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ASIAN CENTRE FOR HUMAN RIGHTS

India Human Rights Report 2007

Edited by: Suhas Chakma, Director, Asian Centre
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C-3/441-C, Janakpuri, New Delhi 110058 INDIA

Tel/Fax: +91 11 25620583, 25503624

Website: www.achrweb.org

Email: suhaschakma@achrweb.org

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Preface

Armed Opposition Groups are responsible for more violations: Government must ensure its accountability

Preparing a state-wise Annual Report on India has been a challenging and sometimes controversial exercise. Often, many important issues cannot be addressed because of a range of factors.

Yet, each state-wise chapter of *India Human Rights Report 2007* wherever possible covers various human rights violations by the security forces including violations of the right to life, torture and arbitrary detention; violations of international humanitarian laws by the armed opposition groups (AOGs) including killing, torture, extortion, trial in *Jana Adalats*, Peoples' Court and destruction of economic infrastructure and public properties; violence against women by the security forces, AOGs and the society such as killing on the charges of being witches; violations of the rights of the child including trafficking, juvenile justice and children in armed conflict situations; violations of the rights of the tribals including displacement and land alienation; violations of the rights of the Dalits, in particular, violence against the Dalit women; violations of the prisoners' rights; state of the judiciary and administration of justice; repression on the freedom of the press; violence against the religious minorities; the status of the State Human Rights Commissions; misuse of the national security laws and the status of refugees and internally displaced persons. This year's report also covers the state of the human rights defenders.

During the preparation of *India Human Rights Report 2007*, covering the

events from 1 January to 31 December 2006, it was starkly clear to us that in 2006 the armed opposition groups (AOGs) were responsible for more violations.

a. Violations of international humanitarian laws by the armed opposition groups

The chilling massacres perpetrated by the Naxalites such as the Darbhaguda massacre of 28 February 2006 in which 27 persons were killed, Monikonta massacre of April 2006 in which 15 unarmed villagers were killed after abduction, Errabore massacre of 17 July 2006 in which 31 persons were massacred and Halewada massacre where the Naxalites killed at least 12 persons in a powerful bomb blast near Halewada village in Gadchiroli district of Maharashtra on 16 May 2006 – clearly stood out as the worst cases of the violations of the right to life.¹

Therefore, among the armed opposition groups, the Naxalites stood out as the worst violators of international humanitarian laws.

But, the Naxalites were not the only ones. The armed opposition groups in Jammu and Kashmir also targeted the Hindus. On 30 April 2006, at least 35 Hindus were massacred allegedly by the AOGs – 22 persons at two remote villages of Zienthwana and Manglote in Kulhand areas of Doda district² and 13 persons from Lolan Gala and Kela Top villages of Basantgarh in Udhampur district.³

The indiscriminate use of explosives targeting the civilians was rampant. In Manipur, five persons including a ten-

Preface

year-old-boy and a 70-year-old woman were killed and 50 others including foreign nationals injured when unidentified assailants exploded a grenade in the complex of the International Society for Krishna Consciousness temple in Imphal on 16 August 2006.⁴

It is not only the killings but also the sheer brutality and barbaric methods of torture used by the armed groups which drew attention. The dead bodies of those killed after being kidnapped often bore multiple wounds showing brutal methods of torture. According to some of abductees from Monikonta camp who were released on 29 April 2006 and interviewed by Asian Centre for Human Rights, the Naxalites “selected” 13 hostages, tied their hands from behind and blindfolded them. Then, the Naxalites allegedly stabbed them repeatedly before slitting their throats in front of other hostages. The released abductees were also allegedly denied adequate food and were forced to drink urine when they demanded water.⁵

On the intervening night of 14 June and 15 June 2006, members of the unidentified AOGs reportedly chopped off the limbs of 13 Muslim villagers, including a woman identified as Fatha Begum, at Donga hamlet in Mahore area of Udhampur district of Jammu and Kashmir to create chilling fears. One of the victims, Abdul Ahad whose tongue and nose had been chopped off died at the Sub-district hospital at Mahore.⁶

There were also allegations of rape. In January 2006 it was alleged that armed cadres of United National Liberation Front of Manipur allegedly gang raped 21 minor Hmar tribal girls, aged between 13 and 17 years, at Lungthulien village in the Tipaimukh division of Churachandpur district of Manipur.⁷ Ms. Malini Bhattacharya of the National Commission

for Women stated that though there was no direct medical evidence of rape, secondary evidence in the form of trauma, depression, psychological disorder and various other signs associated with rape and molestation, had been enough for her to come to the conclusion that the girls had been raped.⁸

b. Government’s failure to establish its own accountability

The violations by the armed opposition groups do not give the license to the security forces to violate human rights and fundamental freedoms. But, violations by the armed groups were often used as excuse to justify human rights violations by the security forces. The killing of 14 tribals in indiscriminate police firing at Kalinga Nagar, Orissa on 2 January 2006 was the worst case of violation of the right to life perpetrated by the security forces during the year 2006.⁹

In the case of Kalinga Nagar massacre, the authorities used equally barbaric methods. Out of the 14 persons killed in total, the dead bodies of six persons were sent for autopsy. The five dead bodies handed over to the Adivasis after post mortem had their palms chopped off from their wrists without the consent of the relatives of the deceased on the pretext of taking fingerprints. In addition, the genital organs of all six, including a woman, were mutilated during post mortem.¹⁰

The security forces too were responsible for rape. On the night of 9 February 2006, three tribal women including a pregnant woman were allegedly gang raped and at least two girls were molested by the personnel of the 36th Battalion of the Assam Rifles at Sachindrarozapara in Dhalai district of Tripura during a search operation. The pregnant woman suffered a miscarriage

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and had to be admitted to north district hospital.¹¹ On 15 February 2006, two of the three rape victims recorded their statements before the Chief Judicial Magistrate confirming the assault by the soldiers.¹²

In the 1990s, the authorities dismissed all human rights violations by the security forces as baseless allegations. Of late, the authorities started taking cognizance of some allegations of human rights violations. In the case of extra-judicial killing of Ajit Mahanta of Kakopathar under Tinsukia district of Assam, a military court in July 2006 found two soldiers - Nishant Sharma and Sudip Gurung - guilty of killing Ajit Mahanta. But the sentence was too lenient and was not commensurate with the crime of violation of the right to

life. While Nishant Sharma was suspended from his service for one year, Sudip Gurung was merely sentenced to two months' rigorous military imprisonment. The award of compensation of Rs 100,000 (\$2,130) to the family of Mr Mahanta cannot simply condone the murder.

Unless the government of India ensures accountability for human rights violations by the security forces, common citizenry is unlikely to see any distinction between the armed opposition groups and the security forces. This poses more serious threat to human rights and democracy.

Suhas Chakma
Director

Andhra Pradesh

1. Overview

The Indian National Congress and the Telangana Rashtra Samiti alliance government of Andhra Pradesh extended the ban on the Communist Party of India (Maoists) and six of its frontal organizations for one more year on 11 August 2006.¹ On 25 July 2006, Director General of Police, Swaranjit Sen claimed that 259 Naxalites (also known as Maoists), including 30 top leaders, had been killed in encounters, 1,138 Naxalites had been arrested while 1,104 had surrendered to the police since January 2005.² Many of the Naxalite leaders including Andhra Pradesh State Committee Secretary, Madhav alias Gurra Chennaiah who was killed at Nallamala forests in Prakasam district on 23 July 2006, were killed in alleged fake encounters.³ Despite allegations that the Nallamala encounter was fake,⁴ the State Government rejected the demand for a judicial probe on the ground that a magisterial inquiry was already ordered.⁵ This only strengthened the suspicions of alleged extrajudicial executions by the State agencies.

In 2006, the State Government proposed to raise a tribal battalion to combat the Naxalites. The proposal was opposed by tribal organisations and human rights groups.⁶

Although both the Central Government and the State Government of Andhra Pradesh claimed to have brought the Naxalite problem under control,⁷ the recovery of 600 unloaded rockets, 275 unassembled rockets, 27 rocket launchers, 70 gelatine sticks and other explosive materials from alleged Naxalites in Mahbubnagar and Prakasam districts by

the State Police on 8 September 2006⁸ depicted the undercurrent of the Naxalite conflict. The Naxalites were responsible for blatant violations of international humanitarian laws including killings, abductions and extortion. Many innocent civilians were killed on the charges of being police informers or for their association with political parties.

Women accused of crimes were picked up and detained at the police station under the charges of male policemen. They were sexually abused in police custody.⁹ Women were also targeted as “witches”. Trafficking of women and girls was rampant in the State.

The press continued to face repression. On the night of 21 March 2006, a senior journalist of *Times of India*, G Srikanth was manhandled and taken to the Punjagutta police station by Sub Inspector Ranga Reddy and constable Mansoor Ali in Hyderabad. His only crime was having a cup of tea at a wayside stall in the heart of the city at night. Although Mr Srikanth identified himself, the police personnel did not listen to him. He was detained and subjected to ill-treatment throughout the night.¹⁰

The minorities also faced physical attacks. On 15 January 2006, Superintendent of Police of Nizamabad district, Mahesh Chandra Laddha stated that four persons identified as Donthula Ravi, Sayyed Imran, Chilka Kishan and Areti Narender were arrested in connection with the attack on pastor Aharan in Nizamabad town on 12 January 2006. 11 more accused involved in the attack were absconding. According to Mr Laddha, two Akhil Bharatiya Vidyarthi Parishad leaders from Warangal and

Kurnool districts were involved in the attack. The police also arrested eight persons in connection with the attack on Yerrani Balaraju, who preached Christianity in Domakonda mandal headquarters in Nizamabad district, on 13 January 2006.¹¹

The judiciary continued to be plagued by delays. By the end of December 2006, there were only 34 judges against the sanctioned strength of 39 judges in the Andhra Pradesh High Court, while there were 107 vacancies of judges in the District and Subordinate Courts as on 30 September 2006. There were a total of 1,54,692 cases pending before the High Court of Andhra Pradesh while a staggering 9,61,383 cases were pending before the District and Sub-ordinate Courts as on 30 September 2006.¹²

2. Human rights violations by the security forces

The security forces were responsible for extrajudicial executions, custodial violence etc.

a. Killings in alleged “fake encounters”

During 2006, several top Maoist leaders were killed by the police in alleged encounters. On 25 July 2006, Director General of Police, Swaranjit Sen reportedly stated that 259 Maoists, including 30 top leaders, had been killed in encounters, 1,138 Maoists had been arrested while 1,104 had surrendered to the police since January 2005.¹³

There were allegations that the police first arrested the Maoist leaders and then killed them in fake encounters. On 23 July 2006, Andhra Pradesh State Committee Secretary of the CPI (Maoists) Madhav alias Gurra Chennaiah and seven other Maoists were shot dead by the police in an alleged encounter in the Nallamala forests

in Prakasam district.¹⁴ Renowned left-wing poet, Gaddar alleged that they were killed in a fake encounter.¹⁵ The Telugu Desam Party also sought an enquiry by a “competent agency”.¹⁶ However, the State Home Minister K. Jana Reddy rejected the demand for a judicial probe into the Nallamala encounter on the ground that a magisterial inquiry was already ordered.¹⁷ Following a petition from the Andhra Pradesh Civil Liberties Committee, the Andhra Pradesh High Court ordered the State Government to conduct the post mortem of the deceased at Guntur Medical College under supervision of a team of forensic experts and videograph the entire proceedings.¹⁸

Similarly, on the night of 27 December 2006, another top Maoist leader identified as Chandramouli, the CPI (Maoist) Central Committee member, and his wife Jyotiakka alias Devakka were killed by the Greyhounds, an elite commando force, in an alleged encounter in Panapalli forest area of Gudem Kotta Veedhi Mandal of Visakhapatnam district.¹⁹ However, on 28 December 2006, poet Gaddar submitted a memorandum to Chief Minister Y S Rajasekhara Reddy demanding a judicial probe into the encounter, which he claimed was fake. Gaddar claimed that the couple were brought to Visakhapatnam and killed.²⁰

Some of the Maoist leaders whom the police claimed to have killed in encounters during 2006 included alleged CPI (Maoists) commander of Atchampet local guerrilla squad, Outu Kurumaiah alias Murali near Rayavaram village in Mahabubnagar district on 3 July 2006,²¹ CPI (Maoist)’s Nallamala Area Committee member, Telugu Pochaiiah alias Venu at Nallakalva in Kurnool district on 15 July 2006,²² six alleged Maoists including Karimnagar (East Division) Secretary Madhu and District

Andhra Pradesh

Committee member Cherukuri Rattaiah in two separate alleged encounters in Warangal and Nalgonda districts on 15 September 2006,²³ alleged Deputy Commander of Penna Ahobilam dalam of the CPI (Maoist) Venkatesh alias Babu near Korrakodu in Anantapur district on 18 September 2006,²⁴ an alleged Maoist leader Samala Venkatesu alias Sudarshan in the forest area of Nallamada in Anantapur district on 6 October 2006,²⁵ an alleged Maoist leader Ramulu alias Ravi near Darlagondi village in Visakhapatnam district on 7 October 2006,²⁶ nine alleged Maoists including Obulesu, State Committee member and Rayalaseema Divisional Committee Secretary in the Gopavaram reserve forests in Kadapa district on 10 November 2006,²⁷ Banda Reddy Subha Rao alias Gautham, alleged member of the CPI (Maoist) Andhra-Orissa border State Zonal Committee member at Chemagadda forest in East Godavari on 24 November 2006,²⁸ and three alleged Maoists, including District Secretary Subash alias Badida Rammurthy and Mankidi Lakshmaiah alias Nagulu near Kothagudem in Khammam district on 8 December 2006.²⁹

The Andhra Pradesh Police also failed to distinguish between the civilians and the Maoists during anti-Maoists operations. On the night of 7 April 2006, the police killed a civilian identified as T Nageshwar Rao at Kondaparthi village in Warangal district suspecting him to be a Maoist cadre. On the same night, 19-year-old Marri Lavakar, son of M. Chandraiah, was allegedly killed by the police when he was returning from the fields at Kadavalli village in Medak district. Director-General of Police, Swaranjit Sen reportedly admitted the mistake and promised compensation to the bereaved families.³⁰ On 9 April 2006,

the State Government ordered a high-level inquiry into the killing of these two civilians.³¹

The police continued to resort to indiscriminate use of fire-arms. On 27 March 2006, a fisherman identified as Chodupalle Nookaraju was killed and dozens other were injured when the police fired at a mob from fishing community who were protesting against the construction of a port by a Dubai-based consortium at Gangavaram in Visakhapatnam. The construction of the port would displace about 3,600 families from the fishing village of Gangavaram. The fisherfolk were demanding rehabilitation and jobs for their youth in the port and clashed with the police. The State Government announced ex-gratia payment of Rs 3 lakh to the family of the deceased and announced an inquiry.³²

b. Custodial violence

The Andhra Pradesh Police continued to be responsible for custodial deaths and other human rights violations.

On 15 January 2006, a woman identified as Nevavat Bujji, wife of Manya of Karmanghat, died in the custody of Prohibition and Excise (P&E) police at Saroornagar in Hyderabad. She was reportedly picked up by Saroornagar excise officials on the charge of selling illicitly distilled liquor on 14 January 2006. P&E officials stated that she had consumed phenyl in the bathroom of Saroornagar P&E police station and declared death at Osmania General Hospital at about 6.30 am on 15 January 2006. However, Bujji's kin Nenavat Sali in her complaint to the police alleged that the deceased was raped and tortured to death by in-charge of police station, Inspector P. Krishna, two Sub-Inspectors and other constables in the police station. Based on

the complaint, Saroornagar police registered a case of wrongful confinement, rape and murder against the personnel at the P&E police station. A magisterial inquiry was also ordered into the custodial death.³³

Others who were killed in police custody during 2006 included a farmer identified as Degavath Panthulu of Moodugudisela tanda of Bada Bheemgal gram panchayat, who died due to alleged torture in the lock-up of Bheemgal police station in Nizamabad district on 7 March 2006,³⁴ Manda Yadagiri, resident of Kistapur village in Medchal mandal of Ranga Reddy district, who died in the Gajwel police station in Medak district on 9 June 2006³⁵ and Shaik Ali Pasha, a financier, who died at Santoshnagar police station in Hyderabad on 25 July 2006.³⁶

There were also reports of torture. On 13 March 2006, Sheikh Mahmood was picked up by the Amberpet police from his house in Premnagar on eve of Holi. Following his release on 20 March 2006, Sheikh Mahmood alleged that he was subjected to third degree torture during illegal custody. The victim filed a complaint with the Andhra Pradesh State Human Rights Commission against Inspector Shivaram Prasad.³⁷

Failure to pay bribe to the police warranted torture. On 3 June 2006, Syed Saleem of Achi Reddy Nagar was picked up by the police and taken to Falaknuma police station in Hyderabad for interrogation in connection with theft of Rs 1.25 lakh worth gold allegedly by his friend Mohammed Saleem from his own house. Sub-Inspector T. Nagender allegedly demanded Rs 10,000 from Syed Saleem. He was allegedly beaten up by the police during three days of illegal detention at Falaknuma police station.³⁸

In July 2006, third additional sessions judge of district (fast track) court in Adilabad district, S Madhavarao sentenced a Circle Inspector, three Sub-Inspectors and three Head Constables of the excise department and four Andhra Pradesh Special Police constables and one Head Constable to 10 years imprisonment and imposed a fine of Rs 5,000 each in the custodial death of one Machcha Narsaiah of Luxettipet mandal in an excise police station on 9 October 1997. An inquiry conducted by Criminal Investigation Department had found the accused guilty.³⁹

3. Violations of international humanitarian laws by the AOGs

The Maoists continued to be responsible for gross violations of the Common Article 3 of the Geneva Conventions and resorted to violations of the right to life, extortion, abduction, hostage taking, torture, awarding kangaroo justice through its so-called Peoples' Court, *Jana Adalat* etc.

a. Violations of the right to life

Following the killing of Madhav, Andhra Pradesh State Committee Secretary of the Maoists by the police on 23 July 2006, the Maoists released a list of 62 individuals comprising the State's top policemen, politicians and bureaucrats and announced rewards to kill them. The list included Chief Minister Y.S. Rajasekhara Reddy and his colleagues, DGP Swaranjit Sen (Rs 5 lakh), State Intelligence Chief Aravinda Rao (Rs 3 lakh).⁴⁰

The alleged police informers were specific targets of the Maoists. Surrendered Naxalites were usually suspected and targeted as police informers. In India, the largest number of such killings was reported from Andhra

Pradesh during 2006.

Even the minors were not spared. On 19 March 2006, two minors identified as Nagesh (15) and Yellisha (13) were shot dead by the alleged Maoists after being kidnapped from Pedda Bommlapuram village in Prakasham district. A note left with the bodies and signed by Singa Prasad, the Secretary of the Nallamala Forest Division Committee of the Maoists, reportedly alleged that the boys had joined Maoist dalams only to “monitor our movements and inform the police”.⁴¹

Others who were killed on the charges of being “police informers” included Nimmala Durgaiah, a surrendered Naxalite, at Kalvapalli village in Warangal district on 12 July 2006,⁴² H. Laxmi Narsu at Patwaripally village in Warangal district on 26 August 2006,⁴³ Chimala Bakkaraju, a surrendered Naxalite, at Pagideru village in Khammam district on 2 September 2006,⁴⁴ Sunder Rao at Mummuru village in Khammam district on 8 September 2006,⁴⁵ M. Venkanna, a former Naxalite at Rampur village in Warangal district on 17 September 2006,⁴⁶ and Jaganmohan Reddy, a contractor, and Bolla Krishna, *upa sarpanch* (vice-village headman) of Anantaram in Khammam district on 12 October 2006.⁴⁷

Political party activists were also killed by the Naxalites. The victims included Telegu Desam Party leader T Nageswar Rao at Ongole in Prakasam district on 1 July 2006,⁴⁸ Congress activist Kotla Nageswar Reddy at Gangavaram village in Prakasam district on 10 July 2006,⁴⁹ Telangana Rashtra Samiti district committee leader and advocate Rupu Reddy at Gandhamapalli village in Khammam district on 31 July 2006,⁵⁰ Congress leader Sreemanthula Seetarama Rao at Marrugudem village in Khammam district on 9 November 2006,⁵¹ and Congress leader Tumma Rami Reddy at

his residence in Guntur on 24 November 2006.⁵²

Even the kins of the political leaders were not spared. On 21 October 2006, Naxalites killed Chikkudu Lakshmaiah, elder brother of Congress legislator, Vamshikrishna at Elmapalli village under Amrabad mandal in Mahbubnagar district.⁵³

b. Kidnappings and extortions

The Maoists were also responsible for a large number of kidnappings. On 30 April 2006, the Maoists hijacked two luxury boats in the middle of the Nagarjunasagar reservoir and took captive about 35 tourists and the crew members. Later the Maoists freed all the captives with warning never to sail down the reservoir again and blew up the boats before fleeing into the forests.⁵⁴ The police claimed to have killed four of the five Maoists who had hijacked the tourists’ boats in an encounter at Maddimadugu in Mahabubnagar district later on the same day.⁵⁵

Many of the kidnappings were related to extortions. On 19 June 2006, the CPI (ML) Pratighatana cadres abducted senior General Manager of the Nagarjuna Cements Limited, V.V. Rama Raju and his colleague Galib Saheb from the factory premises in Kadimpothavaram in G. Konduru mandal in Vijayawada district. The abductors demanded Rs 1 crore ransom. However, they were reportedly set free following police operations. While V.V. Rama Raju was released on 21 June 2006, Mr. Galib was released the next day.⁵⁶

According to the police, irrigation contractors in Naxal affected districts like Warangal and Karimnagar had to pay 2-3% of their total contract amount to the Maoists. On 3 April 2006, the police reportedly recovered Rs 50 lakhs from

Jupally Raghupathi Rao, the *upa-sarpanch* of Kudikilla village in Kollapur mandal, and Yeruvaka Shivashankar, a site engineer of VARKS Engineer Groups, who were allegedly taking the money collected from the sub-contractors of the Kalwakurthy irrigation project to be paid to the Naxalites as extortion.⁵⁷

The Naxalites also issued threat notices against any one participating in the local body Zila Parishad elections in Warangal district scheduled for 2 July 2006.⁵⁸ A few days prior to the Zila Parishad elections, the Naxalites detonated a landmine blast at the house of former Congress Member of Legislative Assembly, P. Balaraju in Chintapalle. They also burnt down the flags of major political parties in Lakkavarapupeta, Devarapalle and Pedavalasa villages in the district.⁵⁹

4. Human rights violations by the vigilante groups

There were many vigilante groups consisting of the former Maoists operating in the State. Some of these were Fear Vikas, Green Tigers, Nalladandu, Red Tigers, Tirumala Tigers, Palnadu Tigers, Kakatiya Cobras, Narsa Cobras, Black Cobra, Nallamalla Cobras and Kranthi Sena.

These vigilante groups targeted the suspected Maoist sympathisers. On 4 May 2006, suspected Nallamala Cobras blew up the house of J. Koteswara Rao, Vice-President of the Praja Kala Mandali, an alleged front organisation of the Maoists, in Prakasam district.⁶⁰

5. Violence against women

Women continued to be victims of violence, societal discrimination, cruel cultural practices and trafficking.

Women accused of crimes were picked up and detained at the police station under the charges of male policemen. On 30 December 2006, a

woman from Guntur was allegedly raped by constable B Radha Krishna at One Town police station in Vijayawada. The accused was suspended and a case was registered against him. The police stated that the woman was picked up in connection with seven cases registered against her.⁶¹

Women continued to be targeted as alleged witches. On 28 November 2006, police arrested nine persons including two women on the charges of assaulting and humiliating 45-year-old Ms Guvvala Erukamma who was suspected of performing "witch-craft" at Marrikuntapalli village in Pedacherlopalli Mandal of Prakasam district. The accused identified as Guvvala Narayana, Guvvala Ramesh, Shanmugam, Lakshmi Narayana, who were relatives of the victim, and five others held the victim responsible for the death of the six-day-old son of Narayana. They tied her to a pole, beat her and tried to strip her. The victim was rescued by some other villagers.⁶²

In January 2006, a housewife named Ms T. Rupa from Budili village in Gorantla mandal under Anantapur district told media persons at the Press Club in Anantapur that she was being harassed continuously on the charges of being a witch by her husband and the villagers. The villagers believed that people in the village were falling sick because of her "black magic". The victim further alleged that she was given injections with HIV infected needles and blood mixed in pepsi. Her husband refused to give her money for HIV screening test. The victim further stated that she did not dare to lodge a police complaint as the villagers and her husband had threatened to kill her if she did so.⁶³

Andhra Pradesh had been a source of trafficking of women and girls. Hundreds of women were never traced. In 2004,

about 133 women went missing, of whom 12 women could not be traced. In 2005, 162 missing cases were reported of whom 32 could not be traced. During January-August 2006, 164 women, including 27 from Visakhapatnam, 9 from Srikakulam district reportedly went missing, of whom 61 women could not be traced.⁶⁴

6. Violations of the rights of the Dalits

The population of the Scheduled Castes (Dalits) in the State was 12,339,496 according to 2001 census of India. They constituted 16.2% of the total population of the State (76,210,007).⁶⁵ Incidence of violence against the Dalits was very high. The National Crime Records Bureau recorded a total of 3,117 cases of violations against the Dalits in the State which amounted to 11.9% of the total violations against the Dalits in India during 2005. These included 37 murder cases, 74 rape cases, 21 abduction cases, 9 arson cases, and 1,244 cases under SC/ST (Prevention of Atrocities) Act.

The Dalits continued to face social boycott whenever they tried to have access to their basic human rights. On 4 January 2006, *The Deccan Chronicle* reported that the Dalits of Basaladoddi village of Peddakaduburu mandal in Kurnool district were socially boycotted by the upper castes after they refused to follow an ancient tradition of carrying the heavy *Kumbham* at the folk festival of local deity Bangaramma in the village on 27 December 2005. Since the announcement of social boycott, the Dalits were denied access to the village shops and the hotels refused to serve them food and tea while the local flour miller refused to winnow their paddy.⁶⁶

On 6 February 2006, the upper caste members attacked Dalits at Lalapalli village in Eligaid mandal under

Karimnagar district following an altercation between two Dalit villagers and three upper caste people about construction of a temple separately by the upper castes in the village. At least three Dalit villagers identified as N Shankar, his brother Latchaiah and father Durgaiah were beaten up. The police registered a case under the SC/ST (Prevention of Atrocities) Act against 17 persons and arrested 15 of them.⁶⁷

7. Violations of the rights of the tribals

The population of the Scheduled Tribes (tribals) in Andhra Pradesh according to 2001 census was 5,024,104 which is 6.6% of the total population of the State (76,210,007).⁶⁸ The National Crime Records Bureau recorded 515 cases of atrocities against the tribals in the State during 2005, which amounted to 9% of the total all India cases of atrocities against the tribals. These included 12 murder cases, 34 rape cases, 196 cases under SC/ST Prevention of Atrocities Act, etc.

The tribals were disproportionate victims of land alienation and displacement by so-called development projects.

The tribals were also harassed on the charges of being Naxalites. On 20 January 2006, Railway police arrested 165 tribals from Adilabad district at Jangaon in Warangal district suspecting them to be Maoist sympathizers traveling to Hyderabad to create trouble on the occasion of All India Congress Committee plenary. The tribals were going to participate in a programme to be held at Karmanghat in connection with the distribution of lands.⁶⁹

a. Land alienation

Despite having stringent provisions under the Andhra Pradesh Schedule Areas Land Transfer Regulation to protect the

lands of the tribals in the Scheduled Areas, the tribal lands were increasingly alienated. On 21 March 2006, the State Government informed the State Assembly that the non-tribal individuals adopted dubious methods to take over the lands of the tribals in the names of their tribal wives after marrying them. About 57,367 acres of tribal land was under illegal occupation of non-tribal individuals in West Godavari district alone.⁷⁰

According to present estimates, non-tribals held as much as 48 percent of the land in Scheduled Areas of Andhra Pradesh. Since the Andhra Pradesh Scheduled Areas Land Transfer Regulation came into effect in 1959, 72,001 cases of land alienation were detected involving 3,21,685 acres of land in the State as of September 2005. These were stated to be only half of the actual land alienation in Scheduled Areas. Out of these 72,001 cases registered under the Andhra Pradesh Scheduled Areas Land Transfer Regulation, 70,183 cases were disposed off and 47.47% of the cases involving 162,989 acres were decided against the tribals.⁷¹ The State-government sponsored Giri Nyayam, Legal Assistance Programme for Land, was able to restore only about 1,06,477 acres of land to tribals in 29,873 cases as of June 2006.⁷²

The main reasons for the majority of the cases going in favour of the non-tribals were attributed to lack of understanding of the laws on the part of the implementing authorities, absence of legal support to tribals, and in most cases, the tribals not being a party in the proceedings. In one such case of alienation of tribal land, it took 37 years for Ms. Kumra Munku Bai, a Gond tribal, of Jaongon in Adilabad district to get back her father's land from B Shankar, a non-tribal money lender, but not without the help of Member of Parliament, Mr. Jairam Ramesh. Her

father, Todsam Gangu, who owned 18 acres of agricultural land, took a loan of Rupees 1,400 in 1969 (today approximately US\$32) from the money lender, and agreed to lease out his land for three years. But the money lender refused to return the land. Gangu approached the authorities, but for lack of guidance and legal help, the case dragged on and Gangu passed away in the meanwhile. In March 2006, the local authorities after due enquiry passed eviction orders against the non-tribal money lender, and handed over the possession of the land, now valued at 3,00,000 Rupees (US\$6,800), to Manku Bai's family.⁷³

b. Displacement due to development projects

On 24 January 2006, the State Government announced its decision to retain the proposed 150-ft height for Polavaram dam being built on the Godavari river at Polavaram in West Godavari district on the basis of the recommendations of a nine-member committee of experts headed by Preetam Singh, former Chairman of the Central Water Commission, which was mandated to study the issue of submersion of land under the project.⁷⁴ In April 2006, the affected tribals filed a petition in the Supreme Court challenging the construction of the Polavaram (also known as Indira Sagar) multi-purpose irrigation project on Godavari river by Andhra Pradesh Government. According to the petition, about 1,95,357 persons from 48,211 families will be displaced by the dam at full reservoir level and submerge 276 villages in Andhra Pradesh, 7 villages in Orissa and 16 villages in Chhattisgarh.⁷⁵

In October 2005, the Central Government had granted "forest and environmental clearance" to Polavaram project.⁷⁶ The Union Ministry of

Environment and Forests had admitted that about 1,93,350 persons would be displaced in three States - Andhra Pradesh (1,75,275), Orissa (6,316) and Chhattisgarh (1,766).⁷⁷ Of these, majority of the displaced persons were tribals.

The tribals also continued to oppose the proposed bauxite mining in the Scheduled Areas of Visakhapatnam district and demanded cancellation of the Memorandum of Understanding signed between the State Government and the Jindal Group of companies for the same.⁷⁸ On 23 January 2006, Centre of Indian Trade Unions State Vice-President, Ms S. Punyavathi, following a week-long tour in the Agency areas of Visakhapatnam, stated that approximately 80,000 tribals would be displaced due to the bauxite mining.⁷⁹

8. Violations of the rights of the child

According to official figures, there were 4,23,714 out of school children in Andhra Pradesh as of 31 May 2006.⁸⁰ According to the NHRC, there were an estimated 13 lakh child labourers in the State, which was the highest in the country. On 23 February 2006, NHRC member, Y Bhaskara Rao expressed concern at the slow pace of abolition of bonded labour and elimination of child labour in the State and directed the State Government to take steps in this regard.⁸¹

There were four Juvenile Homes for boys functioning in Hyderabad, Eluru, Visakhapatnam and Kadapa.⁸²

On 23 January 2006, a juvenile identified as Keshav was hospitalised in Kadapa for injuries caused due to corporal punishment by the staff at the juvenile home at Kadapa. According to Keshav, ill-treatment of children was common at the juvenile home.⁸³

9. Special Focus: Farmers' suicides

In April 2006, the State Government admitted that 1,261 farmers died between 14 May 2004 (the day the Congress party came to power in the State) and 31 March 2006. The highest number of farmers' suicides was reported from Karimnagar district (148), followed by Kurnool (107), Nalgonda (106), Anantapur (100), Mahbubnagar (92), Ranga Reddy (91), Medak (88); Adilabad (84), Nizamabad (72), Warangal (63), Khammam (63), Guntur (60), Prakasam (52), Chittoor (48), Krishna (27) and Kadapa (15). On the other hand, the Opposition Telugu Desam Party put the death toll of farmers during the same period at 3,056.⁸⁴

The official number of suicidal deaths by farmers during the seven years of Telugu Desam Party rule was 1,490. However, unofficial sources put the figure at about 4,000.⁸⁵

Crop failure, high debts, threats from the banks and private money lenders force farmers to commit suicides. According to official figures, the outstanding agricultural loans given to farmers by all banks by December 2005 was Rs 24,577 crores. But this was about 20 per cent of the requirement for the one crore farmers.⁸⁶

In its report submitted to the State Government on 11 December 2005, Justice L Ramachenna Reddy Commission⁸⁷ blamed the policies of the previous Telugu Desam Party government led by Chandrababu Naidu for the large number of suicide by farmers in the State. The judicial commission observed that "The TDP government failed to strengthen the agricultural credit delivery system, agricultural extension advisory system and quality input delivery system to small and marginal farmers. The TDP

government had paid compensation to families of suicide victims only for seven months. It stopped paying compensation to kin of the deceased farmers as it was wrongly felt that any relief measure would only cause more distressed farmers to commit suicide". However, the Commission also found 1,027 genuine cases of suicide by farmers after the Congress came to power in the State in May 2004.⁸⁸

On 10 April 2006, Union Agriculture Minister Sharad Pawar stated that Karnataka registered 5,910 suicides by farmers, followed by Andhra Pradesh (1,835), Maharashtra (981) and Kerala (201)

during the five years from 2001-2002 to 2005-2006.⁸⁹

On 29 September 2006, the Central Cabinet cleared a Rs 16,978 crore rehabilitation package to help the farmers in 31 backward districts of four states - Maharashtra (6 districts), Andhra Pradesh (16 districts), Karnataka (6 districts) and Kerala (3 districts). Under the package which would be implemented over a period of three years, Andhra Pradesh would be allocated Rs 9,650 crore, while Kerala, Karnataka and Maharashtra would get Rs 765 crore, Rs 2,689 crore and Rs 3,873 crore respectively.⁹⁰ ■

Arunachal Pradesh

1. Overview

Ruled by Indian National Congress, the State Government of Arunachal Pradesh continued to practice racial discrimination against the Chakmas and Hajongs.

The State Government of Arunachal Pradesh and the Government of India have been blatantly violating the judgement of the Supreme Court of 9 January 1996 by not processing the citizenship applications of those Chakmas and Hajongs who had migrated to Arunachal Pradesh between 1964 and 1969. The State Government also dishonoured the direction of the Election Commission of India to enroll all the eligible Chakmas and Hajongs into electoral rolls as per the Section 3(1)(a) of the Citizenship Act, 1955.

The basic facilities and amenities such as educational and healthcare facilities and the right to employment earlier withdrawn by the State Government have not been restored. As a result, the socio-economic conditions of the Chakmas and Hajongs remained highly pathetic.

Many false cases have also been filed against the activists of the Committee for Citizenship Rights of the Chakmas of Arunachal Pradesh (CCRCAP), which has been leading a democratic struggle for the citizenship rights of the Chakmas and Hajongs.

As per the State Police records, a total of 2,262 crimes were committed during 2006. These included 60 murders, 34 attempt to murder, 75 kidnapping and abduction, 93 crimes against women including 37 rapes, 181 grievous hurt and nine under the Arms Act, among others.¹

Despite the establishment of the Arunachal Pradesh State Commission for Women in January 2005, the conditions of the women and children remained miserable in the State. The National Family Health Survey III (2005-2006) found that 38.8 per cent women in the State were victims of domestic violence,² and 41 per cent women were married off under the age of 18 years.³ In a significant judgement on 7 December 2006, a Sessions Judge in Kurung Kumey district ruled that minor girls could not be married off as per the existing customs of the tribals.⁴

The healthcare services remained poor and inadequate, especially in the remote areas. In 2006, as many as 96 persons reportedly died of malaria in the State. Yet, around Rs 64.91 lakhs meant for programmes to control malaria remained unspent or misused.⁵

In February 2006, the State Government signed a Memorandum of Understanding (MoU) with three leading private companies namely Reliance Energy, Jaypee and DS Constructions for developing five mega hydro power projects in Siang valley.⁶ In September 2006, the State government signed three MoUs with the National Hydroelectric Power Corporation Limited (NHPC), for the construction of dams. These projects would result in displacement of hundreds of tribal peoples from their homes apart from destroying the biodiversity.

Arunachal Pradesh remained the only State in the country with no prison. There were 18 convicts by the end of July 2006. They were kept in prison of Asom,

thereby contributing to the problem of overcrowding.⁷

There was no separation of the judiciary from the executive. As on 30 June 2006, there were a total of 5,220 cases pending with the District and Subordinate Courts in the State.⁸

2. Discrimination against the Chakmas and Hajongs

Between 1964 and 1969, about 30,000 Chakma and Hajong tribals had migrated from then East Pakistan (now Bangladesh) and settled in the then North Eastern Frontier Agency (NEFA), the present day Arunachal Pradesh. Until 1980, the Chakmas and Hajongs enjoyed all the facilities including employment as accorded to the fellow local tribals. But as anti-foreigner movement swept the North East, the Arunachal Pradesh Government withdrew these facilities from the Chakmas and Hajongs. Since 1991, the Chakmas and Hajongs have been fighting for citizenship rights under the leadership of the Committee for Citizenship Rights of the Chakmas of Arunachal Pradesh (CCRCAP). The situation had deteriorated since then.

a. Denial of the right to nationality

On 9 January 1996, the Supreme Court of India in its historic judgement in the case of National Human Rights Commission Vs State of Arunachal Pradesh and Anr (Civil Writ Petition 720 of 1995) directed the State government of Arunachal Pradesh to process the citizenship applications of those who migrated between 1964 and 1969. But not a single application out of 4,677 applications submitted since 1997 had been processed by the end of 2006. Many of the applicants have already died.

This is nothing but contempt of the highest court of the country.

b. Denial of the right to franchise

In 2004, 1,497 Chakmas and Hajongs who were born in India were enrolled in the State's electoral rolls pursuant to the directions of the Election Commission of India. Yet, there had been no further progress to the process of enrolling other Chakmas and Hajongs who are citizens of India by birth under Section 3(1)(a) of the Citizenship Act, 1955 due to the apathy and racial discrimination being practiced by the State Government against the Chakmas and Hajongs.

On 23 March 2005, the Election Commission of India (ECI) issued an order for conduct of Intensive Revision in Arunachal Pradesh. The ECI also issued detailed guidelines to be complied with by the electoral officers during the conduct of the revision exercise.

As stated in our *India Human Rights Report 2006*, in clear violations of the above guidelines, from day one of the revision process, the Electoral Registration Officers (EROs) and Assistant Electoral Registration Officers (AEROs) prescribed birth certificate as the only document for enrolment. Ignoring clause (e), the EROs and AEROs arbitrarily and illegally subjected all eligible Chakma and Hajong voters who have been issued electoral cards to undergo local verification irrespective of whether linkage as required under Guideline (d) (i) was established or not.

The Committee for Citizenship Rights of the Chakmas and Hajongs of Arunachal Pradesh (CCRCAP), an organization representing the Chakmas and Hajongs, complained to the Election Commission of India against gross and willful violations of the ECI Guidelines of 23 March 2005 by the EROs, AEROs and other concerned electoral officials of Arunachal Pradesh during the revision exercise.

Taking cognizance of such gross violations of its guidelines, the Election

Commission of India suspended publication of Draft Rolls in 46-Chowkham; 49-Bordumsa-Diyun and 50-Miao Assembly Constituencies inhabited by the Chakmas and Hajongs till the Election Commission of India decides on the issue. At the end of the year, the issue remained pending before the Election Commission of India. By the end of 2006, Election Commission of India failed to take a final decision.

On 9 August 2006, the Gauhati High Court (Itanagar Permanent Bench) dismissed the three writ petitions [WP(C) No. 154 (AP) 2006], [WP(C) 155(AP) 2006] and [WP(C) 156(AP) 2006] challenging the order of the Election Commission of India of 2 January 2004 directing the concerned Electoral Registration Officers to include names of 1,497 Chakma and Hajong voters in the electoral rolls.

c. Pathetic socio-economic conditions

The socio-economic conditions of the Chakmas and Hajongs have been utterly pathetic. Since 1980s all rights enjoyed by the Chakmas and Hajongs have been withdrawn. During 1994-95, the State Government withdrew whatever services left to the Chakmas and Hajongs. It withdrew the Government Middle School at Bijoypur I under Bordumsa Circle; the only Government Primary School for seven villages at Bodhisatta village under Miao Circle; Government Primary School at M-Pen under Miao Circle; and all 49 Anganwadi nutrition centres from the Chakma and Hajong villages in Changlang, Lohit and Papumpare districts. Apart from the Government Primary Schools in a few of their villages, admissions were banned to the Chakma and Hajong students in all Government schools in the State.

While in 2006 a new Primary School has been opened at M-pen village, neither

the Middle School at Bijoypur nor the 49 Anganwadi nutrition centres have been re-opened despite repeated requests to the authorities. The Chakma and Hajong students continued to be denied admissions in the Government Higher Secondary School and two Government Primary Schools at Miao; Higher Secondary School in Bordumsa; and Higher Secondary schools in Namsai.

The only assistance that the Chakmas and Hajongs were getting from the State Government was one or two teachers in each Government Primary Schools in 6 Chakma villages under Diyun Circle, 2 Government Primary Schools in Miao Circle in Changlang district and 1 Government Primary School in Chowkham Circle in Lohit district. The school buildings and teacher's residences were built by the parents' committees in each village.

The Chakmas and Hajongs did not have access to basic healthcare services. No public development work was being undertaken in the Chakma and Hajong villages. There were no provisions for safe drinking water or electricity. Even kerosene oil which the villagers use to light lamps was not supplied to the Chakma and Hajong areas.

Many false cases have been pending against the CCRCAP activists.

3. Violence against women and children

In January 2005, Arunachal Pradesh State Commission for Women was formed. But there had been little improvement in the plight of women in the State. They were subjected to cruel and degrading treatment, most particularly sexual exploitation in the name customs and traditions. As per the state police records, 93 crime against women including 37 rapes were registered during 2006.⁹ The

National Family Health Survey III (2005-2006) found that 38.8 per cent women were victims of domestic violence in the State.¹⁰

Child marriage was common. According to the National Family Health Survey III (2005-2006), 41 per cent women were married off under the age of 18 in Arunachal Pradesh. The figure was 28 per cent during its earlier survey of 1998-99.¹¹

In a significant judgement delivered on 7 December 2006, a Sessions Judge in Kurung Kumey district ruled in favour of a Class XII girl, Yumbam Yaku who had moved the court asking to be freed from her marriage. Sessions Judge Repo Ronya ruled that the girl was not a party to the betrothal agreement as neither her consent was sought nor was she in a position to give consent at the time of her wedding. The court was also of the opinion that marriage could not be solemnised against the will of one of the concerned parties, citing the provisions of the Child Marriage Restraint Act, 1929. The petitioner, Yumbam Yaku was married off as a child to Bengia Kami in return for a bride price in the form of mithuns, cows and pigs, according to tribal practice.¹²

4. Imminent displacement by dams

Many dams were being built in Arunachal Pradesh. India's largest

hydroelectric project, the Rs 6,285-crore Subansiri Lower Hydroelectric Project was being built by the National Hydroelectric Power Corporation Ltd (NHPC) on river Subansiri on the border of Arunachal Pradesh and Asom. It is expected to be completed by August 2010.¹³

In February 2006, the State Government signed a Memorandum of Understanding (MoU) with three leading private companies namely Reliance Energy, Jaypee and DS Constructions for developing five mega hydro power projects in Siang valley.

In September 2006, Arunachal Pradesh Government signed at least three Memorandum of Understandings with the National Hydroelectric Power Corporation Ltd (NHPC) for implementations of hydroelectric projects by NHPC. The Projects included Tawang Hydroelectric Projects-I and II in Tawang district on Tawangchu river,¹⁴ and the Dibang Multipurpose Project, which is a hydropower cum flood moderation scheme over Dibang river at Munli near Roing in Lower Dibang Valley district.¹⁵ Another project, Sippi Hydroelectric Project on river Sippi in Upper Subansiri district was under active construction.¹⁶

Theses dams will cause huge displacement of the tribal peoples apart from destroying bio-diversity. ■

Asom

1. Overview

Ruled by the Indian National Congress party, the peace process with United Liberation Front of Asom (ULFA) ended in despair in 2006. The unilateral cessation of hostilities by the Centre in August 2006 and the subsequent reciprocation of the peace overture by the ULFA raised hopes for permanent peace in the State. The People's Consultative Group, the interlocutor for the peace process with the ULFA, pulled out after three rounds of talks.¹ However, the ceasefire with the National Democratic Front of Bodoland (NDFB) continued.²

According to the Ministry of Home Affairs, a total of 242 persons including 164 civilians, 32 security forces and 46 alleged cadres of armed opposition groups (AOGs) were killed in 413 insurgency-related incidents in Asom during 2006 against the killing of 254 persons including 173 civilians, 7 security forces and 74 alleged cadres of AOGs in 398 incidents in the State during 2005.³ As per the estimates of the State Government, as many as 114 civilians were killed in insurgency-related violence in Asom between May 2006 and 11 December 2006. About 1,214 persons were killed by various AOGs since May 2001. Of these, 1,031 were civilians, 183 security forces personnel and 1,051 alleged members of the AOGs.⁴

The common people were victims of blatant human rights violations at the hands of the security forces, both the State Police and Central armed forces, in the name of "counter-insurgency operations". On the night of 25 October 2006, Sanowar Hussain was reportedly beaten to death by the Central Reserve Police Force (CRPF) personnel during a raid at his house in

Gouripur town under Dhubri police station in Dhubri district.⁵ Many civilians also lost their lives in indiscriminate police firing. On 10 February 2006, at least eight civilians were killed when police opened fire at agitating mob at two places at Kakopathar and Makum in Tinsukia district⁶ following the killing of Ajit Mahanta in the custody of the army after being arrested from Kakopathar on 5 February 2006.⁷

On 5 January 2006, Gauhati High Court directed the Ministry of External Affairs to furnish within two weeks a complete list of persons handed over to Indian authorities by Bhutan after their arrest by the Royal Bhutan Army during 'Operation All Clear' launched in December 2003. The order was issued while hearing a habeas corpus petition filed by Shyamalee Gogoi alias Jnanama Moran in January 2005 seeking information on the whereabouts of her husband, Punaram Dihingia alias Prakash Gogoi, an ULFA activist who went missing after alleged arrest by the Royal Bhutan Army.⁸

The AOGs also targeted civilians, including indiscriminate use of explosive devices. As per the records of the State Government, as many as 191 persons were killed and 1,276 were injured in bomb blasts triggered by suspected AOGs in Asom from 2001 to 30 June 2006.⁹

The condition of the women was deplorable. Asom topped the list of crimes against women in North East India with 6,027 cases being registered with the police in 2005. Of these, only 25 cases were registered under the Immoral Trafficking Act.¹⁰ This is despite the fact that Asom is the transit point of illegal trafficking of

hundreds of women and girls to other States of the country.

The prevalence of traditional evil social practice of “witch-hunting” remained a major problem. According to Criminal Investigation Department of Assam Police, over 50 persons were killed in the last three-and-a-half years in the State on the charges of practicing witchcraft.¹¹

Prisons were overcrowded and the health problems of the prisoners were neglected. Several children were also lodged in different jails of the State.

2. Human rights violations by the security forces

The security forces were responsible for serious human rights violations including arbitrary arrest, detention, torture, rape and extrajudicial killings.

a. Violations of the right to life

Asian Centre for Human Rights documented several cases of custodial deaths in 2006. The victims included Kamakhya Gupta, resident of Naba Sangha Path, who was killed after being arrested by a patrolling police party from Babupatty area in Dibrugarh district on 15 January 2006;¹² Dhaneswar Puma, a cattle grazer belonging to Tiwa community, who was killed by the army after allegedly picking him up from Lembra village in Karbi Anglong district on 2 February 2006;¹³ Ajit Mahanta who was killed in the custody of the army after his arrest from Kakopathar in Tinsukia district on 5 February 2006;¹⁴ and ULFA corporal Puspa Borah who died under mysterious circumstances at Udalgari police station in Udalguri district after he surrendered to the police on 14 May 2006.¹⁵

In the case of Ajit Mahanta, a military court on 24 July 2006 found two soldiers identified as Nishant Sharma and Sudip

Gurung guilty of killing Ajit Mahanta. But the punishment given to them was too lenient. While Nishant Sharma was suspended from his service for one year, Sudip Gurung was merely sentenced to two months’ rigorous military imprisonment. Besides, the army provided a compensation of only Rs 100,000 (\$2,130) to the family of Mr Mahanta.¹⁶

In August 2006, the Assam Human Rights Commission (AHRC) ordered the State Government to pay a compensation of Rs 1 lakh to the next of kin of Radheswar Hokai who died at Ulukunchi police station in Karbi Anglong district on 20 August 2004. AHRC also awarded compensations of Rs 1 lakh, Rs 70,000 and Rs 50,000 respectively to the next of kin of three victims namely Tong Mithi, En Lumphoi and Khanmar Pumah who died in police firing while protesting against the custodial death of Radheswar Hokai.¹⁷

The police continued to use firearms indiscriminately against civilians. Many civilians fell to police bullets while exercising their fundamental right to protest against injustice and illegal activities of the security forces. The incidents of killing in police firing included killing of at least eight civilians at Kakopathar and Makum in Tinsukia district on 10 February 2006;¹⁸ killing of a youth at Panigaon in North Lakhimpur on 22 March 2006;¹⁹ killing of three persons including two school children at Moirabari in Morigaon district on 18 November 2006;²⁰ and killing of Tabibor Rahman in police firing at Rangiya in Kamrup district on the night of 4 October 2006.²¹

Other victims of alleged extrajudicial killing included Kartik Banik, a trader, who was killed by Inspector NA Laskar of Railway Protection Force near a railway crossing gate in Badarpur on the night of 8 February 2006;²² Riten Karmakar who was killed in Golaghat district on 16 July 2006;²³

Sanowar Hussain who was allegedly beaten to death by the CRPF personnel during a raid at his house in Gouripur town under Dhubri police station in Dhubri district on the night of 25 October 2006.²⁴

Often, justice was too slow to come for the victims. On 24 November 2006, the Gauhati High Court while responding to a writ petition ordered a judicial enquiry by the District Judge of Sonitpur into the police firing at Rangapara in Sonitpur district on 17 October 2000. On that day, three persons identified as Sanjib Dey, Nitai Bardhan and Mansha Singh were killed and several others injured when police fired indiscriminately at a mass gathering.²⁵

The KN Saikia Commission, probing the “secret killings” which took place between 1999 and 2001, submitted its final report on seven cases to the State Government on 7 September 2006. The cases included killing of Mithinga Daimary’s family members; killing of Dijen Haloi and Phulen Haloi; killing of Deepak Choudhury (brother of ULFA leader Sasa Choudhury); killing of Jyotish Sarma; killing of Dimba Rajkhowa (brother of ULFA chairman Arabinda Rajkhowa); killing of Rajesh Mishra and Rajib Mishra of Tezpur and kidnapping of Ananta Kalita of Hajo. Earlier, the controversial “secret killings” were probed by J N Sarma Commission whose report was rejected by the State Government as it failed to indict any political figure in the killings.²⁶

On 5 December 2006, the Guwahati High Court, following a writ petition filed by former Chief Minister Prafulla Kumar Mahanta challenging the legality of the Justice KN Saikia Commission investigating the secret killings, issued notices to the Asom Government, the probe panel and the State Assembly asking

them to file their replies before 18 December 2006.²⁷

b. Arbitrary arrest, illegal detention and torture

Torture was common during detention. Some of the cases of arbitrary arrest, illegal detention and torture documented by Asian Centre for Human Rights included arrest of seven youths from Nalbari who were handcuffed and tied with ropes by police when they went for a picnic in Guwahati in January 2006;²⁸ injuries to at least 20 people, nine of them critically, when personnel of 50 Border Security Force in their civvies beat up people including pilgrims, women and children at the Kamakhya Temple in Guwahati on 29 January 2006;²⁹ playwright Anup Mazumdar and teacher Munindra Dutta who were illegally arrested by Superintendent of Police, Dilip Kumar Dey from Barama in Nalbari district on the night of 13 August 2006;³⁰ and Rajesh Naiding who was beaten up by two policemen identified as Mosses Tokbi and Rothikanta Barman at Sainza Razi in Halflong of North Cachar Hills district on 11 August 2006.³¹

Innocent civilians were arrested and tortured by the security forces during cordon and search operations. The victims included Paban Gogoi, a student of Class VIII, who was arrested by the army after they failed to trace his brother, an alleged member of an AOG at Rajgarh-Rongabonani area in Dibrugarh district on the night of 20 January 2006;³² Dhiraj Senapati and Bibhuti Gohain who were tortured by the army during an operation at Jeraigaon in Dibrugarh district on 30 January 2006;³³ Manjit Sahu who was picked up by the Assam Rifles personnel for having alleged links with ULFA at Bhogdoi area in Jorhat district on 28 March 2006;³⁴ Madhurjya Gogoi who was

tortured after being picked up by the Assam Rifles personnel from the Bhogdoi Bridge in Jorhat on 28 February 2006³⁵ and Nipul Saikia, a farmer, who was allegedly given third-degree torture including electric shocks by the personnel of 11th Guards Regiment after his arrest on the suspicion of having links with the ULFA in Dibrugarh district on 9 October 2006.³⁶

3. Violation of international humanitarian laws by the AOGs

The armed opposition groups (AOGs) were responsible for gross violations of international humanitarian laws especially by targeting the civilians through explosive devices. As per records of the State Government, as many as 191 persons were killed and 1,276 were injured in bomb blasts triggered off by alleged AOGs in the State from the year 2001 to 30 June 2006. As many as 1,536 civilians were killed in armed conflict-related violence during the same period.³⁷

a. Violations of the right to life

The AOGs were responsible for indiscriminate killings of civilians. The victims included Chand Md Ali, former president of Nalbari block Congress by suspected NDFB cadres at Burinagar in Nalbari district on 5 January 2006;³⁸ Kamal Ali who was killed when suspected ULFA cadres lobbed a grenade in front of the Police Reserve in the Lakhtokia area in Guwahati on 22 January 2006;³⁹ Lolit Moran and Momi Moran, both surrendered ULFA cadres, who were killed by alleged ULFA cadres at Gotong village under Doomdooma police station in Tinsukia district on the night of 21 April 2006;⁴⁰ killing of five persons including a 10-year-old child in a suspected ULFA-triggered blast at a vegetable market in Guwahati on 9 June 2006;⁴¹ Phani Talukdar who was killed in a suspected ULFA-

triggered attack at the Ganesguri flyover in Guwahati on 10 June 2006;⁴² Shiv Shankar Verma and Monoj Gogoi who were killed in a blast at Bazar Chariali in Digboi in Tinsukia district on 12 June 2006;⁴³ three persons including two women and a child who were killed in a suspected Dima Haolam Daoga-triggered grenade blast at Maibong railway station in North Cachar district on 26 July 2006;⁴⁴ Harendranath Das, a tea estate manager, who was killed by alleged ULFA cadres in Tinsukia district in September 2006;⁴⁵ Om Prakash Agarwalla, a grocery shop owner, who was killed by the suspected ULFA cadres at his residence at Shingrijan Tea Estate in Sivasagar district on 15 October 2006;⁴⁶ Kamal Hazarika, a surrendered ULFA activist, who was killed by suspected ULFA cadres at Borabhayapuri under Tengakhat police station in Dibrugarh district on 19 October 2006;⁴⁷ Ghanashyam Das who was killed by suspected ULFA cadres at Kulhati Charashal under Hajo police station in Kamrup district on 8 November 2006;⁴⁸ three persons of a Hindi-speaking family identified as Vinay Chauhan, his wife Reena and their two-year-old son Uday who were killed in a suspected ULFA-triggered bomb explosion in front of the Guwahati railway station on 23 November 2006⁴⁹ and Pawan Kumar Nawal, a shop keeper who was killed by suspected ULFA cadres at Beltola area in Guwahati on 21 December 2006.⁵⁰

b. Kidnappings

The AOGs carried out several kidnappings of civilians often demanding ransom. Failure to meet their demands resulted in killing of the hostages. One Lilakanta Deuri, manager of Panigaon-based Suwansiri Gaonlia Bank, was killed by unidentified men after being kidnapped while on his way to the office

near Tarajuli in Lakhimpur on 2 January 2006.⁵¹

Others who were kidnapped during 2006 included Suren Das, the chief engineer of the Public Work Department's national highway division by alleged ULFA cadres from his rented house at Nizarapar in Guwahati on 9 March 2006;⁵² kidnapping of at least 10 villagers by the suspected cadres of United Democratic Liberation Army from Killarbag village under Katlichera police station in West Hailakandi on the night of 7 August 2006;⁵³ Lantuk Phangcho, a senior CPI (M-L) leader, who was kidnapped by unidentified men from Umrangshu in the North Cachar Hills while he was going to attend a party meeting on 22 October 2006;⁵⁴ Chanchal Modak, managing director of the Gamaria rubber plantation, who was abducted by unidentified men from his house at Ramkrishnanagar town in Karimganj district on 4 December 2006;⁵⁵ and M. Ganeshan, an engineer with the Border Roads Organisation, who was kidnapped by unidentified men from Gitibari under Paneri police station of Udalguri district on 22 December 2006.⁵⁶

c. Extortions

Besides abductions for ransom, the AOGs also were responsible for extortions. There were 27 cases lodged against NDFB cadres for extorting money after signing of the ceasefire pact as on 30 June 2006.⁵⁷ In January 2006, the NDFB allegedly demanded money ranging from Rs 30,000 to Rs 50,000 from villagers in Nagaon district. The extortion demand notes allegedly urged the villagers to "take part in the peace process between the NDFB and the Government of India by donating money to the revolutionary treasury of NDFB"⁵⁸

In January 2006, ULFA allegedly served an extortion notice of Rs. 500 crore

to Oil and Natural Gas Corporation (ONGC) located at Nazira in Sivasagar district.⁵⁹ On 3 July 2006, the ULFA demanded an extortion of Rs 15 lakh from the Regional Director of the Reserve Bank of India in Guwahati.⁶⁰ In September 2006, ULFA allegedly served an extortion notice to Nagrijuli Tea Estate in Baksa district demanding Rs 1 crore.⁶¹

Those killed for allegedly failing to meet extortion demands included businessman Ghanshyam Jojo in Dhemaji district on 14 October 2006⁶² and businessman Jayanta Dey on 27 October 2006 in Tinsukia district.⁶³

On 1 June 2006, two Kuki National Front (Military Council) cadres identified as Paumangcha Thangeu and Lalsemthang Lintheng were arrested by police when they allegedly came to collect extortion money from a shop in Haflong.⁶⁴

d. Infrastructure and economic destruction

The ULFA cadres were responsible for the destruction of public properties and infrastructure. They especially targeted the oil reserves of the State. Alleged ULFA cadres, among others, blew up two gas pipelines at Chetiapathar and Bokulia Chariali in Dibrugarh district on 22 January 2006,⁶⁵ two gas pipelines and two crude oil pipelines at Duliajan in Dibrugarh district on 9 June 2006,⁶⁶ a portion of the main Guwahati-Dibrugarh railway track between Sapekhati and Borhat in Sibsagar district on 11 June 2006,⁶⁷ a natural gas pipeline in Dibrugarh district on 11 November 2006,⁶⁸ and an oil pipeline of Oil India Limited in Tinsukia district on 12 November 2006.⁶⁹

4. Violence against women

Asom topped the list of crimes against women in North East India with 6,027 cases being registered with the police in

2005. Of these, 25 cases were registered under the Immoral Trafficking Act.⁷⁰

On 12 October 2006, an army jawan identified as Havildar Sukjan Singh from the 62nd Mountain Brigade based at Hatighar was arrested on the charges of molesting two girls in an inebriated condition at Harisingha in Kokrajhar district.⁷¹

Women were often targeted as witches. According to the Criminal Investigation Department of Asom Police, over 50 persons were killed in the last three-and-a-half years on charges of practicing witchcraft. Five persons were killed in 2003, while the number increased to eight in 2004 and to 23 in 2005. More than 20 persons were killed during 1 January - 23 August 2006.⁷²

On the night of 4 January 2006, an aged woman identified as Durgi Soren was killed by villagers including one Shyam Tudu on the suspicion of practicing witchcraft at Pakhihaga village under Gossaigaon police station.⁷³ On 18 March 2006, five persons of a family including Amir Munda and his children were reportedly beheaded in full public view after a public trial found them guilty of allegedly practicing witchcraft at the Sadharu tea plantation in Sonitpur district.⁷⁴ On 21 August 2006, five persons were killed in two separate incidents for allegedly practicing witchcraft in Kokrajhar district.⁷⁵

5. Violations of the rights of the tribals

The National Crime Records Bureau recorded 216 cases of violations of the rights of the tribals in Asom during 2005. These included 23 murder cases, 19 rape cases, 21 kidnapping cases, 5 arson, 63 hurt, etc. However, no case was registered under the SC/ST (Prevention of Atrocities) Act.

The plight of the tribals continued to be ignored in three districts of Cachar, Karimganj and Hailakandi. The State Government failed to contain the influx of non-tribals in these districts. False and fabricated cases were lodged against the tribals with a view to grab their lands. Encroachment into forest land by non-tribals continued unabated with the alleged support of politicians and authorities concerned.⁷⁶

There was huge number of backlog posts reserved for Scheduled Castes and Scheduled Tribes in various departments of the State Government for years. The backlog posts in various categories reportedly went up to 50,000 in the state. In May 2005, the State Government assured the All Assam SC and ST Unemployed Association in writing (vide letter No TAD/BC/186/2002/165 dated May 17, 2005) that it would fill up at least 1,000 backlog posts. But the assurance was not fulfilled.⁷⁷

6. Violations of the prisoners' rights

Jails were overcrowded in Asom. By July 2006, the Guwahati jail had as many as 867 prisoners against the total capacity of 507 prisoners.⁷⁸ Similarly, the Nagaon jail housed 250 inmates against its capacity for 125 inmates, while the Barpeta jail had 221 inmates against the capacity of 134 inmates as of June 2006.⁷⁹

The members of AOGs were allegedly denied proper treatment. In early June 2006, the Assam Human Rights Commission sought a detailed report from the Director General of Police with regard to the imprisoned ULFA activist Prasanna Phukan alias Jogeswar Gogoi who was reportedly losing eyesight due to the lack of treatment.⁸⁰

The State Government even failed to recruit warders in the State jails. More than 120 posts of wardens were lying vacant in

different jails of the State as of June 2006. The warder-inmate ratio was 1:65 as against the normal ratio of 1:11.⁸¹

7. Judiciary and administration of justice

As on 1 October 2006, there were 10 vacancies in the Gauhati High Court.⁸² The vacancies decreased to 5 in the High Court by the end of 2006.⁸³ The number of vacancies in the District and Subordinate Courts was 42 as on 30 September 2006. There were 59,543 cases pending with the Gauhati High Court while there were 17,8,516 cases pending with the District and Subordinate Courts as on 30 September 2006.⁸⁴

On 9 January 2006, the Supreme Court ordered the Asom Government to pay Rs 3,00,000 as compensation as well as a monthly stipend to 77-year-old Machal Lalung who languished at Tezpur mental hospital for 54 years without any trial in court. Mr Lalung was released from the mental hospital in July 2005 following the intervention of the National Human Rights Commission.⁸⁵

8. Repression on the freedom of the press

The press came under scathing attack for its activism. While in some cases, the hands of AOGs were suspected; in most cases the perpetrators remained "unidentified". On 6 January 2006, Prahlad Goala of Assamese daily *Asomiya Khabar* was killed by unidentified persons at Thuramukh in Golaghat town. The deceased had reported on illegal felling of trees in Nambor forest range. The police arrested the ranger KZ Zaman of Nambor reserved forest in connection with the killing.⁸⁶

Journalists were victims of physical attacks. On the night of 1 January 2006, four unidentified men reportedly attacked the house of P Brahma Chowdhury,

correspondent of *The Telegraph* in Kokrajhar. Two members of his family were injured and properties were damaged.⁸⁷

On 25 May 2006, unidentified men ransacked the house of journalist Mohommed Jainul Abedin of *The Assam Tribune* in Gossaigaon.⁸⁸

On 8 June 2006, ULFA allegedly issued threats to four Guwahati-based journalists including D N Bezboruah, former editor of *The Sentinel* and Prasanta Rajguru, executive editor of *Amar Asom* for allegedly "working against the interest of the people of Assam and attempting to scuttle the ULFA peace talks with the Centre".⁸⁹

The journalists also came under attacks from the police and other government servants. On 17 February 2006, two journalists - Robin Dhekial Phukan of *Asomiya Pratidin* and Parag Bhuyan of *Dainik Janambhumi* were assaulted by police while covering the visit of Chief Minister Tarun Gogoi at Kakopathar in Tinsukia district.⁹⁰

On 21 February 2006, the postmaster of the Sivasagar Post Office snatched the camera of a local journalist and assaulted him when some journalists went to the post office to inquire about the slow postal service. The postmaster also called the police and handed over the journalist to them on the charges that he was creating disturbance inside the post office. When some other local journalists went to the post office to inquire about the whole incident, the post master again assaulted at least two of them. Later the journalists filed an FIR against the postmaster in Sivasagar police station.⁹¹

9. Status of Assam State Human Rights Commission

The Assam State Human Rights Commission (AHRC) continued to be

ineffective and its recommendations were often ignored by the State Government.

However, in February 2006, the AHRC registered a number of cases against the State administration and sought reports from the authorities concerned within the stipulated time frame. The Commission registered the cases after receiving a complaint from All Assam Students' Union (AASU) regarding non action against the police personnel who were allegedly involved in torture of Hitendera Nath Neog of Rangdoi village in Jorhat district on 24 January 2006 with the alleged intention of killing him. The Commission registered a case (AHRC Case No. 5900/2006) on 1 February 2006.⁹²

In some cases the AHRC directed the State Government to pay compensation to next of kin of custodial death victims. In February 2006, the AHRC ordered the State Government to pay an interim compensation of Rs 50,000 to the next of kin of Safiquiddin who died on 19 April 2004 following torture while in judicial custody.⁹³

On 26 December 2006, the AHRC following a complaint petition ordered a compensation of Rs one lakh to the next of kin of Dwipen Bayan of Udalguri who died in police custody on 26 January 2005. The petition was filed by the Manab Adhikar Sangram Samiti.⁹⁴

10. Violations of the rights of the child

a. Trafficking

Assam continued to be the major source and transit point for trafficking of women and children for the purpose of sexual and other forms of exploitation. According to records of Assam Police, the number of missing women and girls were 268 and 319 respectively in 2005.⁹⁵

On an average, 250 female adults and 200 minor girls go missing from Assam every year.

Combating human trafficking has taken a back seat as the security forces were more occupied with law and order problems, specifically anti-insurgency operations. About 268 female adults and 319 minors were registered to be missing as of October in 2006. According to Kokrajhar-based NEDAN Foundation, 107 young women were found missing from IDP camps in Kokrajhar district.⁹⁶ These teenaged girls were trafficked to States like Haryana and Punjab for "sexual slavery". Less than 50 per cent could be traced. However, there was no adequate rehabilitation mechanism for the rescued women and children in the State.⁹⁷

b. Children caught in armed conflicts

Children were also used by armed opposition groups. The All Assam Tai Ahom Students' Union (AATASU) alleged that ULFA was allegedly using students and children as combatants.⁹⁸

Children were also victims of atrocities during army operations. On 8 November 2006, a five-year-old boy Debojit Moran was killed and his elder sister Gitanjali Moran sustained serious injuries when personnel of the 19th Kumaon Regiment opened fire at some alleged ULFA cadres when they were trying to escape at Mohong village under Pengeree police station in Tinsukia district.⁹⁹ Earlier on 27 October 2006, a 14-year-old girl Suruni Rajiyung, daughter of Bojendra Rajiyung, was allegedly picked up by the security personnel led by Major Dayamoni Sukla without any reason from her house at Harangajao in North Cachar Hills.¹⁰⁰

c. Juvenile justice

According to a survey conducted by Legal Assistance Forum, hundreds of

children had been passing harrowing days at Observation Homes in different districts of the State. There were 78 juveniles lodged at the Observation Home at Fatasil Ambari as on 20 December 2006. Of these, 51 juveniles were lodged after having acted in conflict with law, while 27 were those neglected by the society. Most of the children were infected with skin diseases like molluscum contagious, scabies, worms and anaemia. About 51 juveniles were forced to sleep in a room which could accommodate only 10-15 persons. Besides, there was no attached urinal and the juveniles had to use a basket kept exclusively for the purpose or opt for the window. The situation turned even worse during summer.¹⁰¹

There were more than 20 children, aged between four and 12 years, lodged in different jails in Asom as on 11 June 2006. Their only crime was that they were children of members of the AOGs. They were imprisoned along with their mothers during anti-insurgency operation by Bhutan Government in December 2003. The children were reportedly deprived of the basic right to education in the jails.¹⁰²

11. Special focus: Health and starvation

Malaria was common especially in remote areas. On 13 April 2006, the AHRC sought a detailed report from the Director of Health Service following reports of

deaths due to sudden outbreak of malaria in Lakhimpur, Golaghat, Sonitpur and Goalpara districts. According to media reports, more than 1,000 persons including women and children died in the four districts.¹⁰³ In addition, at least 20 people including children reportedly died due to malaria in Hamrem subdivision of Karbi Anglong district.¹⁰⁴

The condition of tea workers remained deplorable in Asom. The tea workers were denied basic facilities including potable water. The garden hospitals had shortage of doctors and medicines.¹⁰⁵ According to a report by the Indian Council of Medical Research, 72 per cent of the tea labourers were anaemic while 70 per cent were victims of malnutrition. Over 65 per cent were suffering from diseases like diarrhoea and tuberculosis and about 60 per cent of labourers were alcoholics.¹⁰⁶ In February 2006, a three-year-old Shibani, daughter of tea worker Haradan Kalindi, reportedly died due to lack of food and want of medical attention at Roopacherra tea estate in Hailakandi district.¹⁰⁷

Extreme poverty often forced women to sell their children. On 28 November 2006, a poverty stricken woman identified as Kalpana Das, wife of a cart-puller Niranjan Das of Bajimara Valley in Cachar district, reportedly sold her newborn daughter for Rs 700 to another woman barely three days after the baby was born at the Silchar Medical College Hospital.¹⁰⁸ ■

Bihar

1. Overview

Ruled by Janata Dal (United) and Bharatiya Janata Party alliance, Bihar continued to be the most lawless State in India. Many serving State police officials had serious criminal charges against them. According to a list prepared by the Bihar Home Department and submitted to the Patna High Court in December 2006, 264 policemen, including three Indian Police Service (IPS) officers, faced serious criminal charges including murder and kidnapping. The IPS officers in the list included Bettiah Superintendent of Police Bachchu Singh Meena, Buxar Superintendent of Police Paresh Saxena and Railway Deputy Inspector-General Ajay Kumar Verma. Chief Minister Nitish Kumar even awarded a police medal to Meena for “excellent performance in carrying out investigations, encounters, arrests and the rescue operations”.¹ The Patna High Court directed the State Government to complete investigation which were pending against the police officials within one month if the cases were over five years old and in two months if the cases were not more than five years old.²

In a situation where law enforcement officers were themselves involved in criminal activities, the common citizenry was bound to feel highly insecure. Abductions continued to be an industry in Bihar. In August 2006, Chief Minister Nitish Kumar admitted in the State Assembly that 1,618 murders and 97 kidnapping cases had been reported during January-June 2006 while 1,688 murders and 117 cases of kidnapping had been reported during the corresponding period of 2005.³ In September 2006, the

State Government informed the Patna High Court that 904 children had been abducted since 2001. Of this, 766 were rescued, 40 killed by kidnappers and 98 remained missing.⁴

The State witnessed increased Maoists violence during 2006. According to the estimate of Asian Centre for Human Rights, 45 persons including 12 civilians, 12 security personnel and 21 alleged Maoists were killed in the Naxalite conflict in Bihar during 2006.⁵ The Ministry of Home Affairs reportedly allocated an annual budget of Rs 23,000 crores to address the Naxal conflict. The Bihar Government alone sought Rs 21,000 crores!⁶

The Dalits continued to be victims of caste-based violence and discrimination. Extreme poverty and discrimination especially in the administration of justice accentuated the violations against the Dalits. In a rare case in November 2006, District Judge Avinash Kumar Sinha sentenced 28 persons to ten years’ rigorous imprisonment in connection with a case of attack on Dalits in a land dispute at Bela village under Jamalpur police station in Darbhanga district on 25 November 1992.⁷ However, justice continued to elude the victims of several other past attacks/massacres of Dalits such as the Narayanpur massacre of 10 February 1999 in which 12 Dalits were killed by the Ranvir Sena, an outfit of the upper castes.⁸

Dalit women were specifically targeted by upper caste men. Traditional social practice of “Sati” was still prevalent in the State despite banning it decades ago. On 21 April 2006, a 77-year-old Sita Devi allegedly committed Sati by jumping into

the funeral pyre of her husband at Imanganj in Gaya district. The Bihar State Women's Commission on 25 April 2006 directed the Gaya district administration to investigate her death.⁹

Social activists continued to be targeted. On 8 April 2006, social activist Monica Tiwari was reportedly killed by unidentified men at her home at HIG Housing Colony under Agam Kuan police station in Kankarbagh.¹⁰

Judicial delay was further compounded due to large number of vacancies in the judiciary. There were 15 vacancies of judges as against the sanctioned strength of 43 in the Patna High Court as on 1 October 2006.¹¹ The vacancy in the High Court decreased to 13 by the end of December 2006.¹² In the District and Subordinate Courts, 519 posts of judges were lying vacant as on 30 September 2006. While there were a total of 92,582 cases pending before the Patna High Court, a total of 12,85,379 cases were pending before the District and Subordinate Courts as on 30 September 2006.¹³

2. Human rights violations by the security forces

The Bihar Police were responsible for gross human rights violations including torture and violations of the right to life. On 16 June 2006, Ramjatan Ram and Rajesh Kumar Singh were allegedly tortured to death at Shahpur police station in Samastipur district after their arrest. The police claimed that they committed suicide with their shirts. Mr BK Mishra, the Officer-In-Charge of the police station, was suspended.¹⁴

The police also resorted to indiscriminate firing at civilians in the name of controlling angry protestors. On 1 March 2006, one Krishna Singh, a resident of Fatehpur under Belaganj police station, was reportedly killed and two others

identified as Vikas Kumar Sharma and Chhotu Kumar were injured when the police opened fire at a group of students who were reportedly demanding to know the revised date of the Mathematics test of an examination being conducted by the Bihar Intermediate Education Council at Jagjivan Ram College campus at Manpur village in Gaya district. The government announced ex gratia compensation of Rs 50,000 and a shop under Public Distribution System for the kin of the deceased and medical aid to the injured victims.¹⁵

In a rare case, the Patna High court in March 2006 directed the State Government to pay a compensation of Rs 5 lakh within three months to Ramavtar Swarnkar, whose son Sheo Kant Kumar had died at the Digha police station on 4 June 1998 after his arrest in connection with a criminal case. The deceased was forced to lie down on hot sand in the peak of summer and when he asked for water, the police inserted hot sand into his mouth.¹⁶

3. Violations of international humanitarian laws by the AOGs

The Naxalites were responsible for gross violations of international humanitarian laws including killing, abduction, torture, summary executions after trial by its so-called Peoples' Court, *Jana Adalat* etc.

a. Violations of the right to life

According to the estimate of Asian Centre for Human Rights, 24 persons including 12 civilians and 12 security personnel were killed by the Naxalites in Bihar in 2006.¹⁷

Among the Maoists' victims were political activists opposed to the Maoists' activities. The political activists killed by the Maoists included former MLA Hari

Prasad alias Ghamari on 2 January 2006¹⁸ and Janata Dal (United) leader Ashok Singh and six of his supporters in Aurangabad district for defying panchayat poll boycott on 24 April 2006.¹⁹

The Maoists also targeted civilians through explosive devices. On 29 July 2006, two persons were killed in a powerful explosion in a Howrah-bound bus near Sulebatta ground on the Grand Trunk Road near Barachatti, about 50 km from Gaya.²⁰

b. Kangaroo justice through *Jana Adalats*

The Naxalites continued to deliver kangaroo justice through so-called *Jana Adalats*, Peoples' Courts. Often, trials were arbitrary and those found guilty were awarded capital punishment. The Maoists also awarded punishments like chopping off body parts like ear, nose and hands of the accused. An estimate stated that since 1991 the Maoists beheaded at least 18 people, limbs of over 37 persons were amputated, at least 5,900 persons were fined and houses of about 127 persons demolished by bombing in Jehanabad district alone during or after the proceedings in *Jana Adalats*. People suspected of acting as police informers, supporters of the private army Ranvir Sena and deserters from Naxalite groups, were most likely to be awarded capital punishment in the *Jana Adalats*.²¹

In November 2006, a CPI (Maoist) leader who identified himself as Manish issued a statement from Gaya saying that "the central committee of the CPI (M) has decided not to award death sentences or chop off noses, ears and hands as punishment." The statement said that the villagers would decide on the quantum of punishment to be awarded.²²

c. Destruction of infrastructure

The Maoists acted as major obstacles to development. The vast railway network came under attacks of the Maoists. On 25 April 2006, they attacked the Narganjo railway station on the Jhajha-Asansol railway line in Jamui district and blew up a railway cabin and railway tracks after tying up the staff of the railway station.²³

Some other attacks on government properties included bombing of a rest house at Bhim Bandh, a tourist spot in Munger district on 25 May 2006,²⁴ blowing up of Bansi Nala halt railway station in Gaya district on 9 April 2006,²⁵ and destroying railway tracks at Narkatiagunj and an office of the forest department in Champaran district on 30 October 2006.²⁶

On 31 October 2006, the Maoists set ablaze three private buses at Balua-Gausnagar village under Runni Saidpur police station in Sitamarhi district.²⁷

4. Violations of rights of the Dalits

Caste-based violence against the Dalits were common in the State. The National Crime Records Bureau recorded a total of 1,824 cases of atrocities against the Dalits in Bihar during 2005. These included 12 murder cases, 16 rape cases, 19 arson, 319 hurt and 1,141 cases under the SC/ST (Prevention of Atrocities) Act etc.

Discrimination against the Dalits was omnipresent. Even the State Police were reportedly divided on the caste line. The Dalit policemen had separate kitchens in the police line across the State while Yadavs, Rajputs, Bhumihar and others maintained their own separate kitchens.²⁸

In a rare case in November 2006, District Court Judge Avinash Kumar Sinha sentenced 28 persons to ten years' rigorous imprisonment in connection with a case relating to an attack on the Dalits at Bela village under Jamalpur police station in Darbhanga district on 25 November 1992.²⁹

However, justice continued to elude other victims. The prosecution of the culprits of Narayanpur massacre of 10 February 1999 had virtually collapsed simply because of the unwillingness of the State to establish accountability. All the accused in the massacre, where 12 Dalits were killed by Ranvir Sena, were out on bail. The State Government failed to set up a special court for speedy trial and provide protection to the witnesses who were being threatened by the powerful accused in the case.³⁰

The violence and killings by the criminals and the armed opposition groups like Ranvir Sena, Peoples War (PW) and Maoists Communist Centre (MCC) in Bihar could be considered at the same level as the violence caused by the armed opposition groups elsewhere in India. Yet, the Central Government and Bihar Government continued to maintain double standards. While the Centre had declared the MCC and PW as “terrorist organisations” under section 18 of the Prevention of Terrorist Act, 2002 and under the Unlawful Activities (Prevention) Act 2004, the Ranvir Sena, private army of the landlords, which was allegedly involved in 33 massacres claiming over 280 lives, was never banned.³¹

a. Physical attacks

On 1 January 2006, a Kahar caste woman and her five minor children were burnt alive at their home at Rampur-Shyamchak village in Vaishali district after her husband Bijendra Mahto refused to withdraw a complaint of theft of a buffalo against Jagat Rai, his son and nephew. Bijendra Mahto had to be admitted to the Patna Medical College with 90 per cent burn injuries. According to the police, about 10 persons attacked Bijendra Mahto’s family, tied them up with ropes

and set fire to their thatched hut at midnight. Earlier, Jagat Rai, his son and nephew were arrested on the basis of Mahto’s FIR but were released on bail. According to witnesses, Jagat Rai led the mob that torched Mahto’s house and also fired in the air to prevent others from coming to the rescue of the family. Chief Minister Nitish Kumar immediately ordered a probe into the incident and suspended Raghapur police station Officer-in-charge, N. Khan, and assured adequate compensation to the victims’ kin and a house under the *Indira Awas Yojana* scheme.³²

Even the Dalit village chiefs did not command any respect from the upper caste villagers. They were humiliated by their subordinates. On 5 July 2006, Sughar Paswan, a Dalit village head, was beaten up for sitting on a chair in front of upper caste men while presiding over a Village Council meeting to review the list of those living below poverty line at Haswadiah village in Bhojpur district.³³

Refusal to follow the diktat of the upper caste resulted in disastrous circumstances. On 10 August 2006, the eyes of 10-year-old Ajit Kumar of Dhabouli village in Begusarai district were reportedly gauged with a pointed grass-cutting tool by upper caste persons as his parents had refused to vote for a particular candidate in the panchayat polls.³⁴ Similarly, on 22 August 2006, a 65-year-old Dalit man was reportedly blinded by upper caste men in Maner for allegedly stealing two bottles of liquor.³⁵

b. Violence against Dalit women

The Dalit women were extremely vulnerable especially to sexual abuse. On the intervening night of 6 and 7 August 2006, four Dalit women, aged between 20 and 40 years, were allegedly raped by six upper caste men at Ramnagar village

under Suryagarha police station in Lakhisarai district following their relatives' refusal to vote for Bhumihar candidates in the panchayat elections. The State Women's Commission chairperson Manju Prakash alleged that Suryagarha police refused to listen to the victims and a case was registered at Munger's Harijan police station on 13 August 2006. Later the police arrested four accused identified as Shambhu Singh, Shankar Singh, Arun Sharma and Vipin Sharma. Chief Minister Nitish Kumar ordered an inquiry into the incident only after the Rashtriya Janata Dal raised the issue and staged protests.³⁶

On 24 August 2006, 30-year-old daughter and 25-year-old daughter-in-law of an old Dalit man were allegedly gangraped at gunpoint by a group of ten upper caste men at Sarbahda village under Khilgersarai police station in Gaya district.³⁷

On 20 December 2006, a 10-year-old Dalit girl, daughter of Sukho Ram, was attacked by upper caste men and all the fingers on her right hand were chopped off by one Pankaj Rai with a sickle at Phulwaria village in Bhagalpur district. The victim had reportedly strayed into Rai's plot and plucked a few leaves.³⁸

Dalit women were also meted out degrading treatment. On 23 December 2006, a Dalit woman identified as Basra Devi of Balua Basanta village in Vaishali district was tonsured and paraded half-naked by the villagers at the orders of landlord Satyanarayan Chaurasia, who was also the husband of the village head, for allegedly stealing bananas.³⁹

5. Violations of rights of the child

Children were targeted by abductors for ransom in Bihar. In September 2006, the State Government informed the Patna High Court that 904 children have been abducted since 2001. Of this, 766 were

rescued, 40 killed by the kidnappers and 98 remained missing.⁴⁰

Apart from the criminals, the Maoists were also responsible for abduction of children. On the night of 28 December 2006, a group of nearly 50 armed men suspected to be Maoists allegedly kidnapped five children during a raid at Jagjivanpur village in Bhojpur district.⁴¹

Many children were employed in the police department. Vikas Kumar (12) was inducted as a "bal arakshi" (child constable) in the Bihar Police in December 2005 reportedly on compassionate grounds after the death of his father who was a constable. His appointment was not an isolated case. There were reportedly about 228 child constables, mostly between 12 and 17 years, across the 38 districts of Bihar. They were used as errand boys by police officers, bringing files and tea.⁴²

6. Judiciary and administration of justice

On 25 May 2006, Bihar created record when Rohtas District and Sessions Judge Arun Kumar Srivastava awarded life sentence to all nine accused in a kidnapping of a doctor and his driver and ordered recovery of Rs 15 lakh by disposing off the properties of the accused and payment of the same to the two kidnapped persons in a trial which lasted only for 18 days!⁴³

However, not all cases met similar fate. There were cases which were more than 10 years old and yet pending investigations. On 24 February 2006, the State Government set up one-man judicial commission headed by retired Judge of Patna High Court, Justice NN Singh to re-investigate the Bhagalpur communal riots of 1989. The judicial commission was asked to submit its report in six months. Its terms of reference included

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investigation of the role of prosecuting agencies and pointing out the lapses on their part in producing evidence against the accused in court. It was also mandated to fix responsibility for lapses and recommend appropriate action against the guilty.⁴⁴ More than 1,000 people, mostly Muslims, were killed in the Bhagalpur riots. 811 FIRs have been registered out of which charge-sheets were filed in 302 cases. 152 cases were disposed of by the lower courts and in 119 cases, the accused could not be brought to justice. In 33 cases, most of the accused were sentenced life term. Many have appealed to the High Court. Other cases are pending before special courts. In 27 cases, the accused were allegedly exonerated by then police officials despite having strong evidence against them. The Nitish Kumar government ordered re-investigations into these 27 cases.⁴⁵ However, the Justice

NN Singh Commission was yet to start its function as of 9 July 2006.⁴⁶ In September 2006, the Bihar Police decided to lodge a complaint against the rioters who killed nine members of a Muslim family under Nathnagar police station in October 1989.⁴⁷

The judicial delay was further compounded due to large number of vacancies in the judiciary. There were 15 vacancies of judges as against the sanctioned strength of 43 in the Patna High Court as on 1 October 2006.⁴⁸ The vacancy in the High Court decreased to 13 by the end of December 2006.⁴⁹ In the District and Subordinate Courts, 519 posts of judges were lying vacant as on 30 September 2006. While there were a total of 92,582 cases pending before the Patna High Court, a total of 12,85,379 cases were pending before the District and Subordinate Courts as on 30 September 2006.⁵⁰ ■

Chhattisgarh

1. Overview

Chhattisgarh was the epicentre of the Naxalite conflict in India during 2006. According to the estimate of Asian Centre for Human Rights (ACHR), 363 persons including 200 civilians, 57 security personnel and 106 alleged Naxalites were killed in Chhattisgarh which accounted for 48.5% of the total killings (749 persons) in India due to the Naxalite conflict during 2006.

With 48.5% of the total killings being reported from Chhattisgarh, the anti-Naxalite *Salwa Judum* campaign with its disastrous consequences such as the violations of the right to life by the Naxalites and the security forces, forcible displacement of 43,740 persons as of 31 December 2006 and abdication of the law and order to the lawless and unaccountable *Salwa Judum* cadres brought national and international spotlight on the Naxalite conflict in India.

While the security forces continued to violate human rights, the chilling massacres of the unarmed civilians by the Naxalites in 2006 were unprecedented. The major incidents of killing of civilians by the Naxalites were Darbhaguda massacre of 28 February 2006 in which 27 persons were killed, Monikonta massacre of April 2006 in which 15 unarmed villagers were killed after abduction, Errabore massacre of 17 July 2006 in which 31 persons were massacred. In some of the massacres, many innocent victims were killed by the Naxalites in the most despicable manner through repeated stabbing and slitting of the victims' throats in front of other hostages or villagers.

The conflict internally displaced over 45,000 persons and the Internally

Displaced Persons (IDPs) were living in deplorable conditions. The rights of women and children were violated on a regular basis.

In a further attempt to favour particular dominant religion, in August 2006, State Home Minister Ram Vichar Netam introduced a bill to amend the *Chhattisgarh Dharma Swatantra Adhiniyam* (Chhattisgarh Religious Freedom Act) of 1968 to allow people to return to their original religion. The bill proposed an amendment that "returning to forefather's religion or his original religion will not be treated as conversion". The government also proposed to include a clause in the bill to make it mandatory for anyone who wanted to change his/her religion to apply to the District Collector (DC) at least 30 days in advance. The DC will have the right to reject such an application. Anyone who violated this clause could be punished with a jail term of up to three years and a fine of Rs 20,000.¹

Apart from being specifically targeted in armed conflict situations, women were also victimized by the societal cruelties. The adoption of the Witchcraft Atrocities (Prevention) Act, 2005 by the Government of Chhattisgarh in July 2005² failed to prevent abuses against women on the charges of being "witches". According to official sources, as many as 22 cases of harassment of women on the charges of practicing witchcraft were reported in the State during 2005. About 10 of the victims were reportedly killed.³

Many women and children were recruited as Special Police Officers. This was confirmed by National Commission for Women after its visit to Dantewada in December 2006.⁴

All the prisons were overcrowded and administration of justice was clogged with a total of 77,980 cases pending before the Chhattisgarh High Court and a total of 2,69,068 cases pending before the District and Sub-ordinate Courts as on 30 September 2006. Yet, there were vacancy of two judges in the Chhattisgarh High Court by the end of December 2006 and 23 vacancies in the District and Subordinate Courts as on 30 September 2006.⁵

In March 2006, President of India gave assent to the Chhattisgarh Special Public Security Bill 2005 making it a law.⁶ The Act considered any expression "by uttering words or in writing form or by indication or by visual representation or otherwise" as an unlawful activity, and provided stern penal action.

2. Human rights violations by the security forces

According to the estimate of Asian Centre for Human Rights, the security forces killed 114 persons including 106 alleged Naxalites and 8 civilians in Chhattisgarh during 2006.⁷

It is clear that the security forces dubbed all persons killed by them as "Naxalites". However, many of these claims were far from the truth. An All India team of women activists which visited Dantewada district from 30 September to 2 October 2006 in its report alleged that four civilian women were killed by the security forces and the *Salwa Judum* activists in 2006.⁸

On 22 December 2006, two civilians identified as Renu Oya and Subal (both aged about 20 years) of Mar Pakhanjur village in Kanker district were allegedly killed by the Chhattisgarh and Maharashtra Police during a joint operation. When the two youths went missing on the morning of 22 December 2006, the villagers of Mar Pakhanjur went

to Vande police station under Kanker district to report their disappearance. In the police station, they came to know about the killing of three persons by the police who claimed they were Naxalites but the police allegedly refused to show the dead bodies to the villagers. Some of the villagers were beaten up when they demanded to know the identities of the dead bodies. The police also reportedly refused to accept their First Information Report. On 25 December 2006, a group of villagers again reached the police station to inquire the identities of the deceased. They were shown the photographs of the two dead bodies. The villagers identified them as Renu Oya and Subal of their village. But the police allegedly forced the villagers to file a First Information Report stating that Renu Oya and Subal were missing.⁹

Many of the encounter killings of "Naxalites" by the security forces were challenged. Secretary of Communist Party of India, South Bastar, Manish Kunjam alleged that on 8 June 2006, several villagers were killed by the Central Reserve Police Force (CRPF) personnel during a crossfire with the Naxalites at Dewarpalli village in Dantewada district. The raid by the CRPF took place when the Naxalites were conducting a meeting where a large number of villagers were also present. Following the encounter the police had cordoned off the village for two days and did not allow anyone to visit the area in order to cover up the number of civilians killed.¹⁰ But Superintendent of Police of Dantewada, Pravir Das claimed that no civilian was killed in the encounter. He claimed that eight Naxalites were killed and five others, including two women, were arrested.¹¹ The Naxalites also claimed that "police had killed innocent villagers of Dewarpalli".¹²

The security forces were also responsible for indiscriminate use of fire-

arms against innocent civilians. On 6 June 2006, a security personnel reportedly opened fire at two innocent boys identified as Ramesh (10) and Ramsingh (8) who were playing in front of their house mistaking them as Maoists in Dantewada. The accused security personnel was allegedly drunk. While Ramesh sustained bullet injury on his leg, a bullet pierced through Ramsingh's hand. They were admitted to Bijapur Hospital and later shifted to Maharani Hospital. Taking cognizance of the incident, Chhattisgarh State Human Rights Commission sought detailed report from the Superintendent of Police of Dantewada.¹³

There were also reports of custodial deaths. On 1 June 2006, hundreds of villagers from Ruatala demonstrated in front of Dongargarh police station in Rajnandgaon district against alleged custodial death of one Manthir on the same day and demanded action against the guilty police officers. But the police authorities claimed that the deceased had not been arrested by the police and hence there was no question of his death in their custody.¹⁴

In July 2006, Chhattisgarh State General Secretary of Loktantrik Samajwadi Party, Ashok Panda condemned the death in police custody of 53-year-old Kranti Yadao after being picked up for interrogation for alleged theft of four buffalos in Shivarinarayan police thana, Janjgir of Bhilai district.¹⁵

In a landmark judgement, on 20 July 2006 the Chhattisgarh High Court directed the Central Bureau of Investigation to probe into the alleged custodial killing of a tribal youth Ram Kumar Dhruv at Suhela police station of Raipur district on 13 August 2004. The Court also ordered the State to pay a compensation of Rs 10 lakh to the next of kin of the deceased and to initiate a departmental inquiry against two

doctors who had conducted the first post mortem of the deceased and submitted false report. An NGO, Forum for Fact-finding, Documentation and Advocacy had moved the High Court for justice.¹⁶

3. Violations of international humanitarian laws by the AOGs

The Naxalites were responsible for gross violations of international humanitarian laws including abduction, hostage taking, torture, hacking to death, shooting from point blank range, executions after trial by its so-called Peoples' Court, *Jana Adalat* etc. The *Salwa Judum* activists, police informers, class enemies among the impoverished Adivasis and those who defy their diktat have been specific targets of the Naxalites.

The Naxalites were also responsible for forcible recruitment of children. The Communist Party of India (Maoists) continued to practice forcible recruitment of at least one person from one family in the Naxalite controlled areas.

a. Indiscriminate killing of civilians

The Naxalites were responsible for the killing of 249 persons including 192 civilians and 57 security personnel in the State. The civilians were targets of worst attacks primarily due to the *Salwa Judum* campaign initiated in June 2005. In some of the massacres, many innocent victims were killed in the most despicable manner including through repeated stabbing and slitting of the victims' throats in front of other hostages or villagers on the charges of being supporters of the *Salwa Judum* or "police informers".

On the morning of 28 February 2006, 27 villagers were killed and at least 32 others injured in a landmine blast and attack by the Naxalites at Darbhaguda village under Konta Tehsil of Dantewada district. The villagers were returning to the

Errabore relief camp after attending a *Salwa Judum* meeting at Dornapal relief camp. District Collector of Dantewada Mr. K R Pisda informed an investigating team from ACHR that some 150-200 Naxalites came out of the forests from both sides of the road and clubbed or stabbed to death 17 of the injured after the explosion. This was corroborated by the family members of the deceased and survivors whom the ACHR representatives interviewed while undergoing treatment in the nearby hospital in Bhadrachalam district of Andhra Pradesh.¹⁷

On the night of 24 March 2006, 13 civilians were reportedly killed when the Naxalites blew up a private jeep near Pakhanjore in Kanker district. The victims were mostly traders and porters who were returning from the weekly market at Sangham village. The deceased were identified as Gobindo Nandi, Arun Biswas, Kalachand Bhavak, Bipul Das, Sudhanshu Kundu, Bishnu De, Tapan Samaddar, Bipul Dutta, Kiran Bagchi, Manoj, Rajak Esabeda, Pradeep Shah and Wajeed Khan.¹⁸ The Naxalite leadership apologized for the incident stating that they had mistaken the civilian jeep for a police vehicle.¹⁹

On 25 April 2006, Naxalites kidnapped 52 tribals including 13 women from Manikonta village in Dantewada district while they were returning to the relief camp at Dornapal. The villagers were being sheltered at Dornapal relief camp and had gone to Manikonta village to bring their personal belongings. The Naxalites killed 15 villagers in custody and released the rest. While the bullet-ridden bodies of two abducted villagers were recovered on 28 April 2006, bodies of 13 other villagers were recovered from a deep forest with slit throats. The bodies also bore multiple wounds, meaning that they were brutally tortured before being

killed.²⁰ The rest 37 abductees were released on 29 April 2006 after warning that they would not join the *Salwa Judum* programme of the government. Representatives of Asian Centre for Human Rights met some of the released hostages. They told ACHR representatives that their captors "selected" 13 hostages, tied their hands from behind and blindfolded them. Then, the Naxalites allegedly stabbed them repeatedly before slitting their throats in front of other hostages. The hostages were allegedly denied adequate food and were forced to drink urine when they demanded water.²¹

On 8 July 2006, Naxalites killed two villagers, one of whom was identified as Puppo Penta, Secretary of Arganta Gram Panchayat, after abducting them along with seven others from near Birla village in Bijapur police district. The four villagers who fled from the Naxalites' captivity stated that the two victims were brutally axed to death in front of other villagers.²²

In a pre-dawn strike on 17 July 2006, about 1000 armed Naxalites swooped down the relief camp, the CRPF camp and the police station nearby at Erroboore village in Dantewada district.²³ The Naxalites killed 31 inmates on the spot, including an infant and a 6-year-old girl and injured 21 others.²⁴ The relief camp that housed about 4,000 displaced tribals was burnt to ashes. Five tribal inmates perished in the fire while most of the other victims were hacked to death.²⁵ The Naxalites also abducted 41 tribals, including 32 women from the relief camp. On 18 July 2006, the Naxalites killed six of the abducted²⁶ while the rest were later released.

Some other cases of killing of civilians in Chhattisgarh documented by ACHR included killing of alleged *Salwa Judum* activist, Devkumar Sahu at Paniyajeb village under Bortalav police station in

Dantewada district on 17 March 2006²⁷, killing of three alleged Salwa Judum activists including Toda and Krishna Rao at Kunnapara in Gangalur on 8 April 2006,²⁸ alleged *Salwa Judum* activist Chamruram Raiti, son of Sampatram Baiti, near Mirtur village in Bijapur police district on the night of 18 April 2006,²⁹ two alleged *Salwa Judum* activists including Telam Koaram, head of the Tumnar village in Bijapur on 14 June 2006,³⁰ Hirma Honga Muria near Dewarpalli in Dantewada district on 12 September 2006,³¹ Ishwar Pudo from Patanbori village in Rajnandgaon district on 19 September 2006,³² Sukku Ram at Nelawada village under Narayanpur police district on 8 November 2006,³³ and Podayami Bheema, an inmate of Dornapal relief camp in Dantewada district on 27 November 2006.³⁴

The Naxalites also killed political leaders. On the night of 30 March 2006, suspected Naxalites shot dead two local Bharatiya Janata Party leaders identified as Ramchandra Sinha and Babla in Rajnandgaon district. While Ramchandra Sinha, spokesman of BJP's Dongergarh unit, was dragged out of his residence at Charbhata village and shot dead, Babla was shot dead at Sendri village, about 12 km from Dongergaon.³⁵

On 24 September 2006, Congress leader Santuram Usendi was killed by alleged Naxalites near Orcha under Narayanpur police district.³⁶

b. Trials in *Jana Adalats*

In their strongholds, the Naxalites run parallel justice system. The Naxalites continued to deliver kangaroo justice through so-called *Jana Adalats*, Peoples' Courts. In some cases, the villagers turned to the Naxalites for justice.³⁷

On the night of 13 June 2006, the Naxalites allegedly beat to death Samaru

Ram, the Sarpanch (village head) of Edka village under Narayanpur police station area after he was sentenced to death in a *Jana Adalat* for allegedly demanding a police station in the village. He was beaten in full public view and left to die without access to any medical help.³⁸

On 3 July 2006, the Naxalites reportedly shot dead Congress leader Chhannu Ram Bhatti, who was also a member of the *Salwa Judum* campaign, in the presence of more than 500 tribals following a trial at *Jana Adalat* at Nilwaya village under Kante Kalyan police station in Dantewara district. The *Jana Adalat* found him guilty of working against the Naxalites and pronounced the death sentence.³⁹

c. Kidnappings

The Naxalites kidnapped both civilians and security personnel. Some of the instances of kidnappings are given below.

On 9 January 2006, Naxalites reportedly abducted 35 people from three villages of Kachapal, Kutur and User in Narayanpur under Dantewada district.⁴⁰

On 12 March 2006, six policemen were abducted by the Naxalites near Chintagufa area in Dantewada district and demanded immediate withdrawal of anti-Naxal operations in Bastar area as a condition for their release.⁴¹ All the six policemen were released on 13 March 2006.⁴²

On 3 June 2006, Naxalites reportedly abducted seven tribals, including three women at Errabore in Dantewada district.⁴³

On 15 June 2006, suspected Naxalites abducted nine villagers from Argatta village under Dornapal police station in Bijapur district. The villagers were returning to Dornapal relief camp from the village.⁴⁴

On 8 July 2006, Naxalites reportedly abducted nine villagers including Puppoo

Chhattisgarh

Penta, Secretary of Arganta Gram Panchayat, Soyam Lacca, a teacher, Sodi Munna, peon of Birla Ashram school from a bus near Birla village in Bijapur police district. According to police sources, the Naxalites brutally axed to death two hostages including Mr Penta in front of other hostages on the night of 8 July 2006. The bodies were recovered in the Birla forests on 9 July 2006. Four other hostages managed to escape from custody.⁴⁵

On 7 September 2006, Naxalites abducted two constables of Koyilibeda police station identified as Ajen Nareti and Shi Charan Markam while they were returning in a motorcycle from Antagarh in Kanker district.⁴⁶

On 4 November 2006, Naxalites abducted 12 tribal villagers from a place near village Kothiguda in Dantewada district. The abducted tribals were inmates of the Dornapal police relief camp and had left the camp for their village to bring some goods from their homes. Five of the hostages were reportedly released on the same day.⁴⁷

d. Obstacles to development

The Naxalites remained a major obstacle to development, particularly in the rural areas.

On 5 March 2006, Naxalites blasted a railway engine and damaged a part of Bhansi Railway station in Dantewada district and abducted six railway staff. The railway officials were released with a warning.⁴⁸

Government-owned National Mineral Development Corporation (NMDC) came under repeated attacks from the Naxalites during 2006. On the night of 9 February 2006, Maoists attacked NMDC depot at Hiroli in Dantewada district, and looted 50 tonnes of explosives and 17 rifles. Eight CISF personnel were killed in the attack.⁴⁹ The NMDC was attacked again on the

night of 21 March 2006,⁵⁰ on 20 May 2006⁵¹ and on 30 October 2006.⁵²

On 20 May 2006, the Naxalites attacked important installations in Dantewada district including that of Railways, and private steel company ESSAR.⁵³

The Naxalites also targeted school buildings. On 18 October 2006, the Naxalites reportedly destroyed four government buildings, including two schools in Kanker district.⁵⁴ On 27 October 2006, the Naxalites blew up three school buildings at Koitpal village under Bijapur police district.⁵⁵

4. Violence against women

Apart from being targeted in armed conflict situations, women were also victimized by societal cruelties. The adoption of the Witchcraft Atrocities (Prevention) Act, 2005 by the Government of Chhattisgarh in July 2005⁵⁶ failed to prevent abuses against women on the charges of being “witches”. According to official sources, as many as 22 cases of harassment of women on the charges of practicing witchcraft were reported in Chhattisgarh during 2005. 10 of the victims were reportedly killed.⁵⁷

Across Dantewada district, the security forces and the *Salwa Judum* activists were allegedly responsible for violence against women, including torture, killing and rape. However, these allegations were very hard to verify independently given the restrictions imposed on journalists and civil society groups, and the prevailing atmosphere of insecurity.⁵⁸

Women form a major chunk of Maoists' cadres. According to Kosa, the Central Committee member of CPI (Maoist) and the Secretary of Dandakaranya Special Zonal Committee, nearly 50 per cent of the CPI (Maoist)'s

active members in Dandakaranya region were women.⁵⁹ The police claimed that tribal girls were forcibly recruited into the organization by the Naxalites and were allegedly sexually exploited.⁶⁰ This was corroborated by the former woman Naxals. Women members were allegedly used as decoy to instigate innocent village girls to join Maoists' group. The women cadres had to cook meals and were allegedly sexually exploited by the male cadres.⁶¹

5. Violations of the prisoners' rights

Chhattisgarh has four Central Jails, seven District Jails and 16 Sub Jails. According to the Government of Chhattisgarh, "the lock-up in the jails of the State is double the capacity".⁶²

All the jails in the State were overcrowded. According to the latest statistics available on the website of the Jail Department of the Government of Chhattisgarh, the four Central Jails of the State housed a total of 6,436 inmates against the capacity of 2,493. While Central Jail, Raipur housed 2,718 prisoners against the capacity of 1,130, Central Jail, Bilaspur housed 1,657 prisoners against its capacity of 572, Central Jail, Jagdalpur had 1,264 prisoners against the capacity of 548, and Central Jail, Ambikapur housed 797 prisoners against the capacity of 243. Similarly, all the District Jails and Sub Jails were also overcrowded. Six District jails⁶³ housed 1,556 prisoners against the total capacity of 855. 16 Sub Jails in the State housed 1,751 inmates against the total capacity of 815.⁶⁴

On 3 November 2006, an under-trial prisoner identified as Johan Ram Sonkar, son of Bharat of Gunderdehi, reportedly died in the district hospital in Durg. The deceased's parents alleged that he had earlier complained to them about mental

and physical harassment by other inmates. The deceased's parents also claimed that there were visible injury marks on the body. A magisterial inquiry was ordered into the death.⁶⁵

6. Repression on the freedom of the press

The Chhattisgarh Special Public Security Act 2005 was signed into law by the President of India in March 2006.⁶⁶ The Act includes any expression "by uttering words or in writing form or by indication or by visual representation or otherwise" as an unlawful activity and prohibits any journalist from reporting any activity which has been termed as "unlawful". The Act also severely restricts freedom of association, assembly and collective bargaining as public rallies, meetings, seminar or symposium of the political parties, the civil society groups and victims aggrieved with policies and practices of the State Government or its institutions can be banned.⁶⁷

The journalists faced repression both from the State and the non-state actors such as the Naxalites and the anti-Naxalite *Salwa Judum*.

On 15 November 2006, *Hindsat* journalist, Afzal Khan was beaten up by the members of the anti-Maoist group, *Salwa Judum* in Bhopalpatnam. The *Salwa Judum* leaders openly threatened Afzal Khan, his brother and *Jansatta* journalist, Zar Khan and other journalists through a loudspeaker during a public meeting in a high school in Bhopalpatnam. Later Afzal Khan was summoned and beaten up by the leaders of the *Salwa Judum* campaign and the Special Police Officers for allegedly writing anti-*Salwa Judum* reports. He was asked to leave Bhopalpatnam along with his family.⁶⁸

On 16 January 2006, the International Federation of Journalists expressed

concern over the continued harassment and threat to the life of Kamlesh Paikra, a regional language journalist, by the State for his reports on the Naxalite conflict.⁶⁹

On 7 March 2006, four photographers who were assigned official duty to take photographs of people engaged in work under National Rural Employment Guarantee Scheme were abducted by the alleged Naxalites from Durgakundal and Saradukamre villages under Kanker district. Two journalists were abducted from each village.⁷⁰

7. Status of the IDPs

Thousands have fled their villages and abandoned their paddy fields fearing retaliation either by the Naxalites for opposing them or by the *Salwa Judum* activists, consisting of Adivasi villagers and the security forces, for supporting Naxalites. The Bastar region comprising three districts of Kanker, Bastar and Dantewada are affected by *Salwa Judum* campaign. Dantewada having 1,354 villages in 11 Development Blocks is the largest district in the Bastar region and is the worst affected district.

A team of ACHR undertook a visit to study the conditions of the IDP camps in Dantewada from 4 to 6 March 2006. The team found the following.⁷¹

As on 4 March 2006, there were a total of 45,958 Adivasi villagers from 644 villages in 6 blocks of Dantewada district who had been living in relief camps. The villages where IDP camps were established were Bhairamgarh, Geedom, Bodli, Bangapal, Matwara, Jangla, Naimed, Kutru, Pharsegarh, Talnar, Gangalur, Nelsanar, Pinkonda, Kodoli, Karkeni, Bedare, Etamkudum, Cherpal, Bijapur, Murdandha, Aachapalli, Gangakud, Usur, Pharaspal, Konta, Arrabore, Dornapal, and Dantewada.

ACHR team visited Bangapal IDP camp, Geedom IDP camp, Konta IDP camp and Errabore IDP camp and found the camp conditions deplorable. These camps had been turned into detention centres of the surrendered Naxalites as well as counter-insurgency training centres. The Government of Chhattisgarh claimed that there were about 1999 surrendered Naxalites who had been rehabilitated in the camps.⁷² But ACHR team found many of them being kept in chains. They had no freedom of movement.

The State Government officials claimed that they were providing free housing, free fooding, clothes, medical facilities, children's education, Anganwadi centres for preprimary education, adult education, business education and employment. It was as if the IDP camps had been turned into heaven for the impoverished Adivasis.

The ACHR representatives however found the camp conditions to be deplorable and sub-human. The displaced persons were living in makeshift camps, some of which were covered just with leaves of trees as roofs, and open from all sides. The camp inmates alleged that during the rainy season, the so-called roofs could not prevent the water from pouring inside. Many were not provided tarpaulin-roofing. Only those who came to the relief camps earlier were lucky enough to get tarpaulin roofing.

The IDPs remained extremely insecure with no access to their villages and means of survival.

Prolong stay in the camps without any solution in sight had been taking toll on the mental health of the internally displaced persons.

Hundreds of Adivasis, including women and children from Dantewada

district also fled to Malkangiri district of Orissa.

8. Violations of the rights of the child

The State Government was responsible for recruitment of children as Special Police Officers (SPOs) to fight the Naxalites. During its field visit to Dantewada in March 2006, ACHR found instances of children being recruited as SPOs. Later, the Union Home Ministry

reportedly issued directions not to recruit persons below 18 years as SPOs. However, the recruitment of children as SPOs continued. This was confirmed by National Commission for Women after its visit to Dantewada in December 2006. NCW stated that many of the tribal boys and girls who have been recruited as SPOs to fight Naxalites "appear to be minors".⁷³

According to official figures, there were 4,048 SPOs, including 3,749 males and 299 females.⁷⁴ ■

Delhi

1. Overview

Ruled by the Indian National Congress party, National Capital Territory of Delhi continued to witness serious human rights violations including custodial deaths, rape, etc by the Delhi Police. At least four civilians were killed in police firing during a bandh against sealing by Municipal Corporation of Delhi at Seelampur in North Delhi on 20 September 2006.¹

In a rarest of rare cases, on 15 December 2006, a Fast Track Court awarded capital punishment to Mr R P Tyagi, former Assistant Commissioner of Police (ACP), for torturing Mahender Kumar to death at the Vivek Vihar Police Station in East Delhi in 1987.²

In 2005, more than 300 policemen were either dismissed from service or suspended for breaking laws and close to 1,600 policemen were censured. Of these, at least 87 were found involved in criminal cases.³

Violence against women were common. As per the data of Delhi Police, over 650 cases of rape and molestation were reported as of 22 June 2006. In June 2006, a four-year-old girl and an 80 year-old woman were raped.⁴

The rights of the prisoners in Tihar and Rohini jails continued to be violated. The jails remained overcrowded resulting in problems of inadequate wards, lack of cleanliness, hygiene, bathing space and sleeping berths.

The police seldom respected the rights of the juveniles and often subjected them to beating, illegal detention or other forms of cruelty.

According to a report prepared by A. Pathak, the Registrar General of the Delhi

High Court, there were 14,221 inmates (out of these 11,578 were under-trials) in Tihar jail against the sanctioned capacity of 6,250 inmates.⁵ A performance audit of the management of jails in Delhi from 2000 to 2005 prepared by Comptroller and Auditor-General of India stated that despite acute overcrowding, there were delays in finalising proposals for construction of new jails by the jail department.⁶

There were three vacancies of judges in the Delhi High Court by the end of December 2006 and 117 vacancies in the District and Subordinate Courts as on 30 September 2006. While there were 81,670 cases pending with the High Court of Delhi, a total of 6,55,245 cases were pending in the District and Subordinate Courts as on 30 September 2006.⁷

2. Human rights violations by the security forces

a. Violations of the right to life

The Delhi Police personnel were responsible for gross human rights violations including extrajudicial killings, rape, torture, etc.

There were reports of custodial deaths. On the night of 17 April 2006, Nazar, son of Aas Mohammed, was allegedly killed in Mongal Puri police station after being picked up by the police from his house. He was stabbed with knife and his body was thrown at a dumping ground near the police station.⁸

On 6 October 2006, Inder alias Bengali allegedly died of torture in Mayur Vihar police station in East Delhi after his arrest on the previous night. However, the police claimed that the deceased died a 'natural

death'. An inquiry by Assistant District Magistrate was ordered into the case.⁹

In some cases of custodial deaths, the court intervened and awarded punishment, ordered inquiry etc.

On 15 December 2006, a Fast Track Court awarded capital punishment to Mr R P Tyagi, former Assistant Commissioner of Police (ACP), for torturing Mahender Kumar to death at the Vivek Vihar Police Station in East Delhi in 1987. The court also sentenced Mr KP Singh, Assistant Commissioner of Police (retired) to one year rigorous imprisonment for refusing to lodge an First Information Report (FIR) despite direction by a Sub-divisional Magistrate, and three years rigorous imprisonment to Inspector Tej Singh for manipulating the records of the case. Mahender Kumar and his friend, Ram Kumar were held for causing minor injuries to a couple. Though Ram Kumar managed to escape from the hospital, the police allegedly eliminated him after some time.¹⁰

In yet another case of alleged custodial death, in May 2006, the Delhi High Court ordered to probe the circumstances under which Mohd Ziiyauddin allegedly committed suicide by falling off the second floor of Mehrauli police station in November 2005 and to register an FIR. An inquiry by the District Magistrate of South Delhi stated that Ziyauddin's suicide case could have been a custodial death as several questions remained unanswered in the case.¹¹

The police allegedly refused to register FIR in certain cases of custodial deaths. In August 2006, a division bench comprising Justices R.S. Sodhi and P.K. Bhasin of the Delhi High Court directed the Delhi Police to file an FIR into the custodial death of a 19-year-old man who was found dead at the Adarsh Nagar Police station after arrest on 13 September

2005. The police claimed that he committed suicide inside his prison cell.¹²

Innocent civilians were killed in alleged fake encounter. On 31 July 2006, two innocent civilians - Zulfikar and Nazakat of Ghaziabad in Uttar Pradesh were killed by Delhi Police in an alleged fake encounter in Timarpur area in North Delhi. Four police personnel identified as Assistant Sub-inspector Pramod Tyagi, constables Ashok, Suraj Pal and Sudesh Rana were dismissed in connection with the killing.¹³

The police also resorted to indiscriminate use of firearms to control agitating mobs. On 20 September 2006, four innocent civilians were reportedly killed in police firing during a general strike against sealing by the municipal authorities that turned violent at Seelampur in North Delhi.¹⁴

b. Arbitrary arrest, illegal detention and torture

In 2005, more than 300 policemen were either dismissed from service or suspended and close to 1,600 were censured. Of these, at least 87 were found involved in criminal cases.¹⁵

On 16 June 2006, Anup Kumar Juneja was allegedly abducted by police officials and beaten up with rods, sticks, fists and feet at Lajpat Nagar police station as he was suppose to depose in a sessions court with regard to a case against the Delhi Police.¹⁶

On the night of 3 July 2006, Manjeet Singh was badly beaten up with batons by two inebriated police constables Pawan Kumar and Dharamveer at her house in Sultanpuri area. Those including a 60-year-old lady who tried to intervene were also assaulted by the policemen. On 6 July 2006, the Delhi Commission for Women registered a case against the two police constables in the case.¹⁷

3. Violence against women

Women continued face violence at home and abroad. Delhi earned infamy for gang rape of women in moving cars. As per the data of Delhi Police, over 650 cases of rape and molestation were reported as of 22 June 2006. In 2005, 642 cases of rape and 741 cases of molestation were registered by Delhi Police.¹⁸

The police themselves were responsible for committing crimes including rape and molestation.

On the night of 21 June 2006, 23-year-old woman was reportedly raped by Sub-Inspector K B Jha attached to Crime Branch of Delhi Police after forcing her to drink alcohol at Rohini's Sector-16 in North-west Delhi. A medical examination had confirmed sexual assault on the woman. The accused policeman was dismissed from service.¹⁹

4. Violations of the rights of the Dalits

The National Crime Records Bureau recorded 21 cases of atrocities against the Dalits in 2005. These included 20 cases registered under SC/ST (Prevention of Atrocities) Act and one case under Protection of Civil Rights Act.

During 2006, the Dalits continued to be discriminated on ground of their caste. In July 2006, Hemlata Badgujjar, a Dalit, accused the Delhi Police and the former vice-president of the Supreme Court Bar Association (SCBA), Ms Priya Hingorani of pressuring her to withdraw a criminal complaint against the then vice-president of the SCBA despite the fact that the FIR (389/05) was registered about a year back in September 2005. In her complaint registered at the Tilak Marg police station, Hemlata Badgujjar had accused Ms Hingorani of mowing her down by a Mitsubishi Lancer in front of the D gate of the Supreme Court and threatening to

blacken Ms Badgujjar's face for being a Dalit. However, the FIR names no one as the accused and the column was left blank.²⁰

In September 2006, two Dalit students of the country's premier medical institute, All India Institute of Medical Sciences were subjected to castiest remarks and other forms of harassment by senior students due to their caste.²¹

5. Violations of the rights of the tribals

The funds meant for Scheduled Castes and Scheduled Tribes (SC/STs) were grossly misused or underused.

The Delhi Government utterly failed to use the funds meant for the welfare of the SC/ST/OBC/Minorities students. As per records available with the Department for Welfare of the SC/ST/OBC/Minorities, the State Government had not only failed to use the funds available to achieve its target for the year 2005-2006, but also very little fund had been spent for the welfare of the students. As a result funds in many schemes had lapsed. The Delhi Government had spent only Rs 74 lakhs against the revised outlay of Rs 5.33 crores under the scheme for free supply of stationary to SC/ST/OBC/Minorities students in Schools till January 2006. Only 18,040 students were benefited as against the targeted 74,000 students under the scheme. The same was the case in some other scholarship schemes including Open Merit Scholarship Scheme.²² Besides, about 20% (nearly 2,000 seats) SC/ST seats for admission reportedly remain vacant every year in Delhi University.²³

6. Violations of the prisoners' rights

Tihar jails and Rohini jail remained overcrowded resulting in problems of inadequate wards, lack of cleanliness,

hygiene, bathing space and sleeping berths.

In August 2006, Delhi High Court directed the Delhi Government to build new jails to solve the problem of overcrowding in 10 Delhi jails, out of which nine are in Tihar and one is in Rohini. According to a report prepared by A. Pathak, Registrar General of the Delhi High Court, there were 14,221 inmates including 11,578 under-trials in Tihar jail against the sanctioned capacity of 6,250 inmates.²⁴ Eight prisoners were lodged against the capacity of only three persons in one prison cell.²⁵

Detention of prisoners who failed to pay the bail bond even if they were granted bail by the court contributed to overcrowding. In June 2006, the Home Ministry had notified the Criminal Procedure Code Amendment 2005 which entitles an undertrial, other than one accused of an offence for which the death penalty is prescribed, to be released with or without surety if he has been under detention for more than half the prescribed period of imprisonment.²⁶

A performance audit of the management of jails in Delhi from 2000 to 2005 prepared by the Comptroller and Auditor-General of India stated that despite acute overcrowding, there were delays in finalising proposals for construction of new jails by the department. For instance, a new jail at Mandoli did not come up as on March 2006. The land was acquired for the purpose in 1981 and expenditure of Rs 1.51 crore on earth filling and consultancy fees had been incurred. Similarly in Narela and Baprola, the matter was pending with the Delhi Development Authority (DDA) even though the payment had been made to the DDA. Despite a huge expenditure on security, control over entry of prohibited items

seemed to be inadequate with 363 incidents of discovery of prohibited items every year. Besides, the security staff posted at the gate were not equipped with any instrument to detect explosives. The report also said that despite the existence of a fairly well equipped hospital within the jail premises, 884 prisoners were referred to outside hospitals even for common ailments entailing avoidable costs as well as risks.²⁷ Tihar jail authorities claimed that there were eight doctors.²⁸

The prisoners were subjected to torture in Tihar jail. According to the Jammu and Kashmir High Court Bar Association who visited the Tihar jail, Kashmiri detainees were subjected to third degree torture, forcible sexual intercourse, made to drink urine instead of water and denied medical treatment and legal help.²⁹

Alleged suicides in the Tihar jail were routine occurrence. On 10 November 2006, an undertrial Sanjay Babu allegedly committed suicide by hanging himself using a bed sheet from the ceiling of his cell in Tihar jail.³⁰

7. Violations of the rights of the child

a. Juvenile justice

The provisions of the Juvenile Justice (Care and Protection of Children), 2000 was often violated. According to the law, during trial delinquents should be kept in an Observation Home separately from hardened criminals and in special homes after conviction. But the juvenile delinquents often had to share prison cells with adult prisoners. In December 2006, the NHRC sought comments from the Delhi Government on a media report that 13 juvenile delinquents were sent to Tihar jail. The Social Welfare Department of Delhi Government failed to create any

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place of safety for convicted juvenile delinquents despite repeated reminders by the Tihar Jail authorities and a notice by the Juvenile Justice Board. There were only two observation and special homes in Delhi as in December 2006. Both the homes were overcrowded.³¹

The police personnel were responsible for many cases of torture and other atrocities against children. On 30 January 2006, 15 street kids were reportedly beaten up for half-an-hour by some inebriated policemen including Rajender, Om Prakash and Maan Chand posted at the Yamuna Bazaar and the Kashmere Gate area while sleeping at the pavements. Three children had suffered severe injuries.³²

On 16 June 2006, five children, all below 12 years, were allegedly subjected to cruelty, beating and not provided food inside the lock-up after being illegally detained by the Vasant Vihar police on the complaint of Rajya Sabha MP Mahender Singh and his gatekeeper. On 23 June 2006,

the National Human Rights Commission sought a report from Delhi Police Commissioner K K Paul.³³

b. Child labour

Child labour was rampant in Delhi. Children aged between 7 and 14 years were trafficked from Bihar to work in illegal embroidery factories in Delhi. These children were made to work over 10 hours, kept in dingy rooms and given two meals a day. According to conservative estimates, around 50,000 children were working in illegal factories in Delhi. In September 2006, 53 boys were rescued by police along with Delhi-based NGO Bonded Labour Liberation Front from a *zari* factory in Kilokari in Defence Colony.³⁴ Again on 28 December 2006, 50 child labourers were freed by a local NGO, Bachpan Bachao Andolan.³⁵ However, there was little opportunities for rehabilitation of the rescued children by the State Government. ■

Gujarat

1. Overview

Ruled by the Bharatiya Janata Party, justice continued to elude the victims of the communal riots of 2002. In a landmark judgement on 24 February 2006, a Special Sessions Court in Mumbai sentenced nine of the accused to life imprisonment and acquitted eight others in the Best Bakery case in which 14 minority people were burnt alive by a mob on 1 March 2002.¹ On 12 June 2006, Zaheera Sheikh, the prime witness was sentenced to three months rigorous imprisonment and fined Rs 500 for lying in court by Judge Abhay Thipsay of the Special Sessions Court in Mumbai.²

Gujarat continued to live on the edge of communal violence. Violence erupted on 1 May 2006 and 2 May 2006 following the demolition of a *dargah* (Muslim holy place) by the municipal authorities during a demolition drive against illegal encroachment in Vadodara. On 1 May 2006, two persons identified as Husain Dhobi and Mohammed Ayaz Mansuri were killed in police firing and two others identified as Ramchandra Meena and Biren Shah were stabbed to death.³ Another person was killed in police firing⁴ while one Mohammed Rafiq Vohra was first stabbed and then burnt alive by an irate mob on the night of 2 May 2006.⁵ On 3 May 2006, army was deployed to control the situation.⁶ On 4 May 2006, the Supreme Court stayed the Gujarat High Court order directing authorities to remove all religious structures encroaching public land in the State.⁷

On 19 September 2006, the Gujarat Assembly passed the Gujarat Freedom of Religion (Amendment) Bill 2006 amid protests from the Opposition Congress

party. The Bill recognized Jainism and Buddhism as part of Hinduism and allowed free conversion amongst these three religions while conversion to Islam and Christianity without permission from the authorities was prohibited.⁸ Earlier, an independent Citizen's Inquiry Committee in its report "Untold Story of Hindukaran (Proselytisation) of Adivasis in Dang, Gujarat" released on 3 January 2006 accused the Rashtriya Swayamsevak Sangh (RSS) and its affiliated organisations of spreading a hate campaign against Christians and cultural indoctrination of the tribals in Dang district.⁹

The press continued to face the wrath of the State. On 29 August 2006, Manoj Shinde, editor of *Surat Saamna*, a Gujarati evening paper, was arrested from his residence by the Detection of Crime Branch (DCB) after DCB Inspector V J Jadeja lodged a complaint against him on behalf of the Government of Gujarat under Sections 124A (sedition), 292, 293, 294(b) (dealing with obscene publication), 500 (defamation), 501 (printing and aggravating matter against union territory or Chief Minister) and 502 and 505(1) (circulation of false statement against the public peace) of the Indian Penal Code. The State Government accused Manoj Shinde of using "abusive words" against Chief Minister Narendra Modi in an editorial on 28 August 2006 while alleging administrative failure in tackling the flood situation in Surat. However, close associates of Mr Shinde alleged that he was being deliberately targeted because of his association with the Congress party. On 30 August 2006, Mr Shinde was sent to judicial custody.¹⁰

Gujarat

By the end of December 2006, the Gujarat High Court had only 33 judges against the sanctioned capacity of 42 judges. This was despite the fact that 1,13,271 cases were pending before the Gujarat High Court as on 30 September 2006. By 30 September 2006, the vacancies in the District and Subordinate Courts increased to 113 vacancies against the 59 vacancies as on 30 June 2006. There was a total backlog of 3,31,6544 cases before the District and Subordinate Courts as on 30 September 2006.¹¹ On 14 November 2006, the Chief Justice of India, Justice Y K Sabharwal launched evening courts or "double shift" courts in Gujarat to help reduce the number of pendency cases. For the first time in the country, a total of 27 evening courts including 22 in Ahmedabad and 5 in Rajkot started functioning since 14 November 2006.¹²

The Gujarat Government failed to set up a State Human Rights Commission.

2. Human rights violations by the security forces

The Gujarat Police were responsible for serious human rights violations. In March 2006, two Kashmiri youths identified as Mudasar Ahmad Rather and Mohammad Ayub Bhat were killed in Ahmedabad and brought to their respective villages at Ratnipora and Ladi in Jammu and Kashmir and buried.¹³ The Gujarat Police claimed that they had killed four persons including two Kashmiris in an encounter. The bodies were handed over to their relatives. The family members as well as relatives of both the deceased had alleged that the deceased were arrested in between 15 and 20 December 2005 and later killed in custody by the Gujarat Police.¹⁴

On 22 August 2006, three persons including two civilians identified as Abdul Ghanchi and Rizwana Ghanchi and a

home guard identified as Madan Makwana were killed when police opened fire at a mob protesting the demolition of a graveyard's wall by the government officials in order to remove flood waters in Radhanpur town in Patan district.¹⁵

3. Elusive justice and the Gujarat riots of 2002

Justice continued to elude the victims of the communal riots of 2002. In August 2004, the Supreme Court directed the State Government of Gujarat to form a 10-member high powered inquiry committee headed by the Director General of Police of the State to re-examine 2,020 cases earlier closed by the police on the ground that the accused could not be traced, and submit report to the Supreme Court every three months. In its quarterly report of 31 January 2006, the inquiry committee stated that of the 2,020 riot cases that were closed by the Gujarat Police, 1,594 had been re-opened for investigation while 40 cases had not been found fit for fresh investigation, 640 people had been arrested in connection with the 1,594 criminal cases, 13 new cases had been registered and departmental inquiry had been initiated against 41 policemen for their alleged lapses in probing the post-Godhra riot cases. Of the 41 policemen, eight were Inspectors, 11 Sub-inspectors and 22 constables.¹⁶

On 1 September 2006, the police arrested 10 persons, including a woman, for loot and arson during post-Godhra riots at Kishanganj village in Sabarkantha district in March 2004. The case of arson and loot of Kishanganj village was reopened following the Supreme Court order of re-investigations into the cases that were closed for lack of evidence.¹⁷

On 24 February 2006, a Special Sessions Court in Mumbai sentenced nine persons identified as Rajubhai Dhamirbhai

Baria, Pankaj Virendragir Gosai, Bahadursinh Chauhan alias Jitu, Jagdish Chunilal Rajput, Dinesh Fulchand Rajbhar, Shanabhai Chimanbhai Baria, Shailesh Anupbhai Tadv, Suresh alias Lalo Devjibhai Vasava and Sanjay Thakker to life imprisonment and acquitted eight others in the Best Bakery case in which 14 persons were burnt alive by a mob on 1 March 2002. Altogether, there were a total of 21 accused in the case of which four accused were missing. Earlier, a fast track court at Vadodara had acquitted all the accused for lack of evidence in 2003 since the prime witnesses Zahira Sheikh and her family members had turned hostile. On 12 April 2004, the Supreme Court had transferred the case to Mumbai for a retrial.¹⁸

On 12 June 2006, Zaheera Sheikh was sentenced to three months rigorous imprisonment and fined Rs 500 for lying in court by Judge Abhay Thipsay of the Special Sessions Court in Mumbai.¹⁹ She was already in jail facing one year simple imprisonment awarded by the Supreme Court on 8 March 2006 for contempt of court. While delivering the judgement, Justice Arijit Pasayat of the Supreme Court said, "This is a classic example of a case where evidence were tampered with and witnesses won over."²⁰ Earlier, Zaheera Sheikh's mother Sahrunissa Sheikh²¹ and sister Saheera Sheikh²² were sentenced to three months rigorous imprisonment each by the Special Sessions Court on 16 May 2006 and 8 June 2006 respectively for giving false evidence in the court.

On 28 March 2006, nine persons, including prime accused Mustaq Ahmed Sheikh, were convicted by Additional Sessions Judge Sonia Gokani in a post-Godhra riots case in Danilimda of Ahmedabad where one person was shot dead in April 2002. While Mustaq Ahmed Sheikh was sentenced to 10 years rigorous

imprisonment, the court awarded 1 year and six months imprisonment to the eight other accused. The court however acquitted 25 others giving them benefit of doubt.²³

Some were acquitted because of the lack of evidence. On 21 April 2006 Additional Session Judge N C Chaudhary of Godhra acquitted all the 52 accused in a post-Godhra riot case of Halol taluka under Panchmahal district for want of evidence. The accused were arrested from Pavagadh and Dhikva villages of Halol taluka for rioting and burning properties during the riots on 28 February 2002.²⁴

In its final report, submitted to the Railway Ministry on 3 March 2006, Justice U C Banerjee Committee on Sabarmati Express train carnage in Godhra, which was set up by Railway Minister Lalu Prasad Yadav, stated that the fire was "accidental and not deliberate". 59 karsevaks (Hindu pilgrims) were killed in the fire at Sabarmati Express on 27 February 2002 in Godhra triggering one of the worst communal riots in post-independent India.²⁵ On 6 March 2006, the Gujarat High Court directed the United Progressive Alliance government not to table the report in Parliament until the court concludes hearing on a petition challenging the legality of the Justice UC Banerjee panel when another judicial commission was already probing the matter.²⁶ On 3 July 2006, the Supreme Court upheld the order of the Gujarat High Court.²⁷

4. Status of the IDPs

On 8 March 2006, the Narmada Control Authority (NCA) allowed raising of the Sardar Sarovar dam from the present 110.64 metres to 121.92 metres.²⁸ The NCA claimed that all the 32,600 Project Affected Families (PAFs) from 228 villages to be displaced by the Sardar Sarovar dam at height of 121.92 metres in

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Gujarat (4,726 PAFs from 19 villages), Madhya Pradesh (24,421 PAFs from 177 villages) and Maharashtra (3,453 PAFs from 32 villages) had been fully resettled by the respective State Governments.²⁹ The Narmada Bachao Andolan protested against the decision of the NCA to raise the dam height, saying about 35,000 displaced families between the heights of 110.64 and 121.92 metres remained to be rehabilitated.³⁰

A Sardar Sarovar Project Status Report submitted by the Union Water Resources Ministry to the Prime Minister's Office on 22 March 2006 revealed that 36,921 families from 226 villages in Gujarat, Madhya Pradesh and Maharashtra would be affected if the height of the Narmada dam was raised to 121.92 metres. This included 4,726 PAFs in Gujarat, 3,453 PAFs in Maharashtra and 28,742 PAFs in Madhya Pradesh. The report stated that 13,233 PAFs remained to be resettled in Madhya Pradesh at 110.64 metres. The report stated that Gujarat had spent only Rs. 10,918 crore till December 2005 on rehabilitation. However, the Centre in its application filed in the Supreme Court on 17 April 2006 claimed that all the affected families up to the height of 121.92 metres were resettled in the three States.³¹

On 17 April 2006, the Supreme Court allowed the raising of the height of the Narmada dam to 121.92 meters as approved by the NCA on 8 March 2006. However, the Supreme Court also warned that it would stop the construction work if the PAFs were not properly rehabilitated.³²

A Group of Ministers (GoM) consisting Water Resources Minister Saifuddin Soz, Minister for Social Justice and Employment Meira Kumar and Minister of State in the Prime Minister's Office Prithviraj Chauhan in their report "A Brief Note on the Assessment of Resettlement and Rehabilitation (R&R)

Sites and Submergence of Villages of the Sardar Sarovar Project" of 9 April 2006 stated that the rehabilitation work as claimed by the State Government of Madhya Pradesh was only on paper.³³ But in order to re-write the report of the GoM of his own cabinet, the Prime Minister in April 2006 set up a three-member Sardar Sarovar Project Relief and Rehabilitation Oversight Group (OSG) headed by former Comptroller and Auditor-General of India, V.K. Shunglu to look into the status of rehabilitation of PAFs in Madhya Pradesh.³⁴ In its report of 3 July 2006, the Shunglu Oversight Group stated that it found no major discrepancy in the Action Taken Report (ATR) of the Madhya Pradesh Government on the status of rehabilitation of PAFs.³⁵ On 10 July 2006, the Supreme Court declined to stop the construction of the Sardar Sarovar project and allowed raising its height evenly up to 119 meters in all blocks.³⁶

The Sardar Sarovar dam height was raised up to 121.92 metres in Gujarat by the end of December 2006.³⁷

In addition to the Narmada dam oustees, the State Government of Gujarat also failed to rehabilitate the victims of the communal riots of 2002. A three-member team from the National Commission for Minorities (NCM) visited the relief camps in Gujarat from 13-17 October 2006. In its report, the NCM's team found that 5,307 Muslim families displaced by the 2002 communal riots were living in "precarious conditions" in 46 makeshift camps across the State. The NCM team found that there was lack of basic facilities like sanitation, drinking water, approach roads, streetlights, schools and primary healthcare in the camps. The camp inmates were denied the below poverty line (BPL) ration cards and jobs under centrally-sponsored employment schemes.³⁸

5. Violations of the rights of the minorities

On 19 September 2006, the Gujarat Assembly passed the Gujarat Freedom of Religion (Amendment) Bill 2006 amid protests from the Opposition Congress party. Although Jainism and Buddhism are two separate religions of India, the Bill recognized these two religious groups as part of Hinduism and allowed free conversion amongst these three religions. The Bill also allowed conversions among different sects of the same faith in Islam and Christianity but prohibited Hindus, Buddhists and Jains from converting into Islam or Christianity without permission from the authorities.³⁹

In another case of repression against the religious minorities in Gujarat, the State Government decided not to renew the contract of five Catholic nuns from the Salesian Missionaries of Mary Immaculate, who were running a leprosy hospital in Ahmedabad since October 1949 after the

expiry of their contract on 31 March 2006. The State Government did not give any reason for not renewing the permission to run the leprosy hospital except the reported statement of the State Health Minister, Ashok Bhatt that it was because "There is no more leprosy in Gujarat".⁴⁰

In May 2006, *The Indian Express* reported that in villages of Panchmahals, Banaskantha and Sabarkantha districts, which were worst hit by the communal violence in 2002, Muslims had been kept out of the National Rural Employment Guarantee Scheme "through a strategy mixing disinformation with no information and prejudice".⁴¹ In Eral, Delol, and Vejalpur villages in Panchmahals district, the names of the Muslim villagers were not even included.⁴² Following the reports of *The Indian Express*, the Central Government and the National Commission for Minorities sought reports from the Gujarat Government.⁴³ ■

Haryana

1. Overview

Ruled by the Indian National Congress, Haryana remained a lawless State especially with regard to the Dalits. Their rights continued to be violated by upper caste people in alleged connivance with the police.

The Haryana Police continued to be responsible for serious human rights violations such as extrajudicial killings, illegal detention, torture and rape.

The Haryana State Cabinet on 20 December 2006 approved the draft Haryana Police Ordinance, 2006. The ordinance will replace the Police Act of 1861 and the Punjab Police Rules, 1934. The new law gives powers to the District Magistrate to coordinate and direct the functioning of the police with other agencies of the district administration. This will strengthen the control of the civil authority over the police. A single-member State-level police complaint authority, who will be either a retired Judge or a retired civil servant not below the rank of Secretary to the State Government or a lawyer well versed in criminal law and with a standing of at least 20 years, will inquire into complaints regarding custodial deaths, custodial torture, rape or an attempt to rape in police custody.¹

Despite lawlessness in the State, there is no State Human Rights Commission. On 18 January 2006, the Haryana Government informed the Punjab and Haryana High Court that it had no intention to constitute a State Human Rights Commission.²

The Dalits faced systematic violations of their rights. The Haryana Government announced a compensation policy for Dalit victims of atrocities by the upper

castes. But, there were consistent reports of violations of the rights of the Dalits.³

Women and girl children were sexually abused. Trafficking remained a flourishing business for the traffickers due to skewed sex ratio (861 per 1,000 males as per the 2001 census) in the State.

The administration of justice continued to be plagued by shortage of judges. By the end of December 2006, there were 15 vacancies in the Punjab and Haryana High Court while the number of vacancies in the District and Subordinate Courts was 84 as on 30 September 2006. The Punjab and Haryana High Court had a total of 2,41,579 pending cases, while a total of 51,9,338 cases were pending with the District and Subordinate Courts as on 30 September 2006.⁴

2. Human rights violations by the security forces

The Haryana Police continued to be responsible for serious human rights violations such as illegal detention, torture, rape and custodial deaths. On 15 July 2006, Karan Singh of Mohana village was found dead at the Veterinary Hostel premises under Mohana police station in Sonapat district after his arrest by police on the evening of 14 July 2006. The post-mortem report reportedly confirmed death due to suffocation.⁵

Police also resorted to indiscriminate use of fire-arms. On 21 June 2006, one person was killed and 23 others were injured when police resorted to firing to control a crowd at Badsikri village of Kalayat sub-tehsil in Kaithal district.⁶

High-handedness of Haryana Police was well-known. In November 2006, the National Human Rights Commission

asked the Director General of Police, Haryana to submit within four weeks a report on the alleged beating of Jirender Singh Sandhu, a resident of Gurgaon, by the police on 16 November 2006. According to media report, the victim was taking a stroll with his daughter when two policemen stopped them and asked what they were doing. When the victim asked the policemen to behave properly he was taken to the police station and beaten for about 20 minutes. Three policemen were suspended in the case.⁷

3. Violence against women

Women continued to be victims of violence including from the law enforcement personnel. On the night of 15 June 2006, a rag picker was raped by two police constables identified as Sandeep and Mahavir at Sector-9 in Faridabad. Both the constables were arrested.⁸

Haryana was turned into "bride bazaar" of India where women trafficked from other States such as Assam, Bihar, Jharkhand, Orissa, West Bengal, Maharashtra, etc were sold. Haryana had very low sex ratio which was 861 per 1,000 males as per the 2001 census and thereby increasing the demand for women. The price of the women in the market usually ranged from Rs 4,000 to Rs 30,000 but depended on factors like virginity, skin colour, age and the number of times the woman had been sold before.

An NGO, Shakti Vahini that fights trafficking, reportedly rescued more than 150 minor girls in the last four years. There were over 5,000 such girls in Mewat, while Ghasera has over 100 such girls. One 13-year-old Memoona from Assam was sold by an agent for a mere Rs 4,000 to a 40-plus farmer in Mewat district. Such bride could be resold or shared with unmarried brothers if she gave birth to a male heir. In March 2006, an 18-year-old Tripala from

Jharkhand was reportedly murdered by her husband in Jind district after she refused to sleep with his younger brother.⁹

4. Violations of the rights of the Dalits

The Dalits faced systematic violations of their rights. The National Crime Records Bureau recorded 288 cases of atrocities against the Dalits in 2005. These included 10 murder cases, 35 rape cases, 15 kidnapping cases, 5 arson cases, 52 hurt cases, and 73 cases under SC/ST (Prevention of Atrocities) Act etc.

The Haryana Government announced a policy to provide compensation to Dalit victims of atrocities by the upper castes. As per the policy, the State Government would pay a compensation of about Rs 2 lakh in case of death and in some related cases the amount could be around Rs 1 lakh provided the victim had no source of income. However, the benefit would be applicable only if a case was registered under various sections of the Indian Penal Code and the SC/ST (Prevention of Atrocities) Act on the complaint of the victim and the financial aid would be released after the police filed the challan in court in connection with the case. The Faridabad district administration reportedly sanctioned about Rs 2.5 lakh as compensation during the financial year of 2005-06.¹⁰

a. Violence against Dalit women

The Dalit women were specifically targeted. On the night of 3 January 2006, a 15-year-old handicapped Dalit girl, resident of Jhatauli village of Pataudi, was allegedly gang raped by three men in a cab and then by a truck driver at Manesar in Gurgaon district.¹¹

On the night of 4 February 2006, a 13-year-old Dalit girl of Kailana village under the Ganaur police station was found murdered after rape when she had gone to

the fields. A postmortem examination of the deceased conducted in the Civil Hospital reportedly confirmed rape.¹²

On 14 February 2006, 10 Dalits including women were injured when a mob of about 50 upper caste men, mostly Rodhs, armed with sharp-edged weapons, including axes and swords allegedly attacked the Dalits of Ravidas Colony at Mehmampur village in Karnal district.¹³

b. Social ostracisation

Failure to take action by the police and administration also forced Dalits to flee their villages. On 22 February 2006, more than 200 members of 31 Dalit families of Farmana village in Sonapat district fled their village to save their lives following alleged attack by upper caste people led by sarpanch (village head) of the village identified as Sunil due to a dispute over construction of a boundary wall around a temple. The Dalits had to spend the night camping at various temples, dharamshalas and schools in and around Khokhrakot locality of Rohtak.¹⁴ The police registered a case against five persons including the Sarpanch Sunil on the charge of harassing Dalits and demolishing their houses on 14 and 15 February 2006.¹⁵

In July 2006, a Dalit family of Dhingsara village in Fatehabad district was forced to take shelter at a nearby village following threats by some upper-caste families. Complaints to the police and district administration had fallen on deaf ears.¹⁶

On 1 September 2006, over two dozen Dalit families were forced to flee their village after about 100 upper caste youth attacked them with sharp-edged weapons and ransacked their houses at Kila Jafargarh in Jind district. Several Dalits were injured, 11 of them seriously.¹⁷

On 6 December 2006, the police registered cases against 10 persons in a

three-month-old case pertaining to the families of two Dalit brothers, Ramesh Kumar and Kalu Das of Lisan village under Khol police station of Rewari district. The brothers had to leave the village in the first week of September 2006 after being tortured and threatened by men of the upper caste in alleged connivance with the police. Assistant Sub-Inspector Ram Swarup of the Dahina police post, where Kalu Das had been forcibly taken by his alleged torturers on the night of 2 September 2006, was reportedly transferred.¹⁸

5. Violations of the rights of the child

There were widespread reports of violations of the rights of the children. On 18 November 2006, three minor girls identified as Sita, (12) Santoshi (7) and Sujata (6) were rescued by an NGO, Shakti Vahini, from their employer in Faridabad's Indraprastha Colony. The children were beaten up with belts, cricket bats and canes during their two-year confinement. However, they spent the next five days at the Faridabad Sector 31 police station as there was nowhere else for them to go. There was no children home in Haryana except one Nari Niketan in Karnal district.¹⁹

Girl students were target of sexual abuses including rape and molestation by their teachers. The Haryana Government had decided to constitute special surveillance committees to monitor instances of sexual harassment in schools and other educational institutions following such reports.²⁰ In early February 2006, the Haryana Government suspended seven school staff including two accused teachers and the Principal of Government Senior Secondary School in Durjanpur in Jind district. 17 schoolgirls of Class VIII and IX were allegedly raped

for eight months by the accused teachers. The incident came to light when one of the girls studying in Class IX got pregnant and told her parents about the rape. Two other girls who also got

pregnant were forcibly got abortions done by the teachers. The teachers had reportedly approached the family and offered them Rs 1.5 lakh to get the child aborted in another case.²¹ ■

Himachal Pradesh

1. Overview

Ruled by Indian National Congress party, Himachal Pradesh witnessed an increase in crime rate during 2006. According to the State Police records, a total of 18,096 crimes were registered in 2006 as against 16,836 in 2005. These included 111 murders, 78 attempt to murder, 113 rapes, 130 kidnapping, and 29 robbery cases. Of these, 13,093 cases were registered under the Indian Penal Code and 5,003 under Local and Special laws which included 13 cases under Arms Act and 43 cases under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. There was an increase of over 27% in suicide cases (457 during 2006 in comparison to 2005 (359 cases).¹

Crime against women also increased during 2006. As per the police records, a total of 881 crimes against women were registered during the year. The figure was 874 in 2005, 910 in 2004, 801 in 2003, 920 in 2002 and 1,032 in 2001. Out of 881 crimes recorded, 113 were rape cases, 274 molestations, 23 murders, four dowry deaths, 113 kidnapping/abductions, 259 cruelties to women, 29 eve-teasing, two cases of chain-snatching and two cases under Dowry (Prohibition) Act. Highest number of rape cases was reported from Shimla district with 34 cases.²

As on 1 October 2006, there were six vacancies out of the nine sanctioned strength in the Himachal Pradesh High Court.³ This decreased to three vacancies by the end of December 2006.⁴ There were three vacancies of judges in the District and Subordinate Courts as on 30 September 2006. There were huge backlog of cases. A total of 25,901 cases were pending with the High Court and a total of

1,55,575 cases were pending with the District and Subordinate Courts as on 30 September 2006.⁵

2. Human rights violations by the security forces

The security forces continued to be responsible for human rights violations including torture.

On 21 August 2006, Dr. Kashmir Thakur, State General Secretary of Centre of India Trade Unions (CITU), was allegedly tortured in police lock-up by three policemen including the Station House Officer of Gehra police post after his arrest. The victim alleged that the policemen made him naked and took his picture in the nude, forced him to lie down on the floor and beat him up with a hunter on the back, thighs and the under-feet in order to force him to confess to a false case registered at the behest of a local contractor and Hindustan Construction Company (HCC) working in the Chamera III project in Chamba district. The victim further alleged that when torture became unbearable, he was forced to put his signature on a paper in front of the two false witnesses in the lock-up which had no light. He was later sent to judicial custody till 4 September 2006.⁶

On 25 August 2006, at least 10 persons were injured, four of them seriously, when police and security personnel of the HCC resorted to firing and lathicharge on workers of the Chamera III Hydel Project. They were protesting against the alleged torture of CITU leader Kashmir Thakur in police custody and demanding the settlement of their dues.⁷

3. Violations of the rights of the SCs/STs

The National Crime Records Bureau recorded 55 cases and 10 cases of atrocity against the Dalits and the tribals respectively in 2005. This included 9 cases of rape of Dalit women and 1 rape case of a tribal woman.

According to the record of the State Police, a total of 68 cases of crime against the Dalits and the tribals were registered in 2006. This included 11 rape cases.⁸

As per State Government records, there was a backlog of 3,700 posts reserved for Scheduled Castes and Scheduled Tribes in direct recruitment and 1,555 in promotions in various government departments as on 31 January 2006. A special drive could not be launched to fill the posts expeditiously in view of the introduction of post-based roster system in accordance with the Supreme Court order at the Centre which had been adopted by the States.⁹

The rights of the tribal people continued to be overlooked. The State Government failed to improve their

condition and provide the basic rights. The tribal people living in far-flung villages in Kinnaur district were deprived of power supply, safe potable water and means of transportation. The education and health care systems were equally worse with no official machinery to keep a check on the attendance of teachers in the schools and doctors in the dispensaries/primary health care centres. The Panchayati Raj Institutions (PRIs) were neglected. The Zila Parishad could not carry out development works in the rural areas as the State Government did not provide fund to the elected body. Although a sum of Rs 19.38 lakh meant for the year 2005-2006 was drawn from the treasury by the authorities concerned, the money was reportedly not released to the Zila Parishad.¹⁰

On 9 December 2006, five tribals were injured when the police resorted to firing and used water cannons and tear gas on tribals at Wangtoo in Kinnaur district. The tribals were protesting against the proposed 1000 MW Karcham-Wangtoo Hydro Electricity Power Project.¹¹ ■

Jammu and Kashmir

1. Overview

Ruled by the Indian National Congress-People's Democratic Party coalition, Jammu and Kashmir continued to be afflicted by armed conflict, and human rights violations by both the security forces and the armed opposition groups (AOGs) continued to be extensively reported. There was a decline in insurgency related violence but the State registered 13 times higher cases of crime related to normal policing in 2006. While 1,667 insurgency related incidents were registered, a total of 23,492 cases of crime were registered in 2006. Out of these cases of crime, 21,825 cases were related to normal policing. There was an increase of 1,131 normal cases since 2005.¹ On 27 February 2006, Chief Minister Ghulam Nabi Azad also claimed that human rights violations had decreased in the State in comparison to 2005.² About 5,000 army personnel from Jammu and Kashmir were moved to North East India due to improvement in the situation.³

The Ministry of Home Affairs (MHA) stated that a total of 780 persons, including 309 civilians, 76 security forces and 395 alleged members of AOGs were killed in 2006 as against the killing of 868 persons including 393 civilians, 70 security forces and 405 alleged members of AOGs in 2005.⁴

On 2 March 2006, Chief Minister Ghulam Nabi Azad stated in the State Assembly that action was taken against 134 officers of the army, 79 personnel of the Border Security Force (BSF) and 60 officials of the State police who were found guilty of custodial killings, torture, rape and molestation in the past 16 years. Of the

134 army personnel, two were awarded life imprisonment, 59 rigorous imprisonments, 13 dismissed from service with one year's imprisonment, five others dismissed from service, among others.⁵ But the details of the personnel were not made public.

The AOGs were responsible for blatant violations of international humanitarian laws by resorting to medieval forms of torture, kidnapping and killing. On the night of 8 April 2006, alleged members of Hizbul Mujahideen shot dead three members of a family identified as Assadullah Mohammad, his elder brother Ghulam Mohammad and Assadullah's wife Rashida Begum at Challad village under Arnas tehsil in Udhampur district.⁶ The AOGs also carried out "selective killing" of minorities in the State, particularly the Hindus.

Women and children remained extremely vulnerable. The Government only paid a meager amount of stipend or cash relief to those women and children whose husbands and parents were killed by the AOGs but did not provide any help to those whose family members were killed by the security forces. According to Public Commission on Human Rights, there were about 25,000-30,000 widows, and husbands of more than 50% of these widows were allegedly killed by the security forces. According to Yateem Trust, an NGO working with orphans and widows in Kashmir, there were about 15,308 orphans whose fathers were killed by the security forces.⁷ The State Government also failed to provide jobs to all the beneficiaries under the Jammu and Kashmir Rules for Compassionate

Appointment, 1994 or SRO 43. On 9 March 2006, the State Government admitted in the Lower House of the State Assembly that 4,316 conflict-related cases for appointments under SRO 43 were pending in the State, including 799 cases in Baramulla district, followed by Jammu (24), Kathua (12), Udhampur (236), Doda (414), Rajouri (274), Poonch (123), Anantnag (509), Pulwama (235), Budgam (265), Srinagar (720), Kupwara (690), Kargil (9) and Leh (6).⁸

The Government misused the Jammu and Kashmir Public Safety Act (PSA) of 1978. At the first round table conference on Jammu and Kashmir held at Delhi on 25 February 2006, Prime Minister Manmohan Singh assured the Kashmiri leaders to review the cases of all detainees in Jammu and Kashmir and release those who were not involved in serious offences.⁹ Many PSA detainees were released on the recommendations of the Joint Review Committee. Many PSA prisoners were also released following orders by the Jammu and Kashmir High Court.

Huge number of pending cases coupled with vacancies of judges in the courts crippled the judicial system. There were six vacancies of judges in the Jammu and Kashmir High Court at the end of December 2006 and 11 vacancies in the District and Sub-ordinate Courts in the State as on 30 September 2006.¹⁰ A total of 43,680 cases were pending before the Jammu and Kashmir High Court and 1,49,610 cases were pending in the District and Sub-ordinate Courts as on 30 September 2006.¹¹

On 25 May 2006, after the conclusion of the second Round Table conference in Srinagar, Prime Minister Dr Manmohan Singh announced that five groups would be constituted to deal with various aspects of the problems of Jammu and

Kashmir, including autonomy and self-rule for the State.¹² The Central Government and the All Party Huriyat Conference held various parleys without any substantive progress.

2. Human rights violations by the security forces

During 2006, the security forces in Jammu and Kashmir were responsible for serious human rights violations including extrajudicial executions, torture, rape, etc.

a. Enforced disappearances

Hundreds of people had gone missing in the State since the internal armed conflict began in 1990. On 25 March 2003, the Minister for Law and Finance of Jammu and Kashmir, Mr Muzaffar Hussain Beig stated in the State Assembly that a total of 3,744 persons had disappeared in the State from 1990 to December 2002 and 135 of them had been declared dead up to June 2002.¹³ However, according to the Association of the Parents of Disappeared Persons (APDP), more than 8,000 persons had disappeared during the past 16 years of turmoil.¹⁴

The State Government had been economical with the truth as regards to custodial deaths and disappearances. On 9 March 2006, the State Government claimed in the State Assembly that only 4 cases of disappearances and 15 cases of custodial killings involving 18 persons were registered in the State from January 2004 to February 2006. In the four cases of "disappearances in custody", Rashtriya Rifles and Central Reserve Police Force were the accused while in the custodial killing cases the perpetrators belonged to the army, BSF and Jammu and Kashmir Rifles. Of the 15 cases of custodial killing, two cases were challaned, two were closed as untraced and investigation was

on for the others. All the 4 cases of disappearance were also under investigation.¹⁵

On 1 August 2006, Chief Minister Ghulam Nabi Azad stated in the Legislative Council that there were 15 complaints of custodial disappearances and 26 complaints of custodial killings from 2003 to 2006 while the number during National Conference rule from 1996 to 2002 was 60 and 67 respectively. Mr Azad also stated that there was one complaint of disappearance and two custody killings so far during 2006. He claimed that action had been taken against 209 security personnel, of whom 28 were officers.¹⁶

In its Annual Report 2004-2005, Jammu and Kashmir State Human Rights Commission stated that it registered 44 cases of disappearances in the State between April 2004 and March 2005 alone. Of these, 43 people disappeared from Kashmir division including 14 disappearance cases registered from Varmul, 11 from Srinagar, eight from Kupwara, six from Budgam, two each from Islamabad and Pulwama. The another case was registered from the Kathua area of Jammu division.¹⁷

During 2006, reports of alleged enforced disappearances continued to pour in from the State. On 12 February 2006, 16-year-old Farooz Ahmad, son of Abdul Ghani Mir of Machil-Dabpal Kupwara and student of 10th class, reportedly went missing from Lalpora Lolab where he had gone to visit his relatives.¹⁸

On 16 February 2006, Nazir Ahmad Daka of Desu-Kokernag was allegedly picked up by the security forces at Lal Chowk in a white gipsy. Since then he reportedly disappeared. A case was registered with Kothi Bagh police station in this connection.¹⁹

The complicity of the security forces in enforced disappearances of civilians was beyond doubt. In April 2006, the Central Bureau of Investigation (CBI), following an investigation, found five army officers identified as Brigadier Ajay Saxena, Lt Col Brijendra Pratap Singh, Major Sourabh Sharma, Major Amit Saxena and Subedar I Khan of 7th Rashtriya Rifles responsible for killing five unarmed civilians on 24 March 2000 in a fake encounter at Pathribal in Anantnag district. According to the CBI, Zahoor Ahmed Dalal, Juma Khan, Mohammad Yussuf Malik, Juma Khan and Bashir Ahmed Bhat were killed in cold blood in the name of killing "militants".²⁰ The accused army officers however challenged the CBI's chargesheet in the court of Chief Judicial Magistrate in Srinagar on the ground that CBI did not have prior permission of the Central Government to chargesheet them.²¹ On 21 June 2006, CBI replied that prior permission of the Central Government was not necessary in this case.²²

On 9 March 2006, Jammu and Kashmir High court directed the Chief Secretary of Jammu and Kashmir to implement the recommendations of the State Human Rights Commission of 19 June 1993 to pay an ex-gratia of Rs 2 lakh and provide an employment to one of the family members of Mohammad Ishaq Lone, a student and son of Ghulam Hassan Lone of Kulangam Kupwara who disappeared after his abduction by *Ikhwani* on 13 November 1996.²³

b. Custodial killings

During 2006, several cases of alleged custodial killings were reported. In February 2006, Chief of Army Staff Gen JJ Singh stated that any custodial killing would not be tolerated.²⁴

On 17 January 2006, three civilians identified as Farooq Ahmad Dar of

Chatripora, a student of Deoband, Abdul Wali, a khateeb of Darul Uloom Achabal-Anantnag and Farooq Ahmad Dar of Gool-Gulabgarh, a student of Darul Uloom Achabal-Anantnag were allegedly killed by the Rashtriya Rifles and Special Operations Group after their arrest at Hipora-Batagund village in Shopian under Pulwama district. Huge protests were held against the alleged custodial killings. The villagers stated that the deceased were moving from village to village to collect money for Darul Uloom Achabal when they were arrested on 13 January 2006 and later killed in custody. They alleged that all the three deceased were tortured after their arrest and their bodies cut into pieces. Eyes, ears and feet of Farooq Dar were reportedly chopped off. But the army authorities claimed that the three youths were members of AOGs and were killed in encounter.²⁵ An inquiry was ordered.

The other victims of custodial killings included Mushtaq Ahmad Ganie, son of Abdul Ahad Ganie, who was allegedly killed on 10 January 2006 in the custody of 3rd Rashtriya Rifles after his arrest from Magam-Adlech area in Sirigufwara in Anantnag district;²⁶ Abdul Majeed Paray who died in SMHS hospital in Srinagar on 15 January 2006 due to alleged torture in the custody of 22nd Rashtriya Rifles in Sumbal in Baramula district;²⁷ two labourers identified as Mohammad Amin, son of Karim Gujjar and Noor Din, son of Abdul Gaffar who were allegedly killed in the custody of the security forces at Ikharaabad in Kishtwar on the night of 24 May 2006,²⁸ and Vikram Singh alias Vicky, son of Mohinder Singh, who was allegedly killed in the custody of the 129th Border Security Force (BSF) at Abdullah village in Ranbir Singh Pura sector on the night of 28 May 2006.²⁹

The security establishment however denied the above stated allegations.

c. Killings in fake encounters

The security forces were responsible for killing of civilians in fake encounters. On 20 April 2006, Army Chief Gen. J.J. Singh announced that the army changed its rules to give recognition for overall performance and military awards would no longer be solely based on the number of "kills" to discourage fake encounter killings.³⁰

On 22 February 2006, four boys identified as Ghulam Hassan Bhat (18), Abdul Samad Mir (12), Aamir Akbar Hajam (14) and Shakir Ahmad Wani (8) were allegedly killed by the security forces at Dodhipora village near Handwara in Kupwara district. The defence sources stated that personnel of 33rd and 21st Rashtriya Rifles launched a joint operation at Dodhipora village and the boys were killed in cross-fire when the AOGs attacked the security forces.³¹ According to General Officer Commanding (GOC) 15 corps, Lt Gen S S Dhillon, while one boy was killed by the AOGs, three others were killed in encounter.³² On 1 March 2006, Chief Minister Ghulam Nabi Azad announced a judicial probe into the killings.³³ The Kashmir Bar Association (KBA) which probed the incident alleged that the personnel of Rashtriya Rifles extrajudicially killed the boys when they were playing cricket on the bank of river Nallah Talri or Baad Koul. While Abdul Samad was killed on the spot, three others - Ghulam Hassan Bhat, Shakir and Aamir were shot dead while they were trying to flee across the river. The KBA investigating team interviewed a number of children who survived the attack and they testified that the army had killed the boys in cold blood when they were fleeing the scene.³⁴ In its report to Chief Minister Ghulam Nabi Azad on 24 February 2006, the Criminal Investigation Department (CID) branch of Jammu and Kashmir

Police also confirmed that “there was no crossfire in the village” and the army had “deliberately” shot Abdul Samad Mir when he had refused to be their “informer”. The CID report also stated that the three other boys too were killed by the army.³⁵

The other victims of alleged extrajudicial killings by the security forces included a Kashmir University student identified as Irshad Ahmad Ahangar who was allegedly killed by Central Reserve Police Force personnel at Court Road in Srinagar on 23 February 2006,³⁶ a woman identified as Sarah at Bata Mohalla Chittibanday in Aragam-Bandipora on 24 February 2006,³⁷ a boy identified as Shabir Khan at Warnu, Lolab in Kupwara district on the night of 10 April 2006,³⁸ and a student identified as Farooq Ahmed Sofi and his mother, Misra Begum who were allegedly killed in cold blood by the BSF personnel at Palhalan in Pattan area of Baramula district on 24 June 2006.³⁹

On 12 June 2006, a Class 12th student identified as Javed Ahmed Malik was reportedly killed in police firing at an irate mob who were protesting against alleged desecration of a mosque by the army at Zurhama in Kupwara district.⁴⁰

d. Arbitrary arrest, illegal detention and torture

The security forces were responsible for arbitrary arrest, illegal detention and torture. The Jammu and Kashmir Public Safety Act of 1978 was blatantly mis-used. On 2 April 2006, protest demonstrations were held at Ishbar-Nishat against illegal arrest of an 8th standard student identified as Muzaffar Ahmad Wani, son of Ghulam Ahmad Wani by the police during a raid at Wani Mohalla at Ishbar-Nishat.⁴¹

Hameeda Begum claimed that the Special Operations Group (SOG) raided her house at Hubbi Colony in Srinagar and

arrested her two sons, Majid and Zubair on 22 December 2005 on the charges of providing shelter to AOG members. On the next day, her husband Abdul Rashid Sofi went to the local police station at Soura to seek release of their sons but he was also arrested. Zubair was released two months later. However, on 14 April 2006, Zubair and Hameeda’s third son Sameer were arrested in connection with the serial blasts that rocked Srinagar on that day. The police claimed that there was ample evidence against the two brothers, but refused to reveal anything. Abdul Rashid Sofi and Sameer were booked and detained in Kot Bhalwal jail in Jammu under Public Safety Act.⁴²

The State Government also harassed and detained family members of AOG cadres. On 5 May 2006, banned AOG Hizbul Mujahideen alleged that six parents of its members identified as Ghulam Nabi Mir of Pastana, Abdul Jabar Khan of Pata, Abdul Ahad Bhat of Naibugh, Sonaullah of Nowdal, Abdul Rashid Lone of Bihigund and Fayaz Mir of Dadasar-Tral were missing after they were arrested by the security forces two weeks before. The Hizbul Mujahideen claimed that these people were arrested without any reason except that their sons were members of Hizbul Mujahideen.⁴³

Torture during detention was a common practice. On the night of 13 January 2006, two youths identified as Fayaz Ahmad Bhat and Abdul Majeed Parrey were allegedly picked up by the security forces from Sumbal in North Kashmir for their alleged links with AOGs. They were allegedly subjected to third degree torture in illegal detention. While Parrey succumbed to injuries, Bhat was reportedly admitted to a hospital in Srinagar with serious injuries. The army reportedly ordered a court of inquiry into the incident. The Jammu and Kashmir

Police also registered an FIR against the army and began a probe.⁴⁴

On 2 February 2006, protest demonstrations were held at Tragpora-Rafiabad in Baramulla district against alleged custodial torture of Hilal Ahmad Wani, son of Qadoos Wani of Nadihal-Baramulla by the 32nd Rashtriya Rifles personnel. The protestors alleged that the victim was thrown at the road side by the security forces in a serious condition.⁴⁵

On 25 May 2006, hundreds of residents of Seer Hamadan in Anantnag district protested against alleged harassment of minority Kashmiri Pandits by the 3rd Rashtriya Rifles personnel on the late night of 24 May 2006. The security personnel allegedly went on knocking at the doors of the Kashmiri Pandits leaving them frightened. However, the army and the police stated that the Rashtriya Rifles personnel had gone to the area to assure the residents to "feel secure" at night.⁴⁶

3. Violations of international humanitarian laws by the AOGs

The armed opposition groups were responsible for violations of international humanitarian laws, including killings, kidnapping and torture. The AOGs were also responsible for "selective killings" of non-Kashmiris or members of the minority communities.

a. Violations of the right to life

The AOGs were responsible for blatant violation of the right to life. On the night of 8 April 2006, alleged members of Hizbul Mujahideen shot dead three members of a family identified as Assadullah Mohammad, his elder brother Ghulam Mohammad and Assadullah's wife Rashida Begum at Challad village under Arnas tehsil in Udhampur district.⁴⁷ On 14 June 2006, a retired treasury officer Ghulam Rasool Bahroo and Firdous

Ahmad, a priest of a local mosque, were killed by alleged AOGs near Nadihal school in Baramulla district.⁴⁸

Many were killed after abduction. On the night of 5 February 2006, a youth identified as Tahir Ahmed was reportedly killed after abduction by alleged members of AOGs from Gursai village in Poonch district.⁴⁹ On the night of 29 March 2006, alleged members of AOGs kidnapped a singer identified as Ghulam Hassan Shah from his Gundipora Qazigund house in South Kashmir and shot him dead.⁵⁰

The AOGs were responsible for indiscriminate use of explosive devices. Five persons identified as Shaheena, Javed Ahmad Bhat, Anup Singh, Deepa Joshi and Mudassir Farooq were killed and 33 others were injured in a serial blasts in Srinagar on 14 April 2006;⁵¹ sixteen persons including seven tourists were injured in a grenade attack in Pahalgam in Anantnag district on 27 April 2006;⁵² five persons including three tourists were killed in a grenade attack at Zakura, Srinagar on 25 May 2006;⁵³ one person identified as Madan Lal, son of Ishar Das, died and 29 others injured in three grenade explosions at a busy bus stand in Jammu on 12 June 2006;⁵⁴ and two persons identified as Khatoon Shah Begum and Javed Ahmad were killed and 27 others injured in a bomb blast at the house of a saint at Sopore in Baramulla district on 22 June 2006,⁵⁵ among others.

i. Killing of the political activists

Killing of political party workers and leaders by the armed opposition groups were extensively reported from Jammu and Kashmir during 2006. On 23 March 2006, the State Government in a reply to a question by MLA Mohammed Yousuf Taringami in the State Assembly stated that a total of 39 political activists were killed by the AOGs during January 2005 -

February 2006. Of these 39 political activists, 19 belonged to People's Democratic Party, 8 of National Conference followed by Congress (5), Independent (3), CPI-M (2), Peoples Democratic Forum (1) and Jamaat-e-Islami (1). The State Government also stated in the reply that a total of 535 civilians were killed during the same period.⁵⁶

Those political party activists killed by alleged members of the AOGs during 2006 included Congress Councillor of the Sopore Municipal Committee, Mohammad Afzal who was killed at Krankshivan colony in Baramula district on 2 April 2006;⁵⁷ a Congress Municipal Councillor identified as Wali Mohammad Dar at Mohalla Khawja Sahib in Baramulla district on 4 April 2006;⁵⁸ a BJP activist identified as Mohammed Yousuf Ghanai alias Yousuf Dastgeeri at Azad Ganj in Baramulla on 5 April 2006;⁵⁹ and CPM activist Mohammad Afzal Bhat at Sandoor in Anantnag district on 28 April 2006.⁶⁰

The AOGs also targeted political rallies. On 31 March 2006, alleged members of AOGs ambushed a rally by People's Democratic Party (PDP) in Sangrama in North Kashmir. PDP's candidate Javid Ahmed Beigh narrowly escaped the attack. AOGs boycotted the Assembly by-elections.⁶¹ On 21 May 2006, six persons were killed and 35 others injured in an attack on a Congress rally at Sher-e-Kashmir Park in Srinagar. Al Mansoorian and Lashkar-e-Taiba claimed responsibility for the attack.⁶²

ii. Killings of the minorities

The armed opposition groups carried out "selective killings" of minorities, particularly the Hindus.

On the morning of 30 April 2006, alleged members of AOGs kidnapped 16

Hindus from Lolan Gala and Kela Top villages of Basantgarh in Udhampur district. Out of 16 kidnapped villagers, three were released while the rest 13 were killed in custody. While bodies of four persons were recovered at Bareli Dhar area of Basantgarh on 30 April 2006, bodies of nine others were recovered on the morning of 1 May 2006. The deceased were identified as Angrez Singh, son of Amroo; Angrez Singh's two brothers Sham Lal and Romesh Chander of Taroo; Charan Das Saloch, son of Kaku Ram of Basantgarh; Jagdish, son of Teju Ram of Mang; Om Parkash, son of Thakur Das and his brother Romesh Chander of Basantgarh; Jagdish, son of Rasela of Basantgarh; Dino Ram, son of Moti Ram of Bagni; Ajay Kumar, son of Der Ram of Basantgarh; Kalu, son of Pambi Ram of Pattan Dasantgarh; Kartar Singh alias Tutu, son of Dharam Chand of Basantgarh and Gian Chand, son of Premu of Pallan (Basantgarh).⁶³

On the midnight of 30 April 2006, alleged members of AOGs reportedly massacred 22 Hindus at two remote villages of Zienthwana and Manglote in Kulhand areas of Doda district. Those killed at Zienthwana hamlet were identified as Gori Lal, son of Assa Ram; Sheesh Ram, son of Devi Chand; Satish Kumar, son of Sheesh Ram; Gopi Chand, son of Bhim Singh; Premnath, son of Ganesh; Kunj Lal, son of Mahsu; Magar Singh, son of Mohr Singh; Ram Raj, son of Mohr Singh; Pritam Singh, son of Gyan Singh; and Panchi Ram, son of Fakir Chand. Those who were killed at Manglote village included Jagdish Raj, son of Bhagatu; Sapna Devi (8), daughter of Jagdish Raj; Ramesh Kumar, son of Jagdish Raj; Sundar Singh, son of Sant Ram; Saroop Ram, son of Gori Lal; Romal Singh, son of Man Singh; Kumar Singh, son of Ram Singh; Sadhu Ram, son of

Mangat Ram; and Balwant Singh, son of Thakar Singh.⁶⁴

On 2 May 2006, another Hindu identified as Omi Chand was shot dead in cold blood by unidentified assailants in Doda. The victim's bullet-riddled body was found in the woods at Karalan.⁶⁵

On 9 June 2006, alleged members of AOGs allegedly hanged to death one Ravi Kumar of Ghar Mali village in Billawar tehsil of Kathua district.⁶⁶

On 12 June 2006, alleged members of AOGs shot dead eight Nepalese labourers at Badroo village in Kulgam tehsil under Anantnag district after abducting them from Chitragam in Shopian tehsil. According to a survivor, the assailants asked their names and lined them and fired at them. One Muslim labourer Nayeem-u-Din was however released upon revelation of his name.⁶⁷

b. Torture

The armed opposition groups were responsible for torture. The AOGs slit the throats of the victims and chopped off the tongues or other body parts to create chilling fear. On the intervening night of 14-15 June 2006, unidentified assailants reportedly chopped off the limbs of 13 Muslim villages, including a woman identified as Fatha Begum, at Donga hamlet in Mahore area of Udhampur district. A group of armed cadres reportedly asked the villagers to come out of their houses, lined them up in an open field and then began to chop off their limbs mainly noses, tongues and ears without giving any reason. One of the victims, Abdul Ahad whose tongue and nose had been chopped off died at the sub-district hospital at Mahore.⁶⁸

4. The Status of the SHRC

On 27 March 2006, the State Government tabled the Annual Report

2004-2005 of Jammu and Kashmir State Human Rights Commission (SHRC) in the State Assembly.⁶⁹ According to the Annual Report, the SHRC registered 406 cases, including 103 cases of human rights violations against the security forces in the State from April 2004 to March 2005. Of the 406 cases, the SHRC disposed off 316 cases – ex-gratia relief and compassionate appointment were recommended in 66 cases and only compassionate appointment was recommended in 31 cases. The remaining cases were dismissed either for want of jurisdiction or for having become infructuous. But the State Government failed to implement the recommendations.⁷⁰

The Annual Report dealt with various problems facing the SHRC, including acute financial shortage, lack of necessary infrastructure, lack of support and cooperation from the State Government and the police etc. The Annual Report stated that SHRC was financially "left totally dependent and at the mercy of the government" which endangered the independence of the Commission.⁷¹ The SHRC also lacked adequate staff, independent investigating agency. In absence of an independent investigating agency, the SHRC had to be dependent on the State Police to conduct investigations even if the cases were against the police personnel. Under such circumstances, impartial investigation was not possible. On the other hand, the SHRC did not have powers to implement its recommendations.⁷²

On 31 July 2006, Jammu and Kashmir State Human Rights Commission Chairman Justice (retired) A M Mir resigned in protest against "growing human rights violations" and "non-seriousness" of the State Government on human rights protection.⁷³

5. Repression on the freedom of the press

The media faced severe threats from the armed opposition groups and the State agencies.

On 9 May 2006, cable operators suspended four entertainment channels - Star Movies, Star World, AXN and Reality TV following threats from an AOG "al Madina Regiment" which alleged that the TV channels were encouraging obscenity.⁷⁴

Reporters covering the infamous sex scandal of Srinagar involving high profile people also reportedly received death threats from anonymous callers.⁷⁵

On the night of 10 June 2006, Shujaat Bukhari, a Special Correspondent with *The Hindu*, was kidnapped at gunpoint by two armed men from the busy Residency Road in Srinagar. He was taken into the outskirts of Srinagar in an autorickshaw. One of his abductors tried to fire at him but luckily the pistol got jammed and Shujaat Bukhari managed to escape from his captors.⁷⁶

On 9 February 2006, activists of the Javed Mir faction of the Jammu and Kashmir Liberation Front reportedly attacked the office of English daily *Greater Kashmir* at Pratap Park in Srinagar for not carrying a press release issued by the outfit. The attackers smashed three computers, the main server of the office and some windowpanes and also assaulted three employees.⁷⁷

A few journalists remained under detention contrary to the court orders. Photojournalist Muhammad Maqbool Khokar alias Maqbool Sahil of *Chattan* daily continued to be imprisoned at Kotbalwal jail near Jammu since 18 September 2004 under the Public Safety Act on the charges of spying for Pakistan. On 27 October 2005, the Jammu and Kashmir High Court ordered Sahil's release but his imprisonment was

extended on 9 January 2006 for another two years under the PSA. On 8 August 2006, the High Court again asked the authorities to release Sahil but the authorities refused to set him free.⁷⁸

On 21 November 2006, journalist Abdul Rouf of *Srinagar News*, and his wife Zeenat Rouf were allegedly picked up by the police who also sealed their house in Srinagar, leaving their three children homeless. From 21 November 2006 to 4 December 2006, the couple was illegally detained at the Special Operations Group centre without producing them before a judge. They were formally arrested on 4 December 2006 on the charges of sheltering AOGs at their home. On 9 December 2006, a judge in Srinagar ordered the release of Zeenat Rouf on bail but the police refused to release her.⁷⁹

6. Violence against women

Women faced violence from the security forces, the armed opposition groups and the society as a whole. On the intervening night of 3-4 March 2006, a Special Police Officer (SPO) identified as Balwant Singh allegedly raped a woman identified as Shah Begum, wife of Mohammed Shabir, at Barmandal village in Rajouri. The accused reportedly went to her house and asked for water. When Shah Begum came with a glass of water, the accused allegedly dragged her out of the house bolting the main door from outside, and raped her in a nearby field. A case of rape was lodged with Kalakote police station.⁸⁰

The condition of the women and the children who had lost their husbands or parents due to the armed conflict was deplorable. There were no official figures on the number of widowed women and orphaned children in the State. The State Women's Commission quoted the unofficial figure of 40,000 widows.

However, the Public Commission on Human Rights (PCHR) put the number of widows at 25,000-30,000. According to PCHR, the number of women whose husbands were killed by the security forces was more than 50 per cent of all women widowed due to the armed conflict in the State. The Social Welfare Department reportedly paid a meagre stipend of about Rs 200 per month only to widows whose husbands were killed by the armed opposition groups. Similarly, the National Foundation for Communal Harmony set up by the Ministry of Home Affairs of the Government of India, provided Rs 600 per month only for children of people killed by the AOGs. According to Yateem Trust, an NGO working with orphans and widows in the State, there were an estimated 15,308 orphans whose fathers were killed by the security forces.⁸¹

The Jammu and Kashmir Rules for Compassionate Appointment, 1994 or SRO 43 is a government order which guarantees a government job on compassionate ground to one person of a family that had lost a member (who must not be a member of AOGs or engaged in subversive activities) due to the armed conflict in the State.⁸² The problem was when even innocent civilians were dubbed as "militants" by the security forces, thereby depriving the next of kin of such victims any facility under SRO 43. The State Government claimed that so far, 1,246 people in Kashmir Valley and 308 in the Jammu province had been provided government jobs under SRO 43.⁸³ However, majority victims had been denied any job. On 9 March 2006, the State Government stated in the Lower House of the State Assembly that 4,316 conflict-related cases for appointments under SRO 43 were pending in the State, including 799 cases in Baramulla district, followed by

Jammu (24), Kathua (12), Udhampur (236), Doda (414), Rajouri (274), Poonch (123), Anantnag (509), Pulwama (235), Budgam (265), Srinagar (720), Kupwara (690), Kargil (9) and Leh (6).⁸⁴

7. Violations of the rights of the child

Children, particularly the girl child faced sexual abuse at the hands of the security forces. On 27 May 2006, a minor girl of 14 years was allegedly raped by personnel of 2nd Rashtriya Rifles while she was returning from school at Singhpora village under Pattan tehsil in Baramulla district. Thousands of Pattan tehsil residents protested against the incident and blocked the Srinagar-Baramulla National Highway for hours.⁸⁵ However, the army refuted the allegations.⁸⁶

On the night of 3 March 2006, a girl identified as Mehmooda Bano, daughter of Abdul Gani Joo, was allegedly molested by an army officer who identified himself as Major Pervez during a search operation at Tantraypora village in Tangmarg. The accused reportedly belonged to 52nd Rashtriya Rifles stationed at Trakpora Camp in Tangmarg. The locals alleged that he dragged the girl out of the house and molested her. However, the army refuted the allegations.⁸⁷

Many children were killed by the security forces in fake encounters.

The AOGs were also responsible for violations of the rights of the child. On the night of 10 January 2006, a minor girl identified as Marium Jan (11), daughter of Head Constable of Jammu and Kashmir Armed Police, Mohammad Ayub was reportedly killed and two others identified as Marium's elder sister Rafiq Bano and her cousin Mumtaz Bano (15) were injured in an attack by alleged members of the AOGs at Chakras village of Mahore tehsil

under Udhampur district. The police blamed the Lashkar-e-Toiba for the attack. Family members of the victims reportedly stated that attack was to avenge the surrender of uncle of the victims.⁸⁸

On the night of 24 February 2006, two suspected members of the AOGs reportedly came to the house of Mohammad Latif in Sruti Top area of Mendhar in Poonch district and dragged out Mohd Latief's teenaged daughter, Tasleem Akhter. She was then shot dead on the spot. Two bullets hit her legs, two on arms and one in her head. Earlier on 5 February 2006, the deceased's fiance Tariq Mohd was reportedly killed by alleged members of the AOGs.⁸⁹

On the night of 24 March 2006, a teenaged boy identified as Wasim Akram (17), son of Panch Sadiq, was reportedly beaten to death by suspected members of AOGs in Sanjoit area of Mendhar in Poonch district. The alleged members of the AOGs came to the house of Panch Sadiq and took away his son Wasim Akram as a guide. Akram's body was recovered from a nallah (drain) on 25 March 2006.⁹⁰

A team of Jammu and Kashmir High Court Bar Association, Srinagar which visited Central Jail Kothbhalwal in Jammu on 20 January 2006 stated that there were at least three minors languishing in the jail. They were identified as Gowhar Ahmad Bhat (16), s/o Ab. Rashid Bhat of Kulgam, Wasim Raja Dar (16), s/o Habibullah Dar of Anantnag and Jalal-ud-din Shah (16), s/o Abdul Gani Shah of Kulgam.⁹¹ Following the report of the Kashmir Bar Association, the NHRC issued notice to the Government of Kashmir.⁹²

8. Status of the IDPs

Over 2,200 families, comprising 11,884 persons had migrated in 1998 due to armed conflict from Doda, Udhampur,

Poonch and Rajouri regions, and over 400 of these families were staying in the Talwara camp in Reasi in Udhampur district.⁹³ These Internally Displaced Persons (IDPs) were not treated at par with Kashmiri migrants. The government had reportedly stopped providing them relief, including ration and cash assistance from 2004.⁹⁴ Acute poverty had forced the migrant families to either sell or mortgage their children for a price which ranged between Rs 2,000 and Rs 7,000. On 29 March 2006, the migrants from Talwara Camp put up their children for sale outside the Press Club in Jammu to protest against the apathy of the State in providing relief.⁹⁵ But their plight was lost in the political game. On 31 March 2006, Chief Minister Ghulam Nabi Azad dismissed the reports about "sale of children" by Talwara migrants as "politics". He reportedly claimed that the Talwara migrants had been provided accommodation in NHPC Housing Colony and ration was being provided till 2005. He however clarified that the State Government had no such scheme or proposal to provide cash relief for these migrants.⁹⁶

About 55,476 Kashmiri Pandit families had been displaced due to the armed conflict in Jammu and Kashmir since early 1990. Of them, 34,088 families had been living in Jammu, 19,338 families in Delhi and 2,050 families in other States and Union Territories. The government had been providing assistance to 14,869 families in Jammu and 4,100 families in Delhi. In Delhi, 230 migrant families were living in 14 camps, while 5,778 families were living in 16 camps in Jammu. The government provided cash relief of Rs. 3,000/- per family per month plus basic dry rations in Jammu. In Delhi, the government provided cash relief of Rs 3,200 to non-

camp migrants and Rs 2,400 to those living in camps besides dry rations.⁹⁷ But even after 16 years, the Government of India failed to resettle the Kashmiri Pandits in their homeland.

9. Status of the refugees

About two lakh Hindu refugees were living in the Jammu and Kashmir since 1947.⁹⁸ The Hindu refugees who fled from Pakistan in 1947 enjoyed the right to vote in the Lok Sabha elections but they were not allowed to vote in the State Assembly elections. They were also being denied right to government jobs, access to health care programmes, right to buy property and education.⁹⁹

10. Misuse of the national security laws

Under the Jammu and Kashmir Public Safety Act (PSA) of 1978, any one can be detained without trial for a period of up to one year if one is to be prevented from acting in a manner deemed "prejudicial to the maintenance of public order" or up to two years if one's actions are likely to be "prejudicial to the security of the State".¹⁰⁰

During the first Round Table conference on Jammu and Kashmir held in Delhi on 25 February 2006, Prime Minister Manmohan Singh assured the Kashmiri leaders to review the cases of all detainees in Jammu and Kashmir and release those who were not involved in serious offences.¹⁰¹ The Joint Review Committee considered 403 PSA cases and on 22 March 2006, the Committee cleared the names of 40 Kashmiri detainees for release.¹⁰² Out of these 40 prisoners, 22 prisoners were from Kot Bhalwal jail. On 25 March 2006, eight out of the 22 prisoners were released from Kot Bhalwal jail. They were identified as Farooq Ahmed Itoo, son of Abdul

Rehman Itoo, resident of Kulgam (Anantnag), Irshad Ahmed Bhat, son of Mohammad Maqbool Bhat of Anantnag, Mohammad Ashraf Najjar, son of Ghulam Mohammad of Anantnag, Abdul Rehman Dika, son of Ghulam Nabi, resident of Kokernag (Anantnag), Bashir Ahmed Bhat, son of Abdul Gani of Anantnag, Fareed Ahmed Malik, son of Ghulam Mohi-ud-Din of Doda, Mohammad Taj son of Saki Mohammad of Rajouri and Mohammad Akram Chauhan, son of Wazir Mohammad of Poonch. The remaining fourteen detainees were supposed to be released "after completion of their legal formalities".¹⁰³ On 26 March 2006, nine more PSA detainees were released including eight from the Kathua district jail and one from Udhampur district jail.¹⁰⁴

Many PSA prisoners were also released following orders by the Jammu and Kashmir High Court. On 8 February 2006, the Jammu and Kashmir High Court quashed the detention of six persons - Manzoor Inam-ul-Malik, Abdul Qayoom, Mohammad Akbar Dar, Manzoor Ahmad Mir, Ghulam Mohammad Shah and Sajjad Ahmad Wani under the PSA and ordered their immediate release from different jails.¹⁰⁵

On 11 April 2006, four more detainees identified as Ghulam Mohammad Wani, Yousuf, Mohammad Latif and Mohammad Aslam were released from the district Amphalla jail following the directions of the Jammu and Kashmir High Court.¹⁰⁶

On 2 May 2006, Jammu and Kashmir High Court ordered the release of seven persons detained under the National Security Act as the evidence against them was insufficient. They were Ishtiyahq Ahmad Khatana, Nazir Ahmad Khan, Khalid Ahmad Wani, Altaf

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Ahmad Sheikh, Ajaz Ahmad Wani, Mushtaq Ahmad and Tariq Ahmad Manto.¹⁰⁷

On 6 August 2006, the Jammu and Kashmir High Court quashed the detention of seven persons under Public Safety Act and ordered their immediate

release. They were Mohammad Maqbool, Imtiaz Ahmed Untoo, Javid Ahmad Dar, Nazir Ahmad Mir, Ghulam Muhammad Bhat, Muhammad Ramzan and Nasir Ahmad.¹⁰⁸

The misuse of the National/State security laws was rampant. ■

Jharkhand

1. Overview

Ruled by the Indian National Congress party, Jharkhand continued to face onslaught of the Naxalites, also known as the Maoists, who were reportedly active in 16 out of the 22 districts. According to the estimate of Asian Centre for Human Rights (ACHR), 95 persons including 20 civilians, 41 security forces and 34 alleged Naxalites were killed in the Naxalite conflict in the State during 2006. Both the Naxalites and the security forces were responsible for serious human rights violations including extrajudicial killings and torture.

The vigilante groups were also responsible for killings. On 18 September 2006, six Adivasis identified as Kumar Surin, Roche Bage, Delo Munda, Samuel Kandulana, Demra Surin and Sanika Kongari were killed by a self-styled "armed group" known as the Shanti Sena headed by Tileshwar Sahu, which was created to resist the Naxalites menace in districts like Simdega and Gumla. After realization of power, the Shanti Sena started extorting money. The State Government announced a compensation of Rs 3 lakh and a job for the next of kin of the victims.¹

Victimising, torturing and killing tribal women on the false charges of being "witches" were regularly reported in Jharkhand. According to former Chief Secretary Lakshmi Singh, more than 600 such cases were reported in the State. Out of these, 142 women were killed on the charges of being witches in four years from 2001 and 2005.²

Trafficking of tribal girls was common. Tribal girls were trafficked to northern parts of India especially to

Delhi, Haryana and Punjab for sexual slavery.

The Dalits also continued to face violence. On 22 June 2006, a Dalit woman identified as Sukari Nayak of Chora village in Ranchi was reportedly beaten up, stripped and paraded through the village by the villagers for allegedly killing a 12-year-old boy Balchand Bhagat.³

The Juvenile Justice (Care and Protection of Children), 2000 was hardly implemented. In a glaring case, in March 2006, officials of the Jharkhand State Electricity Board (JSEB) reportedly lodged a complaint at Sukhdeonagar police station against one-year-old Harsh Chaudhary, son of Suresh Chaudhary, on the charge of stealing electricity for a long time in Ranchi. Besides, the officials also slapped a fine of Rs 4,000 on the boy. The boy's father filed a petition in Ranchi court seeking anticipatory bail for his son on 3 April 2006.⁴

2. Human rights violations by the security forces

a. Violations of the right to life

The security forces were responsible for human rights violations including killing, torture, rape, etc. In 2006, the security forces killed at least 27 alleged Naxalites in Jharkhand, according to the estimate of ACHR.

On 27 March 2006, one Haru Dey was beaten to death by the police in full public view at Chandankyari near Bokaro. When the victim asked for water, the policemen abused him and offered to urinate on him. The State Government ordered a magisterial inquiry and released a

compensation of Rs 10,000 for the deceased's family.⁵

On 15 August 2006, Sukra Munda was killed in police firing when about a dozen villagers attacked the Gonda police station in Ranchi after some persons were arrested for assaulting the security guards of the Rock Garden on being refused free entry into the Haunted House. However, the magisterial inquiry report claimed that an attacker was accidentally hit by the bullet in the melee when some people entered the barrack and tried to snatch the rifles from the policemen.⁶

b. Torture

There were also reports of torture by the security forces. On 22 May 2006, Om Prakash Tiwari, a handicapped hawker at Tatanagar Railway Station, was reportedly beaten up by Railway Protection Force (RPF) officer Kalika Pathak for refusing to pay a bribe. When the victim lodged an FIR at Bagbera police station on the following day, some RPF personnel reportedly beat up six other hawkers, Ashok Kumar, Mahendra Yadav, Mohammad Subhan, Sanjay Kumar, Ratiman Thakur, Upendra Kumar with lathis that evening and sent them to the railway court at Chakradharpur on charges of unauthorised hawking on railway premises. The court imposed a fine of Rs 1,600 on Subhan and Rs 1,100 on the remaining five before letting them go.⁷

In some cases of human rights abuses the perpetrators included top police officials. According to media reports, six Indian Police Services (IPS) officials were facing inquiries for various charges including rape and corruption as in early January 2006. The officials included Inspector General of Police (IG) PS Natarajan who was caught on camera in a compromising position with a lady named Jyoti Badiak (name changed); Deputy

Inspector General of Police (DIG) Parvez Hayat who was facing rape charges in the Jyoti Badiak case; DIG of Hazaribagh Range Neeraj Sinha who was found guilty of violating the police manual while arresting a girl of Ranchi in an X-rated CD case; Sampant Meena, who was the then City Superintendent of Police (SP) of Ranchi, was facing departmental proceeding as she had raided the house of the girl; DIG VM Diwakar who was facing bribery charges and SP Anurag Gupta who was accused of helping his wife in seeking Post Graduate degree from Magadh University of Bihar without appearing in the examination.⁸

3. Violations of international humanitarian laws by the AOGs

The armed opposition groups were responsible for serious violations of international humanitarian laws.

a. Violations of the right to life

According to the estimate of ACHR, the Naxalites killed 20 civilians during 2006. Some of those killed by the Naxalites included former Naxalite Jagdish Sao, who was killed at Bagra village in Chatra district on 23 April 2006;⁹ three alleged members of the Village Protection Group identified as Sukra Munda, Guruchan Munda and Soharia Munda who were killed by slitting their throats at Hadian village under Gurabanda police station limits in East Singhbhum district on 3 June 2006;¹⁰ Subodh Ravidas and his wife at Vishnugarh in Hazaribagh district on 22 October 2006;¹¹ two villagers identified as Ajay and Hemant who were killed at Richughuta village in Latehar district on 26 November 2006;¹² three civilians who were killed at Barkha village in Chatra district on the night of 7 October 2006¹³ and Vijay Sao, a leader of the Bharatiya

Janata Party (BJP), who was killed at Chatra town on 27 December 2006.¹⁴

The Naxalites also killed alleged "police informers". On the night of 3 June 2006, Yashen Ansari was killed by alleged Naxalites at Barwatoli village under Chandwa police station in Latehar district.¹⁵ On 8 September 2006, Chintaman Munda was killed at Kanduadih village under Dumri police station in Giridih district.¹⁶

The Naxalites also continued to deliver kangaroo justice through their so-called *Jana Adalats*, Peoples' Courts. On 17 June 2006, a villager identified as Shyam Sundar Singh was allegedly killed after being tried in *Jana Adalat* in the forests of Banehesla in Lohardaga district. He was accused of being a "police informer".¹⁷

b. Infrastructure and economic destruction

On the night of 12 April 2006, six men engaged in a bridge construction were kidnapped by alleged Naxalites after setting ablaze some vehicles on NH-23 bordering Gumla and Simdega districts.¹⁸

In Jharkhand, the Naxalites had been systematically destroying all such buildings that could provide shelter to security personnel whether these were school buildings, panchayat bhavans, community centres or any house big enough to shelter a police picket.¹⁹

The individuals and companies responsible for construction of roads and communications were specifically targeted. Suspected Naxalites set ablaze a machine and two motorcycles of a construction company, Classic Company, in Gola near Ramgarh in Hazaribagh district. Classic Company was involved in renovation of the Rajrappa-Gola Road at Jobia village, 75 km from Hazaribagh on the night of 18 April 2006. The Naxalites

left behind pamphlet, which warned middlemen and informers to face the wrath of the Naxalites and demanded 90 per cent participation of lower class in every project.²⁰

The vast railway network of the country has been the worst victim of Naxalites' rampage on development. On 15 October 2006, Maoists blew up a portion of the railway track at Chengdo halt station in Giridih district.²¹

In addition, the Naxalites also targeted school buildings. On the night of 2 November 2006, Maoists blew up Herhanj Primary School under Balumath police station area in Latehar district. This was reportedly the third attack by the Maoists on the school.²² On the night of 24 May 2006, suspected Maoists blew up a school building at Meghania village in Chatra district.²³

4. Violence against women

Women continued to face violence including from law enforcement personnel. On 4 February 2006, Geeta Devi, a mother of three, was brutally beaten up with a baton when she had tried to stop the police led by Sub-inspector Satish Kumar Sinha from searching her parents' home to arrest her younger brother Sanjay in connection with a local quarrel in Devnagar. The National Human Rights Commission sought a report from East Singhbhum police on the incident following a complaint from the victim in May 2006.²⁴

Women also continued to be victimised after identifying as witches. According to former Chief Secretary Lakshmi Singh, more than 600 such cases were reported in Jharkhand. Out of these, 142 women were killed on the charges of being witches in four years from 2002 and 2005.²⁵

Those who were killed as witches in 2006 included Sukhada Singh of Kukdu

village in Patamda who was beaten to death with an iron rod by Ragun Murmu for allegedly practising witchcraft on 25 May 2006²⁶ and Bandhani Devi, a resident of Samsara village under Bolbo police station of Simdega district, who was beaten to death by Hemnand Baraik on 21 December 2006. She was held responsible for the death of Hemnand Baraik's son by practising witchcraft.²⁷

On 17 November 2006, a tribal woman was paraded semi-naked by six men at Bumulda village under Bano police station in Ranchi district for allegedly practicing witchcraft.²⁸

5. Violations of the rights of the tribals

The National Crime Records Bureau recorded 483 cases of atrocities against the tribal peoples in Jharkhand in 2005. These included 13 murder cases, 20 rape cases, four kidnapping cases, three arson cases, 160 cases under Protection of Civil Rights Act and 152 cases under SC/ST (Prevention of Atrocities) Act etc.

a. Trafficking

Trafficking of tribal girls was common. Tribal girls were trafficked to northern parts of India especially in Delhi, Haryana and Punjab for sexual slavery.

They were forced into sex and abortions till they deliver male babies and were even killed for resistance. The Haryana State Social Welfare Department found a number of cases of trafficking. Rani Kumari (name changed), a resident of Darhi village of Ranchi was sold to Ajmer Singh of Dohla village of Jind district in Haryana in 2005. According to officials, Rani first delivered a male baby with Ajmer Singh, who enacted a farcical marriage with Rani. After delivering the baby, Rani was forced to undergo the same

with brothers of Ajmer to beget male babies for them too. She was murdered in February 2006 for her refusal. In 2004, Sarita (name changed) was taken to New Delhi with assurance of a job. She was sold to a person in Haryana. She too had to bear a male baby for the man. Likewise, Ranki (name changed) was lured to New Delhi with a job assurance and sold to a person of Punjab where she was raped for a baby. She, however, managed to escape and later rescued by a women organization.²⁹

b. Land alienation

Alienation of tribal lands was on the rise in Jharkhand. A total of 2,608 cases of alienation of tribal land were registered under the Special Area Regulation Court in 2003-2004, 2,657 cases in 2004-2005 and 3,230 cases in 2005-2006.³⁰ According to the 2004-2005 Annual Report of Ministry of Rural Development of the Government of India, undivided Bihar (including Jharkhand) topped the list of tribal land alienation in India with 86,291 cases involving 10,48,93 acres of land.³¹

Tribal lands were snatched by the State forest department officials on the pretext that it belonged to the government. They were not allowed to hold meeting to discuss their rights. Besides, only 30 per cent of the government schemes meant for tribals reach the beneficiaries in the State.³²

Army firing ranges also create problems for the tribals. On 22 August 2006, thousand of people, especially tribals demonstrated before the District Secretariat demanding the closure of the army firing range in Netharhat town of Latehar district. The range covers 1471 sq km spread over 245 villages of Latehar and Gumla districts. The army was also engaged in other human rights violations of the tribals. As on 24 August 2006, 30 cases had been filed by the local residents against the Army relating to rape, attempt

to rape, taking away animals forcefully among others.³³

Tribal lands were misused for commercial purposes. Several tribal lands were given to various housing cooperatives under the Chhotanagpur Tenancy Act, 1908 which allows tribal lands to be given for public use with permission from the Deputy Commissioner. However, a survey revealed that most of these housing cooperatives have diverted these tribal lands for construction of shopping malls, markets and other commercial purposes.³⁴

6. Violations of the prisoners' rights

In January 2006, prisoner Praveen Munda was allegedly killed by other inmates who enjoyed the support of jail officials of the Central Jail in Hazairbagh district. Jail authorities claimed that the deceased committed suicide.³⁵

Diseases were also rampant in the jails. Due to overcrowding in the Birsa Munda jail, healthy prisoners were forced to share space with ailing inmates which was taking toll on the prisoners. There were 2,900 prisoners staying in the 18 wards of the jail against the capacity of just 620 as on mid-March 2006. The hospital did not have a medical wing, thereby, the inmates suffering from a disease shares the same space with the healthy one. According to the jail officials, there were more than 50 tuberculosis affected inmates.³⁶

7. Judiciary and administration of justice

Administration of justice in Jharkhand suffered from manpower shortage, infrastructural constraints and the procedural delays. By the end of December 2006, there were 2 vacancies in the High Court of Jharkhand, while there were 54 vacancies in the District and Subordinate

Courts as on 30 September 2006. A total of 2,77,075 cases were pending with the High Court and 2,78,098 cases were pending with the District and Subordinate Courts as on 30 September 2006.³⁷

To speed up the delivery of justice mechanism, the State Government reportedly initiated some measures. These included a Judicial Academy to get adequately trained manpower, to strengthen the existing number of judges in the High Court, establishment of 12 new District and Sessions Courts to strengthen the institutional framework, creation of more posts for Sub-ordinate judiciary and administrative staff to overcome the manpower shortage. Besides, the State Government also embarked on an ambitious program for computerization of the courts to streamline their functioning and speed up the delivery of justice.³⁸

8. Violations of the rights of the child

a. Child labour

Thousands of children were working as bonded labourers, mostly in brick kilns. In January 2006, 99 bonded labourers were rescued by the police from different brick kilns in Ranchi. Of these, more than 40 were children, most of them below 14 years. These labourers were brought from Chhattisgarh by the brick kiln owners with assurance of payment of Rs 195 for baking 1000 brick. However, they were given only food and beaten black and blue whenever they asked for money.³⁹

b. Juvenile Justice

The authorities made a mockery of the Juvenile Justice (Care and Protection of Children) Act, 2000.

In March 2006, officials of the Jharkhand State Electricity Board

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reportedly lodged a complaint at Sukhdeonagar police station against one-year-old Harsh Chaudhary, son of Suresh Chaudhary, on the charge of stealing electricity for a long time in Ranchi. Besides, the officials also slapped a fine of Rs 4,000 on the boy. The boy's father filed a petition in Ranchi court seeking anticipatory bail for his son on 3 April 2006.⁴⁰

On 18 December 2006, five-year-old Lak Murmu of Matrukha village filed a bail application and discharge petition before the court of Judicial Magistrate AK Pandey in connection with a criminal case. Lal was just over 14 months old when the FIR was filed against him on 18 September 2002 on the charge of destroying plants in the Purnanagar forestation area. A non-bailable arrest warrant was also issued against the boy.⁴¹

In another case, a seven-year-old girl, Shoma (name changed), reportedly spent nine years instead of nine days at the government-owned Nari Niketan at Deoghar after she failed to pay a fine of Rs

350 imposed by the railway magistrate. She was picked up by the railway police on the charges of loitering without a valid ticket at a railway station. The girl might still have been languishing in the Nari Niketan, had the then Chief Justice of Jharkhand High Court not visited the Nari Niketan in 2005. By the time the judge noticed her; the girl had turned 16 and had lost all memories about her family and of her own identity.⁴²

There were about 239 inmates at Ranchi's Child Remand Home as of November 2006. Of these, about 109 inmates were in the 18-22 age group and 129 inmates below 14 years of age. These adult inmates exploit the children. The Home had a capacity of only 50 as such they have to sleep in shifts due to lack of space. On 10 November 2006, Jharkhand High Court's Chief Justice M Karpagavinayagam visited the home and ordered all adult inmates be shifted to the Birsa Munda jail, but they continued to be lodged there.⁴³ ■

Karnataka

1. Overview

In 2006, Karnataka did not witness any major violence by the Naxalites. However, as many as 315 villages under 152 gram panchayats in 11 districts were identified as Naxal-affected.¹ The security forces especially the State Police were responsible for killing of three persons and perpetrating torture.

On 1 December 2006, Sukhanand Shetty, Bharatiya Janata Party's General Secretary of Mulki-Moodbidri constituency, was killed by some unidentified men in front of his office at Kulai under Mulki police station.²

There were 6 vacancies in the Karnataka High Court by the end of December 2006 while 162 posts of judges were lying vacant in the District and Subordinate Courts as on 30 September 2006. As many as 91,967 cases were pending in the High Court and a total of 10,66,131 cases were pending with the District and Subordinate Courts as on 30 September 2006.³

The State Government failed to eradicate bonded labour and child labour in the State. The provisions of the Juvenile Justice (Care and Protection of Children) Act 2000 were grossly violated.

2. Human rights violations by the security forces

a. Violations of the right to life

The security forces were responsible for human rights violations including extrajudicial killing of civilians. On 4 May 2006, Shankara Mallikarjun from Alawayi village allegedly committed suicide by hanging himself to the bars of the lockup of Hulasur Police Station. He

was arrested on charges of stealing cows.⁴

On the night of 1 December 2006, two persons were killed and several others were injured when police resorted to firing at the premises of Mulki police station in Dakshina Kannada district.⁵

On 22 March 2006, the Karnataka High Court dismissed a petition filed by relatives of two persons Thajmul and Amjad Khan, who had died in a police encounter while allegedly attempting to steal a sandalwood tree in Malleswaram in 1999, seeking permission to prosecute the police. The petitioners alleged that their relatives were shot dead in fake encounter by the police. However, the court asked the petitioners to approach the appropriate forum.⁶

In July 2006, National Human Rights Commission issued a notice to the Inspector General of Prisons, S T Ramesh asking for an explanation on the death of a convict Ahmed Khan lodged in the Parappana Agrahara jail. In a complaint, the deceased's brother Ibrahim Khan stated that Ahmed Khan had been complaining about his breathing problem to the jail authorities but the authorities took him to the hospital only when his condition worsened and he died on the way to the hospital.⁷

b. Torture

The police were responsible for torturing civilians. Efforts to file First Information Report (FIR) at police station resulted in torture by the police. This is despite the fact that lodging of FIR is a fundamental right of every citizen.

On 11 January 2006, Sunil and Nagaraj, residents of Kethamaranahall,

were beaten up by three constables identified as Ramanna, Chandrashekar and Ishwar Rangachar attached to the Subramanya Nagar police station when they had gone to the police station to lodge an FIR. All the constables were suspended.⁸

On the night of 19 October 2006, 19-year-old Adam, son of Prasad Bidapa, was allegedly beaten up with lathis by the police at the Ashok Nagar police station in Bangalore. The victim was severely injured on his head, back and leg.⁹

3. Violations of international humanitarian laws by the AOGs

There was no major violence by the Naxalites during 2006. On 13 May 2006, Naxalites attacked the house of a school teacher identified as Bhoja Shetty and damaged a television set at Nadapal under the Hebri police station limits in Udupi district.¹⁰

The State Government announced allocation of special funds for developing Naxal-affected villages over the next two years. Each gram panchayat would be given Rs 10 lakh a year for two years for developing Naxal affected villages in their jurisdiction. As many as 315 villages under 152 grama panchayats in 11 districts were identified as Naxal-affected. The gram panchayats were directed to prepare a comprehensive development plan as per the guidelines of the Kugrama Suvarna Scheme. The government also directed use of other grants from the government, zilla and taluk panchayats for developing these villages on priority.¹¹

4. Violations of the rights of the Dalits

The National Crime Records Bureau recorded 1,780 cases of atrocities against the Dalits in 2005. These included 18 murder cases, 30 rape cases, 8 kidnapping

cases, 4 arson, 86 hurt, 28 cases under Protection of Civil Rights Act and 1,108 cases under SC/ST (Prevention of Atrocities) Act etc.

The Dalits continued to be treated with contempt. They faced discrimination while trying to exercise their fundamental rights such as collecting water from common source, praying in temples or casting votes.

On 25 July 2006, the upper caste people reportedly imposed a social and economic boycott against around 80 Dalit families of Kadkol village of Basavanabagewadi taluk in Bijapur district for daring to collect water from the village tank. The landlords refused to give them work, shops and flour mills were shut for them and they were even not allowed to buy from the fair price shop under the Public Distribution System.¹²

For the last three years, eight Dalit families of Kamanakerehundi village in Mysore district continued to be ostracized. As a result, they were living miserable lives as they were being denied access to water, shops, telephone, tailors, hospital, temple, cable facility and sanitation. They were not even allowed to cast votes in the Gram Panchayat election. On 29 March 2006, some Dalits including one Nagamma were allegedly assaulted when they visited the temple during a special festival observed in the village. The police failed to initiate any action even after a complaint was lodged.¹³

5. Violations of the rights of the tribals

The National Crime Records Bureau recorded 161 cases of atrocities against the tribals in 2005 including 5 murder cases, 6 rape cases and 85 cases under SC/ST (Prevention of Atrocities) Act etc.

In Karnataka, over 200 tribal families had been displaced from the Nagarhole

National Park from the last three years. The State Government had allegedly been promoting jungle lodges in Nagarhole National Park of Kodagu district. About six to eight lodges had come up around the Park as on early June 2006. Since 1972 about 1,600 families had been evicted from the national park.¹⁴

However, the conditions of those shifted out from the park were deplorable. About 250 tribal families who were shifted out from the Nagarhole National Park to Nagapura were not provided necessary facilities such as electricity supply, hospital, proper infrastructure to create job opportunities for the tribals, among others, as on 4 February 2006. Earlier, a committee appointed by the Karnataka High Court in its interim report stated that it had identified 1,738 tribal families in the national park area.¹⁵

6. Violations of the rights of the child

The conditions of the children were miserable. In February 2006, the National Human Rights Commission (NHRC) member Justice Shivraj V Patil stated that the steps initiated by the State Government towards implementation of NHRC's guidelines for eradication of bonded labour and child labour system was not "satisfactory". As per the NHRC guidelines issued in 2003, the State Governments should initiate steps to completely eradicate the illegal practice of bonded labour and child labour by 2007. The Karnataka Government even failed to furnish details of aid extended to those who were freed from bonded labour system as on 19 February 2006.¹⁶

An Observation Home is meant to house minors (below 18 years of age) for

any offence that they might have committed. However, the provisions of the Juvenile Justice (Care and Protection of Children) Act 2000 was grossly violated. As per the findings of *Deccan Herald*, the Act was being severely misused by adults (above 18 years of age) who were allegedly faking their legal age to avoid jail altogether. The Observation Home in Madivala had been housing several such majors.¹⁷

7. Special focus: farmer suicides

As per State Government's statistics, a total of 134 farmers committed suicide between April and December 2006 in Karnataka. Of these, the State Government paid compensation of Rs 1 lakh to 49 claimants, while rejecting 43 others and 42 were pending as on 20 December 2006.¹⁸ According to the Union Ministry of Agriculture, 52 cases were reported between 1 April 2005 and 23 August 2005 alone. In 2004-05, 271 farmers committed suicide, while the figure was 708 in 2003-04, 2,340 in 2002-03, 2,505 in 2001-02 and 2,630 cases in 2000-01. The main causes identified by State Government were indebtedness, crop failure, non-payment of loans taken from moneylenders at high rates of interest.¹⁹

The State Government proposed to implement the Karnataka Money Lenders (Prevention of charging exorbitant interest rates) Act to check suicides by bankrupt farmers. The Act which was enacted by the previous government four years ago remained unimplemented. The government had set a target of disbursing Rs 3,000 crore as farm credit at four per cent interest. A sum of Rs 2,000 crore had already been sanctioned.²⁰ ■

Kerala

1. Overview

Ruled by Communist Party of India (Marxist), Kerala is one of the States without any armed opposition group but the State police remained infamous for violations of the right to life. In the first three months of assuming office by the Sri. V.S. Achuthanandan-led government on 18 May 2006, about 14 persons reportedly died in police custody across the State. Facing mounting pressure, on 17 August 2006, the Government of Kerala ordered a judicial inquiry into the custodial deaths in the State.¹ The judicial inquiry commission did not make its report public by the end 2006. The State Human Rights Commission registered 25 custodial death cases up to 30 June 2006, 39 in 2005, 49 in 2004 and 41 in 2003.²

Judiciary continued to be plagued by delays. By the end of December 2006, there were 3 posts of judges lying vacant in the Kerala High Court.³ As on 30 June 2006, there were 29 posts vacant in the District and Subordinate Courts⁴ but the vacancy came down to 4 as on 30 September 2006. A total of 12,22,39 cases were pending with the High Court and a total of 9,24,557 cases were pending with the District and Subordinate Courts as on 30 September 2006.⁵

The State Human Rights Commission (SHRC) had been non-functional. On 28 July 2006, the Kerala High Court stayed the working of the SHRC until appointment of a full-time Chairperson according to the Human Rights Protection Act, 1993.⁶ Following the interventions of the High Court, on 16 August 2006, former Jharkhand Chief Justice N. Dhinakar was appointed the Chairman of the Kerala SHRC.⁷

2. Human rights violations by the security forces

The Kerala Police were infamous for use of third degree method of torture known as “Uruttu method” which involves rolling an iron rod over the suspect’s body with two policemen applying severe pressure on both ends. Sometimes they even sit on the rod.

There were rampant reports of custodial killings. In the first three months of assuming office by the V.S. Achuthanandan-led government on 18 May 2006, about 14 persons reportedly died in police custody across the State. The victims of custodial killings among others included Sahadevan, son of Shankaran of Ayyapankavu and lower grade employee of Thrissur Municipal Corporation and K. R. Shiju of Ayyapankavu who were tortured at Mannuthy police station in Thrissur district on 5 March 2006,⁸ Mr. Sunil, son of Velayudhan of Kodakara in Thrissur district who was tortured at Kodakara police station by Head Constable Lohidakshan and three other police constables on 23 September 2006,⁹ and Mr. Wilson, son of William of Mannuthy who was tortured at Mannuthy police station in Thrissur district on 9 October 2006.¹⁰

Police consistently denied torture to be the cause of these deaths. According to Director General of Police, Jacob Punnoose, three persons died of cardiac arrest and four others died because of complications resulting from meningitis, pneumonia, withdrawal symptoms and leukaemia and five had allegedly died after jumping into lakes and ponds after being chased by the police.¹¹

Facing mounting pressure, on 17 August 2006, the State Government decided to order a judicial inquiry by a sitting judge into the custodial deaths in the State.¹² However, the Kerala High Court refused to grant the State's demand to appoint a sitting Judge. The State government then appointed Justice R Rajendra Babu, a retired judge of the Kerala High Court, to conduct the probe¹³ without any consultation with the Opposition parties. On 25 October 2006, Home Minister Kodyeri Balakrishnan stated in the State Assembly that the Opposition was not consulted due lack of time.¹⁴ Earlier on 20 September 2006, Chief Minister V.S. Achuthanandan stated in the State Assembly that the State Government would consider providing immediate assistance to the next of kin of those who had died in police custody or on account of actions of the police in the past four months.¹⁵ The report was not made public by the end of the year.

Torture was an integral part of investigation. On 17 July 2006, 50-five-year-old Razak allegedly died of torture during interrogation at the Panniyanakara police station after his arrest in a mobile phone theft case. The doctors at the hospital stated that he was brought dead. The Sub-Inspector MD Sunil Kumar of the police station was suspended following the incident.¹⁶

On 9 September 2006, one Mr Saju, a private bus conductor of Pattimattom village under Kunnathunadu police station in Ernakulam district was allegedly tortured to death in the police custody at Kunnathunadu police station for failing to pay a bribe of Rs 3,000 to the police officers identified as Hariharakumar, Assistant Sub Inspector of Police and constables Abraham and Kochaniyan. The deceased was arrested on 8 September 2006 on the charges of stealing three telephone posts.¹⁷

Some cases were taken up with the judiciary. On 5 January 2006, the Kerala High Court directed the State Government to file a report before 16 January 2006 on the status of investigation into the alleged custodial death of Udayakumar at Fort Police Station in Thiruvananthapuram on 27 September 2005.¹⁸ Earlier on 4 January 2006, the Judicial First Class Magistrate-II granted bail to three policemen Jitha Kumar, Soman and Sreekumar who were arrested in connection with the custodial death.¹⁹

In September 2006, State Home Minister Kodyeri Balakrishnan announced that the government would amend the Kerala Police Act and Manual to provide for inquiry by a judicial magistrate into custodial deaths, and that policemen responsible for lock-up deaths would be dismissed from service.²⁰

3. Violence against women and children

Women continued to face discrimination and violence in Kerala. The National Crime Records Bureau of the Government of India recorded 6,762 cases of crime against women in Kerala representing 4.3% of the total crimes against women in India during 2005. Of these, 478 were cases of rape, 129 cases of kidnapping, 21 cases of dowry deaths, and 3,283 cases of cruelty by husband and relatives.²¹ According to Kerala Women's Commission, 22.7 per cent of Kerala's women suffer from various types of violence but only 10.3 per cent register their cases.²²

Despite having laws banning dowry and gender-specific abortion, these illegal activities thrive on at an alarming rate. On 28 October 2006, member of the State Human Rights Commission (SHRC), Prof S. Varghese stated in Kollam that there was alarming rise in atrocities against

women and children. Female foeticide was on the rise in spite of the awareness programmes under the label of family planning. He blamed the “apathy” of the government as one of the prime causes for the rise in child abuse. The government did not have proper scheme to rehabilitate the victims of child abuse.²³

Police were responsible for torture of women and children. On 16 December 2006, Sub Inspector Vimala and Head Constable Subaida attached to the Women’s Police Station in Kozhikode allegedly beat up a one-year-old girl Jeeshma and her mother, Mini, hailing from Thiruvambadi. Both the accused were suspended. Home Minister Kodyeri Balakrishnan ordered an inquiry following a complaint.²⁴

There were 1.11 lakh child labourers in Kerala in 1971, 92,854 in 1981, 34,800 in 1991 and 26,156 in 2001. A survey by the State Statistics Department in 2004 claimed that there were only 375 child labourers in Kerala. However, the Labour Department termed the finding as “unreliable”. An estimate claimed that there were over 10,000 child labourers in Kerala but 90 per cent of them were migrants from States like Tamil Nadu, Andhra Pradesh, Karnataka, Maharashtra, Rajasthan and Bihar.²⁵

4. Violations of the prisoners’ rights

The jails in Kerala were overcrowded. As of September 2005, about 6,950 prisoners, excluding those on parole, were housed against the total sanctioned capacity of 5,415 prisoners in the State.²⁶

The Kozhikode district jail at Puthiyara in Kozhikode was reportedly extremely overcrowded. As of 13 January 2006, there were 475 prisoners including 424 under-trials, against the sanctioned capacity of 255 persons. Some of the

prisoners had been undergoing trials for over two years. The police allegedly did not cooperate in escorting the under-trials while producing them in courts. The staff strength of the district sub jail was below 50, which included a superintendent, a deputy jailor, three assistant jailors and eight head wardens. The post of the welfare officer had been lying vacant for several months. There were also vacancies of 20 wardens out of a total 34 posts for a long time. A few wardens were recruited on temporary basis but they were not trained to handle with the prisoners. In contrast to this, there were 105 wardens for 400 to 450 inmates in the Viyyur Central Prison in Thrissur district. The district sub jail also lacked modern facilities and alleged interference of politicians in the administration of the jail was a problem. Some of the jail staff were allegedly involved in corruption. Liquor and drugs were easily available to inmates on request. Some of the prisoners were given special treatment such as use of mobile phones inside the prison and getting food supplied from hotels in connivance of the jail authorities.²⁷

During the visit of then State Human Rights Commission Chairman V.P. Mohankumar to the Kozhikode district jail at Puthiyara on 16 February 2006, the prisoners complained of the poor quality of food provided to them. Doctors visited the jail only once in a week. Mr Mohankumar found that many of the under-trial prisoners were not being produced before the court owing to the non-availability of police personnel to escort them. Yet, according to Mr. Mohankumar, Kozhikode district jail was better than those in other parts of the State he had visited earlier.²⁸

On 6 October 2006, a Division Bench of the Kerala High Court comprising

Justice J. B. Koshy and Justice K. Padmanabhan Nair directed the Director of Vigilance and Anti-Corruption Bureau to constitute a team headed by an officer not below the rank of Inspector General of Police, Vigilance, to conduct an inquiry into the allegations of corruption and favoritism levelled against officers of central prisons and take appropriate action in accordance with the law. The order came while disposing of a *suo motu* case relating to grant of parole to life convicts and allegations of favouritism shown to certain convicts by the jail officials. It was

alleged that ganja was allowed inside the Central Prison in Thiruvananthapuram with the connivance of jail officials. The Division Bench also directed the State Government to reconstitute the Jail Advisory Boards as prescribed under Rule 544 of the Kerala Prison Rules to consider and recommend the cases for remission of sentences of prisoners. The Jail Advisory Boards were directed to consider cases of all prisoners, whether serving short-term or long-term imprisonment, in accordance with the rules and guidelines and furnish their report to the Government.²⁹ ■

Madhya Pradesh

1. Overview

Ruled by the Bharatiya Janata Party, Madhya Pradesh continued to witness serious human rights violations by the security forces including the custodial death of a Dalit youth in Vidisha district town.¹

Women, Dalits, tribals and religious minorities continued to face atrocities and discrimination in the State. Dalit and tribal women were specifically targeted and those who sought justice faced physical violence including killings.

In June 2006, National Commission for Minorities member Harcharan Singh Josh, who conducted an investigation into allegations of harassment of Christians in Madhya Pradesh and Chhattisgarh stated that “Bajrang Dal, VHP and Dharam Dal activists freely raid Christian homes, carry out searches and humiliate women there on the pretext of curbing proselytism. There is a total failure of administration to protect human and religious rights of Christian minorities in Madhya Pradesh and Chhattisgarh”.²

Those displaced by Sardar Sarovar Project were not rehabilitated. A Sardar Sarovar Project Status Report submitted by the Union Water Resources Ministry to the Prime Minister’s Office on 22 March 2006 revealed that 36,921 families from 226 villages in Gujarat, Madhya Pradesh and Maharashtra would be affected if the height of the Narmada dam was raised to 121.92 metres. This also included 28,742 Project Affected Families (PAFs) in Madhya Pradesh remained to be resettled in the State at 110.64 metres.³

Prison conditions were deplorable. As of 30 April 2006, there were 30,513 prisoners, which included 29,751 males

and 762 females, in the 116 prisons of the State. Of these, 16,044 prisoners representing 52.58% were under-trials, including 15,580 males and 464 females. There were 202 under-trial prisoners who had been facing trial for more than three years.⁴

The administration of justice continued to be plagued by judicial delay. By the end of December 2006, there were only 39 judges against the sanctioned strength of 42 judges in the Madhya Pradesh High Court. The State Government also failed to appoint judges to 157 vacancies in the District and Subordinate Courts in the State as on 30th September 2006. There were a total of 1,82,279 cases pending before the High Court while a staggering 9,79,999 cases were pending before the District and Subordinate Courts as on 30th September 2006.⁵

On 21 July 2006, the Madhya Pradesh Government presented the Action Taken Report (ATR) on the recommendations of the Madhya Pradesh Human Rights Commission (MPHRC) during 2004-2005 in the State Assembly. According to the ATR, the State Government had taken action fully on 12 recommendations and partially on nine others recommendations of the MPHRC during 2004-05 out of the total 29 recommendations. In most of the 21 cases, action had been taken against police officials concerned.⁶

2. Violence against women

Women continued to face violence especially because of evil social practices. On 24 September 2006, the police arrested two more persons on charges of murder and instigating 95-year-old Kuria Devi to

commit Sati in her husband Siyaram Rajput's pyre on 20 September 2006 at Baniyani village near Chhatarpur. Ten persons, including four sons of Kuria Devi, were earlier arrested on the same charges. Hundreds of villagers assembled on the "Sati" spot to glorify the act of Sati but the police did not allow to perform any ritual near the funeral site.⁷

In a glaring case of "honour killing", on 15 January 2006, a teenaged Muslim girl identified as Varsha Khan was allegedly burnt alive by her parents and relatives in order to save the "honour" of the family as the victim had fallen in love with a Hindu man identified as Raghuvir Sharma in Bhind district. According to the police, following discovery of the love affair, Varsha Khan was sent to her maternal uncle in Bhind where her grand maternal uncle Nazeer and maternal uncles Kallu and Kauf in connivance with Varsha Khan's mother Guddu Bai allegedly doused Varsha Khan with petrol and set on fire. Earlier Varsha Khan's parents and relatives had allegedly killed Raghuvir Sharma in Jaura town, Morena on 13 January 2006. The police arrested Varsha Khan's father, Hassan Khan and two of his relatives on the charges of killing Raghuvir.⁸

3. Violations of the rights of the Dalits

The Dalits continued to face atrocities and discrimination in Madhya Pradesh because of their caste. Women were specific targets. The National Crime Records Bureau recorded 4,356 cases of atrocities against Dalits in 2005 including 96 murders, 340 rape cases, 38 arsons and 344 cases under the SC/ST Prevention of Atrocities Act etc.

On 1 June 2006, two Dalit sisters of Pipariya town in Hoshangabad district lodged a complaint with the Madhya

Pradesh State Women's Commission (SWC) alleging that the upper caste villagers were torturing them for refusing to enter into prostitution. According to the complainants, some upper caste villagers ransacked their house, tore their clothes, beat them up and threatened to kill their brothers on 12 May 2006. Prior to approaching the SWC, the victims had lodged a complaint with the local police but the police failed to take action against the culprits.⁹

Humiliation of the Dalit women was common. On 17 June 2006, a Dalit woman sarpanch (village head) identified as Indira Kushwah of Mahoikala village in Chattarpur district was beaten up, stripped and then paraded naked in the village by the upper caste men of the village led by Lakhan Shukla and Santosh Shukla for refusing to pay them Rs 50,000 from the village development fund. The police reportedly refused to lodge a First Information Report (FIR) despite repeated requests from the victim. The FIR could be lodged four days after the incident following the intervention of a Member of Legislative Assembly. On 22 June 2006, National Commission for Women asked the Madhya Pradesh Government to conduct a probe into the incident and submit a report within a week.¹⁰ On 23 June 2006, the police arrested seven upper caste men whose names were mentioned in the FIR by the victim but the police claimed that the victim was not stripped.¹¹

On 10 September 2006, a 40-year-old Dalit woman was allegedly stripped in public and raped by three persons belonging to upper caste Gurjar community over a land dispute at Lohabasai village in Morena district. A complaint was registered against Tarjan Singh Gurjar, Vetel Singh Gurjar and Jagdish Gurjar.¹²

Madhya Pradesh

On the night of 22 November 2006, a 16-year-old Dalit girl was reportedly burnt to death by an upper caste youth identified as Chhote Singh Rajput at Sahalwada village under Piparia Development Block near Hoshangabad after she refused to withdraw a complaint of rape against him. The accused was arrested and a case of murder was registered against him.¹³

Whenever the Dalits dared to seek justice, they were meted out heinous atrocities. On 13 June 2006, two youth identified as Shyam and Bali, belonging to lower caste Angri Lohar community, who were witnesses to the gruesome murder of three women of a family by a mob in September 2004, were killed by a mob in Khapa Katheda village in Betul district. The victims had reportedly refused to change their statements in the court on 6 June 2006 and identified the accused in the 2004 crime.¹⁴

4. Violations of the rights of the tribals

Tribals whose population is 122.33 lakh constitute 20.27% of the total population of Madhya Pradesh (603.85 Lakh), according to the 2001 census. There were 46 recognized Scheduled Tribes and three of them have been identified as "Special Primitive Tribal Groups" in the State.¹⁵ The National Crime Records Bureau recorded 1,615 cases of atrocity against tribals in the State in 2005. These included 48 murder cases, 294 rape cases, 15 arson cases and 252 cases under the SC/ST (Prevention of Atrocities) Act etc.

In January 2006, the Department for International Development, United Kingdom reportedly granted Rs 115 crore to Madhya Pradesh for "Livelihoods Project" for the development of tribal villages. The Government of Madhya Pradesh identified 892 backward tribal villages in nine districts of Jhabua, Dhar, Badwani, Mandla, Dindori,

Anupur, Shahdol, Sheopur and Shivpuri for the projects.¹⁶

Tribal women were specifically targeted by upper caste persons. On 23 May 2006, a tribal woman identified as Munni Bai was allegedly manhandled and paraded naked by three persons identified as Hiralal, Sitaram and Rajesh at Raipura village under Kasravad tehsil in Khargone district. The police arrested two of the accused.¹⁷

On 21 August 2006, four tribal women were reportedly stripped by a group of upper caste youth at Bhevad in Punchi hills under Shivpuri district. Two of the accused identified as Mukesh Rawat and Raghuvir Rawat were arrested on 30 August 2006.¹⁸

On 30 September 2006, a tribal woman¹⁹ identified as Fulvatibai belonging to Korku tribe was allegedly beaten up, stripped and paraded half-naked with a garland of shoes around her neck at Dedgaon village in Harda district at the orders of the village panchayat. The villagers had found a tribal girl and an upper caste boy in a compromising position inside the house of Fulvatibai. The victim told the village panchayat that the upper caste boy and the tribal girl entered her house in her absence but the village panchayat wanted the victim to give false statement to the police that she had invited the girl to her house and locked her in so as to save the "honour" of the girl.²⁰ Later the victim, Fulvatibai, was charged with abetting rape under Section 376 of the Indian Penal Code.²¹

In November 2006, Madhya Pradesh Forest Minister Himmat Kothari assured the State Assembly that no Dalit or tribal would be forcibly evicted from forest land without proper examination of records. Several hectares of land in Madhya Pradesh were under dispute between the forest department and the revenue

department. According to Vanshmani Prasad Verma of Samajwadi Party a serious problem of eviction of tribals had developed due to dispute between revenue and forest land departments. The State Government had in 2004 directed that the dispute be resolved at the earliest but it failed to do so, making the residents of the disputed lands, mostly the tribals and the Dalits, vulnerable to eviction by one department or the other.²²

Whenever the tribals sought justice, they were meted out atrocities. A tribal woman Ms Kamlabai, whose right hand was chopped off by her alleged rapists at Ningri village in Raisen District in December 2005, alleged in February 2006 that she was being pressurized by the State Police and the State Commission for Women to withdraw her case. She told journalists that the local police had picked up her husband Prakash and tortured him to confess that he had chopped off his wife Kamlabai's hand. On 24 February 2006, the victim along with a delegation from the women's organisation All India Democratic Women's Association met Union Home Minister Shivraj Patil to complain about the "inaction of the State Government". The Ministry of Home Affairs of the government of India reportedly sought a reply from the Madhya Pradesh Police within seven days.²³

5. Status of the IDPs

The displacement and non-rehabilitation of thousands of families displaced by the Sardar Sarovar Project, which is the largest amongst the 30 large dams being built on the river Narmada, explains India's ills with development. The Narmada Control Authority (NCA) claimed that all the 32,600 Project Affected Families (PAFs) from 228 villages to be displaced by the Sardar

Sarovar dam at height of 121.92 metres in Madhya Pradesh (24,421 PAFs from 177 villages), Gujarat (4,726 PAFs from 19 villages) and Maharashtra (3,453 PAFs from 32 villages) had been fully resettled by the respective State Governments.²⁴

On 8 March 2006, NCA gave permission to raise the height of the Sardar Sarovar dam from 110.64 metres to 121.92 metres. The Narmada Bachao Andolan protested against the decision of the NCA, saying about 35,000 displaced families between the heights of 110.64 and 121.92 metres remained to be rehabilitated.²⁵

A Sardar Sarovar Project Status Report submitted by the Union Water Resources Ministry to the Prime Minister's Office on 22 March 2006 revealed that 36,921 families from 226 villages in Gujarat, Madhya Pradesh and Maharashtra would be affected if the height of the Narmada dam was raised to 121.92 metres. This included 4,726 PAFs in Gujarat, 3,453 PAFs in Maharashtra and 28,742 PAFs in Madhya Pradesh. The report stated that 13,233 PAFs remained to be resettled in Madhya Pradesh at 110.64 metres. According to the report, Gujarat had spent only Rs. 10,918 crore till December 2005 on rehabilitation. However, the Centre in its application filed in the Supreme Court on 17 April 2006 claimed that all the affected families up to the height of 121.92 metres were resettled in the three States.²⁶

On 17 April 2006, the Supreme Court allowed the raising of the height of the Narmada dam to 121.92 meters as approved by the Narmada Control Authority (NCA) on 8 March 2006. However, the Supreme Court also warned that it would stop the construction work if the PAFs were not properly rehabilitated.²⁷

Madhya Pradesh

Following the Supreme Court's ruling, Prime Minister Dr Manmohan Singh constituted a three-member Group of Ministers (GoM) consisting Water Resources Minister Saifuddin Soz, Minister for Social Justice and Employment Meira Kumar and Minister of State in the Prime Minister's Office Prithviraj Chauhan which visited some of the rehabilitation sites and submergence villages in Madhya Pradesh from 6-7 April 2006. In its report submitted to the Prime Minister on 9 April 2006, the GoM exposed the tall claims made by the State Government of Madhya Pradesh on resettlement and rehabilitation of the dam oustees.²⁸

The GoM's "confidential" report titled "A Brief Note on the Assessment of Resettlement and Rehabilitation (R&R) Sites and Submergence of Villages of the Sardar Sarovar Project" exposed the absolute lack of resettlement and rehabilitation of the Project Affected Families. It stated that the reports of the Rehabilitation and Resettlement Sub Group, and the Grievance Redressal Committee on the basis of which Narmada Control Authority granted permission for raising the height of the Sardar Sarovar Project from 110.64 metres to 121.92 metres "has been largely paperwork and it has no relevance with the situation on the ground". The Government of Madhya Pradesh admitted before the GoM that the rehabilitation and resettlement of the PAFs was likely to be completed only by 30 June 2006. This was in contrary to the earlier claims of the State Government that all the PAFs had been resettled. The State Government claimed to have offered land to 407 families at Khalghat but the GoM found that only two PAFs had accepted land. The land offered to the PAFs was not suitable for cultivation.

The oustees were forced to accept cash compensation. They alleged that they had to pay a bribe of Rs. 20,000 to the officials on receipt of every cheque and Rs. 100,000 was deducted as "income tax" on every unit of Rs. 10 lakh paid as compensation for purchase of land. The Government of Madhya Pradesh claimed to have resettled 4,000 PAFs at Dharampuri but the GoM found that "Not a single plot of land has been occupied by any PAF". The site had no sanitation, no drinking water facilities, system of sewage, roads, hospital, water reservoir, school or a post office. At Lakhangaon, Borlai 1st, 2nd and 3rd, the State Government claimed to have resettled 18,965 PAFs but the GoM found only "some stray dwellings without any infrastructure such as drinking water, sewage system, electricity and roads etc". Not a single PAF had been offered cultivable agricultural land at Piplud. The oustees were forced to accept cash compensation, which was too small even to purchase 2 acres of land while the oustees were entitled to receive 5 acres of land as compensation. They had to bribe the officials to get their cheques. Even at Awalda, the oustees had been pressurized to accept cash compensation and they had to bribe the officials. The State Government claimed to have resettled 700 PAFs at Nisarpur but not a single PAF had been resettled there.²⁹

In order to re-write the report of the GoM of his own cabinet, the Prime Minister in April 2006 set up a three-member Sardar Sarovar Project Relief and Rehabilitation Oversight Group (OSG) headed by former Comptroller and Auditor-General of India, V.K. Shunglu to look into the status of rehabilitation of PAFs in Madhya Pradesh.³⁰ On 3 July 2006, the Oversight Group submitted its report to the Prime

Minister.³¹ Surprisingly, the OSG found no major discrepancy in the Action Taken Report (ATR) of the Madhya Pradesh Government on the status of rehabilitation of PAFs. The OSG also defended cash compensation under the Special Rehabilitation Package. The OSG euphemistically held that the lack of relief and rehabilitation and other deficiencies in most sites can be removed during the current financial year by developing uneven plots and proper maintenance and repair of roads and buildings etc.³² These tasks, which appeared quite simple to the OSG, had not been done by the authorities in the last two decades.

Based on the findings of the OSG, Prime Minister Dr. Manmohan Singh submitted to the Supreme Court that it would not be appropriate to pass any direction or orders at this stage stopping the construction of the dam. Following the Prime Minister's submission, on 10 July 2006 the Supreme Court declined to stop the construction of the Sardar Sarovar project and allowed raising its height evenly up to 119 meters in all blocks.³³

The Sardar Sarovar dam height was raised up to 121.92 metres in Gujarat by the end of December 2006.³⁴

6. Violations of the rights of the minorities

Madhya Pradesh Religious Freedom Act prohibits anybody campaigning about his or her religion or organising religious functions without prior permission from the District Collector. On 14 April 2006, two Christian women identified as Mariamma Mathew and B Godwil were arrested under Madhya Pradesh Religious Freedom Act after they were allegedly found distributing pamphlets telling people how they could

overcome their problems by following the Bible and converting people in Jabalpur.³⁵

Those who converted into Christianity were targeted. On 19 June 2006, National Commission for Minorities member Harcharan Singh Josh, who conducted an investigation into allegations of harassment of Christians in Madhya Pradesh and Chhattisgarh, stated that Christians were not safe in these two states. He stated that "Bajrang Dal, VHP and Dharam Dal activists freely raid Christian homes, carry out searches and humiliate women there on the pretext of curbing proselytism. There is a total failure of administration to protect human and religious rights of Christian minorities in Madhya Pradesh and Chhattisgarh."³⁶ The police allegedly did not record the complaints of atrocities by the fundamentalist groups. On the other hands, the members of the minority communities were beaten up and arrested arbitrarily by the police.³⁷

On 31 May 2006, two tribal women of Nadia village in Khargone district filed a complaint alleging gangrape by activists of Bajrang Dal on the night of 28 May 2006. However, a counter FIR was filed with the Bhagwanpura police against the two women and their husbands under Section 3(4) of the Freedom of Religion Act, 1968 on 1 June 2006.³⁸ The victims accused Khargone Bharatiya Janata Party Member of Legislative Assembly (MLA), Dal Singh Solanki of instigating his men to rape them. According to Indira Iyengar, a member of the Madhya Pradesh State Minority Commission, MLA Dal Singh Solanki had been threatening the Christians that they would be falsely implicated in conversion cases. The police had allegedly ill-treated the rape victims instead of taking prompt action against the accused. However, the

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Bajrang Dal rejected the allegations. On 5 June 2006, the activists of Bajrang Dal stormed the venue of the press conference to prevent the “victims” from speaking to the media in Bhopal and threatened activist Indira Iyengar.³⁹

On 15 June 2006, a church was vandalized allegedly by activists of the Hindu Dharma Sena in Jabalpur on the charges that poor tribals from Mandla and Dindori districts were being converted by giving money.⁴⁰ ■

Maharashtra

1. Overview

Ruled by the coalition of the Indian National Congress and the Nationalist Congress Party, Maharashtra continued to witness gross human rights violations. The year 2006 also witnessed rise in Naxalism in the State. According to the estimate of Asian Centre for Human Rights, a total of 60 persons, including 20 civilians, 4 security personnel and 36 alleged Naxalites, also known as Maoists, were killed in the State during 2006. The State Government reportedly raised a Special Action Group (SAG) consisting of 300 specially trained armed police personnel to fight the Naxalites. About 80% of SAG personnel were drawn from two Naxalite affected districts of Gadchiroli and Gondia.¹ The State Government also encouraged vigilante violence by encouraging the villagers to hunt down Maoists or Maoist sympathizers. In November 2006, the State Government decided to increase the amount of reward from Rs 2 lakh to Rs 3 lakh for any Naxal-affected village in the State under the *Gaonbandi* (no-entry to the village) scheme. The scheme required the villagers of a particular village to pass a resolution in writing declaring *Gaonbandi* to Naxalites to be eligible for the reward.²

Deaths of children due to malnutrition and suicide of farmers due to crop failures and high indebtedness continued unabated, even as the Central Government and the State Government announced various schemes for their welfare. On 3 March 2006, Minister of State for Agriculture, Food & Civil Supplies, Consumer Affairs & Public Distribution, Dr. Akhilesh Prasad Singh in a written reply stated in Rajya Sabha that as many as

2,994 children in the age group of 0-6 years died due to various reasons including malnutrition up to July 2005 in Vidarbha alone.³ Over 1,700 children reportedly died of malnutrition in Thane district in the last one year as of 7 April 2006.⁴

The Vidarbha region also virtually turned into a killing field for farmers. On 29 December 2006, Vidarbha Jan Andolan Samiti (VJAS) stated that a total of 1,060 farmers committed suicide in Vidarbha region in 2006. This included 105 deaths in December 2006, 107 in November 2006, 112 in October 2006, 124 in September 2006, 111 in August 2006 and 90 in July 2006. In Yavatmal district, more than 344 cotton farmers committed suicides in 2006 of which 70% were tribals, Dalits and Banjaras. According to VJAS, 412 farmers had committed suicide in 2005, 324 in 2004, 156 in 2003, 102 in 2002, 54 in 2001, 46 in 2000, and 36 in 1999. The cotton farmers of West Vidarbha were worst affected. Out of 3 million farmers in West Vidarbha, more than 75% lived under extreme distress.⁵ The Central Government and the State Government announced various relief packages for the farmers. But none of the programme or scheme was properly implemented. On 1 July 2006, Prime Minister Dr Manmohan Singh announced Rs 3,750 crore-package of relief measures to help the farmers in six worst affected districts of Amaravati, Akola, Washim, Buldhana, Yavatmal and Wardha in Vidarbha region⁶ but the Central Government failed to release adequate funds.⁷

The State Government continued to harass human rights defenders. On 3 January 2006, anti-slum demolition activist Rajkumar Kishanlal Awasthi was arrested

in Mumbai under the Maharashtra Prevention of Slumlords, Bootleggers, Drug Offenders and Dangerous Persons Order, 1981 for demanding proper rehabilitation of the oustees due to the Mumbai Urban Transport Project funded by the World Bank.⁸ He was earlier arrested on 14 October 2005 under a false charge of "accepting money" and was released on bail after spending 14 days in police custody.⁹ According to National Alliance of People's Movements, only 5,000 people out of total 90,000 people who had been displaced by the Mumbai Urban Transport Project had been rehabilitated as of 10 January 2006.¹⁰

Custodial deaths and extrajudicial executions were common. In a landmark judgement in November 2006, the Bombay High Court stated that death of Khwaja Yunus, an accused in the Ghatkopar blast case, occurred while he was in police custody.¹¹

The Dalits continued to face repression. The killing of four members of a Dalit family at Khairlanji village in Bhandara district on 29 September 2006 by upper caste people belonging to the Powar and Kalar communities highlighted the vulnerability of the Dalits.

Women also faced violence. On 23 May 2006, a woman was allegedly raped by an army personnel identified as Subhash Chandra Lalsingh at her residence in Ambedkarnagar in Nashik. The accused was arrested on 24 May 2006.¹² On 3 April 2006, constable Sunil More was sentenced to 12 years' rigorous imprisonment by a Sessions Court for raping a college girl on 21 April 2005 inside a police chowky at Marine Drive in Mumbai.¹³

The Maharashtra State Human Rights Commission (MSHRC) established on 6 March 2001 had been virtually defunct. Since the resignation of Chairperson

Justice Arvind Sawant in April 2002 in protest against the indifferent attitude of the State Government towards the Commission, the Commission had been functioning without a Chairperson. The MSHRC failed to bring out any Annual Report since the publication of the first Annual Report 2001-2002 on 15 August 2004.¹⁴

While MSHRC remained virtually defunct, judiciary was plagued by a large number of pending cases. The Bombay High Court had only 60 judges against the sanctioned strength of 64 judges leaving a vacancy for 4 judges by the end of December 2006. There were 274 vacancies in the District and Sub-ordinate Courts in the State as of 30th September 2006. This was despite the fact that as of 30th September 2006, there were a total of 3,59,698 cases pending before the Bombay High Court while 41,60,126 cases were pending with the District and Sub-ordinate Courts in the State.¹⁵

2. Human rights violations by the security forces

The security forces were responsible for gross human rights violations including custodial deaths and extrajudicial executions.

a. Custodial deaths

According to the Maharashtra State Human Rights Commission (MSHRC), 218 cases of custodial deaths were registered during 1 April 2003-31 March 2004, and 95 custodial death cases were registered from 1 April 2004 to 31 August 2004 alone.¹⁶ The National Crime Records Bureau recorded deaths of 17 persons in police custody and death of 19 civilians in police firing during 2005.¹⁷

During 2006, Asian Centre for Human Rights documented a few cases of custodial deaths. Often, custodial death

cases were sought to be brushed aside by blaming the victim for committing suicide. On 6 April 2006, Premnath Rao, who was arrested on 4 April 2006 in connection with a robbery case, died at the lock-up of Agripada police station in south central Mumbai. The police claimed that the deceased was found hanging in the toilet. However, Rao's family and neighbours accused the police of beating Rao to death.¹⁸ The first post-mortem report conducted at JJ Hospital in Mumbai reportedly found ten injury marks on the deceased's body. Five of the injury marks were found on his arms and two on his soles, indicating that "he was beaten with something like a stick, and this has led to internal bleeding". The remaining marks were around his neck, which had been caused due to the hanging.¹⁹

Others who died in police custody included Rampal Yadav, who died on 3 January 2006 at Goregaon police station in Mumbai after he was arrested on the charges of possessing illegal arms,²⁰ and Ganesh Bhowale who died at Kaiji police station in Beed district on 19 June 2006.²¹

On 5 July 2006, five policemen – Inspector N G Sheikh, Assistant Police Inspector M A Hani, Sub-Inspector Dattatraya Kada, constables Shashikant Nanaware and Vitthal Deshmukh were booked on charges of murder of Ganesh Bhowale.²²

b. Extra-judicial killings

According to the estimate of Asian Centre for Human Rights, the security forces killed 36 alleged Naxalites in the State during 2006. However, there were also allegations of fake encounter killings.

The police were responsible for indiscriminate use of fire-arms against the protestors. Many civilians were killed in indiscriminate police firing during 2006.

Those killed in indiscriminate police firing include Praful Kisanrao Raut who was killed during a protest rally demanding release of water from Chargarh dam in Chandur Bazar tehsil in Amravati district 20 February 2006;²³ Ramjan Khan and Abdul Malik who were killed in Bhiwandi town in Thane district on 5 July 2006,²⁴ and Dinesh Tukaram Ghugul, a farmer, who was killed at Wani on 8 December 2006.²⁵

3. Violations of international humanitarian laws by the AOGs

The armed opposition groups were also responsible for violations of international humanitarian laws. According to the estimate of Asian Centre for Human Rights (ACHR), the Naxalites killed 24 persons including 20 civilians and 4 security personnel in the State during 2006.²⁶ The most gruesome was the killing of 12 civilians including two women and two teenaged girls of a marriage party in a powerful bomb blast planted by the Naxalites near Halewada village in Gadchiroli district on 16 May 2006.²⁷

Many were killed after being accused of "police informers". Some of the cases of such killings documented by ACHR included killing of Alal Ram Gond after being dragged out of his house at Murumgaon in Gadchiroli district on 16 June 2006;²⁸ Sunil Sitaram Karangami, a tribal youth, at Phulbodi village in Dhanora tehsil in Gadchiroli district on the night of 24 October 2006;²⁹ and a forest guard identified as Rajkumar Percheralwar near Jambia village in Etapalli tehsil under Godchiroli district on 28 December 2006.³⁰

Political leaders were also targeted. On 4 June 2006, Congress leader Pyarelal Agarwal was shot dead by alleged Naxalites at Korchi in Gadchiroli district.³¹

The Naxalites also extorted from the contractors of tendu units. According to the police, the Naxalites collected Rs 100 per tendu bag and there were 2,000 bags in one tendu unit. In 2006, over 70 out of 91 tendu units in Gadchiroli district were auctioned.³² In Gadchiroli district, the transporters whose trucks were hired for carrying forest produce like bamboo had to pay Rs 10,000 per truck per month to the Naxalites.³³

The Naxalites also targeted the economic infrastructure. On the night of 14 January 2006, Naxalites attacked a Border Roads Organisation (BRO) camp and killed a BRO engineer identified as M Ganeshan at Etapalli village in Gadchiroli district. The Naxalites also set ablaze four trucks belonging to the BRO.³⁴ On 23 January 2006, the Naxalites set ablaze a mobile relay unit, electronic equipment cables, stabilizers and other material of Bharat Sanchar Nigam Ltd (BSNL) at Korchi in Gadchiroli district.³⁵

4. Violations of the rights of the Dalits

On 15 November 2006, while visiting the trouble torn areas of Amravati city, Deputy Chief Minister and Home Minister of Maharashtra, R.R. Patil stated that the State Government was considering the proposal of arming the Dalits in villages where they were in minority to protect themselves from the attacks of the upper castes. Nothing more could have reflected the abysmal failure of the State to protect the Dalits.

Mr. R.R. Patil made this announcement following violent protests from the Dalits against the killing of four members of a Dalit family at Khairlanji village in Bhandara district on 29 September 2006 by upper caste people belonging to the Powar and Kalar communities. The assailants numbering around 150 persons, including

woman dragged Bhaiyalal's wife Surekha and their 17-year-old daughter Priyanka, his two sons – Roshan and Sudhir out of their house and lynched them to death. Prior to lynching them, Surekha and Priyanka were reportedly stripped, paraded naked, beaten with bicycle chains, axes and bullock cart pokers and publicly gang raped to death. Even after their death, some upper castes men allegedly raped them. Finally, sticks and rods were shoved into their genitals. Roshan and Sudhir too were brutally tortured, their genitals mutilated, faces disfigured and their bodies tossed in the air, before they lay dead on the ground. The only fault of the Dalit family was that Surekha had testified as a witness and identified 12 upper caste men who had beaten up Siddart Gajbhiye, a Dalit, on 3 September 2006.³⁶ Following violent street protests by the Dalits, the Maharashtra government on 14 November 2006 decided to hand over the investigation into the killing of four members of a Dalit family to the Central Bureau of Investigation (CBI).³⁷ On 27 December 2006, the CBI filed a charge-sheet against 11 persons for their alleged involvement in the Khairlanji murder case. However, the CBI ruled out rape of the women victims.³⁸ On 4 December 2006, the State Government announced the dismissal of six policemen, including Deputy Superintendent of Police Vinayak Susadkar, for dereliction of duty in connection with the killings in Khairlanji.³⁹

The State Government also suppressed the democratic protests by the Dalits. On 17 November 2006, the Nagpur Bench of the Bombay High Court issued notices to the Principal Secretary (Home), the Commissioner of Police, Nagpur, the Commissioner of Police, Amravati, the Special Inspector-General of Police, Nagpur Range, and the Superintendent of Police, Bhandara

district over atrocities by the police against activists who participated in the protests held in Vidarbha against the Khairlanji killings.⁴⁰

The police had arrested 31 persons who participated in the protest programmes against the Khairlanji killings. Those arrested included Karuna Gharde, her husband Siddharth, Kamlabai Narnavre, Anil Borkar of the People's Democratic Front of India and Sanjay Phulzale of the Maharashtra Navnirman Sena who were arrested on the night of 8 November 2006, and Ashu Saxena of Mahila Jan Andolan who was arrested on 9 November 2006. Many of them were arrested without arrest warrants and many of them complained of torture at the hands of the police. The police charged several of them with having links with the Naxalites.⁴¹ On 4 December 2006, the police detained several leaders including Member of Parliament (MP) Ramdas Athavale, former Rajya Sabha MP Prakash Ambedkar, Rajendra Gavai, D. Raja, Secretary of Communist Party of India, Prakash Ambedkar, the grandson of Dr BR Ambedkar, Rajendra Gavai, son of Bihar Governor RS Gavai, who were supposed to attend a rally in Nagpur called by the Republican Party of India against the Khairlanji killings.⁴²

Another wave of protests by the Dalits was fueled following reports of desecration of the statue of Dr B R Ambedkar in Kanpur in Uttar Pradesh on 30 November 2006. Dalits of Maharashtra went on rampage in several parts of Maharashtra. They burnt two trains including the "Deccan Queen" and damaged over 100 buses. Three persons were killed, two of them in police firing and clashing with police in Osmanabad and Nashik, and over 60 others were injured.⁴³

On 29 November 2006, a Dalit youth identified as Rangnath Shankar Dhale was reportedly beaten to death by a mob in

Nasik on the charge of throwing stones at vehicles during protests against desecration of the statue of Dr B R Ambedkar in Kanpur in Uttar Pradesh.⁴⁴ The NHRC sent a notice to the Nasik police chief to submit a report in this regard within a fortnight.⁴⁵

On 11 December 2006, a Dalit woman identified as Maya Balu Shejwal was attacked and her thatched hut set afire at the Maratha-dominated Brahmangaon village in Niphad tehsil of Nashik district. In her FIR lodged with the Lasalgaon police station, the victim named Ravi Karbhari Mahale, the member of the gram panchayat, Mangesh Gawli, son of *upa sarpanch* (deputy head of village), Anna Gawli, and Ashok Kargude, a clerk with the gram panchayat as her attackers who wanted to grab her land to construct a toilet. The police arrested all the three accused under the SC/ST (Prevention of Atrocities) Act.⁴⁶

5. Repression on the freedom of the press

The media continued to face repression from the right-wing political party activists.

On 8 February 2006, activists of Shiv Sena, a right-wing political party, reportedly vandalized the Lower Parel office of *Zee Marathi*, a private TV channel, after a satirical play was staged at the annual awards show of the channel held at Bandra-Kurla complex on 5 February 2006. The Shiv Sainiks alleged that the play made fun of Shiv Sena chief, Bal Thackeray and his family members.⁴⁷

On the night of 6 February 2006, *Sahara TV* reporter Vivek Pralhadrao Tale was assaulted by some unidentified persons at Old Income Tax Office Square in Akola while he was on his way back home. A case was registered by Civil Lines police under sections 147, 148, 326 Indian

Penal Code against unknown persons in the case.⁴⁸

On 19 February 2006, members of the right-wing Sambhaji Brigade ransacked the office of *Loksatta*, an *Indian Express* group publication, in Ahmednagar. The attackers, who were armed with rods destroyed computers, broke window panes and burnt files, damaged office furniture and beat up two employees who were present in the office. The attack was allegedly carried out because *Loksatta* had not published any article on the occasion of the birthday of Hindu king Shivaji.⁴⁹

On 10 June 2006, Arun Narayan Dekate, correspondent of Marathi daily *Tarun Bharat*, died of injuries after he was attacked with stones by four persons on the night of 8 June 2006 at Wakeshwar turning point near Dongrgaon in Nashik district on 8 June 2006. Mr. Dekate had exposed a gambling racket in and around Takalghat.⁵⁰

6. Status of the IDPs

On 8 March 2006, the Narmada Control Authority (NCA) gave clearance for raising the height of Sardar Sarovar Dam to 121.92m from current 110.64 metres.⁵¹

According to the NCA, a total of 3,453 families would be affected in 32 villages in Maharashtra by the Sardar Sarovar Project up to the height of 121.92 metres. These were 1,853 families from 23 villages under Akarani (C-1) tehsil and 1600 families from 9 villages under Akkalkuan (C-2) tehsil in Nandurbar district. The State Government of Maharashtra had claimed to have resettled all the 3,453 Project Affected Families (PAFs) including 722 PAFs resettled in Gujarat and 2,731 PAFs resettled in Maharashtra.⁵² However, the Narmada Bachao Andolan claimed that about 2000 families were yet to be rehabilitated as of 4 January 2006.⁵³

7. Violations of the prisoners' rights

The jails in Maharashtra were overcrowded. In a barrack at the Arthur Road prison in Mumbai, there were 157 under-trials against the total capacity for only 50 inmates as of 24 December 2006. On 23 December 2006, one under-trial identified as John D'Souza died in a clash among the prisoners over potable water.⁵⁴

In December 2006, about 94 under-trials of Arthur Road jail threatened to launch hunger strike from 1 January 2007 against denial of speedy trial. These under-trials were arrested under the draconian Maharashtra Control of Organized Crime Act (MCOCA) of 1998. There were only two special court to try the MCOCA accused at Sewree and at Fort in South Mumbai respectively.⁵⁵

8. Special Focus I: Starvation deaths

On 3 March 2006, Minister of State for Agriculture, Food & Civil Supplies, Consumer Affairs & Public Distribution, Dr. Akhilesh Prasad Singh in a written reply to Bharatiya Janata Party (BJP) Members of Parliament, Ms Hema Malini and Ms Maya Singh stated in Rajya Sabha that as many as 2,994 children in the age group of 0-6 years died due to various reasons including malnutrition up to July 2005 in Vidarbha. The figures in the districts of Nagpur Division were Nagpur (335), Gondia (187), Bhandara (333), Wardha (130), Gadchiroli (225) and Chandrapur (351), and the figures for districts in Amravati Division were Amravati (408), Akola (170), Yavatmal (513), Buldana (240) and Washim (102).⁵⁶

In March 2006, the workers of Integrated Child Development Scheme detected 700 cases of malnutrition, including 50 cases of Grade-IV

malnutrition among children in the city of Nagpur.⁵⁷

Over 1,700 children reportedly died of malnutrition in Thane district in the last one year as of 7 April 2006.⁵⁸ During April 2005-March 2006, a total of 27 children reportedly died, including 15 children at the primary health centres (PHCs) at Vashala, Koma and Morada during April 2005-February 2006 and 12 children in March 2006 at Koma and Vasha PHCs.⁵⁹ Nine children reportedly died of malnutrition in the Mokhada tehsil of Thane in April 2006 alone.⁶⁰

9. Special Focus II: Farmers' suicides

The Vidarbha region of Maharashtra had virtually turned into a killing field for farmers. On 29 December 2006, Vidarbha Jan Andolan Samiti (VJAS) stated that a total of 1,060 farmers committed suicide in Vidarbha region in 2006. This included 105 deaths in December 2006, 107 in November 2006, 112 in October 2006, 124 in September 2006, 111 in August 2006 and 90 in July 2006. In Yavatmal district, more than 344 cotton farmers committed suicides in 2006 of which 70% were tribals, Dalits and Banjaras. According to VJAS, 412 farmers had committed suicide in 2005, 324 in 2004, 156 in 2003, 102 in 2002, 54 in 2001, 46 in 2000, and 36 in 1999. The cotton farmers of West Vidarbha were worst affected. Out of 3 million farmers in West Vidarbha, more than 75% lived under extreme distress.⁶¹

Earlier in December 2006, Mr Narayan Rane, Revenue Minister had reportedly admitted before the winter session of State Legislature that 1,843 farmers committed suicide in Maharashtra between January and October 2006. Of these, 1,316 died in Vidarbha region including 1,156 in the six districts of Amaravati, Akola, Washim, Buldhana, Yavatmal and Wardha.

According to Mr Narayan Rane, Amravati Division reported the highest number of farmers' suicide of 1,024 followed by Nagpur Division (292), Aurangabad Division (281), Nashik (157), Pune (87) and Konkan Division (2). Yavatmal district reported the highest number of farmers' suicides which was 282 followed by Buldana district (248).⁶²

The Central Government and the State Government announced various relief packages for the farmers. But none of the programme or scheme was properly implemented.

On 1 July 2006, Prime Minister Dr Manmohan Singh announced Rs 3,750 crore-package of relief measures to help the farmers in six worst affected districts of Amaravati, Akola, Washim, Buldhana, Yavatmal and Wardha in Vidarbha region. The relief package promised, among others, that the entire overdue interest (around Rs 712 crore as on 30 June 2006) would be waived off and all farmers would be immediately eligible for fresh loans, and Rs 1,296 crore of overdue loans as on 30 June 2006 would be rescheduled over a period of three to five years with a one-year moratorium. The Prime Minister also promised to ensure an additional credit flow of Rs 1,275 crore in 2006-07 in the six districts.⁶³

On 29 September 2006, the Central Cabinet cleared a Rs 16,978 crore rehabilitation package to help the farmers in 31 backward districts of four states - Maharashtra (6 districts), Andhra Pradesh (16 districts), Karnataka (6 districts) and Kerala (3 districts). Under the package which would be implemented over a period of three years, Andhra Pradesh would be allocated Rs 9,650 crore, while Kerala, Karnataka and Maharashtra would get Rs 765 crore, Rs 2,689 crore and Rs 3,873 crore respectively.⁶⁴

Maharashtra

But since the Prime Minister's announcement, more than 650 farmers ended their lives in the region, according to the estimate of Vidarbha Jan Andolan Samiti.⁶⁵

The revelations of Mr Narayan Rane, Revenue Minister, during the winter session of State Legislature in December 2006 exposed how the tall promises of both the Central Government and the State Government were never implemented. Narayan Rane informed the State Legislature that of the total Rs 3,750 crore package announced by the Prime Minister, only Rs 16.93 crore had reached the farmers as on 6 December 2006. Of the total provision of Rs 3,753 crore under the Prime Minister's package, only Rs 57.83 crore had been received by the farmers till 9 November 2006 and only Rs 16.93 crore had been spent. The Prime Minister had announced interest waiver of Rs 712 crore but only Maharashtra Government had contributed its share of Rs 356 crore and not a single penny had been received from

the Centre. Of the provision of Rs 2,177 crore for the irrigation scheme, not a single pie was received till 9 November 2006. Of the Rs 240 crore allocation for construction of check dams, only Rs 7.20 crore had been received but the State government did not spend any money on actual construction. Of the promised allocation of Rs 135 crore for providing supplementary income sources to distressed farmers, only Rs 6 crore had been received from the Centre and not a single pie had reached the farmers. In addition, the Maharashtra Government had declared a relief package of Rs 1,075 crore in 2005 but had released only Rs 916.10 crore, out of which only Rs 801.53 crore had actually reached the farmers.⁶⁶

In March 2006, Chief Minister Vilasrao Deshmukh announced the State Government's decision to reopen and review 300 cases of farmers' suicides in Vidharbha during 2001-2006 in which the next of the kin of deceased had been denied compensation.⁶⁷ ■

Manipur

1. Overview

Manipur witnessed serious human rights violations during 2006. The spate of bandhs and blockades continued, as did the cycle of violence. Although in April 2006, Union Minister of State for Defence, MM Pallam Raju stated that the army had been maintaining a “zero tolerance policy” on human rights violations in Manipur¹, the armed forces carried out arbitrary arrest, torture and extrajudicial killings with impunity under the garb of fighting “insurgency”. On 2 December 2006, Prime Minister Dr Manmohan Singh announced from the Kangla Fort that the Central government was considering amendments to the Armed Forces Special Powers Act to make it “humane”.² However, the Central Government failed to implement the recommendations of the Committee to Review the Armed Forces Special Powers Act of 1958 under the chairmanship of Justice Jeevan Reddy which recommended for repeal of the AFSPA, among others, in its final report submitted in June 2005.

The armed opposition groups (AOGs) were also responsible for gross violations of international humanitarian laws, including killing, kidnapping, torture and extortion. On 14 November 2006, banned AOG, People’s Revolutionary Party of Kangleipak (PREPAK) attacked the residence of Chief Minister Okram Ibobi Singh with bombs to protest the alleged corruption and violation of human rights in the State.³

According to the Ministry of Home Affairs a total of 311 persons including 96 civilians, 28 security forces and 187 alleged cadres of AOGs were killed in 2006 against killing of 410 persons including 158

civilians, 50 security forces and 202 alleged cadres of AOGs in 2005.⁴

Many Naga civil society organisations in the four hill districts of Ukhrul, Senapati, Tamenglong and Chandel intensified their campaign for Naga integration by discarding textbooks prescribed by Manipur Board of Secondary Education. After burning hundreds of Manipuri textbooks in the four Naga-dominated hill districts, the All Naga Students Association of Manipur introduced textbooks prescribed by the Nagaland Board of School Education in schools.⁵

Landmines planted by the AOGs killed more than 20 civilians during 2004-2006.⁶ On 1 December 2006, a 16-year-old girl identified as Nengneikim was killed after stepping on a landmine planted near her village of Aibol Jamkhomang under Chakpikarong subdivision in Chandel district.⁷

On 18 September 2006, Chief Minister Okram Ibobi Singh stated before the State Assembly that 377 cadres belonging to 18 AOGs had surrendered to the police since 1990. Of these, 173 cadres were provided jobs under the surrender and rehabilitation scheme while 56 others were given financial help for self-employment.⁸

According to the annual report of the State police department, a total of 2,911 cases under the Indian Penal Code were registered in Manipur during 2005 showing an increase of 380 from 2004. Of the total crime registered, 256 were related to murder, 251 attempt to murder and 295 were assault, 70 cases of kidnapping of women and 25 cases of rape.⁹

The security forces and the AOGs were responsible for violence against women including killing, sexual abuses and torture. On 16 January 2006, alleged cadres of United National Liberation Front allegedly gang raped 21 minor Hmar tribal girls, aged between 13 and 17 years, at Lungthulien village in Tipaimukh division of Churachandpur district.¹⁰

The human rights defenders were also targeted. On 23 August 2006, Yengkokpam Langamba Meitei alias Thabi, the Publicity Secretary of the Threatened Indigenous People's Society (TIPS) was arrested from his house at Top Awang Leikai in Imphal East district by a joint team of Assam Rifles and State Police led by Jhalajit Singh, the Sub-Divisional Police Officer of Imphal West. An arrest memo was issued under Section 41 of the Criminal Procedure Code. On 24 August 2006, TIPS Secretary General Leitangthem Umakanta Meitei was arrested from his house at Porompat Thawanhaba Leikai in Imphal East district without any arrest memo by a police team also led by Jhalajit Singh. But the arrest warrant subsequently produced by the police stated that he was detained at 9.30 am.¹¹

Both Yengkokpam Langamba Meitei and Leitangthem Umakanta Meitei were booked under sections 38 and 39 of the Unlawful Activities Prevention Act, 1967, relating to the charges of being members of the banned AOG, Kanglei Yawol Kana Lup (KYKL) and providing support to it.

The Judicial Magistrate granted bail to Leitangthem Umakanta Meitei and Yengkokpam Langamba Meitei on 20 August 2006 and 1 September 2006 respectively as the police failed to provide sufficient evidence against them. But both of them refused to take bail until all the cases framed against them were declared

as false. Both the activists were tortured in custody.¹² On 4 October 2006, both of them were released and all charges against them were dropped.¹³

2. Human rights violations by the security forces

a. Violations of the right to life

Both the State police and the Central security forces were responsible for violations of the right to life.

Asian Centre for Human Rights documented many cases of killing of civilians by the security forces during so-called anti-insurgency operations. The victims included Longjam Jeet alias Jitendra alias Jolly, son of L Ibosana of Kakwa Pheijaleitong, who was allegedly killed in the custody of the State Police Commandos after being arrested from Khuya-thong Pukhri Achouba on 8 January 2006;¹⁴ Jangkhotinmang Hao-kip who was allegedly killed by 24 Assam Rifles personnel after arrest at Chavangphai in Moreh on 11 January 2006;¹⁵ Laitanthen Boy Singh, son of Babu Singh of Kongpal Kshetri Leikai, who was killed by a Police Commandos at Thambal Sabal Leikai under Porompat police station on 30 January 2006;¹⁶ Md Abdul Hakim of Lilong Leihoukhong who was shot dead by Police Commando after he failed to heed orders to stop for checking at Paona Bazar in Imphal on 25 February 2006;¹⁷ Heman Naocha who was killed by personnel of 6th Assam Rifles stationed at Gothol after being picked up from Saiton Leitapokpi in Bishenpur district on the night of 3 April 2006;¹⁸ Samuel, son of Zamkhokai of Pangzawl and Nangthian Muang, son of Thaangzasuan of New Lamka who were allegedly killed by the Border Security Force personnel during live firing exercise at the Subsidiary Training Centre at Gangpimual on 15

April 2006;¹⁹ SN Premson, son of SN Bouthal of Laingangching Lamkang village, who was killed in an alleged encounter at Laingangching under Waikhong police station in Chandel district on 26 July 2006;²⁰ Thwangkhanlian Ngaihte who was killed when personnel of the Rajputana Rifles allegedly fired at the church during an encounter with AOGs at Vengnuom village in Churachandpur district on 20 August 2006;²¹ Langjam Surjit Singh of Samurou Makha Leikai under Wangoi police station of Imphal West district who was shot dead by the 22nd Maratha Light Infantry in an alleged encounter at Meijrao village on 1 September 2006;²² Yumnam Rojen Singh, head teacher of Ethai Warukok village who was killed by personnel of 7th Assam Rifles at Wangoo of Bishnupur district on 4 October 2006;²³ Pukhrampam Suranjoy, an Life Insurance Corporation agent, who was allegedly shot dead by personnel of Assam Rifles after being picked up near his home at Laipham Khunou in Imphal East district on the night of 27 October 2006;²⁴ and Ningthoujam Khaiba alias Binoy, an alleged cadre of the Peoples Revolutionary Party of Kangleipak, who was shot dead by police near Sajiwa jail in Imphal East district while he was on his way home after serving a year in prison on 13 November 2006.²⁵

Women and children were victimized during army operations. On 11 March 2006, a young woman identified as Moikham was allegedly killed by the security forces during an alleged encounter with cadres of AOGs at Khoibu Khunou in Chandel district.²⁶ On 22 July 2006, a nine-year-old boy Haobijam Surjakanta was killed in a crossfire between the AOGs and the security forces at Wangjing area in Thoubal district.²⁷ On 4 December 2006, Neolun, wife of Hoikhosong Haokip of Sipijang village

was killed after being hit by a bullet when two Police Commandos allegedly fired towards her during an encounter with AOGs at Songlun village of Senapati district.²⁸

In June 2006, the Imphal Bench of the Guwahati High Court ordered a judicial enquiry in the killing of one Kh Tejkumar in suspicious circumstances after he was picked up by personnel of 19th Assam Rifles without arrest memo on 9 March 2004.²⁹

There were allegations of 'fake surrender'. On 25 April 2006, five petitions were filed before the Imphal Bench of Guwahati High Court by the parents of five youth who were allegedly lured into pretending to be members of AOGs and enacting a "surrender drama" in front of mediapersons by the Assam Rifles (AR) on 13 March 2006 with promise of recruitment into the AR. On 13 March 2006, nine persons had surrendered their arms and ammunition to General Officer Commanding 3rd Corps, Lt Gen Z U Shah at a "surrender ceremony" in the presence of the media.³⁰

b. Enforced disappearances

There were also reports of disappearances in Manipur. On 19 January 2006, four persons including Haobam Nabakumar of Sawombung Thongkhong, a contractor of the Manipur Police Housing Corporation, two sub-contractors of the Northern Agency identified as Takhelmayum Jiban-kumar and Takhelambam Naoba and another man identified as Oinam Sanayaima, who had gone to Dimapur to lift rice and sugar from the Food Corporation of India godown, reportedly disappeared after being picked up by suspected security personnel from Chu Mukedima.³¹

On 15 May 2006, Khwairakpam Biren alias Deven of Sekmai Makha Leikai

reportedly disappeared after he left home to get some official work done at Imphal.³²

c. Arbitrary arrest, illegal detention and torture

Arbitrary arrest, detention, torture and other abuses in the garb of fighting insurgency were regular across Manipur.

On 4 January 2006, Sorokhaibam Basanta was allegedly arrested from his home at Charangpat by personnel of 34th Assam Rifles and taken to their camp blindfolded where he was beaten up with iron rods and given electric shock at his back, buttock and private parts for half an hour during interrogation. He was released the next afternoon.³³

On 19 February 2006, three youths identified as Tomba, Shanti and Sunil were reportedly arrested by a joint team of Police Commandos and Assam Rifles personnel from Kakching Khunou under Kakching police station in Thoubal district without arrest memo on the suspicion of being related with the activities of banned Kanglei Yawol Kanna Lup.³⁴

On the night of 23 June 2006, Konthoujam Joysingh was allegedly picked by personnel of the 19th Assam Rifles from his residence at Itham village under Lamlai police station in Imphal East district under false charges of being a member of an AOG. Earlier, on 7 June 2006, Konsam Lokhon was picked up from his residence at Itham village by Assam Rifles personnel on similar charges. He was allegedly tortured in custody.³⁵

In October 2006, Laishram Sanahal of Loitang Leikinthabi was picked up by personnel of 4th Assam Rifles under false charges of being a cadre of People's Liberation Army. He was allegedly

tortured by various methods including through insertion of chilli powder into the anus.³⁶

3. Violations of international humanitarian laws by the AOGs

a. Violations of the right to life

The armed opposition groups (AOGs) were responsible for gross violations of international humanitarian laws including violation of the right to life, sexual abuse, torture, hostage taking and forced eviction of civilians.

Some of the cases of killing of civilians documented by Asian Centre for Human Rights during the year included M Indrasen Singh, BJP worker and president of Indo-Myanmar Friendship Tourist Centre, who was shot dead by the AOGs at Yairipok in Thoubal district on 2 January 2006 for allegedly refusing to pay extortion money;³⁷ Oinam Pahari who was killed allegedly by proscribed Peoples Revolutionary Party (Prepak) cadres at Kumbi in Bishenpur district on 14 January 2006;³⁸ Irom Ingotomba of Pungdongbam Makha Leikai under Lamlai police station who was killed by unidentified gunmen after being abducted from Sawombung Kabui Khunjao on the late night of 10 April 2006;³⁹ Kabenbou, son of late Winibou of Tamei, who was allegedly killed by NSCN (K) cadres during an operation against the rival faction in Tamenglong district on the night of 5 July 2006;⁴⁰ All Manipur Students' Union leader Sunil Agarwal who was killed by suspected Kuki armed cadres after being kidnapped from Moreh town in August 2006;⁴¹ and Khwairakpam Pradip, son of Commissioner of Minor Irrigation Kh Dinamani, who was killed by unidentified gunmen on 23 August 2006 after being kidnapped from Natum Ching in Imphal East district.⁴²

The armed opposition groups also targeted civilians through explosive devices.

On 16 August 2006, at least five persons including a ten-year-old-boy and a 70-year-old woman were killed and 50 others including foreign nationals were injured in a grenade explosion in the complex of International Society for Krishna Consciousness (ISKCON) temple in Imphal.⁴³ Earlier on 5 January 2006, one Sokhotinthang Guite was killed by suspected cadres of AOGs who allegedly fitted a bomb in his stomach while returning after attending his relative in a medical centre in Chandel district.⁴⁴

Civilians were also targeted on the charges of being so-called "police informers". On 28 January 2006, Salam Angouba alias Amirta, son of Samungou of Keibul Lamjao, was allegedly killed by the KYKL cadres on the suspicion of being an informer of the police.⁴⁵

b. Torture

AOGs were responsible for widespread torture of the Hmar tribal villagers in Manipur.

In January 2006, there were reports of torture, beating and rape of villagers of several indigenous Hmar villages in Tipaimukh Sub-Division of Churachandpur district by alleged cadres of the United National Liberation Front (UNLF), an armed opposition group. The UNLF accused the Hmar villagers of sheltering the members of the Hmar Peoples Convention (Democratic), an armed opposition group.⁴⁶ Lalrosiem, President of the HPC(D) alleged that hundreds of Hmar villagers were detained by the UNLF in their villages. He further alleged that the UNLF was using the Hmar villagers as hostages and as human shield against attacks from the HPC-D cadres and had been torturing the innocent

villagers. According to Lalrosiem, UNLF cadres severely beat up Rev. Lalthawmlien, the District Superintendent of the Evangelical Free Church of India, at Lungthulien village making him disable.⁴⁷

On 25 April 2006, UNLF cadres allegedly beat up a Hmar youth identified as Lalsiamrema of Damdiai village in Churachandpur district for violating their diktat of not to venture into the nearby jungles of Vanchhawng.⁴⁸

In October 2006, alleged cadres of Kanglei Yawol Kanna Lup (KYKL) threatened a senior Manipur school education department official, S Gita Devi with "capital punishment" unless she took voluntary retirement from service within 10 days. The KYKL accused her of misusing funds meant for the mid-day meal scheme in schools.⁴⁹

c. Kidnappings

The AOGs were also responsible for kidnapping. On 6 June 2006, Nidhu Bhushan Das, a primary school headmaster at Rangkhalbasti village, was reportedly kidnapped by cadres of suspected Barak Valley Youth Liberation Front from his school. He was released on 15 June 2006.⁵⁰

4. Violence against women

Both the security forces and the AOGs committed violence against women including killing, sexual abuses and torture. In February 2006, the Manipur Legislative Assembly unanimously passed the Manipur State Commission for Women Bill 2006.⁵¹

a. By the security forces

On 21 February 2006, Maibam Naobi Chanu, alleged girlfriend of a slain People's Liberation Army (PLA) cadre Kh Bikash, was reportedly picked up by Police Commandos in Thoubal district.

She was however released unconditionally by the Chief Judicial Magistrate of Thoubal district on 2 March 2006. The victim alleged that the police pushed an unidentified object inside her private parts inside the vehicle at the time of arrest. In the custody, she was subjected to torture and humiliation including beating, stripping and molestation at the hands of the police.⁵² On 4 March 2006, five Police Commandos identified as Assistant Sub-Inspector, L Chaoba, constables Md Nazir (C/No. 988009), Kh Joshep (C/No. 9801034), Y Punshi Singh (C/No. 9801151) and A Noren Singh (C/No. 9801074) were suspended and a magisterial inquiry was ordered into the incident.⁵³ On 9 November 2006, the Division Bench of Guwahati High Court ordered a fresh enquiry into the case of Maibam Naobi Chanu.⁵⁴

On 10 April 2006, six women were seriously injured when Assam Rifles personnel resorted to firing at women protesting against the State Government's decision to hand over the Waithou hillock in Thoubal district to the Assam Rifles for setting up a battalion headquarters.⁵⁵

b. By the armed opposition groups

The armed opposition groups perpetrated serious abuses against women.

In January 2006, it was alleged that armed cadres belonging to United National Liberation Front (UNLF) raped 21 minor Hmar tribal girls, aged between 13 and 17 years, at Lungthulien village in the Tipaimukh division of Churachandpur district.⁵⁶ On 17 March 2006, the Manipur State Government issued notification constituting a Commission of Inquiry to probe the gang rape of the Hmar girls⁵⁷ and appointed retired Justice SP Rajkhowa, a former Judge of West Bengal High Court as head

of the inquiry commission.⁵⁸ On 3 June 2006, a lone-member fact-finding panel from the National Commission for Women stated that the 21 Hmar girls had been raped. Mrs Bhattacharya said that though there was no direct medical evidence of rape, secondary evidence in the form of trauma, depression, psychological disorder and various other signs associated with rape and molestation, had been enough for her to come to the conclusion that the girls had been raped. In her report submitted to the Governor, the Chief Minister and the Chief Secretary of Manipur, Mrs Bhattacharya recommended immediate opening of the Parbung Primary Health Centre and posting doctors on an "emergency basis for the medical treatment of the tortured rape victims"⁵⁹ and to provide a rehabilitation package for the rape victims.⁶⁰

On 19 November 2006, two women were allegedly gang raped at gun-point by alleged cadres of PREPAK at Sekmaijin in Imphal West district.⁶¹

5. Violations of the prisoners' rights

There were three prisons in Manipur, including two Central jail and one district jail. However, the district jails which had a capacity for 50 prisoners was non-functional. The jails were flooded with under-trials. There were 529 prisoners lodged in the two Central jails against the sanctioned capacity for 1,090 prisoners. Out of these 529 prisoners, only 31 were convicted prisoners, 395 were under-trial prisoners and 103 were detained under the National Security Act in 2006, according to the State jail department.⁶²

There was no separate jail exclusively for women prisoners. There was a capacity of 110 female prisoners in

the two Central jails, 20 in Imphal jail and 90 in Sajiwa Central jail. There were only 26 female prisoners at the beginning of 2006. They were being kept in a separate block at Central jail at Sajiwa.⁶³

There was report of death of at least one prisoner. On 21 January 2006, Kshetrimayum Meghamani Singh of Pallel Mayai Leikai died at Sajiwa Central jail under mysterious circumstances.⁶⁴

6. Repression on the freedom of the press

Journalists working in Manipur came under severe attacks from both the State and non-state actors. On 9 February 2006, unidentified gunmen shot at and critically injured Ratan Luwangcha, Bureau Chief of *Poknapham*, a Manipuri vernacular daily, near his residence at Uripok in Imphal town.⁶⁵ On 12 February 2006, Kangleipak Communist Party (KCP) claimed responsibility for the attack. The KCP accused him of collecting money from traders in its name.⁶⁶

On the night of 16 April 2006, six senior journalists including the news editor of ISTV were arbitrarily detained by the Kangleipak Communist Party (KCP) for allegedly misquoting a statement of the AOG.⁶⁷ All the six journalists were released after publication of a full statement by KCP in the editorials on 17 April 2006. The KCP also reportedly banned *Imphal Free Press* for three months.⁶⁸

On the night of 20 December 2006, Paonam Labango Mangang, 47, publisher and editor of *Kangla Pao*, was shot at by unidentified men at Keisampat in Imphal town.⁶⁹

7. Status of the IDPs

In early 2006, hundreds of tribals were displaced in Churachandpur district

following clashes between a Hmar armed opposition group, Hmar Peoples Convention (Democratic) and the United National Liberation Front of Manipur.⁷⁰ About 1,000 Hmar villagers of Lunghtulien, Parbung, Tulbung and Mawlia areas of Churachandpur district fled to Mizoram. While many took shelter with relatives or stayed at rented accommodation in Aizawl,⁷¹ a total of 122 Hmar families, comprising 669 persons were housed at Sakawrdai relief camps, according to official records of the Government of Manipur. On the other hand, the IDPs claimed that their populations were 127 families comprising 710 persons.⁷²

On 24 February 2006, a high level team of Manipur Government comprising Members of State Legislative Assembly, Mr K Ranjit, Dr Chaltonlien Amo and Mr Vivek Raj Wangkhem and Commissioner of Relief met Mizoram Chief Minister Zoram Thanga, Mizoram Chief Secretary and Deputy Commissioner of Aizawl, Mizoram. The Mizoram Government had reportedly spent a sum of Rs. 8,00,000/- on the upkeep of the IDPs from Churachandpur in Manipur and the high level team assured reimbursement of the said amount.⁷³

On 18 June 2006, the Manipur Government reportedly announced a package to the Mizoram Government for repatriation of the Hmar families. As per the package, each displaced family who return to Manipur till 30 June 2006 were offered Rs 5,000 and free ration for a resettlement period of four months.⁷⁴ On 6 July 2006, L. Thuamluaia, Chairman of the Manipur Hmar Refugees Advisory Board alleged that the Manipur Government was threatening the refugees to return to Manipur and that such threats forced the first batch of 42 Hmar families to go back to their home in Manipur. He claimed that

the atmosphere in Manipur was not conducive to return home.⁷⁵ On 29 July 2006, another 560 IDPs sheltered at Sakawrdai camps returned to their ancestral homes in Manipur while about 300 Hmar villagers were putting up either at their relatives' houses or in rented rooms, mostly at Aizawl.⁷⁶

8. Judiciary and administration of justice

Judicial delay plagued the justice system in Manipur. There were 6 vacancies out of the sanctioned strength of 34 and a total of 9,254 cases were pending with the District and Subordinate Courts as on 30 June 2006.⁷⁷

However, despite delays, the Imphal Bench of Gauhati High Court ordered inquiry and payment of compensation in some cases of human rights violations by the security forces.

On 23 January 2006, the Imphal Bench of Gauhati High Court directed the District and Sessions Judge, Manipur East to make an inquiry into the case of indiscriminate firing by Central Reserve Police Force (CRPF) at Tera Bazar on 25 August 1993 in which one Manimohon sustained bullet injuries and to submit the inquiry report within four months. The victim was shot at by the personnel without warning that left him disabled for life.⁷⁸

On 11 September 2006, the Imphal Bench of Gauhati High Court ordered payment of Rs 3 lakh as compensation to each of the next of kin of six civilians who were shot dead in cold blood by CRPF jawans on 3 October 1999.⁷⁹

9. Status of Manipur State Human Rights Commission

The Manipur State Human Rights Commission (MHRC) registered more than 120 human rights violations cases by

the end of 2005. These included seven cases of illegal detention and killing by the Central security forces, 27 cases of negligence or excess on the part of the state police and 15 cases of rape including of minor girls.⁸⁰

However, the MHRC could not function effectively due to State Government's apathy. The State Government failed to provide adequate funds and infrastructure required for smooth functioning of the Commission. There was shortage of staff members. Members of the Commission alleged that the government "ill-treated, neglected and abandoned" the commission. In June 2006, RS Rajendro, a member of MHRC, threatened to resign if the government's indifference towards the MHRC continued.⁸¹

10. Misuse of the national security laws

On 12 May 2006, the Unlawful Activities (Prevention) Tribunal comprising Delhi High Court Judge Justice J P Singh upheld the notification of the Central Government of November 2005 declaring seven AOGs operating in Manipur as unlawful. These banned AOGs were People's Liberation Army, Revolutionary People's Front, United National Liberation Front, People's Revolutionary Party of Kangleipak (including its armed wing, the Red Army), Kangleipak Communist Party (including its armed wing also called Red Army), Kanglei Yawol Kanba Lup and Manipur People's Liberation Front.⁸²

According to the State Police, six cases were registered under the Arms Act, 65 cases under the Narcotic Drugs and Psychotropic Substances Act, 11 cases under the Explosive Substances Act, one case under the Payment of Gratuity Act, 9 cases under the

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Foreigners Act, 14 cases under the Essential Commodities Act and 417 cases were registered under the Unlawful Activities (Prevention) Act in 2005.⁸³

At the beginning of 2006, there were 103 prisoners detained in the two central Jails of the State under the National Security Act, according to the State jail department.⁸⁴ ■

Meghalaya

1. Overview

Ruled by Congress-led Meghalaya Democratic Alliance, Meghalaya faced serious human rights violations.

The State Government claimed that by July 2006, 289 members of the Hynniewtrep National Liberation Council (HNLC) cadres were arrested, 27 killed in encounters, while 119 surrendered before the police. The monetary incentive to those who surrender was increased from Rs 75,000 to Rs. 1.5 lakh.¹

The judicial inquiries into Tura and Williamnagar killings of at least nine Garo tribal students by Central Reserve Police Force (CRPF) personnel on 30 September 2005 were not completed. The security forces continued to violate human rights.

Judiciary was not separated from the executive except in the Shillong Municipality Area. As on 30 September 2006, there were 4 vacancies and a total of 11,013 cases pending with the District and Subordinate Courts.²

The rights of the prisoners were often violated. The State Government failed to provide basic facilities including healthcare to the prisoners.³

The situation of children was deplorable. The girl children were specifically vulnerable to abuses.

2. Human rights violations by the security forces

The State Government set up two judicial commissions on the twin firing incidents at Tura and Williamnagar in which at least nine Garo tribal students were killed by the CRPF on 30 September 2005. The Tura Commission was headed by retired Judge DN Chaudhuri while the Williamnagar

Commission was headed by Judge DN Baruah. The DN Baruah Commission submitted its report to the State Government on 3 November 2006. However, the DN Chaudhuri Commission failed to submit its report by the end of 2006.⁴

The law enforcement personnel continued to be responsible for gross human rights violations, including extrajudicial killing, rape and torture of civilians. On 6 January 2006, Darwin Rasmus, a helper of a truck driver, was allegedly beaten to death by the personnel of the 54th Border Security Force (BSF) near Latangphilla under Dawki police station in Jaintia Hills district. His body was found hanging by a rope on 9 January 2006.⁵

The security forces continued to use fire-arms indiscriminately against civilians. On 21 February 2006, Mr Shor Rymbai was shot at and seriously injured at Kyrluh Labour Camp under Khliehriat (Civil) Subdivision in Jaintia Hills district. A magisterial inquiry under Additional District Magistrate M N Nampui was ordered to probe the incident.⁶

On the night of 15 December 2006, a businessman identified as Md. Shah Alam and another person were injured when the BSF personnel opened fire to disperse the villagers when they resisted the attempt of the BSF personnel to seize the cattle from their possession at Sibubari Jeldupara in West Garo Hills district. The villagers were taking eight heads of cattle from Tikrikilla to Garobadha under Tura police station.⁷

3. Violations of international humanitarian laws by the AOGs

The armed opposition groups (AOGs) were responsible for torture and extortion.

Government officials were abducted for ransom.

On 26 April 2006, two custom officials identified as Dhoroni Bora, Superintendent of Customs, and Inspector Mrinal Sharma were reportedly abducted by suspected United Achik National Front cadres while they were on their way to Dalu from Gasuapara in South Garo Hills. A note demanding Rs 1.5 crore in ransom was received the following day.⁸

4. Violence against women and children

Though Meghalaya has matrilineal societies, violence against women including rape, attempt to rape, domestic violence, etc were on the rise in the State. However, most of the cases of violence went unreported.

According to State Government's statistics, 132 rape cases and 39 cases of attempted rape were registered with the police in the State capital Shillong from 2001 to 2005. Out of this, 96 cases were charge sheeted, while 48 cases were pending investigation. However, only one person was sentenced to two years rigorous imprisonment for rape in the last five years.⁹

The Meghalaya Police registered several rape cases during 2006. Majority of the victims were minors. The victims included Rilangki Suchiang (14) who was raped by one Julhi Sari at Phramer village in Jaintia Hills on 29 March 2006; H. Kharsyntiew (9) who was raped by John Frank Cooper Basaiawmoit in her house at Mawlai Nongkwar in Shillong on 1 May 2006; Wannisa Lyngkhoi (7) who was raped by Bawanaibor Dhar at Shyiap Chandmari in Shillong on 6 May 2006; Phidaris Nongrum (9) who was raped by Klober Nongrum in his house at Klew village in Ri-Bhoi district on 12 June 2006; Lut M. Sangma (13) who was raped by

Raju Sharma at Malangkona village in West Khasi Hills 4 September 2006; Mamta Kumari (8) who was raped by Rakesh Singh in the premises of the Additional Secretariat Building in Shillong on 17 September 2006; Chandmani Biswas (11) who was raped by Shekar Dey at Pynthorbah in Shillong on 8 October 2006; Ribashai Warbah (5) who was raped by Kampher Warjri at Nongkrem in East Khasi Hills district on 10 October 2006; Ribashisha Thabah (9) who was raped by Amstar John Syiemiong at Mawlai Mawroh in Shillong on 13 October 2006; Bianghun Kharphuli (12) who was raped by Sumar Lyngdoh Mawphlang at Rangshken village in East Khasi Hills district on 17 October 2006; Suchina M Sangma (14) who was raped by an unidentified person at the Civil Hospital parking lot in Tura on 14 November 2006 and Beter Makri (15) who was raped by Stay Mynsong at Mawlasnai village in Ri-Bhoi district on 14 November 2006.¹⁰

Many girl children were sold for prostitution. On 7 April 2006, Premso Sangma took his daughters identified as Dimji Sangma (16), Rita Sangma (12) Simbalina Sangma (9) to the house of one Md. Zakir at Mankachar in West Garo Hills district with an intention of selling them for prostitution. Dimji Sangma was raped by Md. Zakir at his residence on the night of the same day. In June 2006, two girls identified as Estherlin Marwein and Shasha Nongsiej were lured by a woman identified as Bik by promising jobs in Kolkata and sold to a brothel at Mira road in Mumbai.¹¹

Domestic violence was also common. On 5 November 2006, Laxmi Singh was brutally assaulted and her shoulder was burnt with hot iron by her husband Suraj Kumar Singh and her brother-in-law Raj Kumar Singh for dowry. The victim lodged a complaint at

Lumdiengjri police station. At least two women identified as Aibanglin Lyngkhoi of Mawkyrwat in West Khasi Hills and Defore Sari of Mukhla village in Jaintia Hills were burnt to death by their husbands on 5 May and 8 September 2006 respectively.¹²

5. Status of the IDPs

The Indo-Bangladesh border fencing was another addition to the cup of woes for the tribals in Meghalaya. According to the 2006-2007 Annual Report of the Ministry of Home Affairs, fencing of 367.92 km out of total 443 km border length of the State had been completed as on 31 December 2006. About 40 villages under Nongjri to Dawki and Dawki to Jaliakhola sectors in Jaintia Hills district would go outside the fence if the fencing work in these areas was completed.¹³

Block I and II areas in Karbi Anglong district of Asom remained a disputed area between Asom and Meghalaya. More than 200 Khasi families displaced from Lum Durbar in Asom on 6 June 2005 were not rehabilitated as on 20 July 2006. In July 2006, the National Human Rights Commission directed the Union Home Secretary to take immediate action

to solve the border dispute following a complaint lodged by Meghalaya People's Human Rights Council (MPHRC). In its petition the MPHRC alleged that in the name of maintaining status quo, both the State Governments had failed to provide sufficient security, assistance, compensation and rehabilitate the displaced people whose houses were dismantled by officials of Asom Forest Department and Karbi Anglong Autonomous Council.¹⁴

6. Cultural cruelties - Witch hunting

Witch-hunting was practiced especially in villages of Khasi and Jaintia Hills.

On 15 March 2006, villagers of Laitkyrhong near Smit in Shillong reportedly detained and assaulted five persons including three government employees, a contractor and a class XII student accusing them of being witches or 'Menshohnoh' when the victims had gone near the village for a picnic. In yet another incident on 16 March 2006, Jngiar Chadap Passah and 25 members of his family, residents of Nongjngi in Jaintia Hills district, were excommunicated from the village by the Village Council on the charges of being 'Menshohnohs'.¹⁵ ■

Mizoram

1. Overview

The Mizo National Front led State Government of Mizoram failed to resolve the Bru crisis despite signing the Peace Accord with the Bru National Liberation Front (BNLF) in Aizawl on 26 April 2005. Not a single Bru internally displaced persons (IDPs) sheltered in Tripura since their expulsion from Mizoram in 1997 was able to return.

The security forces were responsible for human rights abuses, including violation of the right to life and torture. On 15 April 2006, a Chakma tribal identified as Gubalya Chakma was killed and six other Chakma villagers identified as Juddo Moni Chakma, Satyo Priyo Chakma, Lakkhi Kumar Chakma, Vijoy Kanti Chakma, Gyana Baran Chakma, Shanti Baran Chakma (12 years) and Eganya Chakma were injured in indiscriminate firing and beating by the Border Security Force (BSF) personnel at Bulongsury village under Tlabung Sub-Division in Lunglei district. The deceased was hit by bullets on the head from backside and at the chest from side while trying to flee from the spot which contradicted the BSF's claim that he was killed in self-defence. The BSF personnel also claimed that they were conducting search operation against infiltrators and there was an armed encounter. But on-the-spot investigations by Chakma civil society groups found that there was no infiltration or encounter as claimed by the BSF. Neither were the BSF personnel on patrol duty. According to the Mizoram Chakma NGO's Coordination Committee, the incident took place at around 9 pm on 15 April 2006. A Chakma Buddhist monk, Venerable Gyano Tisso Bhikkhu, was going to deliver religious

sermon at Bulongsury village accompanied by a devotee. Two BSF personnel - U.S. Mehta, Assistant Commandant and his driver from Khojoisury camp were traveling in a Gypsy (MZ -02-3331) when they intercepted Venerable Gyano Tisso Bhikkhu. Both the BSF personnel were heavily drunk and they manhandled the monk and asked unnecessary questions like whether he was a Bangladeshi citizen, whether he ate beef, and tried to tear his holy robes. As the Buddhist monk and his devotee shouted for help, many Chakma villagers came for rescue and gheraoed the BSF jeep. They then called Village Council President (VCP) of Bulongsury village to settle the dispute. Before the arrival of the VCP, a group of BSF personnel from Khojoisury camp reached the spot and begun indiscriminate lathi charge upon the villagers without asking any question and opened fire indiscriminately on the unarmed villagers. The injured victims were admitted at Lunglei Civil Hospital.

On 28 March 2006, Congress legislator from Saitual constituency, R Lalziriana stated in the State Assembly that the police beat up several students who were organizing a road blockade on the Aizawl-Thenzawl-Buangpui road to show their disappointment over delay of the road construction which was a World Bank project on the morning of 28 March 2006. Mr Lalziriana informed the State Assembly that the police did not spare even the girls. The police took 51 students including four girls into preventive detention. All of them were released on the same day following an agreement between student leaders and the district administration.¹

The State Government failed to curb vigilante violence. The members of the Young Mizo Association (YMA) took law into their hands and created terror under the garb of controlling drugs and alcohol.

Though women generally enjoyed freedom in the society, they were subjected to sexual abuse and domestic violence. The Mizo women were discriminated under the archaic Mizo customary laws drafted in 1927.

The AOGs operating in Mizoram such as Bru Liberation Front of Mizoram (BLFM) and Hmar People's Convention (Democratic) (HPC-D) were allegedly responsible for abductions and extortion.

The State Government failed to separate judiciary from the executive. On 10 November 2006, Mizoram Government reportedly decided to withdraw its plan to separate the judiciary.²

2. The Bru Crisis

a. Failure to repatriate the Bru IDPs

The State Government of Mizoram failed to implement the Peace Accord of 26 April 2005 signed with BNLF.³ On 18 October 2006, Home Minister Tawnluia informed the State Assembly that a total of 195 former BNLF cadres and their family members were resettled in five villages of Tuipuibari, Damparengpui, Pathiangtlang, Tumpanguli and Nghalimlui in Mamit district.⁴ However, the State Government showed no political will to repatriate the Bru IDPs from Tripura as per the Peace Accord.

In January 2006, the State Government announced its decision to repatriate the Bru IDPs from the six relief camps in Tripura and identified five villages for resettlement of about 1,700 Bru IDP families in the first phase of repatriation. As per the Government's plans, Tuipuibari, Dampa, Rengpui and Tuirum

villages would accommodate about 500 families each while the rest IDPs would be settled in Thaidawr and Tumpuang Lui villages. The State Government also instructed the authorities of three more villages - Bunghmun, Rengdil and Zamuang to prepare the groundwork to accommodate another 1,300 families in the next phase.⁵ This policy of the State Government came under severe criticism from several influential organizations of the State including Young Mizo Association, Mizo Zirlai Pawl, Mizo Upa Pawl and Mizo Hmeichhe Insuihkhawm Pawl on the ground that this would cause demographic imbalances.⁶

On 31 January 2006, Chief Minister Zoramthanga stated that no Bru IDP would be repatriated from Tripura camps unless the BLFM, a breakway faction of BNLF, formally laid down arms,⁷ and he reiterated this on a number of times. On 27 March 2006, the Chief Minister said it was difficult to differentiate between the members of BLFM and civilian Bru IDPs living in Tripura camps. This further complicated the issue of resettlement of the Brus.⁸

On 23 October 2006, 809 alleged BLFM cadres reportedly surrendered at Naisingpara in Tripura.⁹ But the surrender had been riddled with controversies. While Tripura Police claimed the "surrender" was staged-managed by the Mizoram Government and that many of the surrendered cadres were actually inmates of the relief camps,¹⁰ the Mizo Zirlai Pawl (MZP), the apex body of the Mizo students, demanded verification of the particulars of the surrendered Brus.¹¹

b. Atrocities against the Brus

Brus continued to face serious human rights violations. On 16 March 2006, two Bru villagers identified as Jabandaa Reang and Luirangjoy Reang were reportedly

kidnapped by Mizoram Armed Police (MAP) personnel from Fuldangsai area under Vangmun police station in North Tripura district, bordering Mizoram. Officer-in-Charge of Vangmun police station, Ajoy Debbarma confirmed that Mizoram Police had taken away two villagers from the area without prior information of the Tripura Police.¹² On the other hand, Mizoram Police identified the two youth as Muanpuia and his elder brother Jeevendro and claimed that they were arrested from inside the territory of Mizoram on the charges of issuing an extortion letter to Dolendra, the Village Council President of Thaidawr village in Mizoram on 6 March 2006. On 21 March 2006, the State Government ordered an inquiry into the matter by the Criminal Investigations Department (CID) branch of the Mizoram Police.¹³

On 18 March 2006, MAP personnel allegedly killed a Bru youth identified as Jaingba Reang in an alleged encounter at Dhalaicherra under Kanuman police station in North Tripura district on the Mizoram-Tripura border. The MAP claimed that the deceased was a member of BNLF. But the Brus alleged that MAP personnel opened fire at a group of innocent Bru youths who had gone to catch fish in the area. While Jaingba Reang was killed in the firing, four others managed to flee.¹⁴ The Mizoram Bru Displaced People's Forum demanded a probe into the killing.¹⁵

c. Condition of the Bru IDPs in the relief camps

The condition of the Bru IDPs was deplorable. Children were deprived of education. There were several unwed minor mothers in the relief camps. Since most of the tube wells, water tanks and ring wells in the relief camps went out of order and were not renovated, the women were

forced to walk many kilometres to collect water from streams and hilly water falls.¹⁶

On 18 March 2006, personnel of Indian Reserve Battalion (Mizo battalion) reportedly opened fire at Bru women from Hamcapara relief camp when they went to collect water from Lungai river on the Tripura-Mizoram border. However, no one was injured in the firing.¹⁷

3. Vigilante justice

In a letter dated 25 September 2006 to the Central Young Mizo Association (CYMA) President, JH Zoremthanga, the United States-based Chin Human Rights Organisation (CHRO) accused the CYMA of issuing directives to all local branches to take measures to evict "foreigners and illegal migrants" from Mizoram, and accused the Lunglei YMA of carrying out eviction drive in Lunglei areas between 17 and 23 September 2006.¹⁷ But Lunglei YMA President S Laldingliana claimed that the YMA had carried out such operation only on 17 September 2006 in collaboration with the Mizoram Police under the instruction of the State Government. Central YMA President, JH Zoremthanga also stated that it was the State Government which had taken measures to drive out illegal migrants from the State. Mr JH Zoremthanga termed the Chin refugees as "economic migrants" rather than "political refugees." According to Mr JH Zoremthanga, there were around 80,000 Myamarese Chins in Mizoram but only around 40 of them were registered as refugees.¹⁹

4. Violations of international humanitarian laws by the AOGs

On 20 April 2006, Isaac L Hmar alias Isaac L Intoate, Information Secretary of the Hmar Inpui and research scholar of the Manipur University, was found dead on the outskirts of Aizawl after he went missing from Ramhlun Venglai locality in

Aizawl on 18 April 2006.²⁰ Armed opposition group Hmar National Army accused its rival HPC-D of murdering Isaac Hmar.²¹ However, the Mizoram Police could not solve the murder case by the end of 2006.

On 17 January 2006, BLFM allegedly demanded Rs 50,000 as “tax” from Bungthuum High School headmaster Lalfelkima at Bungthuum in western Mizoram on the border with Tripura. Extortion notices were also allegedly received by teachers posted in adjoining villages such as Thinghlun, Luimawi and Hriphaw.²²

On 16 September 2006, Mizoram Police revealed that extortion cases increased by 44.44 per cent during 2006 in comparison to 2005.²³ In November 2006, the court of the Additional District Magistrate (judicial) in Aizawl held that the Mizo National Front government paid Rs 60 lakhs as ransom money to Hmar armed opposition group during its previous term to secure release of kidnapped persons.²⁴

5. Violations of the rights of women and children

Although women are generally respected in the Mizo society, the overall condition of the women remained deplorable.²⁵ Mizoram witnessed a sharp increase in cases of rape during 2006. According to official figures, 60 rape cases were reported during 2006 as of 26 November 2006 as against 34 cases during January- December 2005.²⁶ However, majority of rape cases went unreported.²⁷

On 13 June 2006, *Aizawl Post* reported that a study on “Violence Against Women and Related Issues in Mizoram” conducted by Aizawl-based Human Rights & Law Network revealed that the girls in the State suffered most sexual abuse at the hands of the teachers.²⁸ This

revelation came under scathing attacks from the Mizoram Teachers’ Association which decided to move court against the report.²⁹ The State Child Welfare Committee also confirmed that rape of minors by minors was on the rise in the State.³⁰

On 29 January 2006, a seven-year-old girl was allegedly raped by one Lallawmawma at Champhai Electric locality’s cemetery. The police arrested the accused who reportedly confessed the crime on 3 February 2006.³¹

On 21 February 2006, a man identified as Lalthlanmawia allegedly raped his 14-year-old step-daughter at Rahsi locality in Lunglei. The accused was arrested.³²

On 15 July 2006, a handicapped woman was allegedly raped by J.C. Pachhunga, an employee at the office of Deputy Commissioner of Lunglei. The rapist was reportedly the father-in-law of the brother of Sports Minister Z.H. Ropuia. Although the father of the victim stated that she had been raped in his presence, he refused to testify against the rapist before the police resulting in the release of the accused on bail on 17 July 2006.³³

On 5 September 2006, a 10-year-old mentally disturbed girl was allegedly raped by one Malsawmkima at Lengpui. The accused was arrested.³⁴ On 9 September 2006, the police arrested Joseph Lalrinliana for raping a minor girl at Lengpui.³⁵

Minors were illegally kept in police lock-up. On 16 October 2006, a 17-year-old boy was arrested by the police on a complaint by the owner of a parking at Khatla in Aizawl. The police reportedly obtained a remand order from a magistrate and kept the boy for three nights at the police lock-up where he was allegedly tortured to extract a confession. On the fourth day, the boy was produced

before magistrate Sylvie Zo Ralte who ordered release of the boy.³⁶

Children were also abused by the security forces. On 4 June 2006, two girls were allegedly molested by an army jawan near Army Medical Corps camp at Thuampui locality in Aizawl. Major General EJ Kocheikkan, General Officer Commanding 57th Mountain Division assured setting up of a court of inquiry and appropriate action against the accused.³⁷

The Juvenile Justice (Care & Protection) Amendment Act 2006 prohibits identification of juvenile, except when deemed by the authorities to be necessary, by the mention of his address, school attended etc in news media. However, the local media, both print and electronic media, showed insensitivity while reporting about juvenile delinquents by disclosing details about them. On 8 September 2006, a joint meeting of the State Juvenile Justice Board and the State Child Welfare Committee decided to increase the fine of identifying juvenile delinquents by the media to Rs 25,000 from Rs 1,000.³⁸

Although no specific figures were available, child labour and child abuse were rampant. Incidence of sexual and physical torture on minors had been rising alarmingly in the State for the past a few years. But most of the cases of child abuse were not reported to the police or the State Child Welfare Committee due to fear of social ostracism. Hundreds of minors work in tea stalls, sell tobacco products, work in vehicle repairing workshops and stone quarries in different parts of the State. Many minors identified themselves as adults to escape prosecution under the Child Labour (Prohibition and Regulation) Act 2006.³⁹

Corporal punishment in schools was rampant. On 27 April 2006, a 12-year-old

VI student was beaten up by the teacher in the Centenary School at Dawrpui in Aizawl. The victim's uncle, Joseph Lalzarliana filed a complaint with the Child Welfare Committee (CWC) on 28 April 2006 following which the CWC conducted a probe into the incident which revealed that the school was practising corporal punishment. The CWC issued a notice to the school authorities.⁴⁰

Particular religious beliefs also prevented children from attending schools. On 6 February 2006, Child Welfare Committee warned legal action against Lalruali, a cult leader, if she did not send the children of the members of the cult to school within one month. At least 14 children whose parents belong to Lalruali's cult at Melriat village, about 8 km from Aizawl had been prohibited from attending school and were engaged as workers. The members of the cult were also prohibited from joining any government programme or with any NGO or enlisting their names in the voters' list. It was also reported that another religious group who called themselves "Zero" at New Ralvawng village in Lunglei district prohibited their children from attending schools and abstained from enrolling for any government programme on religious grounds.⁴¹

6. Restriction on the freedom of the press

On 12 February 2006, several journalists were attacked by a mob when they were covering a mob violence in which one person was reportedly killed and several houses were set on fire at Phunchawng locality on the outskirts of Aizawl. The mob snatched away still and video cameras from the journalists and destroyed them.⁴² According to reporter-cameraman Thartea of Skylinks cable TV, the police personnel on duty did nothing

to stop attack on the media persons by the mob.⁴³ Mizoram Journalists Association strongly criticized the attack on the journalists who were doing their duty. Several dailies left their editorials blank in protest against attack on the media by the mob.⁴⁴

7. Status of the minorities

The State Government sought to paint existence of a harmonious heterogeneous society in Mizoram. During a two-day visit from 22-23 January 2006, a two-member team of National Commission for Religious and Linguistic Minorities reportedly found the condition of the minorities “exemplary” in the State. The findings of the Commission were however merely derived from the briefings given by Mizoram Chief Secretary, Haukhum Hauzel and other government officials at Aizawl,⁴⁵ and hence these findings were far from the reality. The members of the Commission acted like “armchair intellectuals”.

Opposing the findings of the National Commission for Religious and Linguistic Minorities, Mizoram’s leading English daily *The Newslink* in its editorial “Not exemplary” of 25 January 2006 wrote – “The reality of the situation is that the majority mostly forces itself on the minorities. Other religions besides Christianity are barely tolerated while other communities are looked upon with a jaundice eye.”⁴⁶

The Hindus and the Muslims were prime targets of the non-state actors during communal conflicts. The Buddhist Chakmas faced regular discrimination and hardships “because of their religion in Christian dominated Mizo society”.⁴⁷ The apathy of the State Government and the hate campaign by the non-state actors against the Brus were well-known.

There was no freedom of expression against injustice by the majority towards the minority people. Writing about the rights of the minority communities could bring threats to life. The Mizo Zirlai Pawl (MZP), the apex body of the Mizo students, asked Kamalanagar College principal, Prof K.P. Nath to leave Mizoram before 7 September 2006 forcing him to flee on 6 September 2006⁴⁸ after the annual magazine of Kamalanagar College at Kamalanagar (Chawngte), headquarters of the Chakma Autonomous District Council published two articles which allegedly hurt the feelings of the Mizos. The two articles were related to the sufferings of the Buddhist Chakmas in the State and questioning the very existence of God.⁴⁹ While condemning the action of the MZP, the Mizoram College Principals Council stated it did a careful study of magazine but found nothing unconstitutional in the articles.⁵⁰

Several community-based NGOs in Champhai town including the Champhai branch of YMA asked the cable TV operators to stop telecast of the Hindi language serial “Kasauti Zindagi Ki”. A movement against this particular Hindi serial was started in Aizawl by the Mizo NGOs in 2005. The MZP even prevented an event management organisation from inviting one actor of “Kasauti Zindagi Ki” serial in Peace Fest 2006 to mark 20 years of peace in the State in April 2006.⁵¹

8. Status of the IDPs

The government of India had been erecting fencing along its 4096.7 km-long border with Bangladesh running through five Indian States of West Bengal, Assam, Meghalaya, Tripura and Mizoram in order to stop infiltration, smuggling and other alleged anti-India activities from across the border. As of 31 December 2006, 79.82 km out of 318 km-long stretch in Mizoram sector had been fenced, according to

Ministry of Home Affairs. The fencing was sounding a death-knell for the Chakma tribals living in the border villages in Mizoram. About 5,790 families comprising of 35,438 persons from 49 border villages, who are already living in acute poverty, illiteracy, joblessness and deprivation, would be displaced.

A death-knell

Once constructed, the fencing will open a Pandora's box for the Chakma tribals. First, this would create massive displacement thereby creating a refugee-like situation. There would be acute crisis for shelter, food, drinking water and other basic amenities. Second, the displaced populace would lose access to four rivers, Thega, Karnaphuli, Harina and Sajek, which form the natural boundary between the two countries, as these would fall outside the border fencing. For the tribal Chakmas, these rivers are inevitable for survival. The villagers draw water for drinking, washing and other purposes from these rivers, and use them for transportation, communication and to conduct business, as there are no roads in these parts of remote border areas. The river banks are fertile and are used for cultivation of vegetables and other cash crops that provide means of sustenance for the economically frail tribal villagers. River banks are also used to cremate the deads. Third, along with their homestead lands and other personal properties, the displaced persons will lose community assets such as places of worship, school buildings, health sub-centres, community halls, market places, play grounds and other government office buildings. In short, the India-Bangladesh border fencing will totally break the economic base of the affected Chakmas, and this could lead to many other problems.

Yet, the Chakmas had initially agreed to allow the fencing because it was understood to be erected to protect the nation. But the case soon turned out to be different. The villagers began to protest when their lands were arbitrarily taken away.

Blatant violations of MHA guidelines

In a memorandum submitted to the Union Home Minister, Mr Shivraj Patil on 4 April 2006, the Indo-Bangladesh Border Fencing Affected Families Resettlement Demand Committee (IBBFARDCOM) of Mizoram pointed out how the four construction companies – National Building Construction Corporation Ltd (NBCC), National Projects Construction Corporation Ltd (NPCC), Engineering Projects (India) Limited and Border Roads Organization (BRO) have been blatantly violating the guidelines of the Ministry of Home Affairs (MHA). The MHA in its letters of release of funds clearly stated that each of the four contractors “shall be responsible for liaisoning with the State Government/local authorities for acquisition of land and getting forest/environment clearance for carrying out the fencing & related works” (clause 3. vi) and “shall finalize the alignment of the fencing in joint consultation with BSF (Border Security Force) & DM (District Magistrate) of the area where the fencing is proposed” (clause 3. vii). But the four companies started the project works in their respective portions without acquisition of land as per law and finalization of alignment in joint consultation with the BSF and the DM or local authorities. IBBFARDCOM urged the MHA to immediately stop the fencing project in Mizoram sector until “acquisition of lands is finalized as per land acquisition

laws” and the affected families are “fully and properly rehabilitated”. The Chakmas also demanded a complete “Resettlement Plan” and full implementation of the objectives of the Border Area Development Programme (BADP) of the Government of India in the India-Bangladesh border areas.

Government’s apathy

But their pleas fell on the deaf ears of the authorities.

On 21 April 2006, the State Government constituted a “State Level Co-ordination Committee on Border Fencing” to ensure that the victims received proper compensation and rehabilitation. But the Co-ordination Committee did not include any Chakma representative. This reflects the extent of apathy on the part of the authorities towards the plight of the border-fencing victims. The Central Government had been dragging its feet on their welfare, including providing rehabilitation.

9. Judiciary and administration of justice

In Mizoram, judiciary was not separated from the executive. On 20 June 2005, Governor of Mizoram, Mr AR Koli announced separation of the judiciary from the executive in the State and the State government also notified the draft Mizoram Judicial Service Rules on 1 August 2005.⁵² Yet, independent judiciary is yet to see the light of the day in Mizoram. There is absolutely no political will to make the judiciary independent of the executive.

One of the other main reasons for the failure was disagreement between the Mizoram Government and the Gauhati High Court over the draft Mizoram

Judicial Services Rules. While the Gauhati High Court refused to accept the draft Rules prepared by the Mizoram Government and published in Mizoram Gazette extraordinary issue No. 167 of 1 August 2005, the Mizoram Government rejected the High Court’s draft Rules of 2002 on the ground that there were several drawbacks in it. The High Court asked the Mizoram Government to draft new Rules in consultation with the Mizoram Public Service Commission, and the new draft Rules was submitted to the Gauhati High Court on 11 August 2006 but the High Court again rejected the new draft Rules citing non-conformity with Constitutional requirements and asked the State government to notify the 2002 draft Rules prepared by the High Court.⁵³

On 10 November 2006, Mizoram Government reportedly decided to withdraw its plan to separate the judiciary.⁵⁴ The decision was severely criticized from across the spectrum of society. On 22 November 2006, counsel for the State Government of Mizoram, K.N. Madhusoodhanan sent a letter to Mizoram Government saying that the Supreme Court had directed the Mizoram Government to complete the process of separation of judiciary and submit compliance affidavits by 15 December 2006.⁵⁵

On 12 December 2006, the Government of Mizoram published the Mizoram Judicial Service Rules, 2006 in the Gazette of Mizoram after the Guahati High Court had approved it.⁵⁶ But the State Government failed to separate judiciary from the executive by the end of 2006.

There were 4,893 cases pending before the District and Subordinate Courts in the State as of 30 September 2006.⁵⁷ ■

Nagaland

Ruled by Democratic Alliance of Nagaland, the ceasefire between the Centre and two rival factions of National Socialist Council of Nagalim – the Isak- Muivah and Khaplang factions – continued during 2006. While the ceasefire with the NSCN (I-M) was extended up to 31 July 2007, the ceasefire agreement with the Khaplang faction was extended up to 27 April 2007. The Government of India had been holding formal talks with the NSCN (I-M), the latest being held at Amsterdam on 4-6 December 2006, but the talks remained inconclusive.¹

The internecine fighting between the two rival NSCN factions continued. According to State Home Department, there were around 90 factional clashes during 2006.² In February 2006, a member of the Isak-Muivah group was reportedly killed and an activist of the rival Khaplang group was injured in clashes between the two factions.³ Similarly, on 16 December 2006, suspected cadres of the NSCN (I-M) shot dead Palang Khamniungan, the “Education Minister” of the Naga National Council (Adinno faction) at Phoolbari near Kohima. The Naga National Council (Adinno) had been critical of the ongoing peace process between the Government of India and the NSCN (I-M).⁴

Both the security forces and the armed opposition groups (AOGs) were

responsible for violations of the right to life of the civilians. On the night of 29 June 2006, one Khan Silgh alias Suresh, hailing from Geleki under Golaghat district of Asom, was reportedly killed by six Asom Police personnel who intruded into Gatiyongpang Tea Estate in Tuli town under Mokokchung district. The deceased had gone there to meet one of his relatives working in the Tea Estate⁵

In the first week of March 2006, suspected cadres of the NSCN (I-M) abducted four persons identified as Nukhoselii, Kobou, Atha and Villalhoulie and later killed two of them identified as Kobou Kotsu and Atha Puro on the charges of killing a watchman at Piphima village near Kohima.⁶

On 17 August 2006, the NSCN (K) served “quit notice” to Tangkhuls of Nagaland on the charges that “They are responsible for masterminding terrorism against the NSCN and innocent Nagas”.⁷ Many Tangkhuls serving as government employees in many areas of Nagaland reportedly left and took shelter in Dimapur under police protection following the “quit notice”.⁸

There was no separation of judiciary from executive. There were a total of 3,936 cases pending with the District and Subordinate Courts as on 30 September 2006.⁹ ■

Orissa

1. Overview

Ruled by Biju Janata Dal, Orissa remained a highly lawless State with high incidence of atrocities against the Adivasis, the indigenous peoples. Orissa was increasingly affected by the Naxalite conflict.

Infant mortality rate in Orissa was the highest in India. According to the data of 2003 available with the Union Home Ministry, Orissa topped the list of States with more than 80 per cent infant mortality rate. While Orissa registered 83 per cent infant mortality rate in 2003, Madhya Pradesh registered 82 per cent. Uttar Pradesh and Rajasthan registered 76 and 75 per cent infant mortality.¹

According to the estimates of Asian Centre for Human Rights, a total of 25 persons including four civilians, 17 alleged Naxalites and four security personnel were killed in the Naxalite conflict in the State in 2006.² The State Home Ministry stated that Maoists were active in 14 of the 30 districts. The Naxal-affected districts included Malkangiri, Rayagada, Koraput, Nabarangpur, Gajapati, Ganjam, Kandhamal, Sambalpur, Deogarh, Sundargarh, Keonjhar, Mayurbhanj, Jajpur and Dhenkanal.³

On 24 March 2006, the Maoists attacked the local police station, sub-jail, treasury, tehsil office and a telecom tower, freed 40 prisoners and killed three policemen in R Udayagiri town of Gajapati district.⁴

On 9 June 2006, Orissa Government banned the Communist Party of India (Maoist) and seven of its frontal affiliated organisations namely Daman Pratirodh Manch, Revolutionary Democratic Front, Chasi Mulia Samiti, Kui Labang Sangh,

Jananatyia Mandali, Krantikari Kisan Samiti and Bal Sangram. The State Government approved a policy for the rehabilitation of the surrendered Naxals. The rehabilitation package consisted of payment up to Rs 10,000 on acceptance of surrender, payment up to Rs 20,000 for surrendering arms and ammunition, allotment of homestead land, house building grant up to Rs 25,000, Rs 15,000 for marriage, assistance to take loan up to Rs 2 lakh from banks on which there will be no interest for two years, subsidy up to Rs 50,000 after repayment of 75 per cent of the loan, free medical treatment in government hospitals within the State and cost of fees and textbooks for their children's study up to high school.⁵

Infant mortality rate was highest in Orissa. According to the data of 2003 available with the Union Home Ministry, Orissa topped the list of states with more than 80 per cent infant mortality rate. While Orissa registered 83 per cent infant mortality rate in 2003, Madhya Pradesh registered 82 per cent infant mortality rate. Uttar Pradesh and Rajasthan registered 76 and 75 per cent infant mortality rate respectively in 2003.⁶

By the end of December 2006, there were six vacancies in the Orissa High Court while there were 69 vacancies at the District and Subordinates Courts as on 30 September 2006. A total of 2,15,351 cases were pending with the Orissa High Court and a total of 9,86,538 cases were pending with the District and Subordinate Courts as on 30 September 2006.⁷

Fakir Mallik, an undertrial prisoner lodged in Choudwar circle jail near Cuttack, spent more than seven years in jail on charges of dacoity and house

trespass as in November 2006. Yet he continued to languish in the jail as his trial was not completed. Apart from Mallik, there were several other undertrial prisoners who had spent more than five years in jail. As per statistics of State Home Department, there were at least 1,666 undertrial prisoners who had been in different jails for more than one year.⁸

2. Human rights violations by the security forces

a. Violations of the right to life

The security forces were responsible for extrajudicial executions, arbitrary arrest, detention and torture. According to State Government estimates, as many as 137 persons lost their lives in various incidents of firing by the security forces during 1980-2005.⁹

Kalinga Nagar massacre:

Arbitrary violation of the right to life was an integral part of maintenance of law and order especially in respect of any unrest involving indigenous/tribal peoples. The killing of 14 tribals in indiscriminate police firing at Kalinga Nagar, Orissa on 2 January 2006 was one of the worst cases of violations of the right to life perpetrated by the security forces during the year 2006.

According to a fact-finding team of Peoples Union for Civil Liberties, when the Tata Iron and Steel Co Ltd with the help of the district administration undertook the leveling of the land, where their industrial plant was to come up at Kalinganagar, Orissa, on 2 January 2006, about 300-400 Adivasi protestors, including women and children, wanted to enter the rope cordon. The police tried to stop them and used "stun shells" along with tear gas shells and rubber bullets. Later, in the melee, one policeman,

Gopabandhu Mohanty, slipped and fell into the hands of the protesting tribals and was killed by the angry crowd.

In order to avenge the killing of Mr Mohanty, other policemen ran amok and fired indiscriminately in the presence of District Collector, Mr Saswat Mishra and Superintendent of Police, Mr Binoytosh Mishra. Among the victims, two were shot in the back apparently while trying to flee, and two others were shot in the forehead from point-blank range.

Out of the 14 persons killed in total, the dead bodies of six persons were sent for autopsy. In a further act of barbarism, the five dead bodies handed over to the Adivasis after post mortem had their palms chopped off from their wrists without the consent of the relatives of the deceased on the pretext of taking fingerprints. In addition, the genital organs of all six, including a woman, were mutilated during post mortem.

On 3 January 2006, the Orissa State Government announced a judicial inquiry under the Commission of Inquiry Act of 1952 and the notification was issued on 23 February 2006 to appoint Justice A.S. Naidu as the head of the inquiry commission. But Justice A.S. Naidu Commission had to adjourn its hearing as soon as it started the inquiry following the death of two more tribals- Shyam Gagrai and Sanjoy Soy - injured in the police firing as the Orissa government failed to issue a notification to bring these two tribals' death under purview of the inquiry commission.¹⁰

On 13 June 2006, Justice A S Naidu Commission visited the district hospital at Jajpur where the post mortems of the tribals were conducted and summoned the three suspended doctors and the Chief District Medical Officer.¹¹ On 14 June 2006, the Judicial Commission met the tribal representatives at Kalinga Nagar.

On 15 October 2006, while deposing before the Commission, Superintendent of Police of Jajpur, Mr Binoytosh Mishra defended the police action. He claimed that the agitators had 'fiercely' attacked the policemen with axes, bows and arrows.¹² However, a fact finding team of Peoples' Union for Civil Liberties (PUCL) in its report stated that all the four injured policemen - Shri R.R. Naupani, Shri B.S. Gerung, Shri Asbahadur Gum and Shri H.B. Newar- undergoing treatment at Medical College Hospital, Cuttack "suffered injuries caused by lathis. There was no sign of injuries caused by arrow".¹³

The State Government ordered suspension of three senior doctors, Head of the Department of Anesthesia, Dr Bobekanda Swain; Head of the Department of Surgery, Dr Shantanu Kumar Sahu; and Head of the Department of Orthopedics, Dr. Anup Kumar Nathsharma, who had performed the post mortem of the dead bodies. But no action was taken against any police official. On 6 January 2006, the State government merely transferred Jajpur District Collector, Saswat Mishra and Superintendent of Police, Binoytosh Mishra.¹⁴

Justice AS Naidu Commission did not complete its inquiry by the end of 2006.

Other instances of killings

There were also other instances of killings. On 2 January 2006, an unarmed fisherman from West Bengal, Ganesh Das was reportedly killed in unprovoked firing by a joint patrol team of the Orissa forest department and police along the Gahirmatha Coast in Kendrapara district.¹⁵

On the night of 7 July 2006, Central Reserve Police Force (CRPF) personnel shot dead Siri Majhi, a landless tribal daily wage earner, in Rayagada when he went to defalcate. Next morning police informed Mali Palekka, the wife of the deceased that

her husband was injured in an encounter with the the security forces and was arrested on the charges of being a Naxalite. According to the police, the deceased succumbed to his bullet injuries during the night. However, in a complaint before the Orissa Human Rights Commission, the deceased's wife claimed that her husband was suffering from dysentery and had gone to defalcate when he was shot dead. She asserted that her husband was not involved with any political party or AOG.¹⁶

3. Violations of international humanitarian laws by the AOGs

The Naxalites were responsible for gross violations of international humanitarian laws including killing, abduction, etc.

Asian Centre for Human Rights recorded killing of four civilians and four security forces in 2006. The victims included Kartik Roy, village head of MV-66 village under Kalimela police station in Malkangiri district on 12 October 2006,¹⁷ Bandhu Behera who was killed at Korkunda village in Malkangiri district on 30 October 2006,¹⁸ and Sibanand Jena who was killed by alleged Naxalites in Kalimela area in Malkangiri district on the suspicion of being a police informer on 7 December 2006.¹⁹

The Naxalites also resorted to kidnapping. On 9 August 2006, Binod Kumar Kisan, a junior engineer in Mohana block, and Prasad Patnaik, a peon with the irrigation department in Bhubaneswar were kidnapped by alleged Naxalites in Gajapati district.²⁰

The individuals and companies responsible for construction of roads and communications were specifically targeted. On 19 July 2006, contractor P Dixit and labourers involved in road construction work under the Pradhan Mantri Gramya Sadak Yojana (PMGSY)

were injured after being assaulted by alleged Naxalites at Grunamguda village in Maramkunda panchayat under Motu Police Station in Malkangiri district. They Naxalites also set ablaze at least three vehicles.²¹

The Naxalites also attacked the railways. On 15 October 2006, alleged Naxalites set ablaze three engines of a goods train near Tupadihi under K Bolanga police station in Sundargarh district.²²

4. Violations the rights of the Dalits

The Dalits' rights continued to be suppressed and they continued to be denied access to public places. The Dalits were barred from entering the Jagannath temple at Keredagada village in Kendrapara district in violation of the Orissa High Court order of 5 December 2006 allowing their entry and worship in the temple.²³ Earlier in 2005, a section of Dalit women were penalised for having "intruded" upon the temple, thereby "desecrating" the sanctity of the deity.²⁴

On 20 October 2006, a 16-year-old Dalit girl Ranjita Sethy, daughter of Pravati Sethy of Paghira village in Rampha panchayat under Bari police station in Kendrapara district was reportedly beaten up by upper caste men while she was going to take water from the village tubewell. The police registered a case against the accused under Sections 294, 354, 323, 506, 152 and 34 Indian Penal Code and Section 3 of SC/ST (Prevention of Atrocities) Act.²⁵

5. Violations of the rights of the tribals

Tribal-dominated villages lacked schools. In Korapat, at least 114 children from the tribal community were on the verge of discontinuing their studies as the only school near their village was on the

threat of closure due to government's apathy. The State Government failed to provide grants to the school since its inception in 1992.²⁶

Water-borne diseases, poor sanitation and hygiene continued to take toll in tribal colonies. Six people, two of them children, reportedly died of water-borne diseases at the Gobargahati Rehabilitation Colony in Kalinga Nagar in 2005. These colonies being set up by Industrial and Infrastructure Development Corporation, the nodal agency of the government for acquiring land, lacks basic facilities including health care, school, electricity, etc. The government installed tube wells were non-functional. People have no option but to drink stagnant water from the village pond. Several people had moved out to other states in search of jobs.²⁷

On 19 February 2006, Nandini Munda, a tribal destitute, was reportedly gangraped and killed before her four-year-old son at Gariapur village in the Jajpur Municipality area.²⁸

Tribals were harassed by security forces in the name of containing Maoist violence. In October 2006, in a complaint to the Orissa Human Rights Commission, tribals from at least 12 villages under R. Udaygiri and Adaba police stations of Gajapati district in south Orissa stated that the security forces have been committing excesses on them in the name of containing Maoist violence. The villagers alleged that the Central Reserve Police Forces (CRPF) jawans had been frequently raiding the tribal villages, beating up the villagers and misbehave with women.²⁹

The tribals continued to be targets of conversion. On 9 April 2006, 342 people belonging to 74 tribal families were converted to Hinduism in a religious congregation organised by the Sangh Parivar at Chakapad village in Kandhamal district.³⁰ Earlier, on 16 January 2006, at

least 136 tribals were converted to Hinduism from Christianity by the Rourkela Unit of Vishwa Hindu Parishad (VHP) and the Bajrang Dal at a "reconversion ceremony" performed at Tumbei village under Gurundia police station in Rourkela.³¹

6. Special focus: Starvation deaths

Starvation deaths continued to be reported from tribal areas. On 5 June 2006, a tribal woman identified as Amin Bhuinya of Hariharpur village reportedly died of starvation in Deogarh district. On 24 March 2006, another woman identified as Kanaka Baral died due to starvation in Deogarh district headquarters hospital, a day after selling her 8-month-old girl child.³²

There was no improvement in

healthcare in the KBK (Kalahandi-Bolangir-Koraput) region. The National Human Rights Commission which probed into alleged starvation deaths in the KBK region, has expressed concern over the "generally poor state of healthcare that still prevails in the KBK region" in its 19-page report. The panel members found that prolonged malnutrition and hunger compounded by disease were the other contributory factors. The Commission found that there were more than 31.63 per cent vacancies of medical staff in Navrangpur, 29.21 per cent in Malkangiri, 28.57 per cent in Nuapada and 22.6 per cent in Kalahandi.³³

In November 2006, Gangaram Nag reportedly committed suicide due to crop failure in Katapali village under Belpara block of Bolangir district.³⁴ ■

Punjab

1. Overview

Ruled by Indian National Congress party, Punjab continued to be engulfed in serious human rights violations. Asian Centre for Human Rights (ACHR) documented several cases of extrajudicial and custodial killing of civilians during 2006. Police investigation was synonymous with torture. On 25 October 2006, *The Hindustan Times* stated that 75 persons died in police custody each year on an average in Punjab. Sixty-six (66) per cent of such deaths were attributed to natural causes. Although majority of the victims were in the age bracket of 20 and 30 years, the police often stated the causes of custodial deaths to be heart attack and other medical problems.¹

On 8 March 2006, the National Human Rights Commission (NHRC) ordered monetary relief of Rs. 2.5 lakh each for the next of kin of 38 persons whom the Punjab Government admitted were in police custody prior to their deaths and illegally cremated. The Central Bureau of Investigation had listed 2,097 illegal cremations carried out by security agencies in three crematoria of Tarn Taran, Amritsar and Majitha district during the period of insurgency in Punjab.² The Punjab Government reportedly identified 1,273 victims while the rest 824 bodies remained unidentified.³ Though compensation was awarded, accountability was seldom established.

The Punjab State Human Rights Commission (PSHRC) received 17,144 complaints relating to violations of human rights in 2005. The PSHRC disposed of 14,329 complaints, while 2815 remained pending by the end of 2005.⁴

Women rights were often violated. In early July 2006, a pregnant woman identified as Simranjeet Kaur, wife of Kamaljeet Singh, was allegedly hit in the stomach by constable Sukhdev Singh leading to the death of her unborn baby at Dullowana village under Dhariwal police station in Gurdaspur.⁵ The condition of women prisoners was deplorable. Their problems did not receive any priority.

Incidence of atrocities against Dalits especially women was glaring. On 26 June 2006, nine-month pregnant Dalit woman identified as Raj, resident of Kuttiwal village in Ajnala tehsil, was allegedly beaten up by a woman constable who entered the 'labour room' leading to the death of her male child after delivery.⁶

Punjab continued to be plagued by judicial delay. By the end of December 2006, there were 15 vacancies of judges in the Punjab and Haryana High Court while there were 80 vacancies in the District and Subordinate Courts as on 30 September 2006. There were huge backlog cases. The Punjab and Haryana High Court had 2,41,579 pending cases and the District and Subordinate Courts had 5,61,919 pending cases as on 30 September 2006.⁷

2. Human rights violations by the security forces

a. Violations of the right to life

The law enforcement personnel were responsible for gross human rights violations including extrajudicial executions. On 11 October 2006, Ruban Masih was beaten to death by the police at Bhadaurh in Sangrur district.⁸ ACHR documented several custodial deaths

during 2006. The victims of custodial deaths included Salwinder Singh, a Dalit of Margindpura village under Bhikhiwind police station, who was allegedly beaten to death on the night of 4 January 2006;⁹ Gurmail Singh, a resident of Kakrali village at Rajpura, who was tortured to death on 4 January 2006;¹⁰ Balbir Ram, a gunman with a bank, who died at Goraya police station on 8 February 2006;¹¹ Harjeet Singh, a Dalit of Dera Baba Nanak area, who died in Civil Lines police station of Batala on 20 February 2006;¹² 20-year-old Dalit identified as Madan Lal alias Tinku, a resident of Basti Shekhan, who died in June 2006¹³ and another Dalit identified as Balwinder Singh alias Ballu Singh of Chathe Sekhwan village in Sangrur who died at Sangrur Sadar police station on 16 September 2006.¹⁴

Many civilians were shot dead by the police. The victims included Satnam Singh Satti of Jandiala village who was allegedly shot dead by inebriated Head Constable Loveleen Singh near Cheema Kalan village near the Indo-Pak border on 29 April 2006;¹⁵ Kashmir Messih, a labourer, who was killed by Special Police Officer (SPO) Surinder Singh of the Punjab Police at Gaini village in Batala on 15 June 2006;¹⁶ and a Muslim youth, Nameem Khan who was allegedly killed by members of the Special Task Force near Giana village on the intervening night of 20-21 September 2006.¹⁷

On 2 June 2006, Additional Sessions Judge D.S. Malwai sentenced six personnel of Sherpur police station including Deputy Superintendent of Police Gurjit Singh, Station House Officer (SHO) Kulwinder Singh, Additional SHO Yudhishter Singh, Head Constable Chamkaur Singh and constables Sohan Singh and Mukhtiar Singh to rigorous imprisonment for life for the custodial killing of Ravinder Singh in Sherpur police station on 18 January

2004.¹⁸

During 2006, some policemen faced suspension or dismissal from service in connection with custodial death cases. These policemen included three Government Railway Police (GRP) personnel identified as Jarnail Singh, SHO of the Patiala GRP police station, Gurdeep Singh and Baldev Singh of the Rajpura police post in the custodial killing of Gurmail Singh;¹⁹ Mandeep Singh, SHO of Goraya police station, who was suspended after public protest in the custodial death of Balbir Ram;²⁰ Inspector and SHO (City) of Batala, Kirpal Singh, Assistant Sub Inspector and in-charge of Simbal Chowki Paramjit Singh, Head Constable Satnam Singh and constable Naresh Kumar who were dismissed from service in the custodial killing of Harjeet Singh.²¹

b. Arbitrary arrest, illegal detention and torture

The police routinely used torture. In early June 2006, two persons identified as Tarsem Singh and Sukhvinder Singh were seriously injured after being allegedly tortured in police custody in Gurdaspur after their arrest on the charge of preparing forged document. However, the police maintained that the two rammed their heads with iron bars and tried to commit suicide with broken glass pieces.²²

In October 2006, the Punjab and Haryana High Court imposed a fine of Rs 50,000 each on two Assistant Sub-Inspectors Surinder Singh and Manjeet Singh for wrongfully detaining a man, son of Ashok Kumar, and subjecting him to torture. The victim was arrested by the police after being implicated him in a false case under the Narcotic Drugs and Psychotropic Substances Act on 22 August 2004.²³

3. Violence against women

Women suffered from extreme form of violence at the hands of the law enforcement personnel and society. In June 2006, 70-year-old Harvinder Kaur (name changed), resident of Chakk Sadia, Ferozpur, was allegedly stripped, her hair cut, face blackened and paraded around the village on a handcart by the village panchayat as her son was in love with a girl belonging to an influential family.²⁴

a. Violence by the security forces

The security forces were responsible for violence against women including sexual abuse, beating and torture. On 16 February 2006, constable Kewal Krishan was arrested on charges of allegedly raping and murdering a middle-aged woman, wife of Jaimal Singh, in an abandoned room at Grain Market in Amritsar.²⁵

Often, women and girls were molested during protest demonstrations. In September 2006, the police allegedly molested and assaulted 20 female students of the Guru Angad Dev Veterinary and Animal Sciences University in Ludhiana. The National Human Rights Commission asked the State Director General of Police to submit report within two weeks.²⁶

Even the pregnant women were not spared. In early July 2006, a pregnant woman identified as Simranjeet Kaur, wife of Kamaljeet Singh, was allegedly hit in the stomach by Constable Sukhdev Singh leading to the death of her unborn baby at Dullowana village under Dhariwal police station in Gurdaspur.²⁷ Similarly, on 13 October 2006, a pregnant woman identified as Puja was allegedly kicked by Head Constable Ranjeet Singh in the stomach following an altercation between the families over the

construction of a temple in Golden Avenue colony in Pathankot.²⁸

b. Female foeticide and trafficking

Punjab had become a trafficking destination because of skewed sex ratio as a direct consequence of rampant female foeticide. Punjab had one of the most disproportionate sex ratios in the country. According to the 2001 census, an alarming 10 of the 17 districts of the State showed fewer than 800 girls per 1,000 boys.²⁹ In August 2006, about 35 decomposed foetuses were recovered from a well near a hospital in Patran, 70 miles south of state capital Chandigarh.³⁰

In order to meet the demands, poor girls from all over the country were trafficked to Punjab. Tribal girls were trafficked into the State from Jharkhand, Tripura, Assam, West Bengal, Manipur, Mizoram, etc. In October 2006, as many as 15 girls were rescued from the clutches of a person, Amarjit Singh of Dehrke village in Ludhiana district.³¹

4. Violations of the rights of the Dalits

The National Crime Records Bureau recorded 140 cases of atrocities against the Dalits in Punjab in 2005. These included 3 murders, 9 rapes, and 72 cases under the SC/ST Prevention of Atrocities Act, among others.

a. Physical abuse

The Dalits continued to be subjected to abuse by the upper caste people and the police. On 3 October 2006, eight Dalits were reportedly injured seriously after being attacked with sharp-edged weapons and sticks by four Jat youths identified as Charanjit Singh, Pindi, Jarnail Singh and Jatinder while holding a religious congregation in Guru Ravidas Gurdwara in Chak Saboo village. All the accused were

arrested on the charges of attempt on life and hurting Dalit's religious sentiment.³²

Whenever the Dalits sought justice, they were meted out further cruel treatment. In January 2006, a Dalit identified as Bant Singh of village Jhabbar in Mansa district was abducted and mercilessly beaten up by seven upper caste men belonging to Jat community for daring to file criminal charges against some Jat villagers who had raped his 17-year-old daughter four years ago. The injuries necessitated him to amputate both his arms and one leg³³

The security forces also targeted the Dalits. On 20 February 2006, Narinder Singh, a Dalit undertrial and resident of Balakalna village near Morinda town, was beaten up and the word "choora" (lower caste) was inscribed on his back with hot metal by jail officials including the Assistant Superintendent of the jail and was paraded naked in the Nabha jail.³⁴

b. Violence against Dalit women

The Dalit women were specifically targeted. In May 2006, a teenaged Dalit girl of Kot Todar Mal village was allegedly gang raped for four days by three youths Daljeet Singh, son of Joginder Singh of Tugalwal village, Gurinder Singh alias Happy, son of Balkar Singh of Kot Todar Mal village and Balwinder Singh, son of Kartar Singh of Varaich village.³⁵

On 26 June 2007, a nine-month pregnant Dalit woman Raj, a resident of Kuttival village in Ajnala tehsil, was allegedly beaten up by a woman constable who entered the 'labour room' leading to the death of her male child after delivery.³⁶

On 17 February 2006, three backward-caste women - Amarjit, Virpal and Rani alleged that they were stripped, beaten

and given electric shocks by police for refusing to gratify two upper-caste men at Johar village in Muktsar district in December 2005.³⁷

5. Violations of the prisoners' rights

There were 26 jails in the State - 7 Central Jails, 5 District Jails, two Open Jails, 1 Women's Jail, 1 Borstal Jail and 10 Sub Jails. According to Punjab Jail Department, the authorized accommodation in these jails was for 10,854 prisoners but the average population of the jails was around 14,000 inmates including about 25 suspected members of armed opposition groups during 2006.³⁸

Prison conditions remained deplorable and women prisoners suffered the worst. According to the National Crime Records Bureau, there were 73 children living with their mothers in nine women jails of Punjab. The women's jails were overcrowded with 809 inmates against the sanctioned strength of 336.³⁹

On 8 November 2006, an undertrial prisoner identified as Kulwant Singh alias Kanta, resident of Kaleke village in Amritsar district, reportedly died under mysterious circumstances at Jalandhar Central jail.⁴⁰

In July 2006, the State Government provided an interim compensation of Rs 1 lakh to the kin of Jaswant Singh of Jodhewal in Ludhiana district, an undertrial prisoner who died on 20 February 2004. On 23 March 2006, the Punjab State Human Rights Commission had directed the State Government to pay the compensation to the kin of the victim.⁴¹ ■

Rajasthan

1. Overview

Ruled by Bharatiya Janata Party (BJP), Rajasthan continued to witness serious violations of the rights of the Dalits and the tribals. According to the State Government, 2,941 cases of atrocity against the Scheduled Castes (SCs) and 719 cases of atrocity against the Scheduled Tribes (STs) were registered during 2006. However, the State Government even failed to fully utilize the Central grants of Rs. 2 crores in 2005 and Rs. 2.10 crores in 2006 for taking measures to prevent atrocities against the STs and the SCs.¹

There were reports of violation of the right to life by the police in custody and extrajudicial executions in indiscriminate firing.

There were also reports of arbitrary arrest and detention. According to Param Navdeep Singh, the spokesperson of Pradesh Congress Committee, 39 Adivasis were arrested in Dungarpur and 25 others were arrested in Simalwara on 26 April 2006 when they tried to protest peacefully against the non-fulfillment of promises made by the BJP in its election manifesto.²

Dalit and tribal women suffered from atrocities. On the night of 22 June 2006, a tribal woman was allegedly gang raped at gun point by two persons identified as Kanhia and Chintamani in the presence of her husband at her house at Bindayka village under Jhalawar district. The men also torched their hut.³

The girl inmates in children homes were vulnerable to sexual abuse. In July 2006, the National Commission for Women sought a report from the Rajasthan Government on the alleged attempt at molestation of girls and the

police harassment of the inmates at the Emmanuel Mission-run orphanage in Kota being run in the first week of July 2006.⁴

The judiciary suffered from the lack of adequate judges. By the end of December 2006, there were 9 vacancies in the Rajasthan High Court while there were 116 vacancies in the District and Subordinate Courts as on 30 September 2006. There were huge backlog cases. As many as 2,09,592 cases were pending with the High Court and a total of 10,56,964 cases were pending with the District and Subordinate Courts as on 30 September 2006.⁵

The fears of the minorities aggravated after adoption of the "Rajasthan Dharma Swatantraya Bill, 2006" (Religious Freedom Bill) on 7 April 2006. The Bill has a provision for re-conversion to Hinduism.⁶

2. Human rights violations by the security forces

The security forces especially the police were responsible for violation of the right to life. Custodial killing continued to occur. According to a report on the status of human rights in Rajasthan prepared by two NGOs — Pairvi and Development Coordination Network Committee Trust, 218 cases of custodial deaths had taken place in the State between 2001 and 2005.⁷

On 27 September 2006, Shyamul Biswas from Krishnagar district in West Bengal allegedly died of torture at Ashok Nagar police station in Jaipur city. He had been on seven day's police remand since 22 September 2006. His body had bloodstains and marks of injuries in the face and swelling in the genitalia.⁸ Police claimed that the deceased committed suicide.

Rajasthan

Constable Harish Kumar was suspended, while Duty Officer Sanwalram and Head Constable Lalchand were sent to the Police Lines in connection with the incident.⁹

Earlier, on 1 June 2006, a Dalit woman identified as Kamla allegedly died of torture in police custody at Chomu in Jaipur district after she was brought to the police station to meet her son Amit who was in police custody on a charge of murder.¹⁰ The police allegedly did not register the First Information Report lodged by the deceased's son.¹¹

There were deaths in judicial custody too. In October 2006, Hans Raj, a student and resident of Basokala village in Swaimadhapur district, allegedly poisoned to death in jail after he was arrested in connection with a theft case. The forensic report revealed that he died of poisoning. The State Government removed 25 policemen in the custodial death and a judicial inquiry was ordered.¹²

Earlier, on 11 September 2006 Junej, a Pakistani prisoner, who was admitted to the mental hospital in Jaipur, had allegedly died in custody.¹³ But no inquiry was ordered.

Police brutally enforced the law. On 24 October 2006, Chanduram Jat, a farmer from Ten LM village in Ghadsana area, reportedly died of injuries sustained during police baton-charge on agitating farmers who were demanding adequate water to irrigate crops at Ghadsana in Sriganganagar district on 16 October 2006.¹⁴

There was also allegations of fake encounters. In October 2006, one Dhara Singh was killed by police in an alleged fake encounter in Jaipur.¹⁵

3. Violations of the rights of the Dalits

The Dalits faced serious human rights violations including torture and rape.

Denial of access to public places was reported widely. Major areas of violations of human rights of the Dalits in Rajasthan included: not allowing Dalit grooms to ride on horses in their marriage processions; denial to sit on cots in villages; denial to drink water from hand pumps or draw water from community tanks; harassment of Dalit women at work, etc.¹⁶

According to the State Government, the number of atrocities against the Scheduled Castes was 2,941, while the number was 719 for Scheduled Tribes during 2006. However, the Centre for Dalit Rights (CDR) disputed the government figures and claimed that the actual number of atrocities against Dalits was much higher with the majority of cases not registered by the police. Even the registered cases were weakened by poor investigations and defective prosecution in courts. The state government even failed to fully utilize the Central grants of Rs. 2 crores in 2005 and Rs. 2.10 crores in 2006 for taking measures to prevent atrocities.¹⁷

Dalit bridegrooms riding on horses were targeted and faced social boycott for daring to seek police help. On 19 May 2006, Mangilal Nayak of Samsia village under Kotri police station in Bhilwara district was beaten up by upper caste people when his grandson rode a horse in his marriage procession. On 28 April 2006, a Dalit bridegroom was unseated from his horse and the members of the wedding procession were beaten up in Pakhand village in Rajsamand district. Similarly, on 14 May 2006, upper caste people attacked a marriage party and unseated the bridegrooms riding horses at Akoda village under Hindoli police station in Bundi district.¹⁸ The Dalits were denied provisions from shops and access to water from common sources in Udaipur district.¹⁹

The Dalits were not allowed to enjoy their democratic rights even after being elected to public offices. According to the Centre for Dalit Rights, a Dalit sarpanch identified as Dhapa of Bewai village under Dausa district was not allowed to hoist the National Flag by upper caste people on 15 August 2006 during the Independence Day celebration.²⁰

Instead, the Dalit elected leaders were prone to violence. Sumitra Devi, female Sarpanch (village head) of Jankidalwala village in Sriganganagar district, in her complaint to the police alleged that she was abducted by a group of about 12 upper caste people led by former sarpanch Girdhari Lal and taken to a field where she was tortured and her clothes tore off after tying her to a tree in September 2006.²¹

On 2 October 2006, a Dalit priest, Hajari Balai of Goddess Chanunda temple at Sulia village in Bhilwara district was allegedly beaten up by members of the Gujjar community.²²

Even children were not spared. On 20 September 2006, a 15-year-old Nemaram, a Dalit, was abducted by influential people and was allegedly tortured for three days at Beetan village in Nagaur district as he refused to confess to a theft case. He was allegedly forced to drink urine when pleaded for water, and chilly was put into his anus.²³

Upper caste persons forcibly grabbed

the lands belonging to the Dalits. Such cases were said to be maximum in Jodhpur district. The State Government reportedly launched a drive in September 2006. According to Centre for Dalit Rights, land issues accounted for as many as 238 out of the total of 863 cases registered in Rajasthan during the past two-and-a-half years.²⁴

a. Violence against Dalit women

Dalit women were specially targeted and they often became victims of sexual abuse. In 2005, the National Crime Records Bureau recorded 136 cases of rape of Dalit women in the State.

In October 2006, a Dalit girl was allegedly gang-raped by three people identified as Banwari Jat, Mahipal Jat and Rajesh Jat in the presence of her brother while they were waiting at the bus stand in Karad village of Sikar district. The police arrested all the three accused.²⁵

On the night of 17 November 2006, a Dalit woman was allegedly raped by one Vinay Pratap Singh at her house in presence of her husband and children at Pratap Nagar in Jaipur. The police arrested the accused.²⁶

On the night of 16 November 2006, a Dalit girl of Class 9th standard was allegedly gang raped by two youths in Ajmer. A medical report confirmed rape and the police arrested one of the accused.²⁷ ■

Tamil Nadu

1. Overview

Ruled by Dravida Munnetra Kazhagam (DMK), Tamil Nadu was virtually free from violence by the armed opposition groups but a number of such groups including the Liberation Tigers of Tamil Eelam (LTTE) of Sri Lanka, Students Islamic Movement of India (SIMI), Tamil National Retrieval Troops (TNRT), Tamil Nadu Liberation Army (TNLA), Tamilar Viduthalai Iyakkam, and Communist Party of India (Maoists) remained banned under the Unlawful Activities Prevention Act.¹

In July 2006, Tamil Nadu Government withdrew its writ petition against a ruling of Central Review Committee under the Prevention of Terrorism Act (POTA) that there was no prima facie case against Tamilar Desiya Iyakkam leader P. Nedumaran and four others identified as Suba Veerapandian, Thayappan, Shahul Hameed and Pudukottai Pavannan. In 2005, the Central Review Committee under POTA, comprising its Chairperson Justice Usha Mehra and members RC Jha and Raj Pal had concluded that there was no prima facie case available to proceed against the accused. The State Government challenged the findings and filed another petition challenging two key provisions of the Prevention of Terrorism (Repeal) Ordinance 2004 and sought to quash all proceedings of the Review Committee. The second petition was pending in court.²

The Tamil Nadu Police personnel were responsible for gross human rights violations which included violation of the right to life in custody and in indiscriminate firing. At least five persons were killed in custody including four in police custody and one in judicial custody.

The rights of the asylum seekers were violated. Due to fresh upsurge of violence in Sri Lanka thousands of refugees fled to India. However, according to the report of a fact-finding team of the Federation of Peoples' Rights, young men arriving at the Mandapam camp were initially put into quarantine under conditions worse than those of a prison cell. The fact-finding team saw 39 male refugees lodged in a 20'x20' space with only two toilets between them. Those suspected of having links with LTTE were referred to Special camps where they may be detained in quarantine for up to 30 days as per the stipulation of the Government of India.³

The judiciary continued to suffer from lack of adequate judges. By the end of December 2006, there were five vacancies in the Madras High Court while there were 53 vacancies in the District and Subordinates Courts as on 30 September 2006. This was despite the fact that a total of 4,04,297 cases were pending with the Madras High Court and a total of 8,48,414 cases were pending with the District and Subordinate Courts as on 30 September 2006.⁴

2. Human rights violations by the security forces

The security forces especially Tamil Nadu Police were responsible for gross human rights violations which included violation of the right to life in custody and in indiscriminate firing.

As per official figures, four cases of death in police custody have been reported in 2006 up to 30 June.⁵ On the midnight of 6 November 2006, another undertrial identified as Madhu (40) of Ammapet, lodged at Bhavani Central

Prison, reportedly died of chest pain after being taken to Bhavani Government Hospital. But the family of the deceased alleged that he died of torture at the hands of the police and the jail authorities.⁶

Custodial killings were often dismissed as suicides. On 13 February 2006, one Devaraj, who was picked up for questioning in connection with a theft case on the previous day was found dead hanging with his *lungi* inside the cell of Kuzhithurai police station.⁷

On 3 May 2006, C. Paramasivan of Oorudaiyaankudiyiruppu under the Thatchanallur police station limit reportedly died on way to the Tirunelveli Medical College Hospital after he allegedly tried to hang himself inside the cell at the police station. The deceased was picked up by the Munneerpallam police and was taken to the police station on the previous night for interrogation in connection with a robbery.⁸

The police also resorted to indiscriminate use of fire-arms to disperse crowd. During the year upto 15 August 2006, police opened fire on nine occasions, killing at least three civilians and injuring 16 others.⁹

3. Violence against women and children

The State Government of Tamil Nadu reportedly took various measures to enhance the protection of women. These included the creation of Women Help Lines/Child Lines and Counselling Centres in all women police stations.

However, violence against women continued to be reported in the State. According to the police records, a total of 1,825 crimes against women were reported during the year up to June 2006, while a total of 2,715 in 2005 and 2,365 in 2004 were reported during the same time of the respective years. The crimes recorded up

to June 2006 included 218 rapes, 350 kidnapping and abduction, 74 dowry deaths, 573 cruelty by husband/relatives and 610 molestations.¹⁰ According to the National Crime Records Bureau, a total of 8,648 cases of violence against women were reported in the State during 2005.

Although, a State Women Commission was established, it lacked statutory power. As such, the Tamil Nadu Women Commission was unable to play a critical role in safeguarding the rights and privileges of women.¹¹

The state of juvenile homes, observation homes and shelter homes in Tamil Nadu continued to be pathetic. In October 2006, the Madras High Court formed a committee, headed by retired High Court judge Justice N.V. Balasubramanian, to suggest comprehensive remedial measures. According to the report of Justice P. Jyothimani of the High Court, who visited a juvenile home in Madurai, juvenile homes lacked even clothes, food, medicine, and toilet facility. Besides, there was no attempt to educate and rehabilitate the children by providing them schooling or modern vocational training. Mentally or physically handicapped children of such Homes were not admitted in special institutions. The High Court directed the State Government to increase the food budget from Rs. 7.50 to Rs. 15 per head a day.¹²

Child labour was also common in Tamil Nadu. According to the survey conducted by Sarva Shiksha Abhiyan in 2003, there were 70,344 child labourers in the State.¹³

4. Violations of the rights of the Dalits

National Crime Records Bureau recorded 1,206 cases of crimes against the Scheduled Castes in 2005. These included

30 murder cases, 19 rape cases, 829 cases under the SC/ST (Prevention of Atrocities) Act etc.

Violence against Dalits continued in 2006. On 7 April 2006, Jessintha, wife of Dalit leader Pasupathi Pandian, was killed after about 20 unidentified persons attacked their car at Eppothumvendran bridge near Tuticorin. Pasupathi Pandian was on his way to Tuticorin for attending the trial of a murder case, in which he was an accused.¹⁴

On 20 March 2006, Dalit youth identified as Mathesh was attacked by unidentified men with sickles and rods when he protested the discriminatory practice of serving 'prasatham' (sweet rice) in his palms instead of on plantain leaf at an annual temple function at Ponnammamet in Salem. He was rushed to Salem Government Hospital where he received eight stitches on his head, chest and face.¹⁵

Discrimination against the Dalits tsunami victims also persisted. According to a report of the United Nations team for recovery support (UNTRS), aid meant for their rehabilitation never reached the Dalits due to their caste, gender and occupational bias.¹⁶

5. Status of the Sri Lankan Tamil refugees

There were an estimated 1,60,000 Sri Lankan Tamil refugees in India, with over 55,000 of them living in refugee camps. The United Nations High Commissioner for Refugees has no mandate to operate directly in India.¹⁷

Due to fresh upsurge of violence in Sri Lanka thousands of refugees fled to India creating problem of overcrowding in the existing camps. In October 2006, about 378 refugees belonging to 99 families were accommodated at Thappathy under Ettayapuram taluk in Tuticorin district from Mandapam camps due to overcrowding.¹⁸ As on 19 September 2006, 13,844 refugees had reached the State since the influx began on 12 January 2006.¹⁹

The conditions of these refugees were deplorable. According to the report of a fact-finding team of the Federation of Peoples' Rights, young men arriving at the Mandapam camp were initially put into quarantine under conditions worse than those of a prison cell. The fact-finding team saw 39 male refugees lodged in a 20'x20' space with only two toilets between them. Those suspected of having links with AOGs were referred to Special camps where they may be detained in quarantine for up to 30 days as per the stipulation of the Government of India.²⁰

The refugees also faced housing problems. The houses provided to them were 10'x10' and not fit to live in. These houses were built at the end of the 1980s and no renovation had been done since then. During summer, it becomes inhospitable because of the scorching heat, while in rainy season the water pours through the damaged roofs. The camps lacked basic facilities including bathroom facilities, drinking water facilities, electricity, etc.²¹ ■

Tripura

1. Overview

Ruled by the Communist Party of India (Marxist), Tripura continued to witness serious human rights violations perpetrated both by the security forces and the armed opposition groups, namely National Liberation Front of Tripura (NLFT) and All Tripura Tiger Force (ATTF). The Union Government allocated Rs 3.62 crore to the State Government for the rehabilitation of the surrendered AOG cadres during the last three years.¹ About 202 alleged members and associates of the ATTF and NLFT were killed in the counter-insurgency operation during the last five years while about 170 security personnel were also killed during the same time.²

As per the crime statistics of Tripura Police, a total of 4,146 crimes including 3,940 under the Indian Penal Code were committed in 2006 as against 3,569 in 2005. An estimated 13 civilians were killed and 43 kidnapped by the armed opposition groups in 103 insurgency related incidents during 2006.³

Women continued to be target of sexual abuse. About 489 rape cases along with 34 cases of child-rape were recorded officially during the last three years.⁴

Judicial delay continued to hamper delivery of justice. There were 19 vacancies and 31,744 cases pending in the District and Subordinate Courts as on 30 September 2006.⁵

On 18 January 2006, the Tripura Revenue and Land Reforms Bill, 2006 was passed in the State Assembly with voice vote to expedite the survey and demarcation of land.⁶ However, the tribal people continued to face eviction. More than 200,000 tribal people were on the

verge of becoming homeless in Tripura. The Forest Department of the State Government reportedly issued eviction notices to about 43,215 tribal families to immediately vacate illegally occupied forest land following a direction by the Supreme Court to clear all forest land encroached by human settlers. Thousands of tribal people were allotted forest land by the Revenue Department under the Tripura Land Revenue and Land Reforms Act, 1960. According to estimates, there were some 2,15,000 tribal people settled in about 14,000 hectares of forest land for decades in Tripura.⁷

The highhandedness of the State Government was clear with the eviction of 17 Chakma tribal families settled in the reserve forest area at Nabincherra under Kanchanpur subdivision of North Tripura who were displaced due to ethnic conflict in Karbi Anglong district of Asom in January 2005. On 19 April 2006, forest officials went to the new settlement and demolished the thatched huts that they were living in.⁸

2. Human rights violations by the security forces

The security forces were responsible for gross human rights violations including violation of the right to life, rape, torture, etc.

There were frequent reports of custodial deaths which were either dismissed as suicides or encounter deaths. On 29 April 2006, Purnamohan Tripura was allegedly killed by police after being arrested from Bhagyachandrapara under Chhamanu police station of Dhalai district. The police claimed that he was killed in an encounter.⁹ On 24 June 2006, Harakrishna

Das, a murder accused, was found dead inside Ranirbazar police station in West Tripura district. He was allegedly killed in custody. However, the police claimed that Haakrishna committed suicide by hanging himself using a torn part of blanket. A judicial probe was ordered into the incident and two policemen including the duty officer Rabindra Debnath and constable Sukumar Debbarma of the police station were suspended on charge of negligence.¹⁰

There were also allegations of fake encounters. According to the Indigenous Nationalist Party of Tripura (INPT), the police and paramilitary forces had killed at least 53 innocent tribals in fake encounters in the past three years and in each case the errant personnel got away scot free.¹¹

On the night of 4 January 2006, a National Liberation Front of Tripura (NLFT) cadre, Raja alias Sukanto Debbarma was allegedly killed by combined force of policemen and Tripura State Rifles (7th battalion) jawans in an alleged fake encounter at Golaghat under Bishalgarh subdivision. The INPT alleged that the police had killed Sukanto Debbarma after arresting him.¹²

3. Violations of international humanitarian laws by the AOGs

The armed opposition groups (AOGs) were also responsible for violation of the right to life. Those who were killed by AOGs in 2006 included Sujan Saha, Harendra Malakar and Gopal Sarkar, employees of the Gas Authority of India Ltd (GAIL) by alleged members of the NLFT (Biswamohan) in an ambush at Badaniapara in West Tripura district on 14 February 2006¹³ and a truck driver Ratan Roy who was killed by alleged NLFT cadre at Unish Mile under

Ganganagar police station in Dhalai district on 24 April 2006.¹⁴

As per the statistics of Tripura Police, as many as 43 persons were kidnapped, 31 were released and one killed after kidnapping in 2006.¹⁵ On 11 January 2006, seven CPI (M) activists - four Tripuris including local leader Harendra Tripura and three Chakmas, all residents of Ratannagar village - were allegedly abducted by NLFT cadres in an act of revenge for masterminding mass surrender of its cadres from remote Aswini Roajapara village near Raishyabari. The victims were going to Aswini Roajapara village near the remote Indo-Bangla border to attend a CPI (M) party meeting.¹⁶

On 9 June 2006, Elvis Charkey, President of Mizoram Bru Displaced Persons Forum (MBDPF), was abducted by Bru Liberation Front of Mizoram (BLFM) cadres at Santipur under Kanchanpur police station on the charge of discrimination against displaced Bru families whose member or members had joined the BLFM.¹⁷ Elvis Chorkey was released on 30 June 2006.¹⁸

The other victims included Bishnuram Reang who was kidnapped by NLFT-BM from his house at Kancherra under Kanchanpur police station in North Tripura district on the night of 18 June 2006;¹⁹ six tribal villagers who were kidnapped by suspected NLFT cadres from South Gokulnagar under Teliamura police station for ransom on the night of 4 September 2006;²⁰ Chakrapada Malsom who was kidnapped by alleged NLFT-BM cadres from his house at Jambukcherra under Taidu police station on the night of 21 November 2006²¹ and labourers identified as Anil Debnath Human Miah and Ahid Miah of Nutanbazar South Tripura

district by suspected NLFT cadres on 26 December 2006.²²

4. Violence against women

Women faced various atrocities and violence. On 18 December 2006, Chief Minister Manik Sarkar stated before the State Assembly that altogether 1,144 cases of violence against women were registered in various police stations of the State during the last three years. In the same period, 489 rape cases along with 34 cases of child-rape were also recorded. From January to September 2006 alone, 194 rape cases were registered across the State. Of these, 11 victims were children.²³ Since January to July 2006 alone, 37 women were killed for dowry, while 263 dowry-related incidents were reported to the police.²⁴

However, the conviction rate was very low. Of the 81 rape cases registered with the police in 2003 only in 22 cases accused were convicted by the trial court while 69 others were acquitted. Likewise, in 2005 altogether 115 rape cases were registered by the police. But only 32 accused were convicted and 83 persons acquitted by the trial court. In 2006 till August, about 60 accused persons were acquitted by the trial court.²⁵

The security forces were responsible for sexual abuses. On the night of 9 February 2006, three tribal women including a pregnant woman were allegedly gang raped and at least two girls were molested by personnel of 36th battalion Assam Rifles led by Capt. S. Tanwar and naik subedar, Ashok Kumar at Sachindrarozapara in Dhalai district during a search operation. The pregnant woman suffered a miscarriage and had to be admitted to north district hospital.²⁶ On 15 February 2006, two of the three rape victims recorded their statements before

the Chief Judicial Magistrate confirming the assault by the jawans.²⁷

Ruling CPM activists also committed rape. On 6 March 2006, Parungmala Tripura was allegedly gang raped by three CPM members identified as Agon Tripura, Sushil Tripura and Beijya Tripura inside her house in Vishnupur village in Sabroom sub-division of South Tripura. When the victim's mother Padmabati and her husband Dhani Kumar Tripura rushed to rescue her, they were mercilessly beaten up. Dhani Kumar Tripura died on the spot.²⁸

5. Violations of the prisoners' rights

The conditions of prisons were deplorable and overcrowding remained a major concern. More than 2,500 prisoners were housed in 11 jails in the district and sub-divisional towns against the capacity of only 1,065. The Agartala Central Jail housed 694 prisoners undertrials as against the capacity of only 355 prisoners as of November 2006. Both the convicts and the under-trials were housed together in narrow cells with no facilities of lights, fans and basic hygiene.²⁹

Those who were granted bail by courts could not leave prisons as there was no one to sign their bonds. About 169 inmates, 101 of them tribals, were languishing in prisons despite their bails.³⁰

The grants given by the Centre were under-used. The State Government did not use even 10 per cent of the Rs 20-crore grant given by the Centre for modernisation of jails across the state for the last three years. On 22 November 2006, five prisoners of Agartala Central jail and two wardens sustained serious injuries in a clash.³¹ ■

Uttarakhand

1. Overview

Ruled by Indian National Congress, Uttarakhand faced no internal armed conflict. However, the State witnessed an increase in crimes during 2006. According to the State police records, 7,133 crimes were registered during the year as against 6,735 in 2005 and 6,960 in 2004. These included 196 murders, seven kidnapping for ransom and 398 riots, among others. Crