

Coordination of Democratic Rights Organisations

June 2012

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Member Organisations

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AFDR (Punjab)
APDR (West Bengal)
BMC (West Bengal)
C PD (Manipur)
CPDR (Mumbai)
COHR (Manipur)
HRF (Andhra Pradesh)
LHS (Maharashtra)
MASS (Assam)
NPMHR (Naga Areas)
OPDR (Andhra)
PCHR (Jammu & Kashmir)
PDF (Karnataka)
PUCL (Chhattisgarh)
PUDR (Delhi)
PUCR (Haryana)
PUCL (Jharkhand)
PUCL (Nagpur)
PUCL (Rajasthan)
PUCL (Tamil Nadu)

Killing the Talks and Faking an Encounter

Twenty two member team of four constituents of Coordination of Democratic Rights Organisation namely Association for Protection of Democratic Rights, Andhra Pradesh Civil Liberties Committee, Bandi Mukti Committee and Peoples Union for Democratic Rights (Delhi) undertook a fact finding into the alleged encounter killing of Mallojula Koteswar Rao @ Kishanji on 1st December, 2011. The team visited Sorakatta hamlet of Burisole and Gosaibandh village of Paschim Mednipur. The team spoke to the residents of the two villages, the Sub Inspector and ASI of Jamboni Police Station, and visited the spot where the alleged encounter took place on 24th November.

SPOT: The place where Kishanji's body was found is about 300 metres from the hamlet Sorakatta of Burisole village. It is barely 50 metres from the village football ground and surrounded by

thin cover of Sal trees. Right next to where his body lay on the ground is a termite hill. All around is a thin spread of Sal trees giving the impression that of little cover. The termite hill remains undamaged by all the alleged exchange of fire. Where the body lay on the ground there is a pool of blood where his head and torso lay but no blood spot marks where his legs lay. The trees which ostensibly carry the bullet marks show no burn marks caused by bullets. Indeed the contrast between the badly damaged body of the deceased with the undisturbed spot where his body lay gives rise to much doubt. If there was heavy exchange of fire there would be telltale signs around. What is most intriguing is that the termite hill, barely few inches away from the body, shows no corresponding damage if there was an exchange of fire and bullets flying all around him. Dried leaves show no sign of burn caused by sparks from bullet fire. Team members walked around to see for themselves signs of bullet-marks on the trees or termite hills or other signs

(Continued in page 2)

Soni Sori Case:

Our Freedoms Are at Risk Because People's Concerns Receive a Short Shrift at the Hands of the Judiciary

Peoples Union for Democratic Rights is distressed at the hiatus between the sharp observations of the Supreme Court judges and their timid operative orders and judgments. If there was any doubt over this it has been laid to rest by the recent orders of the apex court hearing the case of Soni Sori and the clarification offered by a bench

of the Supreme Court in the much touted judgment on the issue of SPOs.

After her arrest in Delhi, Soni Sori had pleaded before three judges of the Saket District Court when her transit remand was being heard, that were she to be handed

over to the Chhattisgarh police, she would definitely be tortured. Indeed she had pointed to the judge at the Saket district court that one member of the police team which had come to take her in their remand and escort her to Chhattisgarh had tortured her on a previous occasion. Her pleas fell on deaf ears. *(Continued in page 3)*

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(Killing the Talks)

but whereas some tress had cutmarks not a single termite hill was damaged and no visible sign of burn or fire due to heavt rifle and mortar firing!

Villagers Account: At Sorakatta hamlet we were told that two days before the incident security forces movement became evident

two villagers a local quack Budhev Mahato and Tarachand Tudu a 20 year old student were picked up and implicated in the same case no. 46/ 11 dated 25/11/2011 and charged under S 307 and other sections I.P.C.

At Gosaibandh, which is about 5 kms from Burisole, one Dharmendra, third year student of

when did they receive information about the encounter, who informed them as well as who wrote the FIR since it fell in their jurisdiction. According to them they received the information from Additonal SP of Jangalmahal Aloknath Rajori at night at around 10.30 pm. And it is the Addl SP who wrote the FIR. It is important to note that the investigation has been entrusted to the DSP CB-CID whereas the complainant is a superior officer. This violates the basic principle of natural justice that a superior officer than the complainant officer investigate the crime.

We wish to recall the nature of injuries on the body of Kishanji. There were bullet, sharp cuts and burn injuries. Surprisingly there was no injury marks on his shirt and pant corresponding to his body parts.

1)Injuries on Head:

- 1) Right eye was hanging from the socket.
- 2) Lower Jaw was missing instead there were burn marks.
- 3) On the back side of the head part of skull brain missing.
- 4) At four places on the face there was bayonet like stab marks.
- 5) One third of the throat was had been slash wound.

2) Right Fore Arm Bone was broken without the skin showing any external injury.

3) The right Arm has three Bullet Injury Marks.

- 1) On both legs ankles are broken and the left feet was

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and it picked up by 24th November when in the morning, between 10-11 am, police personnel asked the villagers to stay inside their house and not to step out. According to the villagers during these three days of heavy security force movement no announcements were heard of any kind let alone of police asking Kisahnji to surrender. Between 4-5 pm of 24th they heard loud noise followed by sounds of bullet-fire for about 15-30 minutes. Significantly

geography at a local college, was picked up for allegedly sheltering Kishanji and the police claimed to have seized a laptop. The family said that the bag belonged to Dharmendra and there was no laptop in it instead Rs20,000 was stolen and family’s ration card, certificates and OBC card were seized too.

Police Station Jamboni: The team members spoke to SI Sabyasachi Bodhak and asked him

- half dangling.
- 2) The left sole skin was missing and burnt.
 - 3) One third of the left hand index finger was removed.
 - 4) There were more than 30 Bayonet like cut injuries on front of the body.

We were unable to get the Inquest Report prepared by the Executive Magistrate nor could we get the Postmortem report although team members have read and taken notes from it. Surprisingly none of the above injuries were recorded except the bullet entry and exit injuries.

Our observations: Considering the extent of the damage caused to the body against the rather undisturbed surrounding of the spot where the body lay raises our suspicion about the official version. The reported official version themselves suffer from inconsistencies. For eg. Whereas Chief Minister Mamta Bannerjee claimed that for three days a Kishanji and his companions were encircled and they were asked to surrender, but the villagers deny having heard any public

announcement over loud speaker of any kind much less asking him to surrender. Mr Vijay Kumar DG of CRPF went on record on 25th November that Kishanji along with three others were killed in an encounter whereas only a single body was found! The reported number of bullets fired said to be several hundred in the course of 15-30 minute long encounter do not correspond to the spot where his body lay.

The killing of Kishanji took place against the background of fledgling efforts to initiate talks between the state Government of West Bengal and the CPI(Maoist). With his death these efforts have been dealt a fatal blow. We cannot but wonder if this is a repeat of what transpired last year on July 1-2 when Cherukuri Rajkumar @Azad was killed in a fake encounter.

We wish to point out that in the context of a crime committed in the area affected by armed conflict investigation by one branch of the administration into the conduct of another branch, in this case CB-CID investigating the role of joint forces cannot be considered impartial and unbiased. We, believe

that only an independent investigation for e.g. by an SIT can help unravel the truth.

This tends to confirm our suspicion that this appears to be a case of custodial killing. Therefore, we demand:

1. An independent judicial inquiry headed by a sitting or retired Supreme Court or High Court judge into circumstances surrounding Kishanji's death.
2. Register a criminal case under section 302 I.P.C

**

Debaprasad Roychoudhury
(General Secretary APDR)

C H Chandrashekhar
(General Secretary APCLC)

Bhanu Sarkar
(Secretariat member BMS)

Gautam Navlakha
(Member PUDR)

Kolkata
2nd December 2011

(Soni Sori Case

When her complaint of torture including sexual violence inflicted on her was submitted before the Supreme Court, the judges chose not to intervene. And now when the medical check-up ordered by the court by a Kolkata hospital has established that stones were recovered from her private parts, the veracity of her charge stands corroborated. Instead of taking cognition of this and immediately moving her to safety of a jail outside Chhattisgarh, the apex court on 2nd

December 2011 gave the state authorities 45 days to respond to the medical report and meanwhile merely shifted her to Raipur jail from Jagdalpur jail in the same state.

Thus the very same delinquent police force, its personnel and associated authorities have got permission to incarcerate her for an inordinately long period, a period sufficient for the state government to threaten, brow-beat and destroy Soni Sori before its prepares its response. It appears that custodial rape and torture of a

woman, adivasi at that, does not enjoy any premium as there is greater concern for the prestige of the state authorities engaged in the valiant game of prosecuting a war against its own people in the tribal belt of India. The order of the Supreme Court has also risked Soni Sori's safety further by shifting her to Raipur jail as her travel to the Dantewada court now entails a journey of 22 hours. It threatens her already frail health, puts her in prolonged police custody during transit and provides the government

an easy alibi to deny her access to the court altogether.

In the SPO case the apex court bench watered down, if not trivialized, its original order issued on 5 July 2011 which had directed the Central government to desist from providing any funds for supporting directly or indirectly recruitment of SPOs and engaging them in counter-insurgency activities and had declared that the appointment of SPOs as part of regular police as unconstitutional. Thus the deployment of SPOs anywhere including in J&K, North East, Bihar, Jharkhand and West Bengal became illegal. By agreeing to remove reference to central government and by confining the

judgment to Chhattisgarh alone and by maintaining scrupulous silence over how the Chhattisgarh state got around the restriction by raising a new force, the Supreme Court restored everything it had declared to be unconstitutional and thereby trivialised its own judgment and observations.

The only rationale for the issuing of such orders is that once 'national security' is invoked, the Courts, even the apex Court, fall in line behind the Executive. The most recent order on the deployment of SPOs and that regarding Soni Sori's custodial torture show the Supreme Court in poor light and even more regrettably show it to be sacrificing people's fundamental rights at the

altar of "national security".

For those of us who perceive the judiciary, at least its higher levels, as a protector of people's interests there is salutary message: our freedoms are at risk because people's concerns receive a short shrift at the hands of the judiciary as and when the executive invokes national security. Thus, radical observations and timid, if not trivial, operative orders must be condemned.

Harish Dhawan, Paramjeet Singh
People's Union for Democratic Rights

9 December 2011

All India Campaign Against Sedition and Other Repressive Laws

A daylong meeting was convened by the PUCL on the 16th of December to discuss and plan the launch of an All Indian Campaign against Sedition Laws. This was a follow up to the meeting held on the 7th and 8th May, 2011, in which members from various branches of the PUCL, and representatives of several democratic rights organizations like the PUDR, APDR, CPDR, CDRO, APCLC, Masum, Human Rights Alert, Manipur, NAPM, participated and it was decided that a million signatures should be collected and presented to the Speaker of the Lok Sabha demanding the repeal of sec. 124A IPC and sec. 2(o) (iii) of the Unlawful Activities Prevention Act (UAPA), 1967 and other anti-sedition laws provisions in other legislations.

The follow up meeting on 16th December, 2011 was held at

Gandhi Peace Foundation, Delhi. It had over 40 people participating which included members from the PUCL state branches of Rajasthan, Delhi, Andhra Pradesh, UP, Haryana, Tamil Nadu and the national executive of the PUCL along with members from and other democratic, human rights and people's organisations like the PUDR, New Socialist Initiative, INSAF, Human Rights Law Network, People's Democratic Front of India, CDRO, Agriculture Workers Union, Karnataka, CHRI, NAPM, Right to Food and Work Campaign, Rajasthan along with several free lance media persons among others.

The decisions taken are as follows:

1. To launch the '*All India Campaign against Sedition and other repressive Laws*' as a collective campaign of all

democratic rights and human rights organisations, mass movements, rights bodies, professionals and concerned citizens. This campaign should be launched on the 31st of January, 2011 at the Gandhi Peace Foundation in Delhi (originally we had planned 30th January Martyr's day, but due to the non availability of the hall, the launch has been shifted to the 31st with a press conference in Delhi on the 30th of January, 2011).

2. A Steering group would be formed with representatives of different organisations which had participated in the May and Dec, 2011 meetings, with state level coordination to be undertaken in different states. Even organisations that were unable to attend the 16th December, 2011 meetings

- would be invited to be part of the Steering Committee. Gautam Navalakha of PUDR and Asish Gupta of CDRO undertook to contact other human rights organisations with the invitation to participate.
3. On behalf of the PUCL, the 4 national Secretaries Kavita, Mahipal Singh, Chittaranjan Singh and Suresh would coordinate with PUCL state units to participate in this effort. Similarly other concerned individuals would also be invited to be part of the campaign.
 4. Pushkar Raj, PUCL National Secretary would continue with the coordination of the All India campaign along with the support of the PUCL national secretaries and representatives other member organization till the steering committee is formally launched.
 5. The planning meeting for the All India convention will take place at Gandhi Peace Foundation at 4 pm on the 9th of January, 2012 to chart out the strategy and plan for the January 31st, 2012 All India launch. (Pushkar Raj, Kavita Srivastava, Mahipal Singh, Parmajit to coordinate among others)
 6. It was felt that the campaign must work in different groups:
 - (a) A group which works on the documentation and research side of the law. On the basis of the format given below, information and case studies should be provided to this committee so that a report could be consolidated and released on the 31st of January, 2011. (Proposed names Pushkar Raj, V. Suresh and Gautam Navalakha, Venkatesh to coordinate with others)
 - (b) A group will coordinate the public education campaign on the subject with students, farmers, workers, tribals, dalits, minority groups and other human rights workers and members of other organizations, through public meetings and signature campaigns. (Proposed names Chittranjan Singh, Anil Chaudhary, Subhash Gatade among others)
 - (c) Outreach work, especially with the legal fraternity. (Justice Sachar, Usha Ramanthan, Ravi Kiran Jain and others)
 - (d) A group would simultaneously also begin addressing legal support needs with the local organisation which would have identified victims along with it working on the social support and rehabilitation side of the victims. (Colin Gonsalves, Himanshu, N D Pancholi and others)
 - (e) A media group which through alternative and main stream media, web based and otherwise, would aggressively highlight this issue. (Ajit Sahi, Anand Panini and others)
 7. The All India documentation study of the use and abuse of sedition laws should be on the following parameters:
 - i. State wise / District wide / Police Station specific list of Cases (FIRs) in which sedition charges u/s 124A IPC and Sec. 2(o)(iii) Unlawful Activities Prevention Act (UAPA), 1967 were invoked along with other criminal law sections in the last 10 years;
 - ii. Description of status of each of the cases listed above in terms of (a) still pending investigation; (b) whether a charge sheet has been filed, if so what are the charges; (c) status of trial, and number of years pending; (iv) if trial concluded, whether the accused is/are convicted for offence u/s 124A IPC and UAPA, and other charges with details of sentence; (v) whether appeal filed and pending or decided.
 - iii. Even if it is not possible to get details of all cases described in (ii) above, attempt should be made to collect details in as many cases as possible.
 - iv. To sub-categorise the list of cases in (i), (ii) and (iii) above in terms of the following categories of cases where sedition charges were invoked: (a) workers' strikes, (b) farmers' agitations, (c) dalit struggles, (iv) tribal rights groups, (v) minority rights issues, (vi) students' agitations (vii) rights defenders, (viii) women's movements, (ix) protests against development projects / displacement (x) others.
 - v. List out the background of the accused in all cases involving sedition charges.
 - vi. Prepare case studies of major cases involving sedition charges highlighting the details of (a) glaring absurdity of the case, (b) human interest, (c) political vendetta, (d) impact on families, (e) length of arrest and difficulties in bail.

NOTE: PLANNING MEETING FOR THE ALL INDIA CONVENTION WILL TAKE PLACE AT GANDHI PEACE FOUNDATION ON THE 9th January, 2011 (Monday) from 4 pm to 6 pm.

We are,
Pushkar Raj, V. Suresh, Mahipal Singh, Chittranjan Singh, Kavita Srivastava

New Delhi
26th January, 2011

Resolution of All India Convention against Sedition and Other Repressive Laws

An all India convention was held in Delhi on 31 January 2012 against the law on sedition to launch an all India campaign against it. The following resolution was adopted at the Convention:

The convention notes with serious concern that the law used by the British Raj to suppress the Freedom Movement remains part of our statutes. Its egregious use against all forms of dissent and protest including peasant activists, environmental movement, women, dalits, adivasis, minorities highlights how the laws on Sedition [in Section 124 A of the Indian Penal Code as well as in other Laws in operation such as S 2(O) of the Unlawful Activities (Prevention) Act or in any state level laws such as Criminal Law Amendment Act or its equivalent] strike at the heart of democracy by curbing freedom of expression, assembly and association and thus undermine constitutional democracy. In the name of curbing 'disaffection' towards the government or 'disloyalty' to the Indian State, S. 124 A of the IPC threatens to imprison a person for life, whether such disaffection, hatred or contempt is created by words spoken or written or by signs or visible representation. The convention is convinced that it is the legitimate right of every citizen to express his or her opinion, expose the misdeeds and anti-people policies of the government or to even disapprove of, express disaffection, question and condemn the present system, and even vent out opinions which call for transforming State and Society. The convention considers respect for difference of opinion, perspective or view as being a vital part of our struggle for strengthening democracy. We, therefore, call for

the repeal of S 124 A of the IPC and dropping 2(o) from the UAPA as well as similar provisions from state level laws.

In view of the documented reports from all over India about the use of the sedition law and in light of the fact that this law is absolutely incompatible with democracy, we, the participating human rights organisations, as also concerned citizens across the country including teachers and academics, independent professionals from the media, medical community, lawyers, students, social movement activists and other grass roots social and political activists demand that the Indian parliament immediately take necessary steps to repeal sedition law in sec. 124A IPC and dropping 2 (o) from the UAPA as well as similar provisions from the state level laws.

All the constituents members have been campaigning against draconian laws such as AFSPA, UAPA and others and shall continue to campaign for their repeal. As a consequence of repeal of sedition (S 124 A IPC, S 2 (o) of UAPA 1967 and Prevention of Seditious Meetings Act 1911 and other similar laws), all persons facing prosecution for offences made under these provisions/laws should forthwith be dropped and those languishing in prisons should immediately be released.

The convention declares the launch of an all India campaign against sedition and other repressive laws.

**New Delhi
31 January 2012**

PARTICIPANT ORGANISATIONS:

1. People's Union for Civil Liberties (PUCL)
2. People's Union for Democratic Rights (PUDR) Delhi
3. Association for Protection of Democratic Rights (APDR) (WB)
4. Committee for Protection of Democratic Rights Mumbai (CPDR)
5. Human Rights Alert (Manipur)
6. National Alliance of People's Movements (NAPM)
7. New Socialist Initiative
8. Indian Social Action Forum (INSAF)
9. Human Rights Law Network (HRLN)
10. People's Democratic Front of India (PDFI)
11. Agriculture Workers Union (Karnataka)
12. CHRI
13. Peoples Union for Civil Rights (PUCR) (Haryana)
14. Asansol Civil Liberties Association (WB)
15. Coordination for Human Rights (COHR) (Manipur)
16. Campaign for Peace and Democracy (Manipur)

Unkept Promises and Politics of Abduction

PUDR expresses concern at the abduction of the two Italian nationals by the CPI (Maoist) in Kandamahal-Ganjam region of Orissa on March 14. However, a larger issue is raised by this act of abduction namely how even a wrong method can expose a legitimate concern of people desperately trying to get their just demands fulfilled by a government which has reneged on an agreement reached with the mediators last year, which saw the release of the district collector of Malkangiri. Then as now the question of rehabilitation of tribal peasantry displaced by water works in 1970s, or return of land to tribals dispossessed of their land, release of 600 plus activists of Chasi Mulia Adivasi Sangathan (CMAS) fighting for the lands forcibly acquired from them among others has not been implemented.

The incarceration of the Maoists in jails for years on end by foisting multiple cases against each or their re-arrest no sooner as they have been given bail, has been the way rule of law has worked against

them to imprison their ideas. The sheer fact of banning them denies them any opportunity to work any other way than clandestinely. Although abduction of civilians is prohibited by the Geneva Convention by belligerents, what has gone unnoticed is the abductions by the Indian agencies such as the 40 enforced disappearances from Jangalmahal in West Bengal. While one wrong does not justify another, the point is that policy of the Indian Government together with the state governments is meant to ride roughshod over every legitimate demand of the people even those they have officially committed through an agreement. Conceding any demand of the people runs counter to the government fighting a war of subjugation of its own people.

PUDR also feel that civil liberties organisations, media, social activists and political parties have contributed to this state of affair. Just as past three previous abductions found issues marginalised and forgotten, no sooner the hostages

were released the issues disappeared from our consideration. No one, including PUDR, followed this issue. Rehabilitation of 12,000 persons displaced since 1970s or incarceration of 600 plus tribals in crowded jails for demanding restoration of their land ought to have been a matter of utmost concern.

PUDR urges the CPI (Maoist) to ensure the well-being of their captives. We appeal to the state government of Odisha to at least now fulfill their commitments, and also halt the joint forces operations to pave the way for a democratic solution. Also our appeal to the civil liberty groups, political parties as well as the media to focus on the legitimate demands in order to bring this incident to a mutually satisfactory closure.

Paramjeet Singh and Preeti Chauhan
Secretaries (PUDR)

21st March 2012

Jharkhand Fact Finding: 26th to 30th March 2012

A 17 member team of civil liberties and democratic rights organisations from Andhra Pradesh, Delhi, Manipur, UP, Uttarakhand, Maharashtra, Jharkhand visited 3 districts Latehar, Garhwa and Palamau from March 25th to 29th 2012 to investigate some recent cases of violations as well as do a follow up of some of the cases from

the past. Jharkhand has been in news for both peoples' struggle against water, forest and land grab, and operation green hunt. There has been a proliferation of security forces, police pickets, CRPF base camps, specifically in places where people's struggles are growing. This is only indicative of the forms in which state is trying to suppress mass struggles

against anti-people development policies. The cases that were investigated highlight the lopsided development policy, in the wake of which a number of issues get highlighted.

The team did an on-the-spot investigation of ten cases, of which some are as briefly described below:

1. **Case of Sanjay Prasad, Barwadih market, Latehar:**

Just as we were leaving to visit the spot of the first fact finding, the father and brother of one Sanjay Prasad came to meet us to narrate what had just befallen him. He was called by the police on the 21st of March as part of some ongoing investigation. For four days he remained in custody while police claimed he was left the very first day. 2 days later he was shown arrested from a forest area between *Mandal* and *Chemu Sanya*. On 26th morning when the press reported of his disappearance, the police said that they have arrested Sanjay and charged him of being a Maoist and planting a bomb somewhere between *Mandal* and *Chemu Sanya*. The important thing to note is that no bomb explosion in this area occurred in 2012 at all.

2. **Case of Jasinta Devi, Laadi village, Latehar:**

After an encounter between the Maoists and the CRPF in Laadi village of Latehar district on 27th April 2010, the CRPF in their post-operations search, alleged the Maoists to be hiding in Jasinta Devi's house. The CRPF threatened to set the house on fire if the occupants didn't step out immediately. Jasinta Devi requested the police to allow her to fetch the old *charwaha* who was then in the backyard of the house. As she moved towards the main door along with the *charwaha*, Jasinta devi, mother of three, was shot down and the *charwaha* suffered

injuries. Bullet marks can even today be spotted in the house and call for justice remains unheard. Since she died at the hands of the police she was entitled to 5 lakh rupees as ex-gratia payment and a job, but the promise still remains unfulfilled as the family has got only one lakh rupees till date. As far as the guilty police officers are concerned, no action has been taken. Not even the FIR could be prepared against the victim's complaint.

3. **Case of Lucas Minj, Navarnago village, Latehar:**

Lucas Minj, a deaf and dumb resident of the Navarnago village, was shot in cold blood by the CRPF on 1st February 2012, while he was out with his cattle for grazing and failed to respond to the police's questions. His body was found by the villagers at Dhol Parwala in Koel river after five days of his killing. No compensation has reached the family till date. And no action has been taken against the police personnel.

4. **Baligarh and Homea Villages, Garhwa:**

In Baligarh and Homea village was witnessed a matter of land grab involving corporates like Essar and Jindal with the connivance of feudal elements. It was found that Ram Narayan Pandey alias Phullu Pandey and some others had surreptitiously sold tribal and dalit land to these corporate houses in the past one year, including *Bhoodan* land which cannot legally be sold or purchased. Fake documents of

land ownership were fabricated in the name of Pandey for land on which the annual rent was regularly being paid by the rural poor since long. A total of 115 acres in Homea and 338 acres in Baligarh had already been transferred in this way, leaving the poor owners, who had struggled for almost 25 years for this very land, in the lurch. Villagers also added that Phullu Pandey was responsible for a number of rape cases in the village but not in a single instance was punitive action ever taken against him. Thanks to the changed balance of power following the arrival of corporate companies and police a n d p a r a m i l i t a r y reinforcements, 10,000 villagers in the area now face the threat of life, livelihood and security.

5. **Case of Ramdas Minj and Fida Hussain, Garhwa District:**

On 21st of January 2012, Ramdas Minj, the adivasi mukhiya, and Fida Hussain, a fakir, of Bargad Village of Garhwa district were taken into police custody along with 3 others on being accused of serving food to some Maoists. On the same day, the villagers had held a peaceful protest against the construction of a Health Sub Centre (*Up Swaasthya Kendra*) in their Gram Panchayat at a site used by them for selling forest produce. People from Tehri, Bargad, Paraswaar, also a few neighbouring villages from Chattisgarh use this market. Just when these 5 villagers were at the police station, a landmine blast was triggered by Maoists

at Bhandaria. Now, the police accused the five who were already in their custody of diverting their attention through the peaceful protest so as to help the Maoists trigger the blast. They were beaten black and blue. Three were later let go, while Ramdas Minj and Fida Hussain still languish in prison under very serious charges. This, we found, was a glaring instance of how popular struggles of the rural poor are suppressed under the garb of fighting the Maoists.

6. Case of Kutku-Mandal dam, Sanya village, Garhwa District:

Sanya happens to be the native village of Nilambar and Pitambar, the legendary heroes of Jharkhand who became martyrs in the struggles for land that they led against the British. Today it is one of the 32 villages which are threatened with submergence and 13 others which are considered adversely affected by the Kutku-Mandal dam project. The terms of compensation in lieu of rehabilitation of the oustees were framed on the basis of a survey conducted several decades ago. Over the years, the original settlers have multiplied many times over. Yet only a few of the families tilling the land today are considered entitled for compensation. Rehabilitation has been offered at Marda, an area known to be most unfit for cultivation. This happens to be one of the most severely affected areas targeted by the repressive campaigns of the CRPF and the state police.

7. Case of Rajendra Yadav, Police Station Chhatarpur,

Palamau: Rajendra Prasad was picked up from his house early morning on December 30, 2009 by the police and beaten to death at the then SP's residence. The reason for having targeted him is not clear even today, and prolonged investigations by higher police officials have yielded no result. Meanwhile, Rajendra's widow has, after consistent struggle, been compensated with a job, but the administration still refuses to even admit the guilt of the police personnel and senior officer, let alone punish them. Instead, the family and friends of the deceased are subject to intimidation, and obstructions posed when they gather each year to commemorate his death in public.

8. Case of Behra-taand near Saryu pahad, Latehar:

On 6th February 2012, 9 people including Gram pradhan Beefa Paraihiya from Behra-taand village were picked up and tortured by the CRPF, as a result of which the pradhan had his right eye injured. They were beaten up following the unsubstantiated charge of having served food to some Maoists. It became clear that it took mere suspicion on the part of the police to cause bodily harm to villagers as long as the operations continued against the Maoists.

9. Case of Birju Oraon, Murgidih village, Latehar: In Murgidih village, a young man named

Birju Oraon was caught at *Chhatwa Karam* by the CRPF while he was returning from a family ceremony in February 2012. He was beaten up by the police, and all his fingers chipped, apparently with a cable-cutter, for no rhyme or reason. Later when the issue received media attention, he was compensated in the presence of local journalists with a sack of grain by the police, itself an act of admission that the wrong had been done. Subsequently, when the news of this incident spread, the police forced Birju to state at a press conference that he could not have recognized the assailants as he was drunk at that time.

The fact-finding team found that in recent years a number of cases of indiscriminate killings by the police and the CRPF had come to light, and there was no progress till date in terms of justice to the victims and the affected families. It shows how impunity prevails in this area, which in the eyes of the public tends to reduce a number of officials from the plethora of security agencies to the likes of mere anti-social elements.

In the course of our rural investigation, we could have an unscheduled meeting with a squad of the CPI (Maoist). We got to know their version of the dire situation in Jharkhand, the details of which we shall share in our final report. Nevertheless, we would like to draw attention here towards the issue of government-sponsored militant groups [TPC, JPC, PLFI, JJMP, JLT, etc.] who are in reality sheltered by the police, but are passed off as

naxal groups, thus giving the false impression that it is an internecine fight between the naxalites. This seems to be the new form in which Salwa-Judum like operations are being conducted by the police in Jharkhand. According to the CPI (Maoist), these are vigilante forces being employed not only to annihilate them, but also to hold naxalites responsible for anti-social activities sponsored by the police themselves. It is interesting as an observation that the use of CLA 1908 and Unlawful Activities Prevention Act (UAPA) has enabled the government to treat Naxalites or Maoists as ordinary criminals, whereas notwithstanding the strategy and tactic they may employ, they remain at the head of a political movement.

While we are pleased that the CPI (Maoist) showed the willingness to meet and interact with us, it was rather unfortunate that the senior police administration, when approached, did not show much interest in meeting and interacting with us.

In the course of our investigations the underlying reality of various issues also emerged. One was regarding the manner in which the Integrated Action Plan (IAP) was being implemented, the other being about the threat of submergence which hundreds of villagers faced due to the Kudku dam project. The problem in Sanya village is that although the project has de facto been stalled, yet for government agencies, the project still remains effective. The 32 affected villages are thus no more beneficiaries of any of the government's welfare programs, such as aanganwaadi, schools, primary health centers and

the like. Another problem that they are now facing is that their fertile land which used to yield two crops a year is now yielding only one because of the decrease in the natural flow of water as well as ground water, due to the partial construction of the concrete structure of the dam.

The team believes that a number of rights which the people should be entitled of, by virtue of the Chhota Nagpur Tenancy (CNT) and Santhal Pargana Tenancy (SPT) Acts, and Wilkinson's rule, have been ignored by the government. And now, with the state government's move, backed by the Centre, to amend the CNT Act, it is only going to take away the land rights of adivasis which they had won after long years of struggle. The more recently enacted Forest Rights Act was also not been enforced, thus depriving the people of their legally sanctioned right of ownership of land and resources. This applied to the areas that faced the threat of submergence due to the dam project as well as those where land had been surreptitiously been sold to Jindal and Essar, as in Baligarh and Homea. Nowhere have the village committees that are supposed to be constituted under the Forest Rights Act been formed till now. Individual and collective rights of the community have been completely ignored.

Investigations of the above cases also highlight how peoples' struggles over issues of land alienation, are suppressed by implicating these people into various false cases. Accusing people of being Maoist or supporters of the Maoists comes in handy for this very purpose. The police seemed to have

become a lawless force under the cover of Operation Greenhunt, even as hardly any punitive action would be taken against them for the crimes they may have committed.

It is important to note that cases that we investigated appeared to be only the tip of the iceberg. There was an unfathomable demand from people in village after village to investigate atrocities and excesses by the security forces. Unfortunately the team, bound by the limitations of time and resources, felt at a loss to take up the innumerable cases. So even though this fact finding is just a random sample of incidents, they are surely representative of a general phenomenon. Even worse, the follow up of a few old cases showed that it was a hugely difficult and uphill task for people to get justice.

People with large landholdings, traders/contractors and large corporations seem to be thriving under the protection provided by forces such as CRPF which operates virtually as a lawless force. We are concerned that the problems are being compounded for the people by a variety of policies initiated by the government, both by centre and state. These are instances which point to where things are headed, apart from the concerns of people which have been ignored for all these decades.

We now find a situation where the presence and proliferation of pickets and CRPF base camps, some of them housed in schools & colleges, is turning these districts into a full-fledged war zone. There is a palpable fear among people that they will come under attack from this huge deployment of force amidst them when they go out for collection of mahua, tendu patta and

other minor forest produce, which will affect both an important source of their livelihood as well as a very essential part of their way of life.

It is therefore, we demand:

- a) Operation green hunt should be stopped forthwith.
- b) CRPF should be withdrawn from these areas.
- c) CNT Act should not be amended.

- d) Forest Rights Act which provides individual and collective rights to forest dwellers should be implemented
- e) People's opposition to various projects both public and in the corporate sector should be looked afresh in order that people's opposition to them is given due priority that it deserves.
- f) All instances of CRPF & police brutality should be duly investigated into and action be taken immediately against the guilty personnel.

Coordination of Democratic Rights Organisations

30th March 2012

The Right to Dissent Will Not be Surrendered

Condemn the attack on democratic rights activists by TMC goons and Kolkata Police. Drop the false charges and immediately release all anti-eviction and democratic rights activists. Punish the guilty policemen and TMC thugs.

CDRO strongly and unequivocally condemns the attack on APDR members protesting against the Nonadanga slum demolition and the arbitrary arrest of anti-eviction activists.

Today, members and supporters of Association for the Protection of Democratic Rights (APDR) had gathered at JD Park in South Kolkata, to take out a protest rally and proceed to the nearby Alipore court where the arrested activists were to be produced. Despite following due process of applying for permission, the police stopped them from taking out a rally. To make matters worse, a large group of TMC hooligans also descended on the spot, led by Mr Madan Mitra, the state transport minister. At Mr. Mitra's instigation, the TMC goon squad physically attacked the APDR activists, encouraged by the police.

Eventually, the police arrested six APDR members, including Ms. Rangta Munshi, the assistant secretary of the organisation. This attack and arrests seem to be in line with the draconian and illegal ban declared by the state government on all protests regarding the Nonadanga eviction issue.

Incidentally, the seven anti-eviction arrestees were not produced in court today as scheduled. They were sent to 14 days jail custody in absentia. While there is no shred of evidence to corroborate the accusations against them, the state is using the time-tested trick of crying 'Maoist' to distract attention from the substantive issues and to subvert the due process of law. It has also been reported that the state government is trying to implicate two of the activists on old cases pertaining to the Nandigram anti-land acquisition movement. This is doubly shocking, given that the Nandigram movement was one of the crucial stepping stones in Mamata Banerjee and her party's journey to power.

The Nonadanga slum demolition in Kolkata and its

aftermath has revealed the true colours of the present government in West Bengal. After brutally evicting hundreds of families belonging to the poorest sections of society in order to hand the land over to real estate barons, the government is now going after anti-eviction activists with a chilling single-minded focus.

CDRO notes with concern the worsening democratic rights situation in West Bengal, where dissent in all form is under attack in West Bengal, not just by assaults and arrests, but also through illegal crack-downs on strikes and the censoring of newspapers in government-aided public libraries.

CDRO demands:

- * The immediate and unconditional release of all arrested activists and the withdrawal of false charges against them
- * That the Nonadanga eviction drive be stopped and the demolished slum be rebuilt with proper facilities in the same spot
- * That the guilty Kolkata Police officials and TMC goons be prosecuted

* An independent / judicial enquiry be initiated against the minister, Mr Madan Mitra, regarding his role in the assault on democratic rights activists and criminal proceedings started against him

* That the fundamental right of the people to dissent, protest and assembly must be respected, restored and guaranteed by the state government.

Asish Gupta & Kranthi Chaitanya
Coordinators, CDRO
12 April 2012

Interim Report and Press Statement of CDRO Fact Finding into Mega Dams in North-East

Coordination of Democratic Rights Organisation, comprising of 20 civil and democratic rights organisations from across India decided to undertake a fact finding into the impact of big/mega dam projects coming up in the North Eastern states on the life and livelihood of the people. Reportedly more than 168 MoUs/MoAs have been signed by the Arunachal Pradesh government alone. CDRO believes that such projects, be they so called Run of the River or Storage dams, affect not only people whose land will get submerged upstream but also people living in the downstream area. We also believe that affected people comprise those whose life and livelihood is intricately linked with the river beyond, since water flow will impact agriculture, fisheries, river transportation. Construction of concrete dams in a high seismic zone with sedimentary rock is in itself a mark of utter irresponsibility. Besides, natural floods carry sediments while man-made flood through construction of dam brings sand which destroys cultivable land. Also worth noting is that the seven North Eastern states are plagued by multiple problems born of neglect, discrimination and exploitation of resources accompanied by fear of the people

about demographic transformation with the influx from outside threatening their way of life and further militarisation of the region.

The team split into two groups; one headed towards upper Assam and another towards Tipaimukh dam site. The first team visited North Lakhimpur, Dhimaji in Assam and Pasighat in Arunachal Pradesh covering Lower Subansiri, Lower Siang and also downstream area of Lohit and Dibang river projects in Tinsukhia district. The second team visited Tipaimukh project which would affect people living in Manipur, Mizoram and Assam.

Given below are highlights of what people felt would be the consequence of the projects on their life and livelihood:

I. FIRST TEAM REPORT:

1. Lower Subansiri is allegedly a Run of the River project with storage capacity which would submerge 70 sq kms upstream. The 2000 MW project is being constructed for NHPC by Larsen and Toubro and Soma when fully constructed will have a height of 115 metres. While officially only 31 families would be displaced according to Walter Fernandes, no less than 700 families would be affected. About 3436 ha

of forest land would also get submerged and wildlife habitat. Lower stream the impact would be even worse since fear of river drying, fluctuation in water flow, likely increase in deposit of sand over presently cultivable land, destruction of aquatic life which destroy livelihood of 39 lakh fisherfolk, not to forget river transportation. The man-made flood created by 405 MW Ranganadi dam on 14th June 2008 was repeatedly referred to by people to remind us of the possible damage that can be caused to life and livelihood by natural or man-made flood. The difference between peak and lean flow, according to people, is such that likelihood of flash flood increases manifold.

The nature of protest currently in form of four month long blockade of vehicular traffic carrying construction or other equipment meant for the dam, is a clear sign of collective resistance.

2. Lower Siang is again allegedly a Run of the River project with storage capacity which would submerge and restrict habitation in upto 106 kms. Apart from this at height upto one km has been declared as no-man's land and reserved for compensatory forestation for the company. The

2700 MW project was awarded to Jaiprakash Industries. Siang's Adi community considers the river as sacred and fears that 35 villages would be affected. Thus their community land which is cultivable and rich in flora and fauna would be wiped out. IN 34 villages ninety percent of people have affirmed through signature their opposition to the dam. They fear that their culture and people face annihilation. It is this that drove them to protest the construction of dam recently. And fear mixed with anger remains strong among people here.

Lower stream people, especially Mishng community, reside along the river bank. They along with others who live in the plains downstream apprehend that their livelihood would be wiped out since river flow would both impact cultivation as well as fishery on which most of the people depend.

3. Lower Dibang is a 3000 MW storage dam of NHPC with a height of 288 metres which submerge 45 kms upstream wiping out 30 villages. This will affect nearly 50% of Idu-Mishmi community and their community land. If the argument of development and employment opportunities do get created by this project then considering the skilled and qualified people among the Idu-Mishmi they stand to lose. We are told that this generates the fear that people from other parts of India would garner the maximum benefit. This will also nullify whatever protection is offered by the Constitution. The agitation since 2006 has ensured that 11 times public hearing has had to be postponed.

The fear in the downstream

area is once again that their life and livelihood would be adversely affected. We do wish to point out that the anti-dam movement **is still in its infancy in these parts. But** the fear is palpable.

4. Demwe Lower Hydro-electric Project has been given to Athena Demwe Power Ltd. and is said to be Run of the River project to generate 1750 MW and will submerge 26 square kms of land to make way for a reservoir. 1416 (One thousand four hundred sixteen) ha of forest would also be lost in the process. Its height is 163.12 metres. Public hearing was confined to an area of 5 kms below the dam site. One of the fallout of this project would be the damage caused to Dibru Saikhowa bio-diversity area as well as other bio-sphere reserve in Assam.

While people speak in downstream area about the consequence of the Lohit project on their land and livelihood it is yet to take an organised expression.

II. SECOND TEAM REPORT

1. The proposed **Tipaimukh project** conceived in 1970s and is being currently implemented by NHPC, Satluj Jal Vidyut Nigam (SJVN) and Govt. of Manipur, despite serious opinions of the people to the contrary. It will submerge around 25,822.22 hectares of land ONLY in Manipur apart from Mizoram. The project is going to destroy at least 7.8 mn full grown trees and bamboo bushes. It will be 162 mtrs in height and is supposed to produce 1500 MW of electricity. 12 villages with a population of 557 families /2027 ST people (of the Hmar and

Zeliangrong tribes) will be displaced. Most of these figures were disputed by people and activists of organizations working in the area because effects of the dam on the people, land and environment of the down-stream areas have not been evaluated by the government agencies.

There has been a simmering of resistance to the proposed project. Some people perceive it as not only a dam but also a threat to their material existence and life, culture and history. There has been recently some rallies, as the cycle rally by the Village Women Coordination Committee on the 19 Feb Sangaithal area, (Imphal), Jointly organized demonstrations(as the 14th mar 2012 event at Nungba Bazar, Tamenglong)) etc. And the resentment is gathering momentum.

The statutory Public Hearings, for the project, has been fraught with problems and there has been a great deal of dissatisfaction over the way these have been manipulated. The public hearings started in the year 2004 (Darlawn, Mizoram) and continued sporadically till the last one at Tipaimukh on the 31st march 2008. People at Tipaimukh, have told us categorically they were not heard and what was the decision of the Public Hearing, they said, had already been taken by the officials who had come. There has been a protest against Public Hearing also (Kaimai, Tamenglong district March 2008).

What we have listed above is only a small sample of the impact of the dam on life and livelihood of the people both upstream and downstream. The fact of the matter is that nearly every river will have

several dams each; Lohit basin will have 10 dams, Subansiri basin 12, Dibang basin 12, Siang basin 39, Kaming basin 43. These figures can go up were all data made public by the Arunachal government. To build so many dams in an area which is earthquake prone carries incalculable risk for all living beings.

Each MoA is accompanied by monetary advance by project developer to the Arunachal Pradesh government at the time of signing the deal. This implies that the project gets sanctioned even before any of the mandatory reports and clearances is given.

This makes the entire scheme of building projects which will destroy the Brahmaputra and Barak basin and also Surma and Kushiara valley in Bangladesh a colonial project meant to benefit rest of India at the expense of North East. It is also of interest to note that

maximum numbers of the projects have been awarded to private companies. Most of the projects lack Impact Assessment Studies. Indeed some which claim to have got this study done are confined to between 5 to 10 kms. Siang river project indeed claims that no agricultural land would be submerged whereas nearly every household in 35 villages would lose their cultivable land! The misinformation by the authorities is accompanied by deliberate attempt to hide the truth from the people by manipulating studies.

We demand:

Suspend construction activities until the cumulative impact study of the entire north east, which involves engagement with the people who will get affected by construction of these dams.

24th April 2012

The fact finding was conducted by following organisations:

- 1. Asansol Civil Rights Association (West Bengal)**
- 2. Coordination for Human Rights (Manipur)**
- 3. Manab Adhikar Sangram Samiti (Assam)**
- 4. Naga Peoples Movement for Human Rights (Naga Areas)**
- 5. Organisation for Protection of Democratic Rights (Andhra Pradesh)**
- 6. Peoples Union For Democratic Rights (Delhi)**

Death, Insurgency and Impunity A report on Extra-Judicial Executions in Tinsukia, Assam (2011-2012)

Background of the Incident

On December 26, 2011 Mr. Siva Moran (24) a resident of Dighalihati village, near Makum police station in Assam's Tinsukia district, left his home to visit friends in nearby Makum at around 3.30 p.m. His father, Mr. Lileswar Moran, saw him with some friends near a petrol pump in town at around 4.00 p.m. The two did not speak, as it was another of those mundane meetings that did not seem to warrant excessive displays of emotion and conversation. Speaking to the members of the fact-finding team,

Lileswar Moran mentions that he thought nothing of the matter when he came home later in the evening and did not see his son there. His son often called when he was late, he said. He tried his number a few times before dinner but no one was picking up the phone on the other side. Again, Mr. Moran did not think anything was amiss and went back to correcting the papers he had brought home from the school where he teaches.

Mr. Lileswar Moran went to sleep at around midnight, not

because he was excessively worried but because he had a lot of papers to examine. He was also a little concerned about his son, Siva, who was still not picking up the phone. He called one last time before falling asleep and did not get any response. He called again at about 7.50 a.m. on the morning of December 27, 2011 and this time, someone picked up the phone and rudely asked him who he was. When Mr. Moran said that he was the father of the boy who owned the phone, the person on the other end identified himself as a

policeman from Tinsukia and said that Mr. Moran ought to contact the Namsai police station for further details about his son.

Namsai is not far from Makum but is situated inside the state of Arunachal Pradesh. Fearing the worst, Mr. Moran called the Namsai station and asked if there had been any violent activity around the area overnight. He was told that there were no actions that had taken place. However, Mr. Moran's elder son soon came rushing in and said that local television channels were flashing news of an encounter near Namsai, where they quoted sources from Indian security agencies saying that three youth had been killed in an encounter near Noa-Dehing by the 26 Maratha Light Infantry stationed inside Arunachal Pradesh. Acting upon the sketchy information provided by the local media, Lileswar Moran sent his other son and his friends to see what had happened in Namsai.

That night, two other boys from the neighbourhood did not return home and their families were just as worried as Lileswar Moran. Mr. Janak Moran (21), Siva's cousin and a young man who had recently eloped with his girlfriend and his neighbour, Dhiraj Duara (21), a young man who made a living by selling oranges from his orchard, had not returned home the previous night. Their families were unsure of what had happened since they did not have a television in their homes. They too heard what they presumed to be unsubstantiated rumours about an encounter and sent their representatives to Namsai. Mr. Sidhanta Moran (22), related to both Siva and Janak, was among the young men who had gone to Namsai

police station to see what was going on.

There, he says, he saw the bullet ridden and tortured bodies of the three boys. Janak's motorcycle – one that he had saved money to buy – was parked near the station. The police said that the army had acted on intelligence inputs and had laid an ambush for the three men who were travelling on the motorcycle near the Noa-Dehing Bridge. Sidhanta Moran says that he cannot forget the image of the bloodied bodies laid out in front of them. Janak's foot was broken and his body was covered in blood. Siva had his lips split open and his eyes were badly damaged. The families then brought the bodies back to Makum, where they were then laid out in front of the police station. The families refused to accept the bodies and were soon joined in protest by several social and political organisations in the district.

Representatives of the All Assam Moran Students Union (AAMSU), who met with members of the fact-finding team, spoke freely and at length about the dubious and questionable extra-judicial executions that had been going on in the district all through 2011. They claimed that sections of the police and army personnel were involved in using unemployed Assamese men as informers. Once these men had served their purpose, they were then killed and their deaths subsequently dressed up and made to look as though an encounter had taken place. In death, the deceased were labelled, as activists of the United Liberation Front of Assam (ULFA) and arms would invariably be recovered from the dead. The same script was applied in the case of the three young men who were killed in

the so-called encounter near Noa-Dehing. The Indian army had even registered a case against the deceased.

Profiles of the Deceased

Mr. Dhiraj Duara : Upon entering Mr. Nirmal Duara's courtyard, the first thing one notices is a half-built construction. The bare roof looks out into the upper Assam sky and an orange orchard that is the family's source of earning. Mr. Duara said that his son, Dhiraj, hardly ever left the house. When he did, it was to play volleyball and football with other friends in Number 3, Old Motapung village. His wife, Ms. Mohiti Duara, was unable to shake off the stunned look on her face, when talking about their deceased son. She mentioned that he was looking for a job and had been thinking of registering for the try-outs to join the Central Reserve Police Force (CRPF). Dhiraj used to sell the oranges from their small orchard in the neighbouring market and when needed, he would work as a daily wage labourer in the vicinity.

The ward member of Number 3, Old Motapung village – Mr. Shibhen Chetia – walked in while the team was sitting around the courtyard of the Duaras' house. He categorically stated that Dhiraj had never shown any interest in political matters and that he had had no connections with any armed group, or with any political individual in the area. Dhiraj's friend and co-worker, Mr. Tilaka Duara, was distraught that the house they had begun building would not see fruition. He insisted that his cousin and fellow daily wage earner was a hard working person, fond of sport and absolutely innocent of the charges

leveled against him by the army. He demanded answers from the administration, since they had to account for the death of someone who did not even have a charge of theft in the local police station. Other neighbours of the deceased, Ms. Xorumai Duara and Ms. Keteki Duara, also spoke glowingly about his fondness for an unembellished life and how he was always polite with elders.

Mr. Siva Moran : Siva's father, Mr. Lileswar Moran, had been an anxious father for a long time. His son, Siva, was involved in a youthful transgression that brought him under the police's radar. After his matriculation, Siva left his home to go and work in Bangalore. In doing so, he had joined the thousands of youth who leave their villages in the region and head to Indian metropolises for work. His father said that he had worked for a company, doing various odd jobs for two years. He returned to Makum with plans to return to Bangalore at some point in the future. He did not have a regular job and his past misdemeanours did not seem to bother him much, as he grew friendly with the local police. His elder brother had been accepted into the reserve battalion, so Siva had an easy, affable relationship with personnel based in the Makum P.S. In fact, the local police confirmed that he was an easy-going young man, who did not have the slightest tendency to indulge in violence, or even politics.

His father believes that Siva was unfortunate enough to be caught in the nebulous politics that involved sections of the police, army and some surrendered former militants. Siva did not keep

company with any of them, except for some police officers in Makum, where his brother was in training to join the police force. His mother, who was still in shock and has difficulty in hearing, said that he hardly ever left the house for very long. When he did, he would return by the evening and stay home. Even the *gaonburah* from his village, Mr. Madhab Chetia, denied that Siva was involved with any organisation, saying that in such matters, it was obvious that the family and local villagers would be aware. However, in the case of Siva, Janak and Dhiraj, it was uniformly agreed that these young men were absolutely innocent.

Mr. Janak Moran : Janak's life seemed to be looking up. He had recently bought a motorcycle with his meagre savings and had eloped with his girlfriend, Ms. Mainu Gohain, whose parents live in Pahargaon, near Namsai. Janak did not have any formal education and was a daily wage earner, who also fished in the neighbouring streams and ox-bow lakes in order to supplement the family's income and livelihood. Mr. Sidhanta Moran, his cousin, choked down tears, as he explained how the two of them lived a carefree life. They had fished and played volleyball, and Sidhanta was quick to add that if it were not for fishing, most families in the area would have had to live a dismal life. Janak and Sidhanta bartered their fish with the traders who took it to Makum and in this way, they were able to save some money for petty expenses.

On the day that he was killed, he had just taken his motorcycle out to Makum town and when he did not return, his parents

and wife thought that he was out visiting his in-laws in Pahargaon, Namsai. However, he never went to his in-laws. Instead, his cousin Sidhanta, had to pick up his blood smeared and broken body from the Namsai police station.

There seems to be a pattern to the killings, even as family members and friends try and come to terms with the randomness of the deaths. Tinsukia town itself is a stone's throw from the Chabua base of the Indian Air Force and the Dinjan army camp. It is also home to many young men. Family member of Janak Moran and women who have joined the United Liberation Front of Assam (ULFA). Some among them surrendered in the 1990s and this process was encouraged by the military, as well as the civilian administration. It is alleged that many of the surrendered activists were later coerced into acting against their former comrades. The local media and media practitioners claim that there are many instances where army personnel have targeted individual ULFA members, or sympathisers. By doing so, they hoped to be able to have access to all the money that ULFA was supposed to have collected from local businesspersons in the district. It is therefore important to have an understanding of just how the district was constructed and why it seems to be perpetually under a state of militarisation.

A Brief Note on the History of Tinsukia

The very name 'Tinsukia' (*tini* or *tin* means three and *suk* means corner) is nowhere found mentioned in the ancient or medieval historical

sources. This area was known as Bengmara and prior to it as 'Changmai Pathar'. It is said that the name 'Tinsukia' originated on the eve of the British colonial rule, in early 19th century, when the first king of the Matak (also written as Muttack by some) kingdom Sarbananda Singha dug a tank (that was three cornered) to use its soil for building fortification for the capital in the beginning of the nineteenth century. It is said that the king in one of his visits to the tank saw a dead frog from which incident the place came to be known as 'Bengmara' (*Beng* meaning frog). Subsequently, Tinsukia derived its name from the triangular tank. However, it was after the establishment of the Tinsukia Railway station in 1884 as part of the Dibru-Sadiya Railway that the town came to be known more popularly as Tinsukia.

The ancient history of the area encompassed by what we know today as the Tinsukia district remains largely obscure though there is every possibility of there being a pre-historic habitation in the area. In fact, this area contained the historic route used by many mongoloid peoples migrating to the Brahmaputra valley from the east. According to some Bodo-Kachari legends they ruled this area. However, it is still a matter of speculation as to whether this area was part of the Kamrup state, though in all likelihood, Tinsukia formed part of the *Saumarpitha* [one of the four blocks (*pithas*) into which that ancient kingdom of Assam was divided into].

The Morans and the Barahis inhabited this area at the time of advent of the Ahoms in Assam during the thirteenth century

AD. The Ahoms were subsequently able to establish a kingdom that was to last almost for six hundred years. The Morans and the Barahis inhabiting the present areas of the Tinsukia district were the first inhabitants with whom the Ahoms established close ties that were sanctified with matrimonial relations. The Moran ruler Badaucha had his capital at Kakatal, identified by many with present-day Kakopathar, while the Barahis with **Members of fact finding team at the house of late Janak Moran** their ruler Thakumtha had their headquarters at Tipam. Many Morans and Barahis also served the Ahom state in various official capacities. After the annexation of the Chutiya kingdom, the extent of the Ahom state extended till the frontier tracts of Sadiya. A Sadiya Khowa Gohain was appointed (1523) to administer the newly acquired territory. Thus the Tinsukia area became a core and an important part of the Ahom kingdom.

Spread of neo-Vaishnavite movement in the area took place under the *Kala Samhati* the most popular as well as radical amongst the four orders of the Vaisnava faith in Assam. The Moamariya (also referred to as Mayamara Satra) Satra Gosain was able to unite almost the entire inhabitants of the Tinsukia area. Later on, religious differences between the Ahom royalty and the Matakas (as the followers of the Moamaria satra became popularly known as) led to conflicts and helped in political polarization and the latter. The Morans however continued to maintain their identity amongst the followers of the Moamaria faith.

For a very long time the Tinsukia area provided resources

necessary for upkeep of the Ahom state. According to the *Tungkhungia Buranji* (Bhuyan 1960), the forests of this area contained many valuable trees like *Hollong*, *Tita sapa*, *Poma*, *Uriam*, *Som*, etc.. It was also a very important source of elephants that were required for various purposes including that of war by the state. The Morans had a *khel* named *Hati chung* that had experts in capturing and training elephants after which they were supplied to the Ahom royal household.

It is in connection with the supply of allegedly poor quality elephant to one over bearing Ahom official – the *Barbarua* (positioned like a Chief Secretary) Kirti Chandra that an altercation ensued in reaction to the punishment meted out to the suppliers Nahar Khora and Ragha in 1769. This coupled with the discontentment accrued to religious persecution by the Ahom monarchy subsequently led to what became popularly known as the Moamaria rebellion in Assam. It was a long struggle as the rebellion took the shape of a civil war and continued from 1769 to 1805 with intervals in between. The Ahom royalty had to abandon their capital Rangpur and set up a new capital at Jorhat while the rebels were able to put their own nominees on the throne at Rangpur for brief periods. The hotbed of this rebellion was the present Tinsukia and Dibrugarh districts. The Ahom state used a heavy hand and tried every means to put down the rebellion, but the spirit of the rebels appeared indomitable as they continued their struggle at times with sticks, bamboo spears, bows and arrows and even *sekon* (whips), while remaining always ready to make the supreme sacrifice. Subsequently, the Ahom state had to

take the help of the East India Company to regain their kingdom. Finally, an agreement was reached between the Matak royalty and the Ahom king, whereby the Ahoms recognized the Matak kingdom and gave recognition to their ruler as *Bar Senapati*.

Dissensions within the Ahom ruling class led to two Burmese invasions in 1817 and 1819 ushering in a period of untold misery for the people of Assam. It finally led to the Anglo-Burmese war that culminated in the Treaty of Yandaboo in 1826, whereby Assam became a part of the British Indian Empire. David Scott, the Agent of the Governor-General had recommended a special status to the Matak, Singpho and Khamti leaders. In fact, the Matak kingdom was allowed to be ruled by the Bar Senapati on certain conditions that were modified from time to time to suit the British interests. The Matak kingdom was finally annexed to the British dominion in 1839.

This annexation, which allowed greater imperial control of the area, might have also been influenced by the discovery of tea plants in Sadiya in 1823 and very soon tea plantation was started at Chabua near Tinsukia. In 1876 coal was discovered at Ledo and in 1882 Oil was struck at Digboi. The Petroleum refinery that was set up at Digboi was the first in Asia and third in the world. The plywood and timber industries were established with the help of the forest resources, which came to be managed by the Forest Department. The Dibru-Sadiya Railway also followed to facilitate the imperial expansion and extraction. All these momentous happenings made the present Dibrugarh and Tinsukia districts

(then under the Lakhimpur district) economically very important. Imperial forces also led to large-scale immigration of people from all over, so much so that most of the indigenous people who were caught unawares by this historical eventuality were pushed to the fringes of the industrial-urbanisation political economy. It unleashed new forces, as there were the underlying forces of integration and alienation at work.

Many in Tinsukia participated in the freedom struggle with full vigour as national leaders like M.K. Gandhi and J.L. Nehru also paid their visit to the area. However, independence of India in 1947 did not change the colonialimperial fundamentals as the same policies were followed by the post-colonial state. Meanwhile, reaction to this reality has also taken various forms.

Resource Curse and Contemporary Politics in Tinsukia

Political scientist, Sanjib Baruah, says that Tinsukia is a place "...where ULFA's thesis that natural resources are being sucked out to the rest of India in a classic colonial relationship is more plausible" (Baruah 2007: 47). Tea, oil and gas and coal, find its way to the rest of India and sometimes abroad, from the railhead junction at Tinsukia town. As testimony to the bustling economic activities that go on here, the town itself is full of new stores and shops that sell branded footwear, clothes and other consumer goods. Hindi-speaking persons carry out much of the economic activity. They also own the shops and stores, though there is a growing middle class emerging

among the local Assamese population.

In the heydays of the radical movement led by ULFA, many industries were forced to pay some form of taxes to the organisation. Things came to a head in 1990, when executives of the Hindustan Level Ltd, owned plantations in Doom Dooma were airlifted from their plantations to Calcutta by the army and air force. The company cited security reasons and it was evident that they had the support of higher authorities, since they had bypassed the local government in Assam. Following such a move, the government was compelled to assuage the planters by setting up a militia called the Assam Tea Plantation Protection Force (ATPPF), who were supposed to look after the life and limb of the executives. It is of extreme importance to note that the ATPPF were not mandated to protect the thousands of workers. Instead, they were used as personal security guards of the managers and there have been documented cases where they fired upon workers protesting for a minimum wage (MASS 2000). Over time, the tea industry became a veritable enclave for the workers. Outside the precincts of the tea plantations, the army, who had been called into operations against ULFA in the 1990s, was confronting Assamese women and men. This confrontation resulted in untold cases of human rights violations that include extra-judicial executions (or fake encounters, as such premeditated murders by the armed forces are called in the local media), torture, disappearances and violence against women. It also led to the radicalisation of youth in the district. This radicalisation has been

inevitable given the growing impoverishment of the local population. Despite the presence of large and medium size tea companies, nationalised oil and coal exploratory and drilling agencies and businesspersons from all parts of the country, rural Tinsukia remains a place that is devoid of employment opportunities. There is a crisis in the plantation sector, where workers are being forced out. Having no other place to go and no other livelihood, they are forced to work in farms. Most of the farms are also in a precarious position due to river-induced erosion and falling returns from agriculture. This has created adverse conditions in the rural sector and there is every chance that unscrupulous politicians will try and play one community against the other in an effort to garner votes during elections.

In 2003, ethnic antagonisms came to fore when Hindi-speaking persons were attacked by armed vigilantes in Tinsukia and Dibrugarh districts of eastern Assam. Many Hindi-speaking persons were killed and even more took flight. However, this also elicited a predictable response from the military establishment, who began to target ethnic Assamese villages. Their campaign of terror culminated in the murder of a young man, Ajit Mahanta, in February 2006. When the people of Kakopathar area began to protest against the army's unwarranted and arbitrary murder of Ajit Mahanta, the paramilitary forces – Central Reserve Police Force – mowed down 10 protestors in cold blood. It is this kind of impunity that might explain the growing alienation of the local people. Tinsukia (and its

adjacent district of Dibrugarh) have been the traditional base of the 28th Battalion of ULFA. It is this unit that had consistently engaged the Indian security forces in combat. However, two of the three companies of the battalion declared a unilateral ceasefire in June 2008. Their commander, Mr. Mrinal Hazarika, led them into an uneasy ceasefire that was further strengthened by the formalization of peace initiatives by the pro-talks section of ULFA, led by its chairman Arabinda Rajkhowa in 2010 and 2011. Despite the ongoing peace talks, there is a considerable section of the local populace who are resentful of the continuing indignities that they have been subjected to.

The security agencies and sections of the media claim that these conditions are conducive for the anti-talks faction of ULFA to mobilise support for its armed struggle. In addition, they also claim that Maoists from India have begun to mobilise among the local people, albeit with the help of the anti-talks ULFA faction. These are mere smoke screens that obscure the existing realities by encouraging baseless fear mongering. In the words of a police official, "Maoists try to raise political consciousness of people". For him and his superiors, anyone who questions the status quo is suspected of being a Maoist, or as a member of the anti-talks faction of ULFA. It is therefore easy for them to couch their ability to unleash terror amongst ordinary, hardworking and beleaguered citizens by raising the Maoist/anti-talk ULFA red herring. As the deaths of the three innocent youth show, this is nothing but a sham. The real story behind the deaths of such men and those before them are shrouded

*One such radical organisation is the **Asom Sachetan Mohila Mancha (ASMM)**, which was also party to this factfinding mission. A few women, who decided that the struggle for the right to self-determination of the people of Assam had to also include the emancipation of women, formed the organisation in 1999. They started as a small cooperative, after asking the villagers of Hunjan for their support. Symbolically, they were given some land near the Mayamara Satra, where they began a weaving unit. They began to raise issues of human rights and political awareness among the local villages, who were being harassed by the Indian army and police. For this, they had to face a lot of hardship and opposition from the security forces. The cooperative is run entirely by women. Those who marry and chose to live with their husbands, move to nearby houses. The women have formed a commune for single mothers and a core of activists. Over time, they began to do more social work and managed to acquire some farmland, where they are experimenting with collective farming. Even today, the activists of the Mancha are steadfastly engaged in political and social work. They still believe that until the right to selfdetermination is granted to the people of the Northeast, the region will know no peace. They also firmly assert that this right has to be complemented by the struggle for the emancipation of women and gender justice.*

in bureaucratic mystery. However, for the local people of Tinsukia district, the intentions are as clear as a spotless mirror. In the words of an activist of AAMSU: “(These deaths) are the result of an unholy nexus of all kinds of opportunists, led by the Indian army and sections of the civilian police, who then collude with surrendered militants to ensure that Tinsukia remains militarised”.

Lacking the means to investigate into the dealings of the armed forces, it would be reckless to level this accusation at them. However, there is something to be said about local perceptions, especially when those in power begin to think that they can conduct all forms of excess with absolute impunity. In such instances, the almost fantastic and improbable stories that are part of the local public sphere begin to take on a life of its own. It is therefore entirely probable that Dhiraj, Janak and Siva were killed simply because some army personnel needed promotions, or because the dead men refused to comply with what was being demanded of them by the bullying agents of the Indian state. Either way, three innocent youth are dead and India’s militarisation of the Northeast and its impacts on everyday life, are there for the world to take note of once again.

Recommendations of the fact-finding team:

The fact finding team is of the opinion that these deaths are part of a larger pattern of human rights violations that have been going on for the last three decades in the area. We therefore believe that there

should be both long term and short term measures to be adopted urgently.

They are:

Short term measures:

1. Immediate steps should be taken to ensure an impartial and effective judicial investigation into the killings of the three youth.
2. Take immediate action against those personnel mentioned in the FIRs filed by the families of the deceased in the Makum P.S. Those mentioned in the FIR should be suspended, so that they may not coerce the families of the deceased, as well as influence the investigation. Adequate measures should be taken to ensure the safety and security of witnesses in this case.
3. A case of murder be lodged against the armed forces personnel involved in the shooting of the three youth, in accordance with the judgement of the Andhra High Court.
4. The families of the deceased must be paid an adequate compensation immediately, since they have been bereft of earning members.

Long term measures:

1. The Armed Forces (Special Powers) Act of 1958 has to be repealed and all cases of extra-judicial killings and enforced and involuntary disappearances, should be investigated by a competent judicial authority.
2. The administration should encourage and nurture a comprehensive conflict resolution process that ensures the participation of all sections of the armed opposition groups in Assam.

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The report was prepared by:

Manab Adhikar Sangram Samiti (MASS)
Naga Peoples Movement for Human Rights (NPMHR)
Asom Sachetan Mohila Mancha (ASMM)
Karbi Human Rights Watch (KHRW)

And endorsed by:

All Assam Moran Students Union (AAMSU)
All Kamatapur Students’ Organisation (AKSO)

The members of the fact finding Team were-

1. Mr. Lachit Bordoloi (HR activist, political commentator and author)
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The Terror of Law: UAPA and the Myth of National Security

The Terror of Law is a CDRO (Coordination of Democratic Rights Organization) report which shows how and why the UAPA curbs the freedoms provided by Article 19 (Protection of Freedoms) for expression, assembly and association against one section of political opinion. Like its predecessors TADA & POTA did, UAPA virtually disenfranchises a section of the people. The report points out that freedom of expression is not an individual right but a collective right of groups, unions and political parties to disseminate their views and mobilize people. This is particularly important, as the report argues, since six decades of constitutional democracy have failed to implement the Directive Principles of State Policy. The connection between the failure of promises and curbing of political freedoms guaranteed under the Constitution (Art. 19, 21) is brought out through a study of how the first amendment (1951) and the sixteenth amendment (1963) to the Constitution played a catalytic role in marginalizing the importance of Directive Principles and in attacking freedoms.

Terror of Law demonstrates that the purpose of the UAPA is not to curb heinous behavior or crime but to outlaw ideologies and groups which threaten the status quo while exonerating other ideologies from its purview despite their record of

heinous crimes. A brief summary of the main points are given below:

1. “Reasonable Restrictions”: Enacted first in 1967, the UAPA enables the Central government to impose “reasonable restrictions” on the right to association. It, of course, targets those organizations which are seen as posing a threat, or potential threat, to the country’s “sovereignty and integrity”. Accordingly, the law includes secession within the definition of “unlawful activity” [S. 2 (f)], adds S.153 A and B, IPC, within “unlawful association” [S. 2 (g)] and offers wide and sweeping provision of banning “terrorist organizations” (S. 35) to the Central government. Since what constitutes a “terrorist act” has been construed in such a way that it covers “any act with intent to threaten or likely to threaten the unity, integrity, security or sovereignty of India or with intent to strike terror or likely to strike terror in the people or any section of the people”, its wide scope allows ample opportunity to the Executive to act arbitrarily and/or with bias.

The original UAPA did not contain the clause to ban organizations either because they promoted “enmity between different groups” or for “imputations prejudicial to national integration”. This was added through an amendment in 1972. The original UAPA gave powers to the Centre to impose an

all-India ban on associations. The powers of the state governments to ban organizations were not affected because “maintenance of public order” had been read by the apex court to represent the lower end of “threat to security of state”. With amendments in 1972 and the incorporation of POTA provisions in 2004 and the amendments introduced in 2008, the grounds under which an organization can be banned expanded in the UAPA.

2. Imposing of Bans: The bans imposed in such a cavalier manner, however, have huge ramifications for the life and liberty of citizens and for their political rights and for democracy. For the ban makes it an offence to have any kind of association with the proscribed organization (s. 10). In the case of an organization banned as terrorist, the provisions are still wider and harsher (S. 38). Since the section does not even make the distinction between criminal association and legitimate association or activity, a wide section of people are brought in who can be punished with a sentence of 10 years’ imprisonment without having been part of a single violent act. Activities become crimes as “support” to such organization is deemed as such (S. 39). What is sought to be curbed is not the banned organization but the issues championed by the banned organization. Thus the opposition to the government policy of creating organizations like the Salwa Judum, of creating armed

groups through hiring of SPOs, can conveniently be labelled as one which furthers the activity of the banned organization.

What is particularly pernicious is that while the procedure for banning an association is wide and arbitrary, the procedure for unbanning is a byzantine maze which denies any possibility for the ban to get lifted unless the government itself decides to do so. If the proposed amendments to extend the period of ban from 2 to 5 years for a new category of crime under the ambit of “economic security” are brought in which will target trade unions and working class struggles, then the footprint of the UAPA will bring every one other than Hindu right wing and parochial organizations under its baleful purview.

3. Arbitrary Procedures: Instead of enforcing procedures that check the arbitrariness and subjectivity written into its provisions, the UAPA does the opposite. It increases the police powers of arrest, search and seizure [S.43A, 43B], makes all offences cognizable [S.14, 43D(1)], enhances the period of detention [S.43D(2)], overturns the established norms for grant of police custody [S.43D(2)], undermines the power of the court to require attendance of prisoners [S.43D(3)], denies the provision for anticipatory bail [S.43D(4)], enhances the restrictions on bail [S.43D(5)], presumes guilt of the accused [S.43E], permits in-camera trial and withholding the identity of the witness [S.44] and allows intercepted communications to be used as

evidence [S.46]. Each of these measures promotes greater laxity on the part of the law enforcers. Arrest without a warrant is permitted for any offence under this Act. Since a large number of offences defined in the UAPA have little to do with what a person does, and more to do with how the government interprets or what it wishes to believe, this blanket power to arrest is an invitation for misuse. By permitting police custody at any stage during the investigation, the UAPA attempts to gag the accused and prevent him from stating anything that may be inconvenient for the police or the government. To make matters worse in this regard, the UAPA stipulates that S.268 of the Cr.P.C. shall apply to every offence under the Act. This means that the court loses the power to direct the officer in charge of a prison to produce a detained person in court for answering to a charge, or for examination as a witness.

4. Preventive Detention: Every liberal and democratic judicial system declares an accused guilty only after the judge declares so after the completion of the trial. Therefore it fixes a reasonable amount of maximum time that an accused may be kept in jail for till the police completes its investigation and submits its findings before the court. Till the completion of the investigation the detention of the accused is only preventive. And preventive detention is prohibited by Article 22 of the Constitution. Hence, the duration of this detention is a matter of serious concern. The

Cr.P.C. allows a maximum period of 90 days in case of an offence carrying a punishment of 10 years or above, and 60 days in other cases. Under the UAPA all offences, including the most minor ones, carry a 90 day detention. Add to this the provision [S.43D(2)(b)] that it can be extended by another 90 days, and we have a full-blown law for preventive detention, that puts to shame even the draconian National Security Act, in having no checks at all.

By so doing the UAPA overturns the basic principle of division of power between the Executive, the Legislature and the Judiciary. It confers such extraordinary authority on the Executive that they can at their whim, as BJP led NDA government did in 2001 to ban SIMI, proscribe organizations which in their subjective understanding are anathema to them. Indeed the illegitimacy of the UAPA, under the principles of natural justice, is available in the fact that whereas SIMI was banned in 2001 when there was not a single instance of SIMI being implicated in terror crimes, abundance of evidence of involvement of Hindutva groups in mass crimes, crimes against humanity, etc., for over six decades, did not result in any action against them!

5. Heinous Crimes: The report shows that there are two ways in which the Executive fights against heinous crimes such as bomb blasts which target civilians. The normal law or IPC and other Acts are used for Hindutva terror

groups which allow even conspirators, against whom there is prima facie evidence, to escape because they occupy positions of power in Hindutva's mother organization, the RSS. The extraordinary way is reserved for non-Hindutva groups whose members, or the kith and kin of members/ supporters/ sympathizers, face the brunt of the government's hostility and witch-hunt. The best illustration of this is found in the kid glove treatment meted out to RSS Pracharak, Indervesh, who escaped interrogation and incarceration for being linked to Hindutva terror which carried out a series of bomb attacks which resulted in scores of killings, simply because Hindutva organization/s are not banned.

It is worth pointing out that the UNSC did ban some of the groups primarily because they caused large scale civilian deaths, an act of heinous crime in itself. But they failed to curb such crimes because they did not declare that many agencies belonging to permanent members of the UNSC ought to be covered under this. It also failed to note that those whose hands are already bloodied by heinous crimes against humanity are prime advocates for proscribing those entities disliked by them.

6. V.G Row Judgment: The report draws strength from a judgment which was given in 1952, a year after the passage of the First amendment in 1951. In the VG Row versus the State of Madras (1952) case, a five member bench of the Supreme Court expressed concern at the unbridled powers

vested with the government to ban organizations. The significance of the judgment lay in the manner in which the apex court read down the 1908 Act which permits the provincial governments to impose ban on organizations. In paragraph 17, the Supreme Court held that "The right to form association or unions has such wide and varied scope for its exercise, and its curtailment is fraught with such potential reactions in the religious, political and economic fields, that the vesting of authority in the executive government to impose restriction on such right without allowing the grounds of such imposition both in their factual and legal aspect to be duly tested in a judicial inquiry, is strong element which, in our opinion, must be taken into account in judging the reasonableness of the restriction imposed". It further held that "The formula of subjective satisfaction of the Government or of its officers, with an Advisory Board thrown in to review the materials on which the Government seeks to override a basic freedom guaranteed to the citizen, may be viewed as reasonable only in very exceptional circumstances and within the narrowest limits, and cannot receive judicial approval as a general pattern of reasonable restriction on fundamentals rights."

Conclusion: The report denounces the politics of ban, the use of draconian laws to silence dissent, restrictions imposed on freedom of expression, assembly and association under one or another excuse, all of which flows

out of the gun of the rulers, raised in favour of foreign and Indian capital, and trained against people who question or oppose them. CL-DR groups are of the firm conviction that if the government has a case backed by evidence to declare an ideology as criminal or proscribe an organization it should be able to prosecute the organization and allow the courts to decide rather than preventing the organization from carrying on with their political mobilisation and propagation on mere whim of the authorities. The report strongly contests the manner in which political and ideological differences are made unlawful which erase the specific contexts which cause and prolong conflict. The report argues for a separation between crime and expression as it allows for dialogue, which can go a long way in resolving such conflicts saving tens of thousands of lives. In all conflicts there was an original moment, such as in the Naga peoples struggle among others, where peaceful resolution was available. Instead by taking recourse to military suppression and criminalizing dissent the State effectively throttled this possibility.

CDRO Fact Finding: Saranda, Poraiyahat Interim report / Press release

Jharkhand is fast becoming a military state. Similar to operation green hunt which was started three years ago in mineral rich forest areas resided by adivasis, brutal operations are being carried out continuously in Jharkhand as well. 'Operation Anaconda' was launched as a special operation in August 2011 in Saranda forest area of West Singhbhum district of Jharkhand. Reasons for speeding up of such military operations by the state can be viewed in a twofold context. One the one hand mining activity in Saranda has been on the rise. Saranda is Asia's largest mineral reserve and holds immense economic importance. On the other hand, contrary to the government claim that the area has been cleared of Maoist activity, infact it is far from being crushed.

In order to gather first hand details of the manner in which the state has reacted to the changing conditions on ground, an all-India team from the Coordination for Democratic Rights Organisations(CDRO) was set up constituting members from human rights organisations of Andhra Pradesh, Delhi, Punjab, Jharkhand, Maharashtra, Uttar Pradesh, Uttarakhand. The team conducted an investigation in Saranda and the adjoining areas between 20th and 22rd May 2012.

What follows is a brief summary of the observations made by the team. In *Puraiyahaat*, in January 2011, hundreds security forces entered *Kamaay* village. They beat up people and arrested

four of them called Marshall Bhuiyaan, Nelson Bhuiyaan, Premanad Bhuiyaan and Pinky Bhuiyaan. The first two are still imprisoned while the other two have to appear regularly at the Thana. They are all falsely implicated in helping the Maoists. The CRPF also destroyed property, and mixed food grains in this village.

On the 20th of May itself, a security operation was conducted in *Pandua* village. Around 500 jawans entered the village at around 5.30 in the morning. Hallan Huttar was taken away blindfolded and handcuffed by the forces. Villagers now fear his death. Abraham Munda's property was destroyed, and 3500 rupees were taken away. 15 year old Mithun Bhuiyaan was beaten black and blue. Munda's wife and her year and half old son were also beaten up by a high rank police official. One villager was looted of Rs. 10,000 which she had kept aside for buying ox for her fields. Also, a para-doctor here is frequently oppressed with the accusation of treating Maoists. According to the villagers this destruction continued in the village for almost three hours during which the forces also consumed liquor and marijuana. Few villagers were even forced to flee from their village on that day. In the same village, on the 10th of this month when the forces attacked the village, they also misbehaved with the women here. It was shocking to know that there were no women in the force while women were tortured brutally.

The team also visited 4 villages of *Manoharpur* block: *Tirilposi*, *Raatamaati*, *Deegha*, *Tholkobaad*. In all of these villages, forces converted whole villages into their base camp for an entire month. Villagers had to hide in the jungles and many ran away to their relatives in nearby villages to escape oppression. Of those who were left in the village, men were held captive separating them from the women. They were tortured and even had to relieve themselves wherever they were locked up. Old people who couldn't run away were beaten up so badly that some of them even died. Houses were burnt and people jailed. Most of them are still in Chaybaasa jail, and according to their families they are not even sure of the offense of which they are accused. In Tirilposi alone 17 people have been imprisoned. Economically dented, these villagers are totally unable to follow legal proceedings to get relief. In one of the copies of charge sheets observed by the team, a villager was implicated in UAPA, CLA, and in addition also blamed of sedition and waging war against the state.

Additionally, it was observed that under the IAP, contractors from outside were given work which is against the rules of IAP.

Right after operation Anaconda was completed, the government started a development project in the name of Saranda Action Plan(SAP) under which villagers have been given solar panels, clothes, utensils, and sewing

machines as short term trust building measures. The government also plans to introduce long term measures like livelihood options, building of check dams, and training for employment among others. Simultaneously, in and around these villages security forces are also in the process of constructing permanent camps. Saranda will be home to 20-25 camps soon.

Certain questions come to the fore. How has the state suddenly woken up to the development needs of the tribals here after so long? Is it only a coincidence that Operation Anaconda, the SAP, and private mining project leases are falling in line together here in Saranda? Why has the government cracked down so hard all of a sudden on the people of Saranda?

A trajectory can be spotted in the actions of the government in Saranda. It is clear that the government has failed to estimate the real needs of the people. And with the maoist activity refusing to fade away, the government with the fear of losing ground has reacted

frantically by launching brutal operations on the people. By terrorizing the tribals, the state is simply trying alternatives to sustain a larger foothold over them.

It is therefore that we demand, the following: It is therefore that we demand, the following:

1. All CRPF, military and para-military camps be removed from the state
2. In the context of mining and SAP implementation, PESA and the 5th Schedule be implemented according to which decision making rests on the tribal communities.
3. All private mining activity be stopped immediately.
4. Justice for those who have been beaten up and exploited, and release of all those people who have been imprisoned and implicated in false cases. The perpetrators, the CRPF instead must be booked for the oppression meted out by them.
5. After this attack on their identity and existence, the autonomy of tribals should be left unaffected.

Members:

Shashi Bhushan Pathak, Aloka Kujur, Mithilesh Kumar, Santosh (PUCL Jharkhand); Puneet, Social Activist, Naushad, Journalist (Jharkhand) Gautum Navalakha, Shruti Jain, Megha Bahl (PUDR, Delhi) Chandrashekhar, Narayan Rao, Rajavindam, APCLC, Andhra Pradesh) Pritpal Singh, Narbhinder (AFDR, Punjab) Rajeev Yadav, Shahnawaz Alam (PUCL, Uttar Pradesh) Chandrika, Prashant Rahi (Independent journalists)

Coordination of Democratic Rights Organisations

23rd May 2012

Recommendation of the Civil Society Coalition on Human Rights in Manipur and the UN.

The memorandum on extrajudicial, summary or arbitrary executions in Manipur submitted by the Civil Society Coalition on Human Rights in Manipur and the UN (CSCHR), a coalition of human rights organisations and individuals from Manipur, to the Special Rapporteur on extrajudicial, summary or arbitrary executions during his mission to India (19-30 March 2012), describes killings of indigenous persons and groups that are in violation of international human rights or humanitarian law occurring in Manipur, India. This focuses on killings by law enforcement officials due to excessive use of force during, inter alia, arrests, deaths in custody and killings of vulnerable groups. The memorandum elaborates on the political context of the armed conflict prevailing in Manipur for the past over three decades, which forms the context of the summary or arbitrary killings. It also provides information on the domestic legislative provisions, lacunae in the investigation and judicial processes and the independence of the judiciary, the limitations of inquests and post-mortem procedures, absence of a

witness protection programme and issues concerning impunity, justice and reparation for the victims' families. Lastly, the memorandum makes a set of recommendations to the Special Rapporteur.

I. Introduction

1. We, the Civil Society Coalition on Human Rights in Manipur and the UN, welcome the government of India's approval of a request from the UN Special Rapporteur on extrajudicial, summary or arbitrary executions to visit the country. This visit to India is significant because it is the first mission of the special procedure of the UN Human Rights Council. India's standing invitation to special procedures and approval to a request from the present mandate holder for an invitation to visit the country is also significant because it reflects the evolving maturity of the democratic state and its openness to international scrutiny.

2. Whether a situation of armed conflict exists in Manipur is a question that the present mandate holder must examine with great care and resolve. This memorandum elaborates on this question and submits that the Manipur situation is a typical one that is understood as a Non- International Armed Conflict (NIAC) by current international humanitarian law standards. The scrutiny of existing accessible information, along with information reaching the Special Rapporteur by way of communications, submitted reports and data, meetings and interviews with affected groups and/or individuals will understandably be a key aspect of the working methods during the country visit.

3. It is hoped that the CSCHR memorandum will be a substantive and constructive contribution to settle the question of whether armed conflict exists and international humanitarian law is violated in Manipur.

XI. Conclusion and recommendations

81. The state is the legal guardian of all its citizens, for it is the state who had solemnly promised and which had been bestowed the authority under the Constitution to protect and preserve the inalienable human rights and fundamental freedoms of its citizens. For this reason alone, extrajudicial executions committed by the police and other state agencies deserve not only the strongest condemnation but also concentrated action against them. The deaths in police custody, committed with impunity provided by the uniform and authority, activates not only public anger and protest but also revulsion towards the state.

82. The right to self-determination is a primary right protected and promoted by international laws. The state is not empowered nor authorised to deprive peoples of this right. In fact, many states claim with pride that they exist solely due to the exercise of this right by its citizens. However, modern states, including many nation-states of Asia, that have been shaped by the de-colonisation process that swelled from the mid-20th century, maintain a position as sovereign entities, embracing national integrity, to freeze the inalienable right to self-determination and put it into cold storage. The Indian Republic,

shaped and preoccupied by the British colonial legacy, placed its restricted views as reservations to Article 1 of both the international Covenants.

83. Indigenous peoples' struggles across the continents for the right to self-determination have been strongly denied legitimacy and resisted by modern states. The states' denial of this fundamental right of all the peoples of the world within their national boundaries caricaturises the Universal Declaration of Human Rights and all human rights treaties, provided a fertile womb where internal conflicts were born within states during the latter part of the 20th century and legitimised the states' continued use of the military and maximum force against its citizenry.

84. The 'war on terror' added a new dimension to states' denial of the right to self-determination. It became a technique of legality to call all activities that are construed to undermine or threaten the nation-state's sovereignty and integrity as acts of terrorism. Therefore, all who espouse or support the right to self-determination who are not nation-states were named as 'terrorists'. This new nomenclature given to struggles of national minorities, ethnicities and indigenous peoples further established the justification and rationale for violent responses from the state and its agencies.

85. The enterprise of summary or arbitrary killings, including the "silent killings" by the state's agencies or through state sponsorship is a direct phenomenon of this state position with regard to the right to self-determination

interpreted within a wider framework of the fundamental right to life.

86. One of the key measures of an effective democratic state is its capacity and willingness to protect the rights and guarantee the security of its citizens, especially its marginalised and vulnerable populations. The armed conflict between the non-state armed organisations of Manipur and the Indian state underscores the truism that it is this same measure that determines the legitimacy and authority of the state and its Government in the eyes of the indigenous people of Manipur.

Recommendations

CSCHR submits the following recommendations to the Special Rapporteur on extrajudicial, summary or arbitrary executions for his attention during his visit to the North East Region of India, so that these recommendations may be reflected in his final report to the UN Human Rights Council:

1. India must end the suspension of the non-derogable human rights, primarily the right to life. The Armed Forces Special Powers Act of 1958 should be immediately repealed as it is a brazen affront to the right to life, sanctions impunity and protects those perpetrating summary, arbitrary and extrajudicial execution by the law.

2. The right to justiciable remedy and compensation for victims and their next of kin should become an established right within the Indian legislative framework. India must

ensure full redress support for families of victims of extrajudicial execution by establishing the right to compensation, including the right to restitution, reparation and rehabilitation, as understood under the international human rights standards, through appropriate legislative steps.

3. In order to end the practice of torture and other forms of ill treatment, and to strengthen India's commitment to international human rights law, the Government of India must ratify the Convention against Torture and Convention on the Protection of All Persons Against Enforced Disappearances.

4. Militarisation and the high incidence of extrajudicial executions in Manipur exist in the context of armed conflict. The situation that has been long prevailing in Manipur must be recognised as an armed conflict and, as such, the civilian population should be provided the necessary rights to protection accorded to them under international humanitarian law.

5. The present situation where existing state agencies specifically established to investigate crimes, such as the CBI and CID, have been found ineffectual and their conduct biased; an exclusive investigation agency should be set up at the national level to investigate every case of suspected extrajudicial, summary or arbitrary execution.

6. A special court is to be established to examine and prosecute cases concerning allegations of extrajudicial, summary or arbitrary

executions where the state agencies or military forces of the Union are implicated.

7. The recommendations and specific guidelines issued from time to time by directions of the Supreme Court, for all cases of deaths caused or attributed to death in encounters with the police and/or security forces must be complied with.

8. The National Human Rights Commission should widen the ambit of its existing instructions to the State governments to institute inquiries in connection to "death due to police action" to include "death due to actions of the Indian security forces", and there should also be a specific instruction to ensure that the inquiry is conducted by a Judicial Magistrate, and not by an Executive Magistrate.

9. The many recommendations regarding the amending of Section 19 of Protection of Human Rights Act, 1993 made by the UN Human Rights Committee in 1997 and the National Human Rights Commission of India should be complied with and the Act suitably amended to bring the armed forces of the Union within the purview of the National Human Rights Commission and courts of law.

10. The issuance of an Arrest Memo should be strictly complied with, in accordance to established law in every case where a person is arrested or detained by the police or armed forces of the Union so that custodial deaths will be reduced and arrest will not go unnoticed.

11. It must be made mandatory for the police to register all complaints made by the next of kin of victims of suspected extrajudicial executions as the First Information Report (FIR). Failure to register FIR on the basis of a complaint made by deceased's family members must be established by law as a serious and punishable offence. Strong deterrent must be established for failure to register an FIR brought by the victims' families as this report constitutes an extremely important step to establishing the truth and bringing justice in cases of extrajudicial, summary or arbitrary executions.

12. Ensure a witness protection programme is in place that is applicable to the entire country so that full protection is provided to witnesses of victims of suspected extrajudicial executions for all legal proceedings towards seeking justice for the victims.

13. India must ensure that a national level legislation Coroner's Act is adopted and promulgated.

14. Ensure full compliance with existing guidelines regarding post mortems in cases of suspected deaths in custody by adopting appropriate amendments to the national criminal code – a copy of the report of the post-mortem, in cases of suspected extrajudicial executions, should be given to the family of the deceased as soon as it is completed. As elaborated before, the denial of the post-mortem report to the family of the victims of summary, arbitrary or extrajudicial executions is in violation of their right to know the truth, and therefore, a legal right should be established by suitably the present criminal law, so as to ensure that the family members can obtain a copy of the post-mortem as and when it is prepared.

15. In order to firmly establish the independence of the judiciary at all levels of the courts of India, the government should strictly comply with established international principles and guidelines for the independence of judiciary. The government should seek the support

and assistance of the international community in such effort if required.

16. Urgently take appropriate steps to implement all rulings and recommendations of legal institutions such as commissions of inquiry to prosecute all security forces involved in extrajudicial executions, such as in the cases of the rape and murder of Miss Thangjam Manorama Devi by 17 Assam Rifles in 2004. The reports of the all commissions of inquiry must be tabled by the government. And there should be a transparent and accountable action.

Note: The above text is an excerpt from the original memorandum, dated 28 March 2012, Guwahati.

Repression on Committee Against Operation Green Hunt

Operation green hunt was the creation of the two great minds in Delhi Mr.Chidambaram and Mr.Manmoham Singh. The Operation Green Hunt was established and constructed very thoughtfully to give away the most mineral rich land of India into the hands of the imperialists and in the run to achieve this, our rulers didn't show a sign of hesitance in making lakhs of tribals shelter-less,

as this land is what is left with the adivasis.

We are taught from our childhood that we homo sapiens are also called human as we are the creatures with humanity .Thus if we are humans and if humanity is still left in us , then it is our duty to raise our voice in support to the adivasis. And to prove that humanity is left people from 45 mass organizations have come together and formed a

new organization "Committee Against Operation Green Hunt" in November 2009.

This committee since then has been raising its voice against green hunt and imperialism. To make people aware of this unlawful practice of the government we, the committee members have decide to conduct a public meeting in Badrachalam in April 2010.But the department had a different plan for

us and it did not leave any stone unturned to disturb or more precisely to stop the meeting. Some of the tactics of the police were; it tried to spread the rumour that the meeting has been cancelled and most importantly police even arrested many of the tribals who tried to attend the meeting. In spite of these obstacles the meeting was pretty successful.

The circumstances today certainly show that OGH has now reached a higher level. Therefore our Committee against Operation Green Hunt has decided to organize another meeting on 10th of April 2012 in Cherla an interior village 2 hours long from the town of Badrachalam in Khamam district of Andhra Pradesh. This time with the previous experiences the police department understood that it is not strong enough to stop the tribals from attending the meeting. So it changed its game plan and decided to put repression on us, the members of Committee Against Operation Green Hunt.

According to the decision made earlier many of us reached Badrachalam by 3rd of April 2012 and checked into Apsara and Ramakrishna lodges in Badrachalam town, we had the leaflets, posters and other things concerned with the meeting. The very same day the committee had decided that we would move to Cherla and start campaigning about the meeting in villages around making Cherla as the base. As decided earlier convener of the committee and state general secretary of APCLC C. Chandra Shekar, Revolutionary Writers' Association member Pani, Praja Kala Mandli member Koti, Pragathishel Karmika Samgam

member Raju, Patriotic Democratic Movement member Y. Vekteshwarlu, Martyrs Relatives and Friends Association member Anjamma, Thudum Debba member Vatim Upendra etc., went to ASP office. But ASP Bhujal was ill so he asked us to meet him at 5 pm in the evening. On our way back to the lodge we met the Bar Association there and explained them the necessity to raise their voice against OGH. As we were leaving from there, we received a phone call from the other members of committee in the lodge that the police arrived there and is forcing them to open their rooms. By the time we reached the lodge we saw around 20 policemen in civil carrying SLR, AK 47. Even SI Naresh was there in civil and carried a revolver. When we asked them with what charge and right they were there to search our rooms. Their answer had no creativity; it's the reason we had been listening from ages. That they had an information that Maoists with weapons are also in the same lodge. After a long argument with the police also we did not open the doors of our rooms. We also told them that an SI doesn't have the right to search and around 20 of our group were women, so they must have lady staff to check them. Anyway after a while CI has arrived there, then, we had to open our room doors.

The positive aspect of this search was that it all happened before the media and thus half of our work to expose the meeting to public has been done by the police itself. But the thing to thought of is if people with atleast some identity are facing such humiliation from the police in Badrachalam, the position of adivasis is difficult to assume.

As requested by ASP, we went to his office again that evening at 5 pm. ASP Bhujal strictly told that the Committee against Operation Green-hunt can hold the meeting in places like Mungur and Kothagudem in Badrachalam but not in Cherla. Although we explained the ASP that most of the displaced people due to Greenhunt have come to Cherla and nearby villages and settled there, so it would be better to organize the meeting in Cherla only. We also told him that the speakers of the meeting former I.A.S B.D. Sharma, Prof. Ganta Chakrapani, intellectual Chukka Rammayya, senior advocate Bhojja Tharakam are not concerned with any political party or any banned association. Also that they will be here only to stretch their hand of support to the adivasis.

This did not have any effect on the ASP and he was stubborn about his decision. But we also went on questioning and asking him to permit for the meeting and thus to avoid us for that day he told us that he would talk to the SP that day and tell us their final decision the next day.

The famous "Jagan odarpu yathra" has permission and protection is given by 100's of policemen, if some public oppose it action is taken against the public. But an I.A.S officer, a professor, an intellectual are not permitted to meet the public of the nation even when no high protection is asked for. Where does the democratic right that everyone being equal before the law show its place here.

As decided earlier committee made Cherla the base and started campaigning about the meeting from 4th of April 2012. But

to avoid problems with the police during the campaigning we went to the regional CI and described him the outline of our programme in Cherla. During our campaign we decide to go into Vajedu, Cherla, Venkatapuram, Chintoor and VL Puram mandals in Badrachalam. And since 4th April all our members of the committee used to divide ourselves into 3 teams, each team boarded each jeep along with leaflets and posters to campaign in the assigned region.

On 8th of April we were accompanied by Vanessa (French journalist) and Stanley (War photographer, New York) who were there to cover the meeting and interview some of the displaced people who got settled in Cherla. That day the 3 teams campaigned in villages of Chintoor town. But that day being Sunday a bazaar was held in Cherla where people from surrounding many small villages come by to sell and purchase goods. So a cultural troop Prajakala Mandali member of our committee performed in the bazaar sang songs on OGH and campaigned about the meeting to be held.

On 9th April 35 members of the committee went into Badrachalam town to campaign. They mainly campaigned in bus stand, market and ITD office. In the bus stand while some of our members were campaigning by singing songs against OGH and others were distributing the leaflets to the travellers in the bus stand. As usually one of us handed a leaflet to a young guy in his late 20's. He came back and returned the leaflet, when enquired the reason for it he answered very sarcastically that he is the one hunting on the name of

green hunt then how can he be taking it. This clearly unfolds the truth that Mr. Chidambaram has been bluffing that there is nothing happening in India which is called Green Hunt.

On the same day there was a hearing in the High Court regarding the permission for the meeting. At around 3 in the afternoon the committee members in Badrachalam got to know that the High Court has denied the permission. Soon after this the members have stopped the campaigning and returned to Cherla, so that they can plan their future agenda. After reaching Cherla convener of our committee Chandrashekar and all other members had discussed that denying permission to conduct a public meeting is pure repression on us and against the democratic rights. So they decided to conduct a rally protesting against the government's decision and go to Cherla MRO's office as a rally and present him a memorandum.

Later that night a press meet was arranged in the lodge where we staying since 10 days. In the press meet our convener Chandarshekar and other members spoke to the media how unlawful it is to deny the permission and that we would protest the next day by holding a dharna and rally. They also explained the media the 3 reasons for which the court has denied permission. Firstly that the meeting can be held anywhere else but not in Badrachalam. Secondly that the Maoists have already put up posters asking the adivasis to make the meeting successful [entirely wrong, since those posters by Maoists were regarding the issue raise the price of thunik leaf which

the adivasis sell]. Thirdly that there would be law and order problems.

After the press meet at around 10^o clock CI Prasad telephoned our convener and asked him that they should not conduct any dharna on 10th since 144 section has been ordered in Cherla. He also threatened him that all of us must leave the lodge and that the capacity of the lodge is 25 where as 55 members are staying in it. So he said that he wants the addresses of the other 30 members. If not they would raid on the lodge the same day and arrest those 30 members. But we dint think of it even at the blink of our eyes and stuck to our decision to protest on 10th.

The sun started to raise on the 10th April morning. That day each member of the committee were filled with both excitement and fear. To create a fear and agony free environment some of our members started cracking jokes on the situation we were facing.

As the sun got brighter and brighter on the 10th morning, the number of CRPF soldiers also kept increasing who marched on the roads of Cherla, all of them with most advanced weapons. They [CRPF] were all around near the lodge and also in the houses around the lodge, in the shops and Tiffin centres near our lodge. In that way they were putting an eye on each and every move of us.

At around 10 am that day the committee members started to organize themselves to start the rally and dharna. Vanessa and Stanley has also arrived to cover the rally and dharna. In the meanwhile regional SI and other police came to lodge. Police asked us to leave immediately and not to conduct any dharna since

we don't have permission for it.

There was nothing that would frighten us that day. We held the banner of the meeting in our hands and leaders of the committee led the rally while the other members followed them. While some members uplifted every one's spirit by singing songs others marched holding the posters of the meeting high in the air.

While the police has been trying to stop the procession on every step, the protestors made their way through the police force and kept on marching towards the MRO office. The way to MRO office was through a by lane. As our members turned towards the by lane, the police started to resist severely.

The CI repeated the same old thing that 144 Section has been ordered in Cherla, so we cannot move in a group. The question that arises here is what was the need for ordering 144 section and deploying soldiers with such heavy weapons? They go on with their greenhunt and do not even want us to speak about it. This is very clear picture of how Mr. Manmoham Singh is providing equal democratic rights to each and every citizen of India.

Anyhow by strong determination and without a fear members pushed themselves through the police force and entered the by lane on the way to MRO's office. As we were almost halfway into the by lane, the police force arrested the leaders of the rally and forced them to get into a trailer auto. All the other members of committee tried to stop the vehicle and went towards it from its side to its front. Very cleverly the police took the vehicle by a sub lane behind by reversing the vehicle, that too with

very high speed.

But then we had some unusual spirit in us that day, none of us were frightened even after the arrest of our leaders. We all sat there itself on the road and told the police that we would move from there only when the arrested members would be brought back to us. And the cultural activists Rani, Gattu, Naina and others gave lashing answers to the police through their songs and dances. The police understood that the songs and dances by these activists was attracting the public around and also filling spirit and strength into the other members of the committee. Thus police arrested them as well.

This changed the situation all the members were now in rage and started shouting slogans, while some of them argued with the police there very strongly. Then the media arrived, so everything was on air then. This made the police take a back step, but then also after much argument, they brought back all the leaders and cultural activists who were arrested.

The lighter part all the protest is that the leaders who returned after the arrest announced that the memorandum has been submitted to the MRO by making the same vehicle in which they were taken away as stage. Anyhow convenor Chandrashekar, Thudum Debba Vattam Upendra, Virasam leader Rukmini, ABMS leader Padmakumari, CMS Radha and Sheshuram Nayak leader of an organization which fights for the rights of Lambadi people, explained and spoke on the same stage what OGH is. How it is a conspiracy. How it is affecting the adivasis and why it is important for us to oppose it.

After that also the members returned to lodge in as a rally, chanting the slogans against OGH. In lodge after returning we started to pack our bags to go to Badrachalam and from there to go to our respective home towns. In the meanwhile we got to know through a local journalist that many adivasis who came to the meeting have halted in a mango garden nearby.

As soon as the news about the adivasis in mango garden was known, Vanessa and Stanley who started on their way actually to meet some displaced people in Cherla went to the mango garden along with leader Rukmini and other persons. Reaching there they were very astonished and bewildered to see almost 2000 adivasis. Rukmini started to address them and raised her fist while her vocals chanted Lal Salam. Listening this all the adivasis encircled her and chanted louder, clear end with greater spirit the same words, which had a greater meaning for them.... "Lal Salam". After a few minutes Chandrashekar, Narayana Rao (APCLA), Tirumal Rao, Vattam Upendra and Sheshuram Nayak reached there. They told the adivasis that the meeting has been cancelled as the police and court has denied permission. They also promised them that if the adivasis would bring the problems they face to the notice of the committee, the committee will expose their problem and fight for their rights. They asked them to trust the committee and not to be frightened of anything.

As the leaders were speaking to the adivasis, the CI and SI came there with other civil dress police. Reaching us the CI burst shouting on the leaders that they should have organized the meeting

in Chattisghad border or some wherein Chattisghad itself, then the police would not have any sought of risk. The statement of the CI raised many questions. Aren't Chattisghad adivasis the adivasis of our nation? If they are then why is army being deployed against them? In which other country do we see that their own army has been deployed against their own citizens? But it happens in India.

Just to increase the bank balances of some foreign imperialists our government has turned itself into a broker for them and has declared war on the adivasis. How does the so called democratic government gives an explanation for its acts? But one thing that has been clear through the meeting in mango garden that if the government continues to suppress and goes on putting repression like this, then we must only go the citizens and address them like in the mango garden.

Later we got to know that 25000 adivasis halted at some other place and likewise 1000 of other group of adivasis also moved down to attend the meeting. Totally around 50000 adivasis have made time to come out for the meeting. Unfortunately and very unlawfully the police, court and the government has denied the permission.

As the leaders returned from the garden, all the members have started their way to Badrachalam. On the way they saw large groups of adivasis under trees and under some shelters, waiting for the right time to come for the meeting. So we stopped where ever we saw a group and asked them to leave since the meeting has been cancelled and also gave them the

leaflets and posters of the meeting which they have kept with them with much respect.

Again the police came there also and asked us to leave as soon as possible. Like this the police escorted us till Badrachalam. And in Badrachalam other team of police constantly watched us till every one of us left by that day night.

On the same day, after the information about the protest and arrest of our leaders in Cherla, a press meet held in Hyderabad. In which B.D. Sharma, Varavara Rao, Ghanti Prasad and Raghunath have spoke to the press. They addressed the media that how the government has restricted and put repression on people like Binayak Sen and

Himanshu kumar for questioning the rights of adivasis, in the same way as the committee is being treated by denying permission for the meeting .they requested public, democrats and intellectuals to support us.

No government has the right to declare war against its own people. They have the right to solve the problems of the citizens by ruling the nation with the terms and conditions notified according to democracy. So we as humans and all the people who believe in democracy should oppose and fight against Mr.Chidambaram and Mr.Manmohan Singh who did not hesitate to kill our brothers and sisters on the name of OGH.

