

# *IN THE EYE OF THE STORM*

## *Women in Jharkhand Facing Operation Greenhunt*



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A FACT FINDING REPORT BY  
WOMEN AGAINST SEXUAL VIOLENCE AND STATE REPRESSION  
(WSS)

*MAY 2011*

*Sexual Violence on Women in the Context of  
Anti-Maoist Operations in Jharkhand*

A Fact Finding Report by Women Against Sexual Violence  
and State Repression (WSS)

*May 2011*

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Women against Sexual Violence and State Repression (WSS) is a non funded grassroots effort started in November 2009, to put an end to the violence being perpetrated upon our bodies and societies. We are a nationwide network of women from diverse political and social movements comprising of women's organizations, mass organizations, civil liberty organizations, student and youth organizations, mass movements and individuals. We unequivocally condemn state repression and sexual violence on women and girls by any perpetrator (s).

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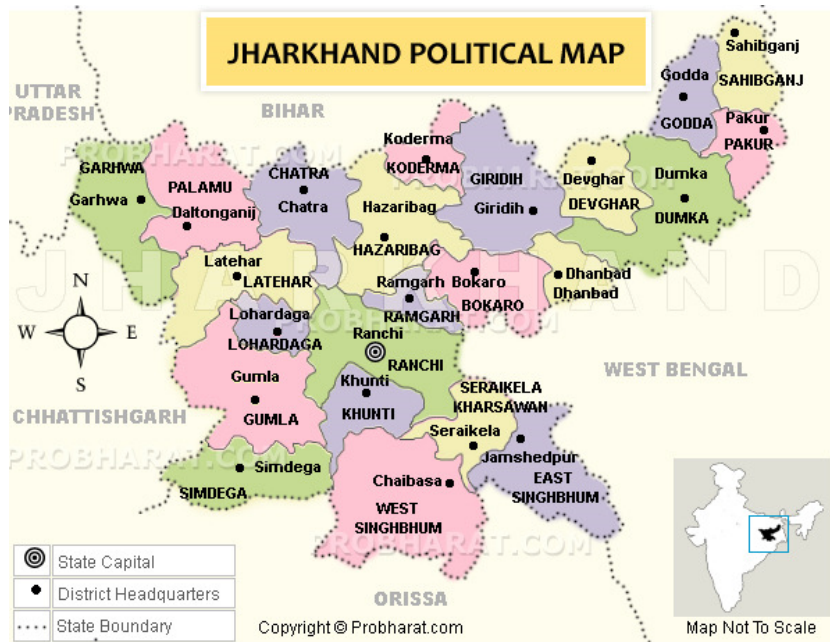
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## BACKGROUND

Jharkhand, carved out of Bihar, became the 28<sup>th</sup> State of India on 15<sup>th</sup> November 2000. Jharkhand means land of forests and true to its name, the State is replete with natural resources and is home to 30 scheduled tribal groups like Mundas, Oraons, Hos, Santhals, and 9 most vulnerable tribes, or as the official term goes Primitive Tribal Groups (PTGs). In fact, Jharkhand registers an Adivasi population of 26.3% and Dalit population of 11.8%. It is however a tragedy that today only 20.4% of the total area of the state is under forest cover, and much of that too are secondary forests with only a miniscule area remaining as untouched forests.



The above denudation of forests and acquisition of vast tracts of fertile land is the result of speeding up of industrialization process initiated in colonial India and extended with great zeal in post-colonial India. This was further scaled up in a rampant manner with the advent of New Economic Policy in the 1990s. Every state opened its economy to Indian and foreign industrial agencies whose only purpose was to engage in extractive industrialization without any regard to rights of the tribal population. Like in the states of Orissa and Chhattisgarh, Jharkhand launched a similar drive through its 'Jharkhand Vision 2010' and 'Jharkhand Industrial Policy'. Since then the tribal people's lands and forests have been under attack from companies and their agents, for land, forests and the great mineral wealth lying under these. Between 2006 and 2008 the State Government has signed 66 Memorandums of Understanding (MoUs) under which from the many companies vying for land and mines, Jindal Steel gets 3000 acres and Tata Steel 25,500 acres. According to Human Rights Law Network, as of 2011, Jharkhand Government has pledged away 84,340 acres for mining and industrial units in 14 of its 24 districts (*see Annexure I*).

While the Government has been facilitating acquisition of land for corporates, it has failed miserably to protect its people's interests and rights. As a result in the last few years, Jharkhand has been a strong upsurge of tribal and peoples resistance movements against this.

A study<sup>1</sup> of land acquisition drive in five sample districts of Jharkhand reveals that the land acquisition drive has left more than 8.2 lakh persons displaced of which 85% are tribals.

- Of 1035 land acquisition notifications, people under 81 projects got one eviction notification while people under 840 projects got two notifications meaning that these people were evicted twice.
- Of 1035 notifications, in 96 projects land was acquired under Land Acquisition Act 1894 and its amended version of 1984 while in 937 projects land was acquired under Forest Acts of 1846, 1894, 1927 and 1946.
- As per Government documents, total land acquired for 14 different kinds of projects is 549776.15 acres. Highest acquisition is for water resource projects (390280.83 ac) followed by industrial projects

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<sup>1</sup> *Resource Rich Tribal Poor – Jharkhand Report* by ActionAid India (2008)

(90244.32 ac) and environment protection (48058.69 ac) while it is the lowest for Government offices (81.66 ac).

- Of the total 549776.15 acres, private land acquisition was highest (415983.2 ac). Followed by forest land (63818.77 ac)

As a further development, the Operation Green Hunt was launched in Jharkhand in March 2010 and in August 2010 about 12,000 CRPF personnel had been deployed for anti-Naxal operations ([www.igovernment.in/site/crpf-jharkhand](http://www.igovernment.in/site/crpf-jharkhand)). In March the security forces decided to extend Operation Green Hunt against Left Wing Extremists (LWEs) to 4 districts of Jharkhand bordering West Bengal and Orissa. It is important to note that Jharkhand trails in all human development indicators like literacy and health, the most startling being that anemia amongst rural women is as high as 73.8% as compared to the national figure of 58.2%. Almost half of the women in rural areas have a below normal body mass index (BMI) that is below normal (18.5) pointing to high levels of under-nutrition. And it is this population that is now, in addition to the struggles of life and livelihood, pitted against rapid corporatisation and state interventions like the Operation Greenhunt.

### **Introduction to the current investigation**

There have been several reports/ allegations of police and other security forces inflicting brutal violence on villagers during their anti-Maoist operations in areas under Operation Greenhunt, including rape and sexual violence against women, which rarely, if at all, get reported. To give just one instance: an earlier investigation by WSS revealed the case of a 17-year old from Gajapati, Orissa, who was picked up during a combing operation in February 2010 and subjected to gang-rape and is languishing till date in jail. In a pilot visit to Jharkhand we were told of news reports of rape by security forces in Jharkhand in some areas where there was large deployment of security forces, which had not been sufficiently investigated.

At the same time in March 2010 there were news reports from Jharkhand of a young Maoist woman being raped by Maoists and then shot at when she filed a complaint ([Teen girl who alleges rape by Maoist shot at - The Times of India, http://timesofindia.indiatimes.com/india/Teen-girl-who-alleges-rape-by-Maoist-shot-at/articleshow/](http://timesofindia.indiatimes.com/india/Teen-girl-who-alleges-rape-by-Maoist-shot-at/articleshow/)

[5645977.cms#ixzz1DFgYp4uP](http://www.indianexpress.com/news/girl-raped-for-leaving-Maoist-ranks/613829/)). In May 2010 there were news reports of rape by Maoists of a surrendered female Maoist cadre, who was in police custody (<http://www.indianexpress.com/news/girl-raped-for-leaving-Maoist-ranks/613829/>).

Several WSS members strongly felt that there should be an objective investigation into these reports. While we are well aware that the state and the media tend to turn the story of many women who are arrested as a source of information of sexual violence against women within the cadre, we are keen to make sure that we do not dismiss it entirely but investigate and see for ourselves the context in which this happens. We assume women are prone to violence in conflict situations by the state, police and army, but also in the various other situations that conflicts impose on their life, safety and mobility. And we assume that this can happen within organisations or mass movements. But given the atmosphere of conflict, intense repression, intimidation and misinformation, we felt that such news needed to be investigated.

It is against this background that a team of women visited Jharkhand from 12<sup>th</sup> to 16<sup>th</sup> November 2010. The objective was (i) to look into above mentioned specific news reports of rape; and (ii) to get an understanding of the overall situation of women in the Operation Green Hunt areas of Jharkhand, with specific attention to sexual violence. On 11<sup>th</sup> November, in Ranchi, we heard of the arrest on 30<sup>th</sup> October of three minor school-girls from an encounter site in Khunti district, presented in media as women Maoists and hardcore Naxalites (*news report in Annexure 2.*) The team decided to first look into these arrests.

This report is in four sections. Section I reports arrest of the three minor school girls in Khunti district, the action initiated by WSS by lodging a complaint with National Commission for Protection of Child Rights (NCPCR), and subsequent release of the girls in January 2011.

Section II describes the facts and issues around violence on women during search / combing operations by security forces.

Section III reports the investigation into the news reports of the two incidents of alleged rape by Maoists.

Section IV raises some concerns and issues relating to the situation of women in areas of conflict.

# I

## **Arrest of three minor school girls in Khunti district, presenting them as women Maoists, and detention under UAPA, Arms Act, Explosives Act**

On 30<sup>th</sup> October 2010 three adolescent school-going girls were arrested by the police during an alleged encounter with a Maoist squad in the forest near Eeti village, Khunti, and presented before the media as ‘hardcore Naxal women’. The three girls were later presented in court as adults and remanded to judicial custody.

I. We learnt of this arrest on 11<sup>th</sup> November, when we were in Ranchi as part of a larger fact finding into incidents of violence against women in Jharkhand as part of Operation Green Hunt, as well as press reports of rapes by Maoists. A press conference had been held by the Superintendent of Police (SP), Khunti at the police station on 30<sup>th</sup> October, where the four persons were produced (a video recording of the press conference was given to us by local journalists). Two team members met the parents of one of the arrested girls (Juliani) when they (the parents) had come to Ranchi on 11<sup>th</sup> to meet the DIG, Police.

They were marginal farmers from Ulihatu, a village that is about 20 kilometers from the main road. It is well-known as the village of Birsa Munda. Their daughter, Juliani, was studying in Murhu, on the outskirts of Khunti, a district town 40 kilometers from Ranchi. The two spoke very little Hindi and conversed mostly in Mundiari. They said that

they had heard of the arrest only when it started appearing in the news. The police had not informed them and they had not been present when the girls were presented before the magistrate. In fact they did not even know whether the girls were presented in court at all, whether an First Information Report (FIR) had been filed etc. They only knew that at that moment their daughter was in Khunti jail. They were very distressed and had been running from pillar to post. It was with the help of a journalist following the case and a school teacher and her husband that they had got come to meet the DIG Police Ranchi. The school teacher of the girl, who was much disturbed by the arrest, had come to vouch for the girl's innocence and to protest against the wrongful arrest since the girl was a juvenile and not an adult. They said that she was 13 and half years old. The mother was also very worried because they had been informed by the journalist that he had seen their daughter wrapped up in a blanket and was very ill; and that she was taken to the hospital before being sent to jail.

When asked why their daughter was picked up and under what circumstances, they said, "Our daughter had gone to see a hockey match with two friends, Jasmani and Magdali. Magdali had relatives in that village and so the girls went for *mehamani* (as guests). They were picked up by police from those people's house". The DIG heard the parents and said they should give a written application and he would look into the matter.

## OBSERVATIONS AND CONCERNS

- ◆ *If there were strong indications that the girls were minors and were arrested as adults, then in itself the arrest was wrong and a clear violation of the Juvenile Justice Act. At the time of the arrest and before they were produced in court police made no attempt to verify their age. This could have been done since they studied in schools very close to the thana in Khunti.*

- ♦ *The fact that even after ten days of the arrest, no immediate action was taken even by the DIG, and even when there were witnesses vouching for the fact that the girl was a school student, and when verification of age could be done immediately through school records.*
- ♦ *According to the DK Basu Guidelines the police needs to inform the family members of any one they arrest as soon as possible, within 8 to 10 hours. But this had not been done.*
- ♦ *The same guidelines also stipulate that the arrest memo is to be attested by either a family member of the arrested or a trusted member of the community. This had not been done.*

**II.** The team decided to visit Khunti and village Eeti, from where the girls were reported to have been picked up. On the 12<sup>th</sup> evening the team met local reporters and townspeople in Khunti town, and visited the village on the 13<sup>th</sup>.

**According to two local reporters** we spoke to on 12<sup>th</sup> evening, the three girls, Jasmani, Magdali and Juliani were from three different surrounding villages. They were living in Khunti town in rented accommodation (*dera* in local parlance) and attending school there; all were in class eight. Two of them – Juliani and Jasmani – stayed together, while the third Magdali stayed with her younger brother. They told us that all three were below 18 years of age, as per the school records which they had checked. On 29<sup>th</sup> October the girls had gone to watch a hockey match during the ongoing hockey tournament (25.10.10 to 1.11.10) in nearby Sarvada village and then stayed with Paulose in Eeti village, who was the brother-in-law of Magdali Soy. They were picked up the following day by the police.

**Police Version (from SP's Press Conference Footage and FIR/Self Statement of Officer who made the arrest)**

At the press conference on 30<sup>th</sup> October the SP reported that that morning they received information about presence of Naxalites in the area (Panghu P.S.), to plan land-mining or some major operation. A team of policemen went there around 10.30 AM, and there was an exchange of fire in the forests near Eeti-Pangura villages, wherein the police fired 53 rounds while the Naxalites fired more than 100 rounds. Several items were recovered: cartridges, explosives, and a bag, and above-mentioned four people were arrested from a spot.

The self-statement of the officer-in-charge (O/C) Murhu P.S. recorded on 30<sup>th</sup> October gives more details of the incident. According to this statement written in Gudukocha forests near Eeti village, on the morning of 30<sup>th</sup> October when he was at the police station he received secret information that an armed group of 10-15 MCC cadres including some women, all belonging to the Kundan Pahan group, were in the area, planning to lay land-mines in the road under Murhu *thana* area and conduct some major operation. Paulose Purti of Eeti village was sheltering them and was also active himself. After recording this in the *thana* diary a team was constituted to verify this and take necessary action, and this team of 10 armed police left for Eeti village.

