naxalites. For every incident that occurs, the police and security forces claim we are responsible.

*Name Madkam Nandi w/o Kosa Caste Muria
Resident of Village Nendra (Masodpara), Police station Basaguda, Tehsil Usur,
District Bijapur*

I, Madkam Nandi hereby testify that I live in Masodpara, village Nendra. My husband is a farmer. I have three children; two sons by the name of Joga and Sukhram and one daughter named Bhime. Bhime studies at the Pota cabin [school] in Timmapur. I don't know the exact age of Joga but he is now of marriageable age. The Monday before yesterday, the police came to my hamlet. That time, all my three children were at home. My husband, Kosa, had gone to Hirapur to meet Madvi Bodda. The forces picked up two goats from my house. I told them not to take the goats; I pleaded with them, saying that these goats had been kept for my son's marriage but they didn't listen to me. They hit me on both my legs several times with a stick. They dragged me back to my house and took my goats with them. I have a lot of pain in my legs due to this injury. I was not raped. I have heard from the women in the village that xxxx living in Masodpara, has been raped by the police forces. This is my statement.

*Name xxxx Caste Muria
Resident of Village Nendra (Gotum para) Police station Basaguda, Tehsil Usur,
District Bijapur*

I, xxxx hereby testify that I live with my family in Gotum para village. My husband is a farmer. I have three children. My eldest son, xxxx also farms. He is illiterate. My second son, xxxx studies in class 5th at the Pota cabin [school] in Basaguda. My youngest son's name is xxxx. On the night of last Tuesday, security forces came from the direction of the mountain towards my house. My husband ran away into the mountains when he heard the sound of firing. We were sleeping at the time. Two men from the force entered my house. They upturned my bed. They were speaking in Gondi. They pulled off my lungi and tore my petticoat. One of the them held my legs down while the other raped me. I started to scream but they covered my mouth. Hearing my screams, my grandfather, xxxx came with a torch and stick. Those two ran away when the torch light was shone on them. I can't identify them because it was dark. On Monday, they had beaten up Kalme Bhime w/o Budhru and Karam Hidme w/o Masa Sakin of Gotum para and chased them away. The troops had a gun in one hand and a stick in the other. Afraid, I ran back home. I wasn't beaten then. On Monday evening, xxxx, also resident of Gotum para was plucking brinjals from her garden. Two persons who were holding guns, caught her. I wouldn't be able to identify them but could see that they were police personnel. They tied a black cloth over xxxx's eyes. The men from the security forces also had their mouths covered with a black cloth. One of them was holding xxxx's legs and the other raped her. I witnessed the incident myself. I was a short distance away. xxxx was also screaming. On hearing her screams, an old lady, xxxx went up to xxxx. She showed them a stick and the men fled. After this incident 6-7 women of our hamlet took xxxx to the place where the security forces were cooking their food. I accompanied them. We asked them "why are you people doing such brutal things. Let us talk to your Sir (Saheb)." They replied that their Sir was not there. We asked, "who has done this?" to which they said "They are not here. Don't make a scene". This is my statement.

*Name xxxx Caste Muria
Resident of Nendra Village (Gotumpara), Police Station Basaguda, Tehsil Usur,
Zila Bijapur*

I, xxxx, hereby testify that I live with my family in Gotumpara. My husband's occupation is farming. I have four children. My elder daughter's name is xxxx; she studies at the Pota cabin [school] in Timmapur. Our three other children live at home. On the Monday before yesterday, the police came to our village. They were accompanied by S.P.Os. The men had fled the village before their arrival. Several policemen came to my house. They took five roosters from my house. They did not pay. They said that we could collect the money from where the food was being cooked. They were speaking in Gondi. Along with other women from the village, I went to the cooking site, but they didn't give us any money. They shooed us away with sticks. At that time, they did not engage in

any physical violence. After they had taken the roosters, I thought that they had left. So after that, I put my youngest son, xxxx, to sleep and went to pluck khatta-bhaji from our garden-patch. Two people came from the direction of the mountains. They entered the fence quietly. They covered my mouth with the cloth and pushed me to the ground. They had a black cloth tied over their mouths. They were speaking both Hindi and Gondi. One of the two men was pinning my chest to the ground. The other raped me. My legs were pinned down with their shoes. I had been screaming out, 'badi ma, badi ma (elder mother)' My elder mother, xxxx, came when she heard me. On her arrival, the men ran away. After that, 9-10 women of the hamlet took me to the place near the borewell, where the troops were cooking their food. All the women asked them why were they doing such brutal things; We told them that they should simply go about their search operation. They told us their seniors were not present. and said that we were wrongly accusing them. They threatened us, "Think before coming again. Like earlier, we will begin the Salwa Jadum again." They also threatened that they will lock us with our children inside our homes and set us on fire. On Monday night, we heard a voice screaming out for help 'Nani, save me'; it was coming from my neighbour, xxxx's house. On hearing this, my mother-in-law, xxxx, went towards their house. I didn't go. My mother-in-law told me that as she reached their house, she saw two people (of the forces) running away in their underwear. My mother-in-law mumbled "Why do you do such things? You should bring your wives along with you." My mother-in-law saw that xxxx's body was naked. She dressed xxxx and brought her to our house.

*Name xxxx Caste Muria
Resident of Nendra Village (Masodpara), Police Station Basaguda, Tehsil Usur,
Zila Bijapur*

I, xxxx, hereby testify that I live in Masodpara. My husband, xxxx's occupation is farming. I got married last year. Last Tuesday, police people came to my village some time in the afternoon. On seeing the police, xxxx, my husband had run away towards Timmapur. After that, three policemen came to my house. They took four kilograms of rice, saying that they will pay for it, but they did not give me any money for it. They were trying to catch my roosters. I asked them why they were taking my roosters. I told them that I needed to sell the roosters to buy clothes with that money. On refusing to give them roosters, they caught me and covered my face with the fishing net and took me inside. They were speaking in both Hindi and Gondi. They took off my clothes and threw them away. They groped my breasts. One policeman held my legs, another held my shoulders and a third raped me. On hearing my cries and screams, my mother-in-law, xxxx came. When she came, one policeman was sitting on top of me. My mother-in-law hit him twice on his back, after which that policeman wore his clothes and ran away with the other two. I won't be able to recognize them. Those people took four of my roosters with them without paying. They cooked and ate them near the borewell. xxxx, resident of Nendra (Masodpara) told me that she had been through something similar on Monday. When she was grinding 'tikur' onions, four policemen came to her

house and disrobed her. Three of them held her down while one policeman raped her. The police had come to the village on Monday and kept coming in and out until Thursday. They would eat in the village and then head back into the mountains. This is my statement. I don't have anything to say apart from this.

*Name xxxx Caste Muria
Resident of Village Nendra (Gotumpara), Police Station Basaguda, Tehsil Usur,
Zila Bijapur*

I, xxxx, hereby declare that I live with my family in Gotumpara. My husband's occupation is farming. I have four children. xxxx and xxxx study at the Pota cabin [school] in Timmapur. The younger two children live at home. The police had come to our village on Monday. On Tuesday, two policemen came to my house. I don't recognize them. They were speaking in Hindi. My children started crying on seeing them. After that, both the men picked up three roosters from my compound; I asked them for the money for roosters. They said that they will not give the money but will surely give us a thrashing with sticks instead. They even tore the sheets of my house. Both of them took me inside, put a cloth over my eyes and pushed me to the ground. One held my legs down while the other raped me. When my children cried, they let go of me and left. They then took my roosters with them. They took roosters and rice from some other houses of the village as well. The next day, about ten women including myself went to the place where the policemen had camped and demanded money for the roosters and rice. They threatened and scared us away and did not pay us. This is my statement. I don't have anything to say apart from this.

*Name xxxx Age Around 40 years Caste Muria
Resident of Village Nendra (Gotumpara), Police station Basaguda, Tehsil Usur,
District Bijapur*

I, xxxx, hereby testify that I live in Gotumpara with my family. My husband, Joga, farms. I don't have any children. On the Monday before yesterday, the police came to my village in the evening. Two policemen had come home. They spoke both Hindi and Gondi. I was cooking at the time. They came from behind me, caught me and threw me to the floor. One of them held my legs and the other raped me. When I screamed for help, they let go of me and ran. After this, I went to my mother's house in Gotumpara. The policemen took chicken and rice from my house. They were saying "you people give rice to Naxalites and you interact with them, you don't support government. If you don't support the government, we will burn your houses along with you and your children and will uproot your hand pumps". This is my statement. I don't have anything to say apart from this.

*Name xxxx Caste Muria
Resident of Village Nendra (Masodpara), Police station Basaguda, Tehsil Usur,
District Bijapur*

I, xxxx, hereby testify that I live with my family in Masodpara. My husband, xxxx is a farmer. I have two children. Both of them live at home. On the Monday before yesterday, policemen came to our village around five. On entering the village, they had begun firing, and hence all the men ran away from the village. I don't know where all they went. Many people have still not returned. Several of the men from the security forces came to my house. Amongst them, I recognize Madkam Rahul, son of Muiya. He is a resident of Gotumpara. Earlier, he worked with the Naxalites. After getting married, he joined the police. I can recognize Rahul on seeing him. Rahul had also come to my house. There were many other men from the police and security forces with him. They took four roosters and 35Kg rice from my house. They cooked and ate it near the borewell. Along with three other women, I went to the place where the troops had camped, and asked for money. They didn't give us any money and instead hit us on our backs with their hands. In my hamlet, Masodpara, xxxx was raped. She is still in the village. This is my statement. I don't have anything to say apart from this.

*Name xxxx Caste Muria
Resident of Village Nendra (Gotum para), Police station Basaguda, Tehsil Usur,
District Bijapur*

I, xxxx, hereby testify that I live with my family in Gotumpara. My husband's occupation is farming. Currently my husband is ill and with the help of his brother-in-law xxxx, is undergoing treatment at a hospital in Warangal. I have three children, and all of them live at home. On the Monday before yesterday, the forces came to my village. That day around five in evening, three people dressed in police uniform came to my house. I don't know them. They were talking in Hindi. Amongst them, two of them had held me down while another raped me. On hearing my screams, my sister, xxxx came running, after which they let go of me and ran. The following day, I went to my mother, xxxx's house in Gotumpara. Later, my neighbours told me that five people from the security forces had come to my house again. They did not take any belongings from my house. The forces stayed in our village till Thursday. I don't know where they went from there. This is my statement. I don't have anything to say apart from this.

Appendix 11**Excerpts from NCST Report****National Commission for Scheduled Tribes****Letter No. – 33/Press Clipping/5/2016/R.U.- III dated 29.04.2016****(Original in Hindi)**

6.0 Conclusions of the Commission's team: In the investigation of the given cases, the team has reached the following conclusions:

- 1 Investigations done by the local police so far are unsatisfactory. Testimonies have not been taken of all the victims and the witnesses. This needs to be speeded up.
- 2 The Commission is serious about the fact that the filing of the FIR was delayed, and the medical examination was also delayed due to which we do not get evidence.
- 3 There has been no progress towards identification of the accused security forces. It is merely that lists of the district police and CRPF personnel have been taken.
- 4 In all these three cases, the relevant sections of SC-ST Prevention of Atrocities Act have not been applied, when the accused party are the members of the security forces (an institution). The identity of the accused being unknown has been said to be the reason for this, when all the victims are of a scheduled tribe. It is not right that due to this, the affected women will be deprived of the monetary relief that they could have based on the SC-ST POA Rules, 1995.
- 5 The victims, non government organizations and social workers working in the area do not trust the investigation being done by the local police, and believe that those who are investigating the case are the ones who are accused. Therefore, in place of the district police, either the C.I.D. should investigate the matter, or a judicial enquiry should be carried out.
- 6 During the search operations in these areas, batches of security forces

- 7 stay in adivasi villages. Fearing violence, men flee from the villages as soon as there is news that forces have reached, and women and children are left behind. Security forces stay in their houses and situations as these are created and there are allegations of rape, molestation, beating and loot. Hence forces should stay at a distance away from the villages.
- 7 There are members of central and state police in the security forces taking part in the search operations, but there is no woman police officer. If there were women police members as part of these operations, the sexual violence being carried out by security forces can be curtailed.
- 8 A common complaint by the tribals has been that members of security forces have looted their hens and goats, and are beaten up when they ask for the value of this livestock. To the extent that rice, ornaments and money kept at home is also snatched. The main reason for this is that security forces, particularly the jawans of the state police are not given adequate rations and provisions during the search operations. They get a monthly allowance of Rs. 600 whereas the central forces get Rs. 2400 per month and rations.
- 9 Medical examinations carried out through the police confirm that violence was meted on women in some cases.

7.0 Recommendations: On the basis of the facts found out during the investigation carried out by the fact-finding team of the Commission, the following recommendations are being made to the Chhattisgarh Government:

- 1 The investigation of these cases should be carried out by the C.I.D. instead of the local police.
- 2 The investigation should be completed at a fast pace, and all efforts made to identify the perpetrators.
- 3 In all these three cases, the relevant sections of SC-ST Prevention of Atrocities Act have not been applied, when the accused party are the members of the security forces (an institution). As all the victims are of a scheduled tribe, relevant sections of the mentioned Act be applied.
- 4 Since all the affected women are very poor, the government should provide monetary compensation for the losses meted out on them.
- 5 During the search operations in these areas, batches of security forces stay in adivasi villages. Fearing violence, men flee from the villages as soon as there is news that forces have reached, and women and children are left behind. Security forces stay in their houses and situations as these are created and there are allegations of rape, molestation, beating and loot. Hence instructions should be issued to ensure that forces stay at a distance away and under no circumstances should they be staying in the adivasi homes.
- 6 The Commission has found a lapse of control that officers of security forces exert over their men during the search operations. Such kinds of incidents cannot be stopped unless officers effectively control their

juniors. Hence it is critical that discipline is maintained within the security forces.

- 7 Women police be made part of the search operations with the security forces comprising central and state police so that the possibility of sexual crimes by security forces is eliminated.
- 8 Seeing that a common complaint by the tribals has been that members of security forces have looted their hens and goats, it should be ensured that security forces, and more particularly, members of the state police, should be given adequate quantities of rations. Members of the central forces get a monthly provisions allowance of Rs. 2400 per month whereas the state police forces get a monthly amount of Rs. 600. This should be brought at par.
- 9 Efforts towards sensitizing security forces attached to the central and state government, participating in anti-naxal operations, towards adivasi culture and customs, should be done, and this should be made part of their training curriculum. Along with this, security forces should also spread awareness of rights of adivasis and protections available for them.
- 10 Schemes with special packages should be made available to Naxalite-affected adivasis; this should include help for making houses, rations, education and avenues for employment.

Appendix 12

Media Reports

- 1 *Bijapur: 'Policemen raped women, indulged in loot'*, Dipankar Ghose, The Indian Express, November 2, 2015
<http://indianexpress.com/article/india/india-news-india/bijapur-policemen-raped-women-indulged-in-loot/>
- 2 *Chhattisgarh: Congress panel seeks action against police over Bijapur 'rapes, looting'* Dipankar Ghose, The Indian Express, November 18, 2015
<http://indianexpress.com/article/india/india-news-india/chhattisgarh-congress-panel-seeks-action-against-police-over-bijapur-rapes-looting/>
- 3 *Chilling rape allegations force police to conduct rare investigation of security forces in Chhattisgarh*, Malini Subramaniam, scroll.in, November 23, 2015
<http://scroll.in/article/770330/chilling-rape-allegations-force-police-to-conduct-rare-investigation-of-security-forces-in-chhattisgarh>
- 4 *Bijapur villagers recount widespread sexual assaults by men in uniform*, Chitragada Choudhury, Hindustan Times, December 20, 2015
<http://www.hindustantimes.com/india/bijapur-villagers-recount-widespread-assaults-by-men-in-uniform/storyK4U8MxPSS3mO8OkczJVjhL.html>
- 5 *Over 50 days after Bijapur assault, two probes but no arrests yet*, Chitragada Choudhury, Hindustan Times, December 20, 2015
<http://www.hindustantimes.com/india/over-50-days-after-bijapur-assault-two-probes-but-no-arrests-yet/story-cguToagIvtRTMKOeT8Ri3J.html>

- 6 *3 years after Dec 16 case, rape spree unpunished in Chhattisgarh*, Chitrangada Choudhury, Hindustan Times, December 20, 2015
<http://www.hindustantimes.com/india/three-years-after-dec-16-rape-sprees-goes-unpunished-in-chhattisgarh/story-yarECEf6PiJU0QLAnd0kL.html>
- 7 *Security men accused of molestation in Chhattisgarh, police deny*, Dipankar Ghose, The Indian Express, January 18, 2016
<http://indianexpress.com/article/india/india-news-india/securitymen-accused-of-molestation-in-chhattisgarh-police-deny/>
- 8 *Mahilaon se kiya gaya durvyavahar akshama Patrika*, Bastar edition, January 21, 2016
- 9 *Eight tribal women allege gang-rape by security forces in Bijapur*, Pavan Dahat, The Hindu, January 22, 2016
<http://www.thehindu.com/news/national/other-states/Eight-tribal-women-allege-gang-rape-by-security-forces-in-Bijapur/article14014055.ece>
- 10 *Déjà vu: Chhattisgarh's security forces accused of large-scale sexual violence yet again*, Aarefa Johari, scroll.in, January 23, 2016
<https://scroll.in/article/802330/deja-vu-chhattisgarhs-security-forces-accused-of-large-scale-sexual-violence-yet-again>
- 11 *In Two Districts Of Bastar, Adivasi Women Report Sexual Assaults By Security Forces During Military Operations; Police Delay And Resist Filing FIRs*, Chitrangada Choudhury, The Caravan, January 24, 2016
<http://www.caravanmagazine.in/vantage/bastar>
- 12 *The Pegdapalli Files*, Bela Bhatia, Outlook, February 22, 2016
<http://www.outlookindia.com/magazine/story/the-pegdapalli-files/296625>
- 13 *On people's side: Mass sexual assault present reality in Bastar, says NCST*, Aritra Bhattacharya, The News Minute, April 9, 2016
<http://www.thenewsminute.com/article/peoples-side-mass-sexual-assault-present-reality-bastar-says-ncst-41380>
- 14 *Targeting women*, Divya Trivedi, Frontline, April 29, 2016
<http://www.frontline.in/cover-story/targeting-women/article8465589.ece>
- 15 *In a Corner of Bastar, Sexual Assault by the Police Has Not Destroyed the Hope for Justice*, C.S.R. Shankar, thewire.in, October 4, 2016
<https://thewire.in/70538/law-and-life-in-bijapur-a-story-of-everyday-violence-on-women-police-brutality-and-impunity/>

Appendix 13

Excerpts from Sexual Violence and Armed Conflict: United Nations Response

The Nature of Sexual Violence During Armed Conflict

The term “sexual violence” refers to many different crimes including rape, sexual mutilation, sexual humiliation, forced prostitution, and forced pregnancy. These crimes are motivated by a myriad of factors. For example, a commonly held view throughout history has been that women are part of the “spoils” of war to which soldiers are entitled. Deeply entrenched in this notion is the idea that women are property - chattel available to victorious warriors. Sexual violence may also be looked upon as a means of troop mollification. This is particularly the case where women are forced into military sexual slavery. Another reason that sexual violence occurs is to destroy male, and thereby community, pride. Men who have failed to “protect their women” are considered to be humiliated and weak. It can also be used as a form of punishment, particularly where women are politically active, or are associated with others who are politically active. Sexual violence can further be used as a means of inflicting terror upon the population at large. It can shatter communities and drive people out of their homes. Sexual violence can also be part of a genocidal strategy. It can inflict life-threatening bodily and mental harm, and form part of the conditions imposed to bring about the ultimate destruction of an entire group of people.

UN Responses to Sexual Violence

One of the first major references within the UN system to women and armed conflict was in 1969, when the Commission on the Status of Women, began to consider whether special protection should be accorded to particularly vulnerable groups, namely women and children, during armed conflict and emergency situations. Following this, the Economic and Social Council (ECOSOC) asked the UN General Assembly (GA) to adopt a declaration on the topic. The GA responded by adopting the Declaration on the Protection of Women and Children in Emergency and Armed Conflict in 1974. The Declaration recognizes the particular suffering of women and children during

armed conflict. It emphasizes the important role that women play “in society, in the family and particularly in the upbringing of children”, and the corresponding need to accord them special protection. It also urges States to comply with their obligations under international instruments, including the 1949 Geneva Conventions, that offer important guarantees of protection for women and children¹. There is no explicit reference to women’s vulnerability to sexual violence during armed conflict. Yet, as the Special Rapporteur on violence against women has reported, there is evidence that in 1971, rape was committed on a massive scale during the conflict in Bangladesh.² In light of this, the omission of any explicit reference to sexual violence in the Declaration just a few years later is notable. Clearly, at the time the Declaration was adopted, concern over the situation of women during armed conflict was closely connected with their role as mothers and care-givers, and very limited recognition was given to issues affecting women in their own right. However, the Declaration does make a general plea for compliance with the laws of armed conflict. The Fourth Geneva Convention of 1949 was in existence at the time and, as described above, this expressly addresses rape. The Declaration also stipulates that all necessary steps shall be taken to prohibit inter alia degrading treatment and violence, which may be considered to implicitly encompass sexual violence.

Source: <http://www.un.org/womenwatch/daw/public/cover.htm>

Appendix 14

NHRC Statement

On Complaints of Sexual Violence in Bastar

NHRC finds 16 women prima facie victims of rape, sexual and physical assault by police personnel in Chhattisgarh; Asks the State Government why it should not recommend interim relief of Rs. 37 lakh to the victims (07.01.2017)

PRESS RELEASE

New Delhi, 7th January, 2017

The National Human Rights Commission has found 16 women, prima facie victims of rape, sexual and physical assault by the State police personnel in Chhattisgarh even as it awaits the recorded statement of about 20 other victims. It has issued a notice to the Government of Chhattisgarh, through its Chief Secretary, to show cause why it should not recommend interim monetary relief of Rs 37 lakh to them. This includes, Rs.3 lakh each to eight victims of rape, Rs. 2 lakh each to six victims of sexual assault and Rs. 50,000/- each to two victims of physical assault.

The Commission has observed that it is of the view that, prima-facie, human rights of the victims have been grossly violated by the security personnel of the Government of Chhattisgarh for which the State Government is vicariously liable.

The Commission, after careful consideration of the material on record, found that there are in total 34 victims mentioned in FIR Nos. 22/2015, 2/2016 and 3/2016. The material includes copies of statement of victims recorded by the NHRC Team as well as those recorded u/s 164 CrPC in case FIR No. 22/15, FIR No. 2/16 and FIR No. 3/16 in respect of 15 victims, sent by the IGP, Police Headquarters, Raipur vide letter dated 12th November, 2016.

It also found that the grave allegations of physical as well as rape/sexual assault committed by security personnel of Government of Chhattisgarh, made

¹ <http://www.un.org/womenwatch/daw/public/w2apr98.htm#5>

² <http://www.un.org/womenwatch/daw/public/w2apr98.htm#6>

in the FIRs, were reiterated before the NHRC Team, which conducted spot investigation and/or before the Magistrate u/s 164 Cr.PC or both.

The Commission has also noted the following:- (a) The NHRC Team could record the statements of only 14 victims out of the 34 victims mentioned in the FIRs. Thus, statements of 20 victims are yet to be recorded by the NHRC Team; (b) The statements u/s 164 Cr.PC have been recorded by the Magistrate only in respect of 15 victims. Thus, statements of 19 more victims are yet to be recorded u/s 164 Cr.PC; and (c) Almost all the victims in these incidents, covered under the three FIRs, are Tribals. However, Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act has not been invoked in any of the cases. As a result of this, the due monetary relief under the SC/ST (PoA) Act has not been paid to the victims.

Therefore, the Commission has directed its DIG (Investigation) to depute a team of officials from the Investigation Division and Law Division to record the statements of 15 victims whose statements were not recorded either by the NHRC Team or by the Magistrate u/s 164 Cr.PC and submit the same to the Commission within one month.

The Additional Director General of Police (CID), Government of Chhattisgarh has been directed to get the statements of 19 more victims u/s 164 Cr.PC recorded before the Magistrate and forward the same to the Commission within one month.

The Additional Director General of Police (CID), Government of Chhattisgarh has also been directed to ensure that SC/ST (PoA) Act is invoked in all the cases the victims belonged to Scheduled Castes/Scheduled Tribes.

The Chief Secretary, Government of Chhattisgarh has been directed to ensure that monetary relief, if any, under the SC/ST (PoA) Act is paid to the victims at the earliest.

The Commission has also made it clear that the above directions are of interim nature and a final view will be taken in respect of other victims and also with regard to other issues involved in this matter in due course of time.

It may be recalled that the Commission initiated suo motu proceedings on the basis of news report published in the Indian Express dated 2nd November 2015 under the caption "Bijapur: "Policemen raped women, indulged in loot". It was reported that women from five villages Pegdapalli, Chinnagellur, Peddagellur, Gundam and Burgicheru had alleged that State Police personnel had sexually harassed and assaulted more than 40 of them and gang raped at least two in Bijapur district of Chhattisgarh. It was also reported that belongings of many villagers were destroyed, stolen or scattered by the forces passing through the villages.

The news report depicted other brutalities of the security forces also. Pursuant to the notices issued, the Commission was informed that case crime No. 22/2015 u/s 376 (2) (c), 395/354 B/323/294 of IPC and section 6 of POCSO Act was registered in PS Basaguda on 4th November, 2015 and investigation was in progress.

During the course of this enquiry, Commission received another complaint dated 21st January, 2016 bringing to its notice more incidents of sexual violence by the security personnel against women that took place between 11-14 January, 2016 at Bellam Lendra (Nendra) village, District Bijapur and at village Kunna, Sukma District and village Chotegadam, Dantewada District. The Commission sought reports from the State Authorities regarding these incidents also.

Considering the gravity of the allegations and brutality of sexual violence upon hapless women, the matter was considered by the Full Bench of the Commission on the 22nd February, 2016. The Commission, on a careful examination of the material on record, directed a spot investigation by a team of the Investigation Division and Law Division of the Commission.

The NHRC Team submitted its inquiry report which was sent to the Chief Secretary and DGP, Government of Chhattisgarh for their response to the findings and recommendations contained therein.

The enquiry report of the Investigation Division, NHRC revealed that FIR No. 2/2016 u/s 294/354 (B)/323 IPC dated 27.1.2016 was registered at PS Kukanar, District Sukma regarding the incident at village Kunna between 10-12 January, 2016 and FIR No. 3/2016 u/s 376(2)(c), 376 (D), 354, 354 (B), 323, 395 IPC was registered at PS Basaguda regarding the incident between 11-13 January, 2016 at village Nendra, District Bijapur.

The Investigation Team of the Commission recorded statements of several persons including the security personnel and some of the victims. The Team could not however, record the statements of all the victims that were mentioned in the three FIRs in question because of the time constraint, prevailing security situation, non-availability of victims and physical barriers.

Source: <http://nhrc.nic.in/dispArchive.asp?fno=34165>

Bearing Witness: Sexual Violence in South Chhattisgarh is based on a series of investigations carried out by fact-finding teams comprising of various organisations and individuals. It draws on a variety of reports, testimonies, literature and other documents and resources.

FACT-FINDING REPORTS

October – November 2015

Women against Sexual Violence and State Repression (WSS)

A copy of the report can be accessed here:

<https://wssnet.files.wordpress.com/2016/04/peddagelur-bijapur-report-nov-20151.pdf>

January 2016

Women against Sexual Violence and State Repression (WSS)

A copy of the reports can be accessed here:

<https://wssnet.files.wordpress.com/2016/04/bellam-lendra-report1.pdf>

<https://wssnet.files.wordpress.com/2016/04/sukma-report.pdf>

Coordination of Democratic Rights Organisations (CDRO)

A copy of the report can be accessed here:

http://pudr.org/sites/default/files/pdfs/State%20of%20Siege_Report_29th%20April_0.pdf

May 2016

Women against Sexual Violence and State Repression (WSS)

A copy of the report can be accessed here:

<https://wssnet.files.wordpress.com/2016/09/korcholi-updated-report.pdf>




Annexure G

A99

(02)

दिनांक 16.04.2024 को थाना छोटेबेटिया क्षेत्रांतर्गत ग्राम कलपर जंगल पहाड़ी पुलिस-नक्सली मुठभेड़ में मारे गये नक्सली की जानकारी :-

जिला उत्तर बस्तर कांकेर




क्र०	नाम	पार्टी का नाम	पद	गांव का नाम	हथियार	नक्सल ईनाम	हथियार का ईनाम	फोटो	कैफियत
1.	शंकर राव उम्र करीबन 45 वर्ष	भारत की कम्युनिस्ट पार्टी (माओवादी)	डीवीसी सदस्य/उत्तर बस्तर डिवीजन मास प्रभारी	ग्राम चल्लागरिगा थाना चिटियाल मंडल जिला जयशंकर भुपालपल्ली तेलंगाना	ए.के. 47	08 लाख रुपये	03 लाख रुपये	 	शव सुपुर्दगी दिनांक 18.04.2024
2.	रीता सलामे उर्फ रामको दर्पो पति लोकेश सलामे उम्र 25 वर्ष (डॉक्टर कार्य)	भारत की कम्युनिस्ट पार्टी (माओवादी)	कोतरी एरिया कमेटी सदस्या (आरकेबी डिविजन)/ उप कमाण्डर	ग्राम ससूराल आमाकोड़ो थाना सीतागांव जिला राजनांदगांव	इंसास	05 लाख रुपये	01 लाख, 50 हजार रुपये		शव सुपुर्दगी दिनांक 18.04.2024




3.	विनोद गावड़े उर्फ सन्नू गावड़े उम्र 26 वर्ष	भारत की कम्युनिस्ट पार्टी (माओवादी)	औंधी-मोहला संयुक्त एरिया कमेटी सदस्य (आरकेबी डिविजन)/उप कमांडर	ग्राम आमाकोडो थाना कोहका जिला मानपुर-मोहला	एसएलआर	05 लाख रुपये	01 लाख, 50 हजार रुपये		शव सुपुर्दगी दिनांक 18.04.2024
4.	सुखलाल पद्दा उर्फ सुकलू पद्दा उम्र 40 वर्ष	भारत की कम्युनिस्ट पार्टी (माओवादी)	परतापुर एरिया कमेटी सदस्य/परतापुर एरिया जनताना सरकार प्रभारी	ग्राम छिंदपुर थाना छोटेबेटिया जिला कांकेर	सिंगलशॉट	05 लाख रुपये	30 हजार रुपये		शव सुपुर्दगी दिनांक 18.04.2024
5.	रवी उर्फ बचनू माडवी पिता स्व. पाण्डरू	भारत की कम्युनिस्ट पार्टी (माओवादी)	पीपीसीएम, एसएमसी दस्ते का कमांडर	ग्राम औकेमपाल थाना गंगालूर जिला बीजापुर		10 लाख रुपये			शव सुपुर्दगी दिनांक 18.04.2024
6.	रमेश ओयाम पिता फागू ओयम	भारत की कम्युनिस्ट पार्टी (माओवादी)	पीपीसीएम/एसएमसी स्टाफ	ग्राम बेचापाल थाना मिरतुर जिला बीजापुर		08 लाख रुपये			शव सुपुर्दगी दिनांक 18.04.2024



7.	बदरू बाडसे उम्र 21 वर्ष	भारत की कम्युनिस्ट पार्टी (माओवादी)	पीपीसीएम/सब जोनल एक्शन टीम कमांडर	ग्राम करैगुडेम जिला सुकमा	303 रायफल	08 लाख रूपये	75 हजार रुपये		दिनांक-21.04.2024 को परिजन नहीं आने से सामाजिक संस्था द्वारा कफन-दफन किया गया।
8.	अनिता उसेण्डी पिता दामा उसेण्डी उम्र 25 वर्ष	भारत की कम्युनिस्ट पार्टी (माओवादी)	पीपीसीएम/कंपनी नंबर-05	ग्राम मोहनार ओरछा जिला नारायणपुर		08 लाख रूपये			शव सुपुर्दगी दिनांक 20.04.2024
9.	रजीता पति शंकर राव उम्र लगभग 35 वर्ष	भारत की कम्युनिस्ट पार्टी (माओवादी)	परतापुर एसी सदस्या/मेंढकी एलओएस सदस्या (डाक्टरी कार्य करती है)	ग्राम देदरा थाना बाजार हथनुर जिला अदिलाबाद तेलंगाना	8एमएम	05 लाख रूपये	20 हजार रुपये		शव सुपुर्दगी दिनांक 18.04.2024
10.	गीता उषेण्डी उर्फ पुन्नाई पूडो पिता खड्गू राम उम्र 30 वर्ष	भारत की कम्युनिस्ट पार्टी (माओवादी)	परतापुर एसी सदस्या/मेंढकी एलओएस सदस्या	ग्राम बेरकोट थाना परतापुर जिला कांकेर		05 लाख रूपये			शव सुपुर्दगी दिनांक 20.04.2024



11.	सुरेखा उर्फ शर्मिला पिता स्व. छन्नू उम्र 19 वर्ष	भारत की कम्युनिस्ट पार्टी (माओवादी)	पार्टी सदस्या/ एसएमसी स्टॉफ	स्थायी निवास- ग्राम तोपानार थाना ओरछा जिला नारायणपुर हाल- ग्राम मिरदापल्ली जिला गढ़चिरोली (महाराष्ट्र)		01 लाख रुपये			शव सुपुर्दगी दिनांक 20.04.2024
12.	कविता सोडी पिता सुक्का सोडी उम्र 24 वर्ष	भारत की कम्युनिस्ट पार्टी (माओवादी)	पार्टी सदस्या/ एसएमसी स्टॉफ	ग्राम नेडूर थाना बासागुडा जिला बीजापुर		01 लाख रुपये			शव सुपुर्दगी दिनांक 20.04.2024
13.	रोशन उर्फ कोसाल माडवी थाना	भारत की कम्युनिस्ट पार्टी (माओवादी)	पार्टी सदस्य/ एसजेडसीएम का गार्ड	ग्राम कटेकल्याण जिला दंतेवाड़ा		01 लाख रुपये			दिनांक-21. 04.2024 को परिजन नही आने से सामाजिक संस्था द्वारा कफन-दफन किया गया।
14.	कार्तिक उर्फ सोनु माडवी पिता बुदरु	भारत की कम्युनिस्ट पार्टी (माओवादी)	पार्टी सदस्य/ एसएमसी स्टॉफ	ग्राम मरेंवाड़ा थाना गंगालूर जिला बीजापुर		01 लाख रुपये			शव सुपुर्दगी दिनांक 18.04.2024

15.	शर्मिला पोडियाम पिता कोसो राम पोडियाम उम्र 23 वर्ष	भारत की कम्युनिस्ट पार्टी (माओवादी)	पार्टी सदस्या /एसएमसी स्टॉफ	ग्राम बटवेड़ा, थाना ओरछा जिला नारायणपुर	01 लाख रुपये			शव सुपुर्दगी दिनांक 20.04.2024
16.	संजिला उर्फ इड़मे मड़काम पिता स्व. लच्छू	भारत की कम्युनिस्ट पार्टी (माओवादी)	पीएलजीए सदस्या/ एसएमसी स्टॉफ	ग्राम करका थाना गंगालूर जिला बीजापुर	08 लाख रुपये			शव सुपुर्दगी दिनांक 20.04.2024
17.	गीता कर्मा पिता सन्नू कर्मा	भारत की कम्युनिस्ट पार्टी (माओवादी)	पीएलजीए सदस्या/ एसजेडसीएम का गार्ड	ग्राम ताकिलोड़ थाना भैरमगढ़ जिला बीजापुर	08 लाख रुपये			शव सुपुर्दगी दिनांक 19.04.2024
18.	भुमे उर्फ सुनीता मड़कम पिता स्व. हिड़मा मड़कम	भारत की कम्युनिस्ट पार्टी (माओवादी)	पीएलजीए सदस्या/ एसजेडसीएम का गार्ड	ग्राम अपेल थाना उसूर जिला बीजापुर	08 लाख रुपये			शव सुपुर्दगी दिनांक 20.04.2024

19.	लालू उर्फ अविनाश पिता स्व. बदरु	भारत की कम्युनिस्ट पार्टी (माओवादी)	पीएलजीए सदस्य/ एसएमसी स्टॉफ	साकिन सुंकनपल्ली (उकुड) थाना बासागुडा जिला बीजापुर		08 लाख रूपये			शव सुपुर्दगी दिनांक 20.04.2024
20.	साजंती उर्फ शंतिला उर्फ लखमी नुरुटी पिता पण्डरा नुरुटी	भारत की कम्युनिस्ट पार्टी (माओवादी)	पीएलजीए सदस्या/ मेंढकी एलओएस सदस्या	पारा कुमुरगुण्डा ग्राम विरुलेर थाना ओरछा जिला नारायणपुर		08 लाख रूपये			शव सुपुर्दगी दिनांक 18.04.2024
21.	बजनात पद्दा पिता सुखराम पद्दा उम्र लगभग 18 वर्ष	भारत की कम्युनिस्ट पार्टी (माओवादी)	पीएलजीए सदस्य/ मेंढकी एलओएस सदस्य	ग्राम वट्टेकल थान/जिला नारायणपुर		08 लाख रूपये			शव सुपुर्दगी दिनांक 18.04.2024

22.	जैनी उर्फ जेन्नी उर्फ जनिला नुरुटी पिता रामसाय नुरुटी उम्र लगभग 19 वर्ष	भारत की कम्युनिस्ट पार्टी (माओवादी)	पीएलजीए सदस्या/ मेंढकी एलओएस सदस्या	ग्राम कलपर थाना छोटेबेटिया	12 बोर	08 लाख रूपये	30 हजार रुपये		शव सुपुर्दगी दिनांक 18.04.2024
23.	पिंटु उर्फ पिन्टो ओयाम पिता मुदाराम उम्र 18 वर्ष जाति मुरिया	भारत की कम्युनिस्ट पार्टी (माओवादी)	पीएलजीए सदस्य/ उत्तर सब जोनल एटी सदस्य	ग्राम दरमा थाना भैरमगढ जिला बीजापुर		02 लाख रूपये			शव सुपुर्दगी दिनांक 19.04.2024
24.	जीनू उर्फ गुड्डु करटम पिता फगनू	भारत की कम्युनिस्ट पार्टी (माओवादी)	पीएलजीए सदस्य/ एसएमसी स्टॉफ	ग्राम दुरधा थाना नैमेड़ जिला बीजापुर		08 लाख रूपये			शव सुपुर्दगी दिनांक 18.04.2024

25.	सुनिला मड़काम पिता कोसा उम्र लगभग 21 वर्ष	भारत की कम्युनिस्ट पार्टी (माओवादी)	पीएलजीए सदस्या/ एसजेडसीएम का गार्ड	ग्राम रेकावाही थाना ओरछा जिला नारायणपुर		08 लाख रूपये			शव सुपुर्दगी दिनांक 19.04.2024
26.	सीताल उर्फ सीताराम मण्डावी पिता स्व. कोसो मण्डावी जाति गोड	भारत की कम्युनिस्ट पार्टी (माओवादी)	पीएलजीए सदस्य/ एसजेडसीएम का गार्ड	ग्राम मरमेटा (ताकिलोड़) थाना भैरमगढ़ जिला बीजापुर		08 लाख रूपये			शव सुपुर्दगी दिनांक 19.04.2024
27.	राजू कुरसम पिता समारु उम्र 30 वर्ष	भारत की कम्युनिस्ट पार्टी (माओवादी)	पीएलजीए सदस्य/ एसजेडसीएम का गार्ड	ग्राम परकेली (स्कूलपारा) थाना कुटरु जिना बीजापुर		08 लाख रूपये			शव सुपुर्दगी दिनांक 20.04.2024

28.	शीला उर्फ शीलो कुंजाम पिता जोगा कुंजाम उम्र 18 वर्ष जाति मुरिया	भारत की कम्युनिस्ट पार्टी (माओवादी)	पीएलजीए सदस्या/गार्ड	ग्राम उतला थाना भैरमगढ जिला बीजापुर		08 लाख रूपये			शव सुपुर्वगी दिनांक 19.04.2024
29.	देवाल	भारत की कम्युनिस्ट पार्टी (माओवादी)	पीएलजीए सदस्य/प्रेस टीम	ग्राम कुवेम, (तुमनार पंचायत) थाना/जिला बीजापुर		08 लाख रूपये			दिनांक-21. 04.2024 को परिजन नही आने से सामाजिक संस्था द्वारा कफन-दफन किया गया।

ईनाम :-

01. मारे गये नक्सलियों पर ईनाम - 01 करोड़ 78 लाख रूपये
 02. बरामद हथियार पर ईनाम - 07 लाख, 55 हजार रूपये
- कुल ईनाम - 01 करोड़ 85 लाख, 55 हजार रूपये

[ENGLISH TRANSLATION TRUE COPY]

Information about Naxalites killed in the Chhotebethiya Thana area Gram Kalpar jungle-hill Police-Naxalite encounter on 16.04.2024:-
District Uttar Bastar Kanker

Sr. No.	Name	Name of party	Post	Name of village	Weapon	Naxal reward	Weapon reward	Photo	Condition
1	Shankar Rao age approx. 45 years	Communist Party of India (Maoist)	DVC member/Uttar Bastar Division Mass in Charge	Gram Challagarige, Thana Chitiyal Mandal Jila Jayashanker Bhupalpally Telangana	A.K. 47	08 Lakh Rupees	03 Lakh Rupees	[Photos]	Body delivery 18.04.2024
2	Rita Salaame alias Ramko Darro Husband Lokesh Salaame age 25 years (doctor work)	Communist Party of India (Maoist)	Kotri Area Committee Member (RKB Division / Deputy Commander)	Gram Sasural Aamkodo Thana Sitagaon Jila Rajnandgaon	INSAS	05 Lakh Rupees	01 Lakh 50,000 Thousand Rupees	[Photo]	Body delivery 18.04.2024
3	Vinod Gawade alias Sannu Gawade age 26 years	Communist Party of India (Maoist)	Aundhi Mohalla Joint Area Committee Member (RKB	Gram Amakodo Thana Kohoka Jila Manpur / Mohla	SLR	05 Lakh Rupees	01 Lakh 50,000 Thousand Rupees	[Photo]	Body delivery 18.04.2024

			Division) / Deputy Commander						Body delivery 18.04.2024
4	Sukhlal Paduda alias Suklu Paduda age 40 years	Communist Party of India (Maoist)	Partapur Area Committee Member / Partapur Area Janatana Sarkar In- Charge	Gram Chhindpur Thana Chhotabethiya Jila Kanker	Single Shot	05 Lakh Rupees	30,000 Rupees	[Photo]	Body delivery 18.04.2024
5	Ravi alias Bacchnu Mandvi Father late Pandru	Communist Party of India (Maoist)	PPCM SSC Squad Commander	Gram Aukempal Thana Gangalur Jila Bijapur		10 Lakh Rupees		[Photo]	Body delivery 18.04.2024
6	Ramesh Oyam Father Phagu Oyam	Communist Party of India (Maoist)	PPCM / SMC Staff	Gram Bechupal Thana Mirtur Jila Bijapur		08 Lakh Rupees		[Photo]	Body delivery 18.04.2024
7	Badru Badse Age 21 years	Communist Party of India (Maoist)	PPCM / Subzonal Action Team Commander	Gram Krengudaem Jila Sukma	303 Rifle	08 Lakh Rupees	75,000 Rupees	[Photo]	21.04.24 Because no relatives attended, social organisation arranged burial of body

8	Anita Usendi Father Dama Usendi Age 25 years	Communist Party of India (Maoist)	PPCM / Company number-05	Gram Mohanar Orcha Jila Narayanpur		08 Lakh Rupees		[Photo]	Body delivery 20.04.2024
9	Rajitha Husband Shankar Rao Age approx. 35 years	Communist Party of India (Maoist)	Partapur SC Member / Mendki LOS Member (Is Doctor Functionary)	Gram Dedra Thana Bazaar Hathnur Jila Adilabad Telangana	8mm	05 Lakh Rupees	20,000 Rupees	[Photo]	Body delivery 18.04.2024
10	Geeta Upendi alias Pannayi Pundo Father Khaddu Ram Age 30 years	Communist Party of India (Maoist)	Partapur SC Member / Mendki LOS Member	Gram Berkot Thana Partapur Jila Kanker		05 Lakh Rupees		[Photo]	Body delivery 20.04.2024
11	Surekha alias Sharmila Father late Chhanu Age 19 years	Communist Party of India (Maoist)	Party member / SMC Staff	Permanent Residence / Gram Topanar Thana Orcha Jila Narayanpur Current Address- Gram Mirdapalli Jila Gadchiroli (Maharashtra)		01 Lakh Rupees		[Photo]	Body delivery 20.04.2024

12	Kavita Sodhi Father Sukka Sodhi Age 24 years	Communist Party of India (Maoist)	Party member / SMC Staff	Gram Nedur Thana Bassagudda Jila Bijapur		01 Lakh Rupees		[Photo]	Body delivery 20.04.2024
13	Roshan alias Kosaal Mandvi Thana	Communist Party of India (Maoist)	Party member / SJDCM Guard	Gram Katekalyan Jila Dantewada		01 Lakh Rupees		[Photo]	21.04.2024 Because no relatives attended, social organisation arranged burial of body
14	Kartik alias Sonu Mandvi Father Budru	Communist Party of India (Maoist)	Party member / SMC Staff	Gram Marriwada Thana Gangalur Jila Bijapur		01 Lakh Rupees		[Photo]	Body delivery 18.04.2024
15	Sharmila Podiyam Father Kosaram Podiyam Age 23 years	Communist Party of India (Maoist)	Party member / SMC Staff	Gram Batweda Thana Orcha Jila Narayanpur		01 Lakh Rupees		[Photo]	Body delivery 20.04.2024
16	Sanjila alias Idme Markam	Communist Party of India (Maoist)	PLGA member / SMC Staff	Gram Karka Thana Gangalur Jila Bijapur		08 Lakh Rupees		[Photo]	Body delivery 20.04.2024

	Father late Lachhu								
17	Gita Karma Father Sannu Karma	Communist Party of India (Maoist)	PLGA member / SJDCM Guard	Gram Takilod Thana Bhairamgarh Jila Bijapur		08 Lakh Rupees		[Photo]	Body delivery 19.04.2024
18	Bhume alias Sunita Markam Father late Hidma Markam	Communist Party of India (Maoist)	PLGA member / SJDCM Guard	Gram Appel Thana Usur Jila Bijapur		08 Lakh Rupees		[Photo]	Body delivery 20.04.2024
19	Laalu alias Avinash Father late Badru	Communist Party of India (Maoist)	PLGA member / SMC Staff	Sakin Sunkanpalli (Ukud) Thana Bassagudda Jila Bijapur		08 Lakh Rupees		[Photo]	Body delivery 20.04.2024
20	Sanjti alias Shantila alias Lakhmi Naruti Father Pandra Naruti	Communist Party of India (Maoist)	PLGA member / Mendki LOS Member	Para Kumurgunda Gram Viruller Thana Orcha Jila Narayanpur		08 Lakh Rupees		[Photo]	Body delivery 18.04.2024
21	Bajnath Padda	Communist Party of India (Maoist)	PLGA member / Mendki LOS Member	Gram Vattekal Thana / Jila Narayanpur		08 Lakh Rupees		[Photo]	Body delivery 18.04.2024

	Father Sukhram Padda Age about 18 years								
22	Jenny alias Jaenny alias Jenila Naruti Father Ram Sai Naruti Age approx. 19 years	Communist Party of India (Maoist)	PLGA member / Mendki LOS member	Gram Kalpar Thana Chhotebethiya	12 bore	08 Lakh Rupees	30,000 Rupees	[Photo]	Body delivery 18.04.2024
23	Pintu alias Pinto Oyam Father Mudda Ram Age 18 years Caste Muriya	Communist Party of India (Maoist)	PLGA member / Uttar Subzonal AT Member	Gram Dharma Thana Bhairamgarh Jila Bijapur		02 Lakh Rupees		[Photo]	Body delivery 19.04.2024
24	Jeenu alias Guddu Kartam Father Phagnu	Communist Party of India (Maoist)	PLGA member / SMC staff	Gram Durdha Thana Named Jila Bijapur		08 Lakh Rupees		[Photo]	Body delivery 18.04.2024
25	Sunila Markam Father Kosa	Communist Party of India (Maoist)	PLGA member / SJDCM Guard	Gram Rekavaahi Thana Orcha Jila Narayanpur		08 Lakh Rupees		[Photo]	Body delivery 19.04.2024

	Age approx. 21 years								
26	Sital alias Sitaram Mandvi Father late Koso Mandvi Caste Gond	Communist Party of India (Maoist)	PLGA member / SJDCM Guard	Gram Marrimetta (Takilod) Thana Bhairamgarh, Jila Bijapur		8 Lakh Rupees		[Photo]	Body delivery 19.04.2024
27	Raju Kursam Father Samaru Age 30 years	Communist Party of India (Maoist)	PLGA member / SJDM Guard	Gram Parkeli (Skoolpara) Thana Kutru Jila Bijapur		08 Lakh Rupees		[Photo]	Body delivery 20.04.2024
28	Sheela alias Sheilo Kunjam Father Joga Kunjam Age 18 years Caste Muriya	Communist Party of India (Maoist)	PLGA member / Guard	Gram Utla, Thana Bhairamgarh Jila Bijapur		08 Lakh Rupees		[Photo]	Body delivery 19.04.2024
29	Devaal	Communist Party of India (Maoist)	PLGA member / Press team	Gram Kuvem (Tumnar Panchayat) Thana / Jila Bijapur		08 Lakh Rupees		[Photo]	21.04.2024 Because no relatives attended, social organisation arranged

									burial of body
--	--	--	--	--	--	--	--	--	-------------------

Reward:-

01. Rewards for killed Naxalites / 01 crore, 78 lakh rupees

02. Rewards for captured weapons / 07 lakh 55000

Total Reward / 01 crore 84 lakh, 55,000 Rupees

ADDED GLOSSARY:

Thana: Police Station

Gram: Village

Jila: District