“Around 9.00 A.M. when we were proceeding north from Baredih tola, making enquiries along the way, we saw some people move ahead of us. As we moved quickly towards them, there was firing at us. About 14-15 people were firing at us, of which about 10 were in black and there were some women too. We immediately took safe positions and loudly warned them that we were policemen and that they should surrender. However, they continued to fire at us, at which we also fired back, after I told my men to observe controlled firing for self-defence. When we started firing, they slowly started retreating into the forests behind them. There was intermittent firing from

both sides for nearly an hour. In the meanwhile more police support reached us. On seeing more armed police arrive the '*ugravadis*' fled into the jungle. With the support of the armed police search operation was undertaken. During this search the above mentioned four people were found hiding. On questioning they said that they belonged to the MCC (Maoists) Kundan Pahan group; and that they had come to that area 'to expand their activities, to put pressure on the police, and to conduct some major operation there to place land-mines on roads; they also had to kill some person. After this encounter 11 people (names of 6 given) of their group ran away. That Paulose Purti, brother-in-law of *ugravadi* Vishwas Mundu, gave us shelter and food'. As there was no independent witness available in the jungle, two of the armed police personnel were made witness to the arrest and search of Paulose Purti. The following items were found on him: (i) from the left pocket of his half pant seven live cartridges of INSAS rifles; (these cartridges were of prohibited bore); and (ii) 28 packets of Power Gel explosives from his shoulder bag. Paulose could not produce any papers, nor gave any satisfactory reply, in connection with the possession of these cartridges and explosives. On contrary, he said that they were going to use the explosives for land mining. Clearly, they were possessing arms illegally; hence these items were confiscated from them in presence of the two witnesses. A copy of the list of confiscated items was given to Paulose and his signature taken. The four of them were arrested on charges of possessing illegal arms after making the arrest warrant as per procedure. In this encounter the *ugravadis* fired 150 rounds while the police fired 53 rounds from INSAS rifles. It is my contention that the above four arrested people and those who escaped had been set by the banned MCC (Maoists) to obstruct official tasks of the police, and to fire upon us with the intention to kill. Further they were in possession of prohibited cartridges and explosives. Therefore, I am charging Paulose Purti, Jasmani alias Phulmani

Soy, Juliani Purti, Mariam alias Magdali Mundu, Vishwas Mundu, Nirmal Soy, Aamuru Soy, Marthal Mundu, Neeraj, Krish and five unnamed persons, under Sections 147/148/149/353/307 of IPC, 25[1A] /26(2)/27 of Arms Act, 3/4 of Explosive Substances Act, and 10/20/19/38 of UAP Act 1967 amended in 2008 and submitting self-statement (*swabayan*)”.

### **The Version From Village Visit**

On 13<sup>th</sup> morning in Eeti village we met Karuna, wife of the arrested Paulose Purti in her hut. According to her, Paulose was chopping wood in the school (there is a school in the village about a kilometer away) when he was taken away by the police. When asked about the three girls, she said that she was not at home when they came to her house. Karuna had gone to police station the day after they were arrested (31<sup>st</sup>, Sunday), and once again later to meet Paulose. She says the first time she could not meet her husband neither was she told why her husband was picked up. She did not have papers with her regarding Paulose’s arrest, what the charges were etc. We met the members of the house from where the girls were supposed to have been picked up. It was the house of three brothers – Isaac Samad, Paulose Samad, and Marshal Samad. Their wife told us that the girls were brought to their house by Paulose Purti. And they were staying with them. They were helping in the cooking, when they were picked up from the house.

The men told us that on the day of this incident they were working in the fields, and they heard some firing. Soon after that the police fell upon them and started beating them up because they could not tell the names of the girls. The police was asking for Paulose, and as one of them bore the name Paulose he was beaten up. They were then taken away by the police along with the girls and Paulose Purti to police station on 30<sup>th</sup>. One of them was beaten up at police station too; the three were let off on 1<sup>st</sup> November. According to them a hockey match was going on in the village and the three girls had come to their house on Friday 29<sup>th</sup> and said they would spend the night there (*‘mehmani*

*karne aaye'*), and so they let them stay on; police came and arrested them the following morning. We were told that Paulose Purti had brought these girls.

The girls were all in the hut with the family when they heard some firing in the forest. It was after the firing the police arrived to pick up the girls. They also reported that at the same time a relative of theirs, who was a hockey player participating in the tournament, was staying in their house. His bag and the purses of the men of the house were taken away by the police. The police also took some of their implements like spade, axe, etc. On talking to other people in the village too, it was confirmed that the police had seized things from peoples' houses during search but was showing completely different things in their seizure report. No proper *panchanama* or seizure list was made of any of the objects seized from the village. The villagers were themselves making a list of all the items that had been taken by the police to be submitted to the police.

## OBSERVATIONS AND CONCERNS

This version clearly contradicts the police report. While the police version says that the three girls were picked up from the site of the alleged encounter in the forest, talking to this family and others indicates that they were picked up from the village. If the police found Paulose and the girls in the forest during the encounter with the *maovaadis*, then why were they looking for Paulose in the village, and why did they pick up the other man named Paulose and his brothers too?

### **Meeting with SP, School Teachers and Hospital Staff on 18<sup>th</sup> November**

The team visited Khunti again on 18<sup>th</sup> November, along with two members of PUCL-Jharkhand. The girls were still in jail, and we were informed that after the first visit of the team on 11<sup>th</sup>, electronic media had been highlighting the issue of the girls being minors.

Two of the team members verified the details later with the respective schools and talked to some teachers. We met teachers of Jasmani and Juliani. They vouched that they attended school regularly and were not absent for long periods. There were no indications of engagement with a lot of activity outside school. Jasmani, the oldest among the three, was described both by her headmistress and class teacher as an obedient and hardworking child. She was also described as a child who was “slow” in understanding things. She was the one who did most of the work for the teachers and there was nothing in her behavior that verify the allegation that she would be involved in any activity that demanded too much of her attention. The teacher said they could not imagine her being involved in the activities that she was being charged with. The teachers said they got to know about the arrest of the girls only after it was flashed in the news and their name started floating in town. On being asked if the schools took any action on behalf of the students they said they had not done so. The school on its own did not take up the issue of the students being minors. They also informed us that the police had come that very morning (18<sup>th</sup> Nov) and taken photocopies of the school records.

### **Visit to Government Hospital Khunti**

On meeting with the hospital staff and checking the hospital records we found that at the time of their arrest Juliani was very ill and was admitted to the hospital that evening with malarial fever. According to hospital records (in-patient register entry) she was thirteen and half years of age. She was ill and very scared. Nurses who we spoke to

said though the girl was very scared and ill she did not have any physical injuries. She was extremely frightened by her arrest and all the parading by the police. They also said she informed them of the age that was entered in the hospital register, and that she was a student of St Mary's School. They also said that by that time everyone knew that they were students from schools in Murhu.

### **Meeting with SP, Khunti**

The SP denied he had any information or inkling at the time of the arrest that they were minors. When asked why he did not verify the ages of the girls he said it was not his job. He confirmed that one girl was ill and had been admitted for a night in the hospital after the arrest.

When the team asked him why nothing had been done so far (till 18<sup>th</sup> November), now that everyone, including the police knew that they were school girls, he said they were waiting for the parents. When asked whether the police had informed the parents, he said it was not his job. According to him police was not expected to inform the family; and moreover the villages where the family lived were very remote villages, and that they would have to go in there with adequate security forces. When told about the D.K. Basu guidelines, the SP finally conceded that they would send information through the village *chowkidar*. The SP also told us – “In the past week your team and the news channels were raising this issue” and that police was looking at it. He said a DSP had investigated the issue and taken the school records that morning (18<sup>th</sup> November) to the court but the judge had turned it down saying it was a judicial matter now.

The SP informed us that the judge had said that the girls had also given their ages as 18 and 19. And therefore now only if the parents were to give an application to the court they would be sent for a bone test.

## OBSERVATIONS AND CONCERNS

- ♦ *The girls had given their full addresses and also this could have been easily confirmed from the school. Yet, the parents of two girls had not been informed by the police till the 18<sup>th</sup> November when the team met the SP regarding the arrests. This is in clear violation of the DK Basu guidelines, and it was very important that the parents be informed considering that the girls were minors.*
- ♦ *Further, according to him the police recorded their ages as above 18 as they looked like adults and hence no efforts were made to ascertain their correct age. While even the hospital records show Juliani's age as 13 and a half. It has to be noted that it was the police that had admitted her in the hospital. Therefore they were aware of her age.*

### **Version of Three Arrested Girls**

The girls told one of the members, a Ranchi-based lawyer, who met them on 22<sup>nd</sup> November that they reported their ages as above 18 as the police told them to do so – they were told that they would be shifted to Ranchi if they said they were below 18. Hence there seems to be a false reporting of age by the three girls under pressure. The SP himself in his talk with us said that it was quite possible that even the youngest girl Juliani, who clearly is and looks a child, also must have told the judge that she was 18 or above for fear that she would be separated from the other girls and be sent to Ranchi.

The girls said that they had gone to Eeti to watch the hockey match. They reached Eeti on 29<sup>th</sup> October, at 4:00 PM in the evening. The three of them had come to visit Paulose and his wife, who was a relative

of one of the girls. They were arrested from the house on 30<sup>th</sup> October at about 10:00 AM. The girls state that the police beat them up in the house, and questioned them if they were Maoists. Despite their desperate pleas that they were not Maoists, and that they were school going girls and had come to Eeti to watch the match, police arrested them. At the police station the police told them that if they said they were below 18 they would be sent to Ranchi and hence it was best to say they were above 18.

**III. On 14th December 2010 two WSS members met the Chairperson, National Commission for Protection of Child Rights (NCPCR) Delhi, apprised her of the case and filed a complaint . Based on this complaint NCPCR issued a letter to the District Collector and other concerned officials. The SP was summoned by the NCPCR to which he sent in a written reply in February 2011. (Annexure III)**

The demands to the NCPCR were:

Given the above facts and circumstances, Women Against Sexual Violence and State Repression, would like the NCPCR to:

1. Investigate why the girls were shown to be above 18 and not sent to the Juvenile Justice Board (JJB). NCPCR should meet the children and investigate the matter in Eeti and Murhu PS.
2. Intervene in and expedite the process of transferring the three girls from Khunti jail to the charge of the JJB.
3. The police should be held accountable for arresting these girls as adults and not following the procedures as per DK Basu guidelines as well as Juvenile Justice Act (JJA).
4. Undertake an inquiry into the very arrest of the girls and charging them with Sec 302 and such draconian laws such as the UAPA, and Arms and Explosives Act.

5. In the absence of any strong evidence linking the girls to the crimes they have been charged with, the charges should be dropped and the girls released and united with their families.
6. Review status of implementation of the JJA, especially in the current situation where there was an intensification of Operation Green Hunt in several districts of Jharkhand.

**IV. The police did not press any charges against the three girls, when the charges were finally framed in the case on the 3<sup>rd</sup> January. The girls were finally released on 3<sup>rd</sup> January, after having spent over two months in jail.**

On 19<sup>th</sup> January two of the team members met the three girls again after their release. The girls had all just rejoined their schools, and we met with them in their respective schools. *The girls spoke of the trauma that they had undergone. All three reported that they were badly beaten by the police (all male police) at the time that they were picked up in the village. They kept asking them to admit that they were Maoवादिस, while the girls denied it. In the thana two of the girls were taken up to the terrace, while the youngest one was tied up in the room downstairs. They were again beaten with batons by male police on their hips and buttocks. They had injuries which lasted for many days and it was difficult to even sit in that period. 'The marks have gone only now', they said. Even more serious is the fact that police kept pointing guns at their chests and threatened to shoot them if they did not confess. 'We kept crying and said we did not know anything'.*

They stayed at home after they were released, and two of the girls said that they had thought of giving up their studies because of what had happened. But in both cases the parents had been encouraging and had insisted that they go back to school. One girl had found it difficult to find a *dera* (place to stay) when she came back, and for the time being she had been accommodated with her relative. Another one was shifted out of the *dera* that she was staying in with the other girl and was now with her grandmother. Her family was planning to shift her to

a hostel in the new school session. We were also able to meet guardians of one of the girls. It was extremely heartening to know that the parents were quite supportive of the girls and have had the courage to encourage the girls to pursue their education.

There has been no attempt by the administration to get in touch with either of the girls, their families and their school to check on their well being or help in re-adjustment. The support has come only from their families, local activists and school teachers.

## ISSUES IN THIS ARREST

Arrests of minor school-girls and their subsequent treatment raise several serious issues, as listed below:

1. Even though the girls have been released after two months without any charges against them, *the serious issue of arbitrary arrests and detention remains*. The questions that come up are – if the police did not have any reliable evidence against these girls then why were they arrested in the first place, why were they charged with such grave crimes, and why were they paraded in the media as *hard core Naxalites*? What effect will all this have on their education and future? Will the state take responsibility for injuries that could possibly have been caused to young girls during their severe beating with batons? Will state bear responsibility for these gross violations by police personnel, and if yes, how will it compensate for what the girls have gone through?
2. The girls were clearly below 18 years of age and rather than abiding by the provisions of the Juvenile Justice Act, their age had been falsified and they were kept in jail for nearly two months.

3. The hostility of the SP when this issue of their being below 18 was pointed out, and his response that they will contest this matter when it comes up, and go for bone-test, etc. In other words, his attempt to defend his action of showing them as adults when in reality they were minors.
4. Gross violation of all the rules laid down regarding arrests, such as informing family members. As of 19<sup>th</sup> November, more than two weeks after their arrest, the SP said that it was not their duty to inform them, and that he was waiting for the parents to come and file an application.
5. The DK Basu guidelines clearly state that at the time of arrest someone other than the police has to be a witness to the arrest as well as seizures. In this case the arresting officer has written in his report that since the accused were arrested from the forest, there were no independent witnesses, hence two policemen have signed as witness. But the police did come to the village and also picked up men from there. The bag was also seized from the house in the village. They could have asked a villager to be a witness. But that was not done.
6. The interaction with teachers indicated that the girls were attending school regularly, and therefore could not possibly have been moving with the Maoists squads, and could not have been present at the encounter site with guns and explosives.
7. Media coverage – At a press conference the SP produced the arrested four persons in front of audience, referring to them as belonging to a certain ‘Kundan Pahan’ faction of Maoists. Although their faces were covered, yet, is such a treatment necessary? Why should the young girls be publicly maligned?

8. No media person had actually gone to Eeti village to verify the police version nor was there any report of the people who were beaten up by the police. The people in the village were saying that they had drawn up a list refuting the *zapti chalan* of the police (seizure list). But that was not reported. The journalists also admitted that most of the news that they got was from the SP's press conferences, and that much of the news and facts about these encounters were coming from the police.

**V. While this is a specific case of violence against children by the police that we investigated and followed through, we were told of other serious incidents and issues concerning violence against children in Jharkhand. These are listed out in the complaint letter to the NCPCR (Annexure III).**

## II

*We had been told of molestation of women by police/CRPF in some villages in Saraikela Kharsawan and Latehar during search operations. We visited a few of these villages.*

### **Kandrakuti and Raijama Village, Block Kharsawan, Saraikela Kharsawan**

These two villages are adjacent to each other, about 20 kilometers off the main road, located in a valley. There is no *anganwadi* in either of the villages, and there has been no immunization in the villages in the past five years. Further, there are no irrigation and drinking water facilities. People get water from a nearby stream. People have job cards but most have not got work; a few had got work for about 14 days on an average. There was one PDS center for the cluster of villages, and that too was situated at a distance from the village.

At Raijama we were told of a search operation conducted by the CRPF in 2009. On the 21<sup>st</sup> of March 2009 people of the village were getting ready to go to a rally in Ranchi. Nearly 500 policemen with guns (*bandook*), from CRPF camps at Tamar and Vijaygiri approached the village from three sides, early in the morning. They started entering the houses and beating up the occupants. About 11-12 people from the village, including an old man and an old woman, were beaten up. The people who were leaving for the rally were beaten up as Maoists. On the pretext of asking for water, these men either grabbed hands of young girls or entered their houses and molested young girls (*‘ladies*

*par haath chalana*’). Rice and grain were thrown out and food items destroyed. ‘They kept asking us about Maoists saying that we give them food.’ One woman pointed out that *‘if they want to make inquiries, then why can they not ask us decently; instead they barge into our houses and start beating us up. The police told us that we do not inform them about the arrival of the Maoists. However, what can we tell when they do not come here.’* The policemen remained in the village till about 12:30-1:00, beating up people and molesting women. They beat people with rifle butts. One young girl from this village was reported to have been raped by four security personnel during this combing operation. They took turns at blocking the door of the house while doing so.

The villagers told us about the beating and general assault on villagers, as well as assault on women. However, they were hesitant to identify specific victims. They said that though the incident should be brought to light, there was no need to keep marking the girls, since the girls were very young and there was a stigma attached to rape. Further, much time had elapsed since the incident and they had got no justice. However, we did get to meet the three young women.

The girls who had been molested and raped were very young. They spoke of the incident as molestation. According to one young woman (about 15-16 years), one policeman with a gun entered her house and asked for water. When she gave it to him he tried to grab hold of her. They were giving *galis* (verbal abuses) all the time that they were there. Another woman said she was hit with a rifle butt by a policeman who got into her house. One girl reported to have been raped, (about 19-20 years), said that five men entered her house; two held her while two were at the door and one police man assaulted her (*‘kuchch karne ki koshish kiya’*). At that time there was no one in the house and she was too ashamed to scream; but she did manage to hit them. They were in the house for half an hour. She appeared quite uneasy about describing what actually happened during that half an hour. She said though they attempted to rape her, they were not actually able to do so because she struggled. She was quite ill after this incident and had to

be taken to the hospital by her parents.

We spoke to one young woman who said she had taken the lead to mobilize the village people for a rally at District Commissioner's office to protest against the violence on them in the name of looking for *Maovadis*. She hinted it had now become a village decision not to speak of the rape because of the stigma and now that so much time had passed there was no need to keep marking the girls. It seems this was a large operation in which many neighbouring villages were searched and that there were instances of people being beaten up from those villages too. Those people had also participated in the rally at Kharsawan. About a week after this combing operation the villagers held a protest rally at the District Commissioner's office against the misbehavior of the police with the women. People from surrounding villages joined in solidarity. They were stopped on their way to the *thana* by CRPF and police, five men were arrested on charges of being *Maovadis*, kept in the police station and let off the following day. But with some help from local journalists they were able to get a lot of attention. We were told that the protest was reported in the local press but we could not get any press reports. However, no formal cases were filed or any formal action taken by the administration. However, villagers feel that the removal of the concerned battalion from the area might be a consequence of this protest. We were told that no such incident had occurred since then. There are small stray incidents that keep happening. While there was some talk of some compensation being given to the victims, this could not be confirmed. We were told by the villagers that the force had come to their village 3-4 times over the past one year.

At Kandrakuti people spoke of arbitrary violence during searching and patrolling by security forces. We were told about some incidents that had taken place in April 2010. One person of Kandrakuti said he had gone out of the village area towards a small hill to make a mobile phone call to his pregnant wife as there was better network connectivity on the hill. He was caught by the CRPF and beaten up saying he was a MCC cadre. They held a gun to his head and when he resisted the bullet went off and just missed him. He was beaten so badly that he

had to be taken to hospital. He said, *“I had gone to make a phone call to my pregnant wife. They said I was calling the Maoists and started to beat me up. I was tied and beaten up with rifle butts. I resisted and one of the bullets went off and went past my head. I lost consciousness”*.

A 50 year-old man had also been beaten up by the CRPF, while he had gone to herd cows and was beaten by the CRPF. *“I was grazing my cows in the forest when they came and tied me and took me to Raijama village. They kept me tied for hours and then they took me back to the jungle. Then they left me. The force set fire in the forest so that people hiding in the forest would come out”*. The police or the force, as it is called, come in large numbers 60-70 and even 400-500. The force does come up to these villages at least once a month but they have not done anything on such a large scale although people do get beaten up. The people are scared of something happening every time the police comes to their village.

### **Sarju and Other Villages, Garu Block, Latehar**

Incidents similar to the above one in Raijama took place in Sarju village during combing operations of November 2009. Womenfolk of the village were harassed. The force had come on a search operation in a cluster of four or five villages. In Sarju they entered the *basti* behind the main market, *“Sabhi gharon mein ghuse, aurat bacche sab so rahe the, unhe utha utha kar bahar kiya. Keise pakad rahe the aurat ko uska koi kadar nahin. Buri tarah se kapdo se pakad kar kheench rahe the”* (they demonstrated how the women were pulled out from their homes by grabbing their blouses from the front). One old man was beaten up so badly that his hand was fractured. In this case also the village people held a rally in Latehar against such police high-handedness but nothing concrete came of it except that such search operations were stopped for the time being.

Some women from Sonvaar village told us that during a combing

operation in December 2009 women were threatened. The security forces, all men, caught one woman and attempted to rape her inside her house; she managed to pick up an axe and threatened to attack them at which the men fled. In another incident the police hit an adolescent girl and tore her clothes; she somehow managed to escape. In yet another incident, 2-3 policemen entered a house and began beating up the occupants – a couple and a girl. The wife picked up an axe and threatened them at which the police ran away. According to these women, similar incidents had taken place in Chachu and Rol villages. In Chachu, one old woman was badly beaten along with her family members. Police also broke some huts and belongings such as utensils and trunks. It was reported that this old woman was so shocked that she died a few days later (*'woh gham se mar gayi'*).

### **Kurid Village, Manika Block, Latehar**

There was a combing operation at Kurid by police personnel in November 2009. Several people we spoke to said women had been sexually assaulted during the operation. Specific victims were named by other women but they themselves refused to confirm this. However they all said police had come into the village and had sexually assaulted and molested women. In our conversation with them it was conveyed that even though they had protested immediately after the incident, no action had been taken by the administration; there was a feeling that nothing would come out of identifying specific women as victims.

The police arrived in the village early in the morning. One woman narrated her experience – *'my husband had gone out to attend call of nature; I ran out of the house leaving my son and two daughters behind. The police kept questioning my children and when they saw me they called out to me. When I came into the house they kept asking me where I had hidden the guns and ransacked our house during the search. They took away Rs 2000 that I had kept in the house from the sale of pigs. When my husband returned they took Rs 5000 from him and his mobile phone. They kept abusing me when*

*I said I did not have any guns*'. While she said that they did not molest her, some of the men, including her brother-in-law, said she was sexually assaulted and we found she herself was uncomfortable telling us about it.

The people from this village also held a protest against this misbehaviour of the police soon after the combing operation by organizing a road blockage at Semanga Chowk. At the rally some men were thrashed by the police and then taken to Manika police station and made to sign blank papers. Cases were filed against three men and two women and even a year later, in November 2010, the case was still going on and they had to continue going to the court on summons.

People at Kurid said that a similar incident had taken place at Rewat (a nearby village) a couple of years ago (2008) when security personnel had indulged in mass molestation and rape. But there had had been no protest then. So when the Kurid incident took place, they decided to protest. They felt that if there had been strong protests after the Rewat incident maybe this would not have happened again. So they did a *chakka-jam* demanding justice. '*Par tab bhi koi sunwai nahin hui. Bas dande marne lage itni buri tarah se*' (there has been no response; we were only beaten up severely).

We were told of a similar incident that had taken place in another neighbouring village Matlong in 2009. In 2009 before the election there was a picket in the school in Matlong. There was one incident that was reported where one *jawan* got drunk and got into the house of a woman when nobody was at home. He tried to rape her but she escaped because she threatened him with a sickle and her father-in-law entered the house with his animals. So the *jawan* ran away. We were told that 'when camps are set up in the village like this then there are always some such incidents. The soldiers eat and drink and they have the power of the gun so such things always happen'. We could not visit either Matlong or Rewat but this information was corroborated by people in Bishnubandh and Kurid villages when we went there for investigating similar incidents.

They also reported an overall atmosphere of fear. Men in some villages

told us that when the security forces come in for search operations people just take their children and run away into the forest and return after they have gone. Because they fear violence and brutality.

Apart from these instances of violence by security forces during combing-search operations that have not been documented or reported anywhere, there are several other cases we were told or documented about wherein ordinary villagers, including women and children who had died in police firing during search operations or encounters.

Some of these are: (i) We were told by local people in Khunti of a major encounter in May 2010 in Mamail village, Khunti district, where a large contingent of security forces had an exchange of fire with Maoists. As it was peak summer there was severe water scarcity in the area; the police reportedly got information that there was a Naxalite camp at the water *nullah* in Mamail and decided to launch an attack there. They went there during a function in the village and in the firing that followed a large number of Maoist cadres and villagers, including many women, were reportedly killed. The villagers were supposedly used as a shield (by whom it was not clearly told). We were also told that the police had not reported this widely in the press as it does of other such encounters and operations; and it was a mystery as to why it did not do so. We were told that we should investigate and highlight such cases.

(ii) The shooting incident in April 2010 in Ladi village during a search operation, leading to instant death of a 28-year woman – Jacinta – outside her home has been documented and reported ([www.jharkhandmirror.org](http://www.jharkhandmirror.org), [www.sanhati.com](http://www.sanhati.com)).

(iii) In July 2010 one person – Etwā Munda – was picked up from his village Papirdah under Tamar police station and shot dead by security forces as a ‘hardcore Naxalite’; Rajesh Singh Munda of the same village was also shot dead in a similar fashion a month later in August.

(iv) In April 2009 five men in Barwadih, Latehar were picked up from their houses by CRPF after a landmine blast by Maoists and shot dead after branding them as Maoists (Frontline May 23-June 5 2009). State government ordered an inquiry after protests by people and

compensation was given although on grounds that they were killed in cross-fire during an encounter between Maoists and security forces.

(v) Four boys who had gone to pick *mahua* in early hours of 19.03.2009 in Saramgoda forest, Sirka village, Murhu, were fired upon by a police party. While one boy died on the spot, two others were injured. This incident was reported in the press and local parties took it up.

## ISSUES IN THESE CASES OF MOLESTATION AND VIOLENCE BY SECURITY FORCES

1. Several people we spoke to in Ranchi (who wish to remain anonymous) told us that ‘the security forces misbehave with women once they enter houses at will and with arms in order to search and in such a situation molestation and sexual violence may be taking place’. Both men and women said there were incidents of rape and molestation in the village during combing operations in 2009, but no woman was willing to identify herself as the victim; in fact there appears to be a collective decision to maintain silence on such matters. Given the sensitive nature of the issue we also did not press the point to establish whether or not the crime had been committed. We could understand some of the reasons behind this attitude of people. It could be due to discomfort with us as strangers and outsiders, due to cultural factors affecting attitude towards sexual assault, due to the fact that they may have decided to get over these incidents and did not want us to re-open them; as well as the fact that women did not want to talk of being a victim of sexual assault when no action follows a complaint. *As women, we respect such decisions by these women. However, we feel that such silence would be detrimental in the long run as it would lead to security forces indulging in such crimes regularly and getting away with their lawlessness in these remote areas.*

2. Most news reports are based on statements by police/security forces on combing/search operations in which alleged Maoists have been arrested, or arms have been discovered, or there is exchange of fire or deaths in 'encounters'. Other operations, including those in which there have been allegations of violence by security personnel go unreported. Protests by the affected village people against the high-handedness of these security personnel are also not adequately reported. This indicates that the press is largely reporting the information given to them by the police; and not making sufficient efforts to independently visit the affected areas, verify and collect facts.

3. While most of the cases of violence during search operations have taken place during general elections of 2009, before the official start of Operation Green Hunt (OGH), the intentions and attempts by security personnel to molest and assault women during each such operation raises a lot of concerns as to what will be the fate of the village women now that security forces have decided to intensify their operations under OGH to flush out Maoists (*See Annexure IV for press reports*). It indicates the pressing need to be alert and ensure that no violence takes place against innocent villagers in general, and against women and young girls, in particular, who are the most vulnerable during these search operations and so-called encounters.

4. Finally there is the issue of the police and security forces using shameful tactics of branding those women as Maoists who raise the issue of sexual assault and rape by forces. This is used to instill fear of arrest and harassment among women who have the courage to expose sexual violence committed by the police. Like it was seen in many cases stated above, the fear of further violence and arrest instills in most women a fear and cases go unreported. And if women muster the courage and report the cases, the police most often uses media to brand these women as Maoists or its sympathizers and claim that the allegations are aimed at

discrediting the security forces. These counter-accusations are in fact attempts at discrediting the women who have made the sexual violence charges. This again reflects on the character of the security forces and the state which does not consider sexual violence against women a culpable offense. Instead it engages in suppressing the truth, protecting culprits and further launching assault on women instead of doing justice.

### III

We had read two news reports of two teenage girls alleging rape by the Maoists; in one case the girl had also been shot at. The team met the families of these two girls in Latehar district. In January 2011 two of the team members met the two concerned girls, as we could not meet them during November 2010 visit. We had been told by SP Latehar that he had arranged for the two girls to study in another district under supervision of officials there. We met the official who arranged for us to meet the girls and speak to them.

#### **1. Case of Rape and Attempt to Kill**

The Times of India March 5 2010

*Ranchi: A teenage girl was shot by Maoist rebels in Jharkhand's Latehar district for slapping rape charges on a Maoist leader, police said Friday. The victim is struggling for life in a hospital here. Maoist guerrillas shot three bullets into 17-year-old xxxx on Thursday. She was injured critically and has been admitted to the Intensive Care Unit (ICU) of Rajendra Institute of Medical Science (RIMS) at Ranchi. "xxxx sustained three bullets in her stomach. Her condition is critical," a doctor said.*

*xxxx was shot when she was riding her bicycle in an area close to Latehar railway station. She was stopped by three motorcycle-borne Maoist rebels including the Maoist commander Pappu Lohra,*

*who allegedly pumped three bullets into xxxx's stomach and then fled, police said. According to police, xxxx was shot because she was bold enough to lodge a first information report (FIR) against Lohra for abducting and raping her.*

*“xxxx was shot because she dared to raise a voice against Maoists. She had lodged an FIR against Pappu Lohra. xxxx had accused Pappu of raping her for two days in a jungle after abducting her,” a police official told IANS. According to local journalists, Maoist rebels alleged it was the handiwork of the police who used xxxx to lodge fake rape charges against Lohra.*

[The Times of India March 5 2010 Teen girl, who alleges rape by Maoist, shot at - The Times of India http://timesofindia.indiatimes.com/india/Teen-girl-who-alleges-rape-by-Maoist-shot-at/articleshow/5645977.cms#ixzz1DFgYp4uP](http://timesofindia.indiatimes.com/india/Teen-girl-who-alleges-rape-by-Maoist-shot-at/articleshow/5645977.cms#ixzz1DFgYp4uP)

As no-one could tell us the whereabouts of the girl, we decided to talk to her parents first. We met her parents at their home. The family belongs to the Khairwar tribal community. Her parents are low-income peasants and she has three brothers and six sisters. Two brothers stay in an *ashramshala* and study. According to her parents, the girl was presently in Latehar *thana* and preparing for tenth board exams; that she did not want to come back to her house as she feared for her life. According to her father, even before the shooting incident in March, she used to be very withdrawn and did not have much interaction with the family. They did not know very much about her activities when she left home to go to school. She was attending high school at Dudhwa and would return home very late from school. He said he would scold her for coming so late and once they had a quarrel over this and she left home. This was sometime in October-November 2009. He was not very clear about the exact date. For nearly two months they had no idea where she was (it is possible that the parents knew where she was but chose to not to tell us). According to her mother, she was possibly with the *Sangathan* (CPI Maoist). Then she returned home around January 2010, but shifted to a hostel (*dera*) in Latehar town. She visited her house often to take

rice and other rations. It was during one such visit that she was taken away by Pappu Lohra who was then a member of CPI Maoist. Two days later they heard that she had gone to Latehar PS and filed a case of rape against Pappu. However, she continued to live in Latehar and visit her parents.

On March 4, while she was coming home, she was shot at by Pappu Lohra and two others near a railway crossing near Latehar railway station. She sought shelter in a small hotel nearby and the three left thinking her to be dead. She was taken by police to Latehar sub-divisional hospital and then shifted to RIMS at Ranchi because of her critical condition. She was in RIMS till May and her parents visited her regularly. While they did not pay for her entire medical treatment, they did spend Rs 1800 on medicines. In May, after she was discharged, the parents took her to her sister's place where she stayed till July. Her father said that they met the Latehar DSP regarding his daughter's future and safety when she was with her sister. She was shifted to Latehar PS where she stayed till October. They met her there and she said she wanted to complete her studies and wanted to clear her board examinations. The parents claimed that they have not met her since October 2010 and did not know where she was.

When asked whether Maoists held any *jan adalat* (people's court) on this matter of charges of rape and shooting, her father said that no *jan adalat* had been held. However, they got to know that Pappu Lohra had been demoted/expelled from his position and sent away; however he was still living in this area but not as an active cadre. Further, he said, that once before the incident of the shooting he had been taken to the forest where he was asked by the Maoist leaders to give his version of the incidents. He was called once again in May by Pappu Lohra asking for withdrawal of the case of rape against him. The father said that he had no say in this since it was not filed by him.

It was quite understandable that under the difficult circumstances, the family was reluctant to talk to us and maintained silence on many of our queries such as whether she had shared anything with them about the time when she was away and about where exactly she was after her

stay at the *thana*, whether they wanted her to return, whether they feared for her safety once she returned and whether they knew why she did not want to return home. As we were extremely concerned about whereabouts and safety of the girl and needed to get her first-hand account, we met SPLatehar, Kuldeep Dwivedi, to inquire about her since she was last reported to have been seen at the police station in October.

### **Meeting with SP**

The SP told us that this teenager had lodged a case of rape against Pappu Lohra and Arun Yadav. Later, after some days, she was shot at by Pappu Lohra, Arun Yadav and another unidentified person and received five bullets in all on her stomach and legs. When the police brought her to the hospital they did not expect that she would survive. She was shifted to RIMS in Ranchi where she managed to recover. According to him, she said she wanted to complete her studies; he too was concerned about her as she was young and had her entire future in front of her. He wished to help rehabilitate her and get her back to normal life. She has been therefore placed in a non-government organisation (NGO) in another district where she is completing her studies. He told us that we could meet her if we wished to.

SP told us that CPI (Maoist) had issued a statement carried in the newspapers, saying Pappu Lohra had been demoted from his position of Zonal Commander. This was told to him also by one of the Maoist leaders – Uday – during interrogation after his arrest a month ago. The police had not been able to arrest Pappu Lohra in this case. However in Nareshgarh we were told that Pappu Lohra was living in Kone village and roaming in that area though he was not engaging in Maoist activities. The SP added that Arun Yadav was arrested after the shooting incident but got out on bail under Juvenile Justice Act by producing a forged certificate of his age. He was arrested later in some other case but got out on bail in that too using the same age certificate.

### **The girl's version**

Two team members were able to meet this young girl on 18<sup>th</sup> January 2011. According to her, while she was living in Latehar and pursuing her studies, a boy had been following her around in town. Embarrassed by the whole situation, she asked him to leave her alone because she did not want to bring shame to the family. She finally said she would become involved with him only if he married her. He promised to marry her. She told everyone in her village and the family about wanting to marry him. He however refused later on to marry her. She was very upset. He not only refused to marry her but also threatened her if she insisted on marrying her. She had not known earlier that he was a cadre in CPI Maoist party. He kept threatening her when she pressurized him. To teach him a lesson, she decided to join the party, pick up arms and be as powerful as him.

This boy was the sole reason why she joined the party. Pappu Lohra was his friend. She had once spoken to Pappu Lohra about the issue between her and this boy and asked him to intervene. As her board exams were approaching she decided to leave the party so she took permission and returned to Latehar to fill the examination form and appear for the exams. One day while she was at home, Pappu Lohra and another man came to her house. Pappu accused her of giving away secrets to the police and held her responsible for his brother's arrest. She was forced onto the bike and taken to a village where Pappu Lohra raped her that night. She came back and went straight to the police station and lodged a rape case. Thereafter she continued to live in Latehar. One day she was at the railway station to meet her brother and collect rice. While at the station, Pappu Lohra and another person came and shot at her.

Of the two girls we met, this one was more disturbed and she felt that she could never go back. She also said that she had not joined the party for any ideological reasons but solely to get back at the boy who had first promised to marry her and then gone back on his words. She does not feel attachment with the *Sangathan* and felt that her relationship

with the said boy and steps that she took thereafter namely, joining the party, were big mistakes of her life and had brought shame to her family. She feels that her relationship was the cause of the whole incident.

When asked directly she said that she had been raped by Pappu and that she had filed a complaint against him. She said her parents too were unhappy with her for filing the rape complaint but said that she was angered by it and therefore felt that she should file the complaint. She also said that prior to that she did not have any connection with the police but she did give them information after the shooting incident because she was really angry and scared by what had happened.

After the shooting, when she was at the hospital, *bade babu* of the police (Town Inspector) had come and there were a lot of press people asking her questions. According to her, she herself was surprised that even though she was nearly unconscious she had the strength to say something like “*give me an AK 47 and I will shoot those people*”. She said she meant what she said because she was very angry at that time. All this was carried by the press in great detail.

## **2. Reported Case of Alleged Rape by Maoists for Attempting to Leave Sangathan in Latehar District**

*A 16-year-old girl and a member of a Maoist outfit was allegedly raped by other members for fleeing the camp in Latehar district of Jharkhand, the police said today. “The girl ran away from a camp about five days ago. She was caught by the ultras, beaten up and raped when she refused to return,” Superintendent of Police Kuldeep Dwivedi said. The Maoists had appealed to sympathisers to trace her alleging that she had fled with arms. The SP said the girl was left at a lonely place from where villagers rescued her and admitted her to a health centre. The girl was arrested and shifted to the Sadar Hospital, Latehar, he said. The girl had earlier run away following physical and mental pressure on her and had been jailed after being arrested from Manika police station area*

(The Indian Express May 2, 2010 <http://www.indianexpress.com/news/girl-raped-for-leaving-Maoist-ranks/613829/>)

Some local people told us that the above-mentioned girl was with the *bal sangam* of CPI Maoist party since a young age and stayed with the *dalams* in the forests. She was reported to be a very good singer. According to these people, there were complaints of her indiscipline and trying to run away with some person. So the party brought her to her family and left her with her parents saying that she was no longer their responsibility. The girl again left home and after some time was again brought back by Maoist cadres. She had been caught along with two male cadres running away with arms from their camp; while the boys escaped, she was caught and beaten up by the Maoists. They left her with her parents and gave her parents some money for her treatment, and once again stated that she was no longer with them. When her parents were taking her to the hospital they came across police on the way; out of fear they left her and went away and the police arrested her and took her to hospital.

As with the other girl, the local people could not tell us the whereabouts of the girl. According to them she was last seen in Latehar police station. We met her parents. They belong to a Scheduled Caste and she has four brothers and three sisters. The family does not have much land and her father works as a labourer in the brick kilns of Bihar. Her eldest brother too works in a brick kiln in Bihar along with his wife and two children and had come home for Deepavali when we met the family. He was leaving shortly with his family. None of the family members told us clearly either the girl's age or where she was at present. From the references we guessed she was probably between 15 and 18 years.

The parents were very reluctant to talk and maintained stoic silence on several questions about their daughter and her whereabouts. According to the mother, she had not been raped – '*uske saath koi galat kaam nahin hua tha*'. When asked about her whereabouts, she said she was not in jail but she did not know where she was and that she did not want to come back home. She said the family did not know where she

was. They had been told by some people (did not say who exactly) that she was in hospital in Latehar. According to the mother, the girl was in hospital for about 8-10 days, in which period she was fully conscious, walking around and talking. She did not have any external wounds.

Initially, the girl's brother and his wife too said that they did not know anything about her; that they had not met her for a long time; that she never stayed at home. Then gradually they opened up and told that the girl had joined the *Sangathan* at an early age and was a good singer. They added that a year ago (2009) she had been caught and was in jail in Ranchi for '*Naxali cases*'. The *Sangathan* had helped with legal assistance and she was later released. After her release she went back to the *Sangathan*. However, later she had left and they had been informed by the *Sangathan* that she was no longer with them. After being at home for a while she again left home and later they had got to know that she was in hospital but were at a loss as to how she got there.

### **Version of SP Latehar**

The SP Latehar (Shri Kuldeep Dwivedi) who had given the above cited press statement told us something different. According to him, the girl was running away with a comrade (not known whether that was his real name) as the two were in love. The boy had an INSAS rifle with him hence Maoists were in search of them. The SP said that the Maoists were probably more interested in recovering the rifle than getting back the two. *It is to be noted that this fact is not at all mentioned in the above press statement by him - that the girl was fleeing with a party comrade and that the Maoists were interested in recovering the INSAS rifle.* He added that the boy managed to escape while the girl was caught by cadres near Jungur village in the same block. According to the SP she was kept in a house in that village and beaten brutally for two-three days and also raped by the Zonal Commander Chandan. It seems that the villagers could not bear to see such ill-

treatment and finally intervened and got the beatings stopped and took her to hospital.

The SP received information late at night that an injured person, possibly a Naxalite, had been admitted to a private hospital in the area. He immediately went there with the intention to arrest the cadre. But when he reached the hospital there were 3-4 men near her bed who ran away on seeing the police. He added that possibly they were with her. The SP then shifted her at midnight to the government hospital in Latehar. According to him, she did not have any major physical injuries or fractures. According to him, she had been raped and when asked whether any medical examination was conducted, he said it had been done by a lady doctor. When we asked for a copy of the report he said there was a possibility that medical examination could not always give confirmation of rape since it was done many days after the alleged rape. Nevertheless, we insisted on having a copy and he promised to arrange it for us.

As in the earlier case, the SP said he was concerned about the future of the girl and wanted to do something for her. According to him no case has been filed against her nor has she filed any case against the men who allegedly raped her. According to him, as she wanted to study she has also been sent to the same place where Anju had been sent through the same officials. He said that he has been very considerate to these two girls and kept out them of media glare and arranged for their rehabilitation. Finally, the SP requested the fact-finding team to publicize and highlight these sexual violence incidents and atrocities against women by the Maoists.

### **The girl's version**

According to the girl, she had been in the *Sangathan* since her childhood. She had been made commander of her group that was a part of the *sanskritik dal* (cultural group). They used to travel from village to village and perform before *janata* (villagers). Once when they were camping at a village near her own village, she decided to go

and visit her parents. She did so without taking permission from her seniors. She just informed her deputy and left. Later her seniors had a word with her and said that she was becoming undisciplined, and she would be removed from the position of commander. This angered her – she did not want to be under the charge of someone younger than her. She said that she would rather stay home. There was also some difference between the seniors and her over her relationship with a boy in the *Sangathan*. The boy had been in the cultural group too but had now been shifted to the armed group. When asked about the reason for the disagreement, she said, “*the reason for such a disagreement was that the seniors had felt that they were both too young and should not take the decision of getting married*”. So when they said that they would remove her from the position of commander, she told them she was leaving the party. They asked her to handover all her belongings and leave and this angered her more because she felt that “*she had ‘given everything to the Sangathan’ and now they were not even letting her keep her samaan*”. So after this incident, she decided to stay back at home.

Once she was home she decided to visit her sister’s house. On her way back, she went to meet the boy with whom she was friendly. When she came back, her family told her that the *Sangathan* people were looking for her and that they were very angry with her. They told her that the Area Commander had asked her to meet him. When she met him she was asked where the gun was. She later learnt that one of the boys she and her friend were friendly with had run away with a gun. Her friend was also brought to the same place where she was and they were both threatened that they would be killed if they didn’t tell them where the weapon was. She said that she was hit with a baton two times – ‘*do baar danda mara*’. She nearly fainted with fright, so they got worried. They gave her and the boy some hot water to drink and let them rest. When they were okay, they started questioning them again. She said in order to save herself she made up a story of knowing where the gun was. She said “*I did it to buy time*” and not knowing what else to do, she named a village and a house which she knew was against the Maoists.

She was taken to that village on a motorcycle. Once they reached the said village and the house, they did not find anything and they realized she had been lying. They started to get worried, '*yeh ladki to humko pakda degi, yaha waha aise hi ghuma rahi hai*' (this girl will get us caught, she is misleading us), and then they hit her once again – '*tab ek aur danda mara*'. They made her sit on the motorcycle and were taking her back when she started to faint on the motorcycle. So they stopped at a village and kept her in a house with some old women. They got a doctor '*jisne botal chadae*' (administered saline). When she did not improve in the morning they decided to take her to the hospital. The old women were instructed to tell that she was their daughter and that she had fallen off a tree. They took her to a hospital in Tumbagarh. She was admitted in the morning and police arrived there in the evening.

When the police arrived, the Maoists left the hospital, leaving her and the old women. She was losing and regaining consciousness. She remembers that '*Bade Babu*' of the *thana* (Town Inspector) was there and they were asking her to give a statement. The old women told the police that she was their daughter but soon the police got to know the truth. So she told them everything. They asked her if she was ready to give a statement against Maoists. Soon many reporters also arrived and they were firing many questions at her. She was then taken to RIMS in Ranchi. There too many press people came and she was asked to give statements. She spoke against the Maoists and said how she had been treated by them and how she had now turned against them and was on the side of the police, saying that the Maoists were exploiters.

When we asked her why she had made statements against Maoists to the press, she said, "*I already knew that there was no place for me among Maoists and I couldn't go back and I also knew that if I did not disown them, then the police would arrest me. I had already been in the remand home for two years and I knew if I got arrested this time, I would come out only when I would be an old woman*".

According to her, *“I had become a dhobi ka kutta – na ghar ka na ghat ka. And therefore I decided that I should take the protection police was offering me. I had no other choice”*. Even now she feels that the Maoists would be angry with her and would be looking for her as she had divulged information about them to the police so it was not possible for her to go back home. She said she wanted to pursue her education.

In her conversation, she did say several times that she did want to work towards social justice and would find a way to do just that. She said that many people within the *Sangathan* had changed and not everyone was committed to social justice. Though she said that when she had joined they were working with commitment, she did feel that overall the party was fighting for *janata* (people) but there were individual elements who were doing their own ‘*manmaani*’.

*Since she had not mentioned sexual assault throughout the conversation, we asked her directly whether she had been sexually molested or raped in the entire incident or during the time she spent in the Sangathan. She said that she had not been sexually assaulted.* When we asked her if she knew about the cases that had been filed against two maoist, Zonal and Area Commanders respectively, she said yes. When asked what were these cases she said she had filed cases against them about the ‘*maar-peat*’ (about the beatings). When we asked whether she had filed cases of rape against the two, she said no. We asked her whether she knew what had happened to her friend, and she said he had been forgiven since they had found the rifle and the boy who had run away with it. According to her, he had run away to join another faction. But she felt she would not be forgiven as she had spoken publicly against the *Sangathan* and had sided with police so they would be angrier with her. She feels she can never go back.

We also asked her if she had heard or directly seen women being sexually abused within the party. She said that she had not come across it in her area though she did feel that sometimes seniors would do

*dadagiri* (boss over from a position of seniority) but she hadn't seen or experienced sexual harassment. The *Sangathan* seniors also intervened in relationships that people had and would allow relationships only if they were approved. Mostly if the people involved were too young the relationships were disapproved of as had been in her case.

When we asked the same question to the other girl, she said that though there was no rape and molestation, there was always pressure on women to marry in case a senior wanted to marry some girl. The *Sangathan* would put pressure on the girl to accept the proposal. She herself did state that she was raped by Pappu Lohra.

Both the girls said that they feared for their safety, because they felt that since they had divulged details of their *Sangathan* and spoken against Maoists, the latter would be looking for them. The administration also conveyed that there was always a danger to the safety of the girls and their constant caution was also adding to girls' fear for their safety.

### **Discussion with the Official under whom the two young women were placed**

We were told that they had come to know of first case from newspaper reports and had been quite disturbed by the incident. It was conveyed to the girl in Ranchi Hospital that help would be extended by them once she was released from hospital. Two months later SP Latehar called and asked if they would keep two girls in their district since they needed to be protected and rehabilitated. This official reiterated that the administration was interested in the protection and rehabilitation of the girls; they did not want the girls to be used for anti-Maoist propaganda. They wanted the girls to study and get on with their lives. Hence the girls had been given new identities and the press had been denied access to them. It was felt that they should concentrate on their studies and once that was done, they could speak out about what had happened. Since they had come to them, the press had not been given any access to them.

The official corroborated that the girls were not under arrest or custody, but for their own safety their movements and access to them was regulated by administration. Plans for their parents to meet them or to send them home were coordinated through the SP Latehar. For instance: the SP informed the parents and they were called to the *thana* to meet the girls. The mother of one girl had visited once or twice. We were told that their location had to be shifted when they felt that the girls had disclosed their location to others. It was said that in their new location no one had been told about their background because they felt that the girls should be given a clean slate to start on and because they wanted to reform. However, since they were young the girls themselves slipped out information to other girls they were friendly with. The two girls had to be continuously cautioned about this. When asked about the cases filed by or on behalf of the girls or against the girls, we were told that they did not have much information and we would need to get that from SP Latehar. When we asked whether they knew if there were cases against the girls, we were told they didn't know about that too.

## ISSUES IN THESE CASES OF THE TWO YOUNG WOMEN

1. In both cases the police version and the media reports are different from what the family, the local people and the girls themselves told us. Further, the SP's version to us differed from what he reportedly told the press and both are not corroborated by the course of events as told to us by the girls themselves. There is a clear indication that the police and media reports manipulate facts and present them in a way as to make it a sensational case and use it as propaganda against the Maoists. We must state here strongly that women cannot be used as a part of any psychological warfare by the the Government in their war against the Maoists.

2. We unequivocally and categorically condemn the rape and attempted murder in the first case. The rape and firing on her seems to be an act of personal vendetta rather than a formally sanctioned party action. But it is important to note that the Maoist party does not seem to have taken any serious and exemplary action against Pappu Lohra or others for either rape or firing. While there were some reports of 'demotion' and 'transfer', no one seemed very clear on this. From various accounts it appeared that the party was believed to have disapproved of his actions. However, this 'disapproval' or any concrete action against him or the others, seems to have not been categorically or strongly conveyed in the area.

From the girl's account to us it appeared she joined the party purely for personal reasons to get back at the boy who she says had exploited her. The violence seems to have been stemmed from complicated personal relationships, and was an act of personal vendetta. She may have given information to the police. Maybe she did it as a self-defense strategy to escape arrest and or as revenge against the Maoists. But, none of this in any way justifies her rape and the subsequent firing on her. This violence needs to be categorically condemned.

3. In the second case, the girl's account to us as well as the accounts of several villagers of the area contradicts totally the press statements put out by the police. She was not raped because she wanted to leave the party, nor was she left in a lonely place and rescued by villagers. According to her, she was not raped at all and was taken to the hospital by Maoists after she passed out on being beaten by them. To her knowledge she did not make a complaint of rape but of being beaten up by the Maoists. In this case too we are against such beating of the girl as disciplinary action. At the same time we must strongly condemn attempts by the police to manipulate and fabricate facts to suit their

purposes, file false cases and unnecessarily sexualize and sensationalize personal tragedies of these young women for propaganda.

4. The effort of some officials to 'rehabilitate' the girls, instead of just using them and sending them to jail, or abandoning them to their fate, is to be appreciated. But planting of false stories, by the police and using them for false propaganda cannot be condoned and adds to the violence already being suffered by the girls.

## IV

### OVERALL ISSUES AND CONCERNS REGARDING SITUATION OF WOMEN IN CONFLICT AREAS

1. Women in conflict zones are especially insecure and vulnerable to various forms of sexual violence and exploitation. This is a form of violence that is particularly invisible and difficult to identify and redress. In cases where people have raised the issue there has been no concrete redressal, on the other hand those raising a voice against it have been further subjected to harassment by the police and administration. This is a serious cause of concern and has clearly emerged from our investigation of alleged sexual violence by armed state forces.

2. We also strongly object to the use of stories of sexual exploitation as a propaganda tool by the state. These stories are (as we have seen above) not only often false or highly dubious but are also a form of sexual exploitation since they involve a vulgar and manipulative sensationalisation of the sexuality of these vulnerable women. One instance of this is the salacious and titillating reporting by Dainik Jagaran (October 28, 2010) following the arrest in October 2010 in Khunti of one Monica Dang, reported to be the 'girlfriend' of a Maoist leader Kundan Pahan, in order to portray him as a man of 'loose' sexual morals (*see Annexure V*). This amounts to a cynical exploitation of the arrested young woman. Such attempts further discredit the anti-Maoist

campaign of the state, which is under question for several cases of false arrests and encounters, violence against innocent villagers, and for functioning as a tool of corporate interests.

3. A growing number of women and young girls are being arrested, or are reported to have surrendered. According to news reports (compiled and put on South Asia Terrorism Portal managed by the Institute for Conflict Management, [www.satp.org/satporctp/countries](http://www.satp.org/satporctp/countries)), in 2010 a number of young women in their twenties have been arrested as suspected Maoists or for alleged Naxal activity, or as wife of a Maoist. For instance, in October 2010 itself, after the arrest of the three minor girls, a 21 year old college student from Bundu, Khunti was reported to have been arrested for 'facilitating recruitment and supplying Maoist literature to fellow students'. Then there is the arrest of Monica Dang, mentioned above, that was accompanied by sensational reports in the press. Between May and October 2010 almost ten such arrests appear to have taken place and one woman Naxalite was reported to have been shot dead. Two women were reported to have surrendered. It is likely that there are other such cases that may not have been reported, or that we are unaware of. This substantiates what an NGO functionary told us that practically every day there appear reports of young men and women being arrested. He said that according to Government, between January and June 2010, 168 people had been arrested as Naxals, among which there were many women. In view of facts that emerge from our first-hand investigation of the five cases, we feel that there is need to look into all such arrests of young women and establish the truth behind these reports of arrests and surrenders.

4. Overall, in such a situation of conflict and repression, we find women, especially young girls, extremely vulnerable. We were told there were restrictions on mobility in these areas by the security forces and that there were also attempts by Maoists to recruit teenagers from schools. Youngsters in general and girls in particular seem to be moving out of the security of the families and villages to study and to fulfill their aspirations, etc. There will be a high probability that some of these may get drawn to the Maoist ideology or engage with them in some ways,

run errands for them, etc. This does not make them 'criminal' or hardcore Naxalites as the police projects such arrested people. Police, in their effort to 'flush out Maoists', seems to be targeting these most marginalized sections who are their easiest catch. Further, one finds that young girls, such as the five cases we came across, are being thrown into situations over which they have no control. They seem to be having to pay a heavy price at an early age for taking decisions over which they tend to lose control, once they are arrested and have to then negotiate for their 'liberty'.

5. Women's participation in public sphere has increased tremendously, still patriarchy exists in various forms and to varying degrees in most, if not all, organizations and institutions, including political parties. Women in mass movements and political parties too have to continuously negotiate against manifestations of patriarchy and struggle to assert their space and security, and to be treated with dignity and respect, just as they have to do in all mainstream institutions, organizations, families and in society at large. In this situation one cannot completely rule out patriarchal discrimination and treatment of women in Maoist cadres. However, it is possible that women within their ranks would be raising these issues as in other situations, and would be compelling the party to address these issues as part of the larger struggles for social justice and social transformation. Strict action has to be taken from within since the outlawing of Maoists curbs other forms of redressal and prevents any healthy communication and exchange of information with the women cadres other than through police reports of capture and surrender. In this situation the level of sensitivity that the party displays to incidents of sexual violence will be a matter of special concern.

6. While we are against sexual and other forms of violence against women in conflict situations by any party, we wish to specifically highlight and draw attention to the large-scale violence being perpetrated and committed by security forces on the village people during the search operations - specifically the attempts to molest and rape women. In many instances they end up getting away with these crimes. This alarming

situation of impunity of security forces and the use of molestation and rape as a common practice in search and combing operations is a very grave and serious violation of the worst kind. It further illustrates that such militarisation in the name of anti naxal operations will not bring normalcy but only increase the brutalisation of the large tribal population.

7. Lastly, there are certain state sponsored strategies that are a cause of serious concern. There is a newspaper report of the formation of a certain Dalma Gramin Suraksha Samity (DGSS), a group formed to take on the Maoists, which had sought arms training for its members (*see Annexure VI*). The experience of such strategies in Chhattisgarh – Salwa Judum and its various incarnations – has unleashed unimaginably vicious violence by lawless vigilante squads against ordinary villagers, including women. We strongly oppose the attempt to replicate this strategy in other states.

We also wish to draw attention to the activities of the police in certain districts of Jharkhand. The conversation with SP Latehar threw up certain serious concerns regarding role of police in Jharkhand. It is a paradox that as a law enforcement institution, police are not abiding by laws and procedures regarding arrests, search operations, etc. Instead, in the name of gaining confidence of people, it is talking of ‘community policing’ and attempting to undertake development work (*see Annexure VII*). Further, one of the newspaper report mentions that the police holds meetings in villages and informs people that Naxals are anti-social elements. Similarly, CRPF is reported to have launched in March a Civic Action Programme as ‘tool to get close to the villagers and recognize them individually’ (Times of India March 27 2010: CRPF launches drive to separate rebels from villagers). This is an issue of serious concern if the security forces were to take over civic activities meant to be implemented by civilian arms of state government.

## POST SCRIPT

### The Killing of Niyamat Ansari

While we were finalizing this report we received news of the killing of Niyamat Ansari, social activist, on 2nd March 2011. Ansari had been actively campaigning against corruption in MG- NREGA works and for the rights of rural workers, as also other issues of the villages of the area.

The team had met him briefly in Latehar. We were extremely shocked to hear of the brutal beating leading to his death. Niyamat, along with others, had been working for the rights of MGNREGA workers, and had also exposed many cases of corruption in the area. Their work had antagonized corrupt contractors and government officials who are looting MGNREGA funds. Fact finding reports indicate that Niyamat's murder was the culmination of a long period of harassment from vested interests in Manika Block, including threats, beatings, at least one earlier attempt on his life, false cases filed by implicated government officials and the contractor lobby.

The sub-zonal committee of the CPI (Maoist) has claimed responsibility for the killing, raising serious questions about their involvement with these vested and corrupt interests.

Typically media reports highlighted various vague allegations against Ansari by both the administration and the Maoists, in an attempt to obfuscate facts and divert attention from the central issue of corruption that Niyamat was exposing.

We salute the courage of Niyamat Ansari and all the many other ordinary, unarmed people, who in the face of tremendous odds, continue to struggle for social justice. We join others who have condemned this murder of a social activist.

For more details and the fact finding report on the case visit

[www.nrega.net.in](http://www.nrega.net.in)

ANNEXURE I

Graphic illustration on corporate mining, land acquisition and displacement of tribals in Jharkhand

# CORPORATE MINING, LAND ACQUISITION AND DISPLACEMENT OF TRIBALS IN JHARKHAND OPERATION GREEN

**LATEHAR**

**Location:** Latehar (Tumbargarh)  
**Company:** M/s Hindalco Industry Ltd., Latehar  
**Land Acquired:** 2500 Acres  
**Industries:** Aluminum Smelter, Captive Power Plant

**LOHARDAGA**

**Location:** Lohardaga  
**Company:** M/s Pawanjai Steel & Power Ltd., Lohardaga  
**Land Acquired:** 200 Acres  
**Industries:** Sponge Iron, Steel, Power

**RANCHI**

**Locations:** Karra, Silli, Getalsud Industrial Area, Bundu, Ranchi  
**Companies:** M/s Chhattisgarh Electricity Co. Ltd., Raipur; M/s Kalyani Steel Ltd., Mundhawa, Pune; M/s VST Tillers Tractors Ltd., Bangalore; M/s Ranchi Integrated Steel Ltd; M/s Raj Refractories (P) Ltd., Ranchi  
**Industries:** Sponge Iron, Steel, Power, Power Tillers, Integrated Steel Plant  
**Land Acquired:** 4602.5 Acres

**A. WEST SINGHBHUM**

**Locations:** Chaibasa, Jagnathpur, Guraa and Rangamati, Kundubera and Pokharia, Khunta, Manoharpur, Nandpur, Halsong, Nimidh, Kandra West  
**Companies:** M/s Chaibasa Steel Pvt. Ltd., New Delhi; M/s Annapurna (I) Pvt. Ltd., Kolkata; M/s Hy-Grade Pellets Ltd., Essar House, 11 KK Marg, Mahalaxmi, Mumbai; M/s Goel Sponge Pvt. Ltd. Z-262 Naragaha WHS, New Delhi; M/s Essar Industries Ltd, Kolkata; M/s Balajee Industrial Products Ltd, Jaipur, Rajasthan; M/s Jee Metal & Sponge Ltd., Kolkata; M/s Horizon Loha Udyog Ltd. (Horizon Bilaspur); M/s Prakash Ispat, New Delhi; M/s Spectrum Iron & Alloys Pvt. Ltd., Bilaspur; M/s Feegrade & Co. Pvt. Ltd., Barbil, Orissa; M/s Bonal Industrial Co. Ltd., Orissa; M/s Rungta Mines Ltd., Rungta House, Chaibasa; M/s V.S. Darnal Pvt. Ltd.; M/s Ispat Industries Ltd; M/s JSW Steel Ltd; M/s Aadhunic Alloy & Steel Pvt. Ltd., Jamshedpur  
**Land Acquired:** 22290.05 Acres  
**Industries:** Sponge Iron, Steel, Power, Pellet Plant, Integrated Steel Plant, Pig Iron, Pelletisation

**B. CHANDIL**

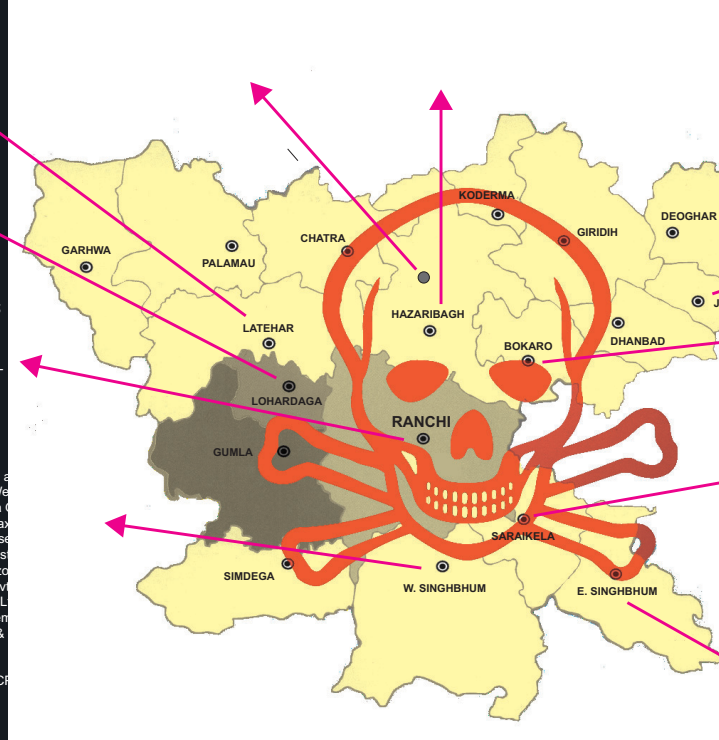
**Locations:** Chandil, Buladih  
**Companies:** M/s Nilanchal Iron & Power Ltd, Kolkata; M/s BMW Industries Ltd, Park Steel, Kolkatta; M/s Kohinoor Steel Pvt. Ltd., Kolkatta; M/s Tata Steel Ltd, (Green Field Project)  
**Land Acquired:** 24927 Acres  
**Industries:** Sponge Iron, Power, Steel, Pig Iron, Integrated Steel Plant, Coal Washery, Power Plant

**RAMGARH**

**Location:** Ramgarh

**HAZARIBAGH**

**Locations:** Hazaribagh, Barlanga, Patratu  
**Companies:** M/s Monnet Ispat Ltd, New Delhi; M/s Abhi Infrastructure Pvt Ltd, Nagnur; M/s Corporate Ispat Alloys Ltd, Jamshedpur



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## ACQUISITION AND DISPLACEMENT OF TRIBALS IN JHARKHAND

# ION GREEN HUNT

### HAZARIBAGH

Locations: Hazaribagh, Barlanga, Patratu  
 Companies: M/s Monnet Ispat Ltd, New Delhi; M/s Abhijeet Infrastructure Pvt Ltd, Nagpur; M/s Corporate Ispat Alloys Ltd, Kolkata;

### DUMKA

Location: Dumka  
 Companies: M/s Jagdamba Fiscal Services Ltd, Kolkata; M/s A Adhunik Corporation Ltd., Kolkata  
 Land Acquired: 2250 Acres  
 Industries: Integrated Steel Plant

### JAMTARA

Location: Jamtara  
 Companies: M/s Ma Chandri Durga Ispat Ltd, Kolkata; M/s Bhrami Impex Ltd., Kolkata  
 Land Acquired: 2250 Acres  
 Industries: Integrated Steel Plant

### BOKARO

Location: Bokaro  
 Company: M/s Electro Steel Castings Ltd., Kolkata  
 Land Acquired: 521.11 Acres  
 Industry: Sponge Iron, Steel Plant, Power

### SARAIKELA KHARSAWAN

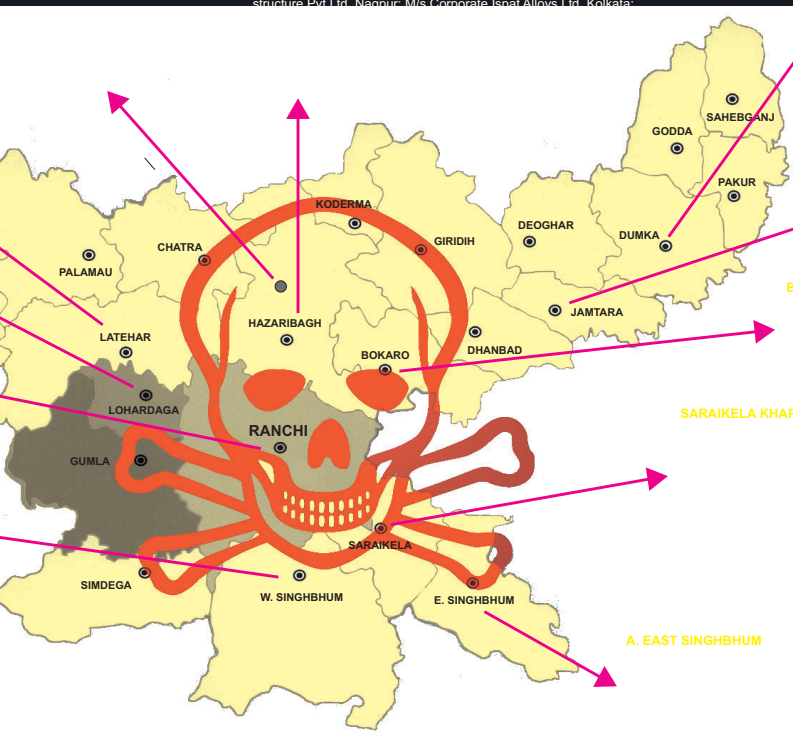
Locations: Banduwa, Saraikela-Kharsawan, Lupungdih, Chandil,  
 Companies: M/s Jharkhand Iron & Steel Ltd., Chandil; M/s Jharkhand Iron & Steel Ltd., Chennai; M/s Sunflag Iron & Steel  
 Industries: Sponge Iron, Steel, Power, Integrated Steel, Pig Iron,

### A. EAST SINGHBHUM

Locations: Asanboni, Galudih  
 Companies: M/s Jharkhand Iron & Steel Ltd., New Delhi; M/s Core Steel &  
 Industries: Sponge Iron, Steel, Power Plant, Integrated Steel

### B. JAMSHEDPUR

Locations: Jamshedpur, Asanboni  
 Companies: M/s Narbhey Ram Gaspoint Pvt. Ltd, Jamshedpur; M/s  
 Bhushan Power & Steel Ltd., New Delhi; M/s Tata Steel Ltd. (Expansion)  
 Land Acquired: 9450 Acres  
 Industries: Sponge Iron, Steel, Power, Integrated Steel Plant



*ANNEXURE II*

**FOUR MAOISTS ARRESTED IN JHARKHAND**

Sunday, October 31, 2010 9:46:31 AM by ANI

Khunti (Jharkhand), Oct 31 (ANI): Jharkhand Police have arrested four Maoists after a brief encounter in Khunti and 28 bars of high explosive gels was seized from them.

“Today morning we got a piece of information that some members of ‘Kundan Pahan’ (a Maoist outfit) have come to Iti and Panguda forests to carry land mining operation near the Marhu police station area,” said Superintendent of Police Manoj Kaushik.

In all three women Maoists identified as Jasmini alias Phulmani Soye, Julian Puntti and Mariyam alias Magdali were arrested with their unidentified male counterpart. (ANI)

### Letter from WSS to NCPCR

#### Letter to Dr Shanta Sinha, Chairperson of the National Commission For Protection of Child Rights by WSS

14/12/2010

Dear Madam,

We are writing to you on behalf of Women Against Sexual Violence and State Repression (WSS) – a network of individuals and women’s organizations and human rights organizations from across India. It is a non-funded effort initiated by women, and is concerned with atrocities and repression against women by state and non-state actors, specially in conflict zones. We have recently conducted a fact finding to investigate the situation of women in Jharkhnad under operation green hunt. While we were focusing on women’s issues we also came across cases of child rights violations.

There is a specific case of where three young girls have been arrested and are being kept in jails and tried in adult courts, in spite of them being school going children and it being very easy for the local police and courts to verify their age.

In Khunti district of Jharkhand on the 30th of October three young school going girls, the youngest of them being thirteen and a half, were arrested allegedly from the site of an encounter between the police and a Maoist squad. The girls are from interior villages and are studying in schools near the district headquarters. Through visits to the school we could verify their ages. The girls were presented at a press conference as Naxal women by the SP and then produced in court where they were remanded to judicial custody.

*This was in itself disturbing because if there were strong indications that the girls were minors and were arrested as adults and it is a clear violation of the Juvenile Justice Act. The fact that no*

*immediate action was taken even when there were witnesses vouching for the fact that the girl was a student and verification of age could be done immediately through school records. No immediate action was being taken to redress this.*

Also by speaking to the villagers from where the girls were arrested, we were able to gather facts that contradict the police version. The police has no witnesses but themselves to show that the girls were arrested from the place of encounter. The girls have been charged under UAPA, Arms act, Explosives Act etc. Whereas there seems to be no clear connection linking them to such serious offenses.

Moreover, the police had made no effort to inform the parents/ family of the girls. No family members were present when the girls were produced in court and remanded to judicial custody and sent to Khunti jail. The parents of one of the girls who are tribals from interior villages were highly distressed and had come to know of the girls whereabouts only after they made their own inquiries and through other sources. They had no papers of the charges made by the police or the procedure that took place in court.

**As per our knowledge the girls are still languishing in jail. It is now more than a month that they were arrested.**

Such incidences of arrest of young children during search and combing operations without substantial or concrete evidence linking them to any violent act were also observed by a team that had gone to investigate a case of rape of 20 year old girl in Gajapati district, Orissa, by security forces in combing operations and police raids. Here the woman was arrested along with her brother who is a juvenile. The only reason on which they seem to have been arrested is that their family members are alleged Maoist. In this case too it is the family members who have to run from pillar to post to find their children and find out where they were. The police did not give them any information about their whereabouts after picking them. It was left to the parents to trace their children to police *thana*'s and jails.

We were extremely disturbed by this violation of child's rights and even more by the fact that in these conflict areas it is so commonplace. The fact that children are being picked up, questioned, detained and arrested in complete violation of the Juvenile Justice Act. Even the DK Basu guidelines are not adhered to. And that the police and local administration is doing very little about it even after it is being brought to their notice. The lack of hue and cry about such violations is frightening. Most often the police uses the presence of Naxal activity in these regions as an excuse for these violations.

We feel that in these extreme conditions it is even more imperative that the police follow procedures of arrest and ensuring the rights of children in custody. It is also imperative that children are not charged under draconian laws without substantial proof. Because such charges ensure long incarceration without bail in most cases.

We would want to apprise you about this and also of the specific cases that were investigated so that immediate action on specific cases can be taken. And on a larger level the issue about the child prisoners in these conflict areas gets attention. We also have detailed fact finding reports on some of these cases that we would like to give you. Therefore we would request you to please grant us an appointment at the earliest convenient. Hoping to receive a positive reply from you and to be able to meet with you.

With Regards

Indira Chakravarti and Rinchin

on behalf of Women Against Sexual Violence and State Repression.

### **Other Issues relating to violation of child rights in Jharkhand**

Apart from the specific case of the arrest of school going minors in Khunti district, we came across some other issues involving and adversely affecting children in parts of Jharkhand. We wish to bring them to the attention of the NCPCR.

1. Four boys who had gone to pick *mahua* in the early hours of 19.03.09 in Saramgoda forest, Sirka village, Murhu, were fired upon by a police party. While one boy died on the spot two others were injured. This incident was reported and local parties took up the issue of compensation. (Enclosing photocopy of statement by one of the injured boys, Gangu Munda).
2. A news report of 26<sup>th</sup> July 2010 titled “Hardcore Naxali Rajani escapes from remand home”. According to this report Rajani who was a Naxalite and another girl were arrested from Sonua *thana* in September 2009 for possessing Naxali literature. They were in Devghar remand home, from where they were reported to have escaped. (Enclosing copy of news report Dainik Jagaran 26 July 2010).
3. In some areas such as Tamar, Bundu the police has said that girls should be attired in school uniforms or sari only, and not wear salwar kameez, as they can run into the jungles if they are in salwar kameez.
4. We were specifically told that with the coming of a CRPF camp in Bhandariya in Garhwa movement of girls had been affected. Girls have stopped going to school.
5. Young people – boys and girls – being arrested and harassed under OGH.
6. Impact on schools – local activists had taken up the issue of nearly 50 schools that had been occupied by security forces, and some have been vacated. However, according to newspaper reports the main CRPF camp is stationed at the ITI Tamar, because of which the building has not been handed over to Tatas, who will be running this ITI. We were told that in Netrahat, Latehar district a residential school for tribal girls was being used as a CRPF camp (could not verify this).

Given such a situation in several districts of Jharkhand, WSS places this demand that NCPCR undertake a comprehensive investigation/hearing into conditions of children in Operation Green Hunt districts of

Jharkhand and specifically inquire into issues such as:

- I. the functioning of schools in the villages;
- II. arrests or harassment of children for acts as possessing 'Naxalite literature', etc
- III. situation of children in jails and remand homes.
- IV. NCPCR should also institute investigations in all the Operation Green Hunt areas spread across five states into such instances of child rights violations.

NCPCR should then take appropriate steps based on the findings of such investigations.

**Letter issued by the NCPR to the Collector Khunti.**

Letter No.- JH-12016/19683/2010-11/COMP

Date: 15 /12/2010

To,  
Shri Rakesh Kumar , I.A.S,  
District Collector, Khunti  
Jharkhand  
Fax No-06528-221665

**Sub: Three school going girls have been arrested under UAPA, Arms Act, Explosives Act and kept in jails in Khunti District of Jharkhand.**

Sir,

I am directed to say that the National Commission for Protection of Child Rights (NCPCR) has been constituted under the provisions of the Commissions for Protection of Child Rights (CPCR) Act, 2005 for protection of child rights and other related matters. One of the functions assigned to the Commission under Section 13 (1) (j) of CPCR Act is to inquire into complaints and suo motu cognizance in relation to deprivation and violation of child rights.

The Commission has received a complaint from Smt. Indira Chakravarti and Rinchin on behalf of Women Against Sexual Violence and State Repression (WSS) regarding three girls of School near the district headquarters of Khunti District of Jharkhand who have been allegedly arrested on 30th October 2010 and sent to jail (copy enclosed). The girls were arrested from the site of an encounter between the Police and a Maoist squad. The girls have been charged under UAPA, Arms Act, and Explosives Act etc and kept in jails. Three of these girls were arrested being treated as adults without verification of their age and then produced in Court where they were remanded to judicial custody and sent to Khunti jail.

The Commission has taken a very serious note of the violations of involved in the above mentioned case.

As per Section 10 of the Juvenile Justice (Care & Protection of Children) Act, 2000, such juveniles should have been placed in the charge of Special Juvenile Police Unit or Juvenile Welfare Officer police officer designated in concerned Police Station under Section 63 of JJ Act who in turn had to produce such juveniles before the Juvenile Justice Board (JJB) having jurisdiction over the area without any loss of time but within a period of 24 hours of their apprehension (excluding journey period). Under Section 49 of the said Act, it is the JJB which is the competent authority to determine the age of a juvenile in conflict with law as per the procedure laid down under Rule 12 of the Juvenile Justice (Care and Protection of Children) Rules 2007. Such Juveniles, pending inquiry, should have been lodged in an observation home and not in a jail. However, the complaint speaks otherwise.

In view of the above, the following actions need to be taken on priority basis in the above matter and a report, containing the facts and circumstances of the case as well as the remedial actions taken, is submitted to this Commission within seven days by fax/e-mail followed by post:

- (i) The Juveniles in question must be produced before the JJB having Jurisdiction within 24 hours (if the same has not yet been done);

- (ii) The age determination of the Juveniles may be completed immediately (if the same has not yet been done) as per Section 49 of the J.J. Act 2000 and Rule 12 of the Central J.J. Rules, 2007.
- (iii) The Juveniles may be sent to an Observation Home (if they have not yet been sent) and must not be allowed to be in the jail, pending inquiry by the concerned JJB:
- (iv) In the light of Article 20 of the Constitution of India and Section 13 of the JJ Act, 2000 the parents/guardian of the Juveniles must be informed about the grounds of their arrest and the place where they have been lodged, so as to facilitate their interfacing;
- (v) The Juveniles must be provided with adequate Legal Aid (if they have not yet been provided with) as per rule 14 of the Central J.J. Rules, 2000;
- (vi) It must be ensured that their education (if they were school going) do not get disrupted due to their confinement but continues unhindered. The loss of their education must be compensated in terms of the provision of text Books, note Book, test papers, sample questions, tuition, etc. by the joint effort of the Superintendent of the Observation Home, District Social Welfare Officer, District Education Officer and District Programme Coordinator under the overall supervision of the District Collector.

This issues with the approval of the Chairperson, NCPCR.

Encl. –as above

Sd/-

**(B.K. Sahu)**

Registrar, NCPCR

Copy to for information & necessary action:

1. Superintendent of Police, Khunti District, Jharkhand (Fax: 06528-221660).
2. Principal Magistrate, Juvenile Justice Board, Khunti, Ranchi, Jharkhand.
3. Shri Rajeev Arun Ekka, Secretary, Department of Social Welfare (SW) & Women and Child Development (WCD), Govt. of Jharkhand, Ranchi (Fax: 0651-2400758, Ph: 0651-2400757)

Sd/-

**(B.K. Sahu)**

Registrar,

NCPCR

**National Commission for Protection of Child Rights**

5th Floor, Chanderlok Building, 36, Janpath, New Delhi.

No. JH-12016/19683/2010-11/comp

15th February, 2011.

Subject: Written Submission from SP Khunti, Jharkhand in response to the summon notice dated 04.2.2011, in the matter of 3 young girls arrested under UAPA, Arms Act, Explosives Act and kept in jail in Khunti District of Jharkhand.

1) In reply to the summons issued to him, SP Khunti Mr. Manoj Kaushik has sent an email today, stating his difficulty in making personal appearance before the commission on 17th of February, due to his unavoidable assignments in the Khunti during this period. Being the captain of the police team of the naxal hit Khunti district, the under-

signed has also been assigned the added responsibility of being the chairman of the recruitment process of constables which is going on in full swing in the State of Jharkhand. In absence of the chairperson the entire selection process will come to a halt. He may be exempted for his personal appearance, and the Investigating Officer and Officer-in-charge of Murhu PS shall appear before the Hon'ble Commission as per schedule. However, in case any other query remains to be answered and his personal appearance is necessary, the Hon'ble Commission may fix some other date. When the office of SP Khunti was contacted on telephone for confirmation, it was informed by his PS that the Dy SP Khunti Mr. Patanjali Mishra will attend the hearing.

2) He has also made the following submissions regarding the facts and circumstances of the case:

i) There has been no violation of any provisions of Juvenile Act, 2000, or the Juvenile Justice rules 2007 in the case. The juvenility of the girls could not be ascertained as the girls apparently were not juveniles and neither any of them claimed to be juveniles.

ii) After arrest of the three accused girls, and after preparation of the memo of arrest, the investigating officer forwarded the accused girls before the concerned Court of ACJM, Khunti on 31.10.2010 in compliance of the provisions the law contained in the Code of Criminal Procedure. On this also, the Additional Chief Judicial Magistrate Khunti (hereinafter referred to ACJM) did not make any direction for the examination of the age of the accused females nor the accused females have raised any objection in regard to their majority before the court or before police.

iii) Further, from the perusal of the entire case records, it transpires that there was not a single occasion where it can be assumed that the three accused female should have been sent before the Juvenile Justice Board (JJB) for their age determination, as the accused female themselves admitted that they are majors and the learned ACJM has also did not pass any direction in this regard. Hence, this provision entertained under Section 10 of the Juvenile Justice (care and protec-

tion of children) Act, 2000 is not attracted in the present case as the same is applicable in the case where an “apparent juvenile” has been apprehended by the police.

iv) So far as the allegation contained in the complaint petition that the parents of the girls were not informed, it is stated that the same is far from truth. On the very day of their arrest i.e. on 31.10.2010, the matter was informed to the relatives of the girls and this fact finds mention in the order sheet dated 31.10.2010 of the learned ACJM, Khunti.

3) In the light of above, the matter is submitted for further directions from the Chairperson please.

Jyoti Dharmendra

Consultant

(Complaint Cell)

Dt: 15.02.11

Registrar

Member Secretary (On Tour)

Chairperson

ANNEXURE IV

**News report on intensifying anti-Naxal operations in Jharkhand**

**CRPF boss on rebel turf recce**

SUMAN K. SHRIVASTAVA

**Ranchi, Nov. 23:** Director-General (DG) of CRPF K. Vijay Kumar reviewed the ongoing anti-Naxalite operations in Jharkhand at a high-level meeting with the state and police brass today and said the offensive would be intensified.

The DG also made an attempt to bond with the jawans fighting the Maoists. Immediately after landing in Ranchi yesterday, Kumar went to Jhumra, Bokaro, and then to Garu in Latehar — two of the remotest areas where CRPF companies are stationed. He even spent the night with the forces in Garu. “It conveyed the message to the personnel that the top officers are with them,” said CRPF IG (operations) Alok Raj.

At today’s closed-door meeting, which continued for an hour at the state police headquarters, Kumar stressed on speedy development and strengthening of the police apparatus to check the Maoist menace in the state.

Promising every help to the CRPF for carrying out the operation successfully, chief secretary A.K. Singh, who was present at the meeting, said: “We should work in tandem.” Kumar, a Tamil Nadu cadre IPS officer who had played a crucial role in the elimination of sandalwood smuggler Veerappan as the head of Special Task Force, also lauded the successful joint operation carried out by Gumla and Latehar police, CRPF and Cobra from November 19 to 21. He handed over cash prize of Rs 1 lakh to the personnel who took part in the offensive in which a Maoist was killed and ammunition recovered.

(The Telegraph November 24, 2010)

ANNEXURE V

**Dainik Jagaran** October 28, 2010 carried articles with sketches of a man surrounded by girls and titled “Kundan Pahan gang enjoying in Goa” “Kundan Pahan surrounded always by girls”. Other news reports in Hindustan, Dainik Bhaskar, have all reported the arrest of one Roopa as ‘arrest of dreaded Naxalite Kundan Pahan’s premika’.

28-10-2010 N.C. 10

# लड़कियों से घिरा रहता है कुंदन पाहन



दिलीप कुमार, रांची : इलाहाबाद पुलिस को पता में एक बार रखने वाले नक्सलियों के साथ जेलवास करवा कर पाहन को बंदोबस्त में लड़कियां। वह खुले आसपास है। वह एक खोज है। सुदूर उत्तरी सिक्किम में। पंचमसाल में अपने हठमय चलने वाला कुंदन हर समय पंच-संग लड़कियों के घेरे में रहता है। अपनी लड़कियों के साथ रहने के लिए सिकंदरपुर जेल में भी लेजा है, जो उसे इलाहाबाद जेल में बंद रखना चाहती है। उसके साथी भी वही में अक्सर इलाक़ा करती है। इसी तरह भी खुलना हुआ है कि नक्सलियों को भी किन्हीं कारणों से जेल में भी है। इन लोगों में किन्हीं के कारण भी तो रहे हैं। इलाहाबाद में कि पहले से पाहन के अर्द्धसंग से नक्सलियों के कारण भी तो रहे हैं।

तुपुदान में मंगलवार को गिरफ्तार सिक्किम पुलिस गैंग के उर्फ मोनिका नाम की लड़की (उम्र करीब 20-21 वर्ष) ने पुलिस को बताया कि कुंदन ने किस तरह लड़कियों को घेरा रहता है। वह पूरा रूप से बंदूक के पीछे की रहनेवाला है। उसके साथ में एकदम में लड़की की। नक्सलियों से सुदूर होने के कारण कुंदन ने उसे जेल में रखने को अपने पास बुला लिया था। तब से वह उसे के साथ ही रह रही थी।

रूपा की छपनी, उषा की सुकनी : नै गैंग के किंग में अपनी बहन के पास कुंदन रहती आती थी। जोका वह नाम अर्द्धसंग या किन्हीं संबंध की गैंगों में से था। अर्द्धसंग का नाम रहती यही था किन्हीं में। ■ शेष पृष्ठ 15 कारण 2 पृ



- शक्तिशाली देवाओं का भी करता है उपवास
- क्या रखा है लकड़ीकी जेल, राज की उषाकी आसरेट

28-10-2010 N.C. 10

# कुंदन पाहन की प्रेमिका गिरफ्तार

तुपुदाना से हुई गिरफ्तारी, आर्म्स स्ववायड की सदस्य है सिंसिलिया उर्फ मोनिका

- अभिताम बागची को बंगाल में लिखा पत्र बरामद, सारंडा में सात वर्ष रह चुकी है
- बंगाल से आनेवाले माओवादियों को आश्रय व घायल माओवादी का इलाज करती थी सिंसिलिया

**संवाददाता**



रांची : सीपीआइ माओवादी की आर्म्स स्ववायड सदस्य सिंसिलिया गुडिया उर्फ रूपा उर्फ मोनिका को नै तुपुदाना से रांची पुलिस ने गिरफ्तार किया है। वह सारंडा में सात साल से जेल में थी जो आर्म्स स्ववायड की सदस्य रही है। बंगाल में वह कुंदन पाहन की प्रेमिका और उसी के बच्चे में भी है। उसके पास से अभिताम बागची का बंगाल में लिखा पत्र, 10 एक्शन कार्ड व 20-12 की सीलिंग जेल की गयी है। वह जानकारी एसाएफी प्रवीण तुल्कर व एसापी अर्द्ध में संवाददाता। आर्म्स में थी। एसाएफी में बहादुरी का वह लीडर बंगाल थाना क्षेत्र में एक कैमरे का पलट्टे लवण रह

रांची महिला को इलाहाबाद में भी शामिल करी है। गुणरा व शम्पा जा रहे थे गोविया पहुंचाने इलाहाबाद केसलजेल में भी 10 एक्शन कार्ड व 20-12 की सीलिंग व अभिताम बागची का खत कुंदन पाहन के पास पाए जा रहे थे। उस खत में के दा लो संबोधित किया है। के दा लो मतलब सिंसिलिया का अर्द्धसंग तुपुदाना का इलाहाबाद पुलिस वह रही है।

**कंप्यूटर सिखाने के लिए खंडी में रखा था**

सुपर होने के कारण कुंदन पाहन का बिल सिंसिलिया गुडिया में आ गया था। उसने जेल में ही के बच्चे में लो मुला कर अपने बच्चे में रखा लिया। कुंदन ने उस खंडी में भी गैंग उतर से कंप्यूटर की ट्रेनिंग लेने के लिए भेजा था।

**जेल से खत कौन लाता है ?**

इलाहाबाद की सजा प्राप्त अभिताम बागची का खत लोका कोदर जेल से लाकर रूपा को देता था। उस खत में की लोका पुलिस का था है। सिंसिलिया गुडिया में इलाहाबाद में यह आर्टिजानगारी पुलिस को दी है।

### **Villagers seek arms training to take on Maoists**

Times of India Mar 13, 2010

JAMSHEDPUR: The Dalma Gramin Suraksha Samity (DGSS), an outfit formed to take on the Maoists, has sought arms training for its members. On the lines of the Nagrik Suraksha Samity (NSS), the DGSS volunteers have requested the East Singhbhum district administration to provide arms training to take on the banned ultras in the border areas of Bengal and Jharkhand. DGSS member Banmali Banerjee said recently they have petitioned the district police for arms training and licence for the security of the cadres running a battle of sorts against the Naxalites in the Dalma Range.

“We have submitted a proposal to the district police, seeking training in arms and licence for the same to our volunteers engaged in running a campaign against the Maoist guerrillas in the hilly terrain of Patamda and Nimdih block on the Jharkhand-Bengal border,” said Banerjee, a resident of Lailam panchayat under Patamda block. Over a period of time, DGSS has actively raised its voice against Maoist violence in the Dalma hills and, in the last fortnight, they even took out a motorcycle rally to generate support.

“The reason for our open rebellion against the Naxalites is because the normal life of the villagers in the Nimdih-Chandil-Bodam-Patamda areas has got paralyzed due to the violence unleashed by the ultras,” said Banerjee. The district police, however, tried to play down the issue with senior superintendent of police Naveen Kumar Singh refusing to acknowledge that he had received any such proposal. “So far, we have not received any such proposal however what is the point in giving training without arms. It’s like training people to become pilots without airplane anywhere in the sight,” said Singh.

Notwithstanding the SSP's remark, sources in the police have confirmed they have received the proposal from the villagers but it has not made up its mind as yet. "In January, a delegation of villagers from Patamda had come down to the district police headquarters with the proposal but nothing much moved thereafter," said a police official. The rural periphery stretching from Nimdih block in Seraikela-Kharsawan district to Bodam in East Singhbhum district along side the Dalma hills has become a hotbed of Naxalite activities over a period of time with violent incidents taking place at regular intervals.

Read more: [Villagers seek arms training to take on Maoists - The Times of India](http://timesofindia.indiatimes.com/city/ranchi/Villagers-seek-arms-training-to-take-on-Maoists/articleshow/5680613.cms#ixzz1DZwAkduw) <http://timesofindia.indiatimes.com/city/ranchi/Villagers-seek-arms-training-to-take-on-Maoists/articleshow/5680613.cms#ixzz1DZwAkduw>

**Police move to counter Naxal influence in villages**

B Sridhar, TNN, Mar 16, 2010, 10.36pm IST

JAMSHEDPUR: The police have embarked on a two-point strategy to combat Naxalism in the state. While on the one hand forces are engaged in weeding out Maoist guerrillas from the dense forest cover, on the other hand a series of measures under the banner of community policing have been launched to negate Naxal influence on innocent villagers. In the Dalma forest area, while forces intruded on Monday to take on the rebels still hanging around on hilly terrains, downhill their colleagues in the villages are actively engaged in interacting with the rural people making an effort to drive home the point that rebels are anti-social elements and in no way could do good to the people.

In majority of the Maoist-hit blocks in three districts of Kolhan, a community policing exercise will continue for next few months. In the last fortnight, police have convened meetings at Ghatshila, Ichagarh and Chaibasa and are likely to do so in Chandil, Patamda and Potka in the weekend. “At the meeting, police and other government officers present told about the nefarious designs of Maoists and told us that they are anti-social elements and in no way would do good to people on development scale,” said Sugan Mahato, 23, a resident of Pania village. More than 500 villagers, including women in moderate strength participated in Tuesday’s meeting.

## **D.K.Basu Guidelines**

### **D.K.Basu vs. State of West Bengal (1997) 1 SCC 216**

In view of the increasing incidence of violence and torture in custody, the Supreme Court of India has laid down 11 specific requirements and procedures that the police and other agencies have to follow for the arrest, detention and interrogation of any person. These are:

- Police arresting and interrogating suspects should wear “accurate, visible and clear” identification and name tags, and details of interrogating police officers should be recorded in a register.
- A memo of arrest must be prepared at the time of arrest. This should:
  - ▶ have the time and date of arrest.
  - ▶ be attested by at least one witness who may either be a family member of the person arrested or a respectable person of the locality where the arrest was made.
  - ▶ be counter-signed by the person arrested.
- The person arrested, detained or being interrogated has a right to have a relative, friend or well-wisher informed as soon as practicable, of the arrest and the place of detention or custody. If the person to be informed has signed the arrest memo as a witness this is not required.
- Where the friend or relative of the person arrested lives outside the district, the time and place of arrest and venue of custody must be notified by police within 8 to 12 hours after arrest. This should be done by a telegram through the District Legal Aid Authority and the concerned police station.
- The person arrested should be told of the right to have someone informed of the arrest, as soon as the arrest or detention is made.
- An entry must be made in the diary at the place of detention about the arrest, the name of the person informed and the name and particu-

lars of the police officers in whose custody the person arrested is.

- The person being arrested can request a physical examination at the time of arrest. Minor and major injuries if any should be recorded. The “Inspection Memo” should be signed by the person arrested as well as the arresting police officer. A copy of this memo must be given to the person arrested.

- The person arrested must have a medical examination by a qualified doctor every 48 hours during detention. This should be done by a doctor who is on the panel, which must be constituted by the Director of Health Services of every State.

- Copies of all documents including the arrest memo have to be sent to the Area Magistrate (laqa Magistrate) for his record.

- The person arrested has a right to meet a lawyer during the interrogation, although not for the whole time.

- There should be a police control room in every District and State headquarters where information regarding the arrest and the place of custody of the person arrested must be sent by the arresting officer. This must be done within 12 hours of the arrest. The control room should prominently display the information on a notice board.

These requirements were issued to the Director General of Police and the Home Secretary of every State. They were obliged to circulate the requirements to every police station under their charge. Every police station in the country had to display these guidelines prominently. The judgment also encouraged that the requirements be broadcast through radio and television and pamphlets in local languages be distributed to spread awareness.

Failure to comply with these requirements would make the concerned official liable for departmental action. Not following these directions constitutes a contempt of the Supreme Court, which is a serious offence, punishable by Imprisonment and fine. This contempt of court petition can be filed in any High Court.

These requirements are in addition to other rights and rules, such as:

- The right to be informed at the time of arrest of the offence for which the person is being arrested.
- The right to be presented before a magistrate within 24 hours of the arrest.
- The right not to be ill-treated or tortured during arrest or in custody.
- Confessions made in police custody cannot be used as evidence against the accused.
- A boy under 15 years of age and women cannot be called to the police station only for questioning.

#### The Constitution

The Constitution of India, which is the basic law of the country, provides protection to all persons from ill treatment and torture by the police and other state agencies.

#### Article 21

Guarantees the right to life and personal liberty to all persons.

#### Article 22

Lays down the rights available at the time of arrest and detention. These rights can be enforced by directly approaching the High Courts and the Supreme Court of India.

## VILLAGES VISITED

- 13<sup>th</sup> November 2010 – Eeti village, Block Arki, Khunti District
- 14<sup>th</sup> November 2010 – Kandra Kutti and Raijama, Block Kharsawan, Sarai kela Kharsawan District
- 15<sup>th</sup> November 2010 – Nareshgarh and Sarju, Garu Block, and Kurid, Block Manika, Latehar District
- 16<sup>th</sup> November 2010 – Bishnuband, Block Manika, Latehar District
- 16<sup>th</sup> November 2010 – The team met the SP Latehar, Shri Kuldeep Dwivedi,
- 18<sup>th</sup> November 2010 – A two member team met SP Khunti, Shri Manoj Kaushik, along with two members of PUCL-Jharkhand.
- 18<sup>th</sup>-19<sup>th</sup> January 2011 – Two team members met the two girls alleged to have been raped by Maoists
- 19<sup>th</sup> January 2011 – Visit to Khunti, to meet the three girls and their school teachers.

The team also spoke to some local social activists in Ranchi and Latehar and some local correspondents to corroborate and verify facts from field visits with news reports.

## FACT FINDING TEAM MEMBERS

1. Sharanya, HumAnE, Koraput
2. Rajni, Advocate, HRLN, Ranchi
3. Rinchin, Madhya Pradesh Mahila Manch, Bhopal
4. Pyoli Swatija, Advocate, Delhi
5. Madhuri, Jagrut Adivasi Dalit Sangathan, Badwani
6. Indira Chakravarthi, Public Health Researcher, Delhi
7. Bela, Paschim Bengal Khet Majdoor Samiti
8. Anuradha Talwar, Paschim Bengal Khet Majdoor Samiti

Anuradha Talwar and Bela were present during visit to Sarai Kela, Kharsawan. Piyoli was present for the visits to khunti district as well as Sarai kela kharsawan.

Jyotsna, Manasi Pingle, Sriprakash, Shashi Bhushan Pathak and Lix Roz, PUCL Ranchi, HRLN Ranchi and activists of CPI (ML) (Liberation) extended local support in several ways.

We acknowledge journalists and activists who spoke to the team.

## ***About WSS***

*Sexual violence against women has become a regular feature in the context of sustained and unchecked state repression across all states in India today. Areas of the North East and Kashmir where Indian Army has been deployed for several decades, have witnessed numerous instances of custodial rape, sexual violence, indiscriminate arrests, torture and killings. In the rape and murder cases of Manorama in Manipur, and Nilofer and Asiya Jan at Shopian, justice has been mocked at in spite of remarkable mass movements. Mass protests against sexual violence during police raids have led to severe backlash. Even fact finding groups of women seeking to investigate these incidents have not been spared.*

*In the Adivasi inhabited areas of Chhattisgarh, Madhya Pradesh, Jharkhand, Orissa, West Bengal, Andhra Pradesh and Maharashtra, the offensive launched by the Government of India in the name of curbing 'Maoism' and ushering in 'development' has also been accompanied by rampant sexual violence by armed forces as well as by other state-protected vigilante groups and private armies. In addition to encounter killings and arbitrary arrests of activists, sexual violence against women has become an integral feature of combing operations of state forces in these areas.*

*Armed offensive has proven to be no solution to any situation of unrest. Although the use of force for more than half a century has not brought peace or development to the people of Kashmir or North East, the state continues to justify its armed offensives including Operation Green Hunt in Adivasi areas as a way of "restoring democracy." Sexually assaulted women on the other hand, are denied their democratic right to even lodge complaints against the state forces and/or other perpetrators.*

*Extra juridical violence of the state continues to be supported by draconian laws such as AFSPA, Disturbed Areas Act (DAA), Chhattisgarh Special Public Security Act (CSPSA), Unlawful Activities Prevention Act (UAPA), National Security Act (NSA) and National Investigative Agency Act (NIA). These laws have vested enormous and arbitrary power with police and the military, with the impunity to jail, torture and kill and suppress the peoples' resistance against land acquisition and privatization of other resources as seen in Operation Green Hunt areas. While armed offensives are ostensibly presented as combating insurgency and left-wing extremism state is actually facilitating mining and other corporate grab of land and other resources. A "cleansing" of indigenous populations of the area is also part of the state agenda. Women, who have been at the forefront of democratic movements in these areas, have borne the brunt of the violence and even youth have not been spared. Apart from the possibilities of violence against women, we were also deeply concerned about the impact that such conflicts could be having on the difficult lives of women in general.*

*Women Against Sexual Violence and State Repression (WSS) is a non funded grassroots effort initiated in November 2009, to challenge and put an end to the violence being perpetrated upon women's bodies and societies. We are a nationwide network of women from diverse political and social movements comprising women's organizations, mass organizations, civil liberties, student and youth organizations, mass movements and individuals. We unequivocally condemn state repression and sexual violence on women and girls by any perpetrator(s).*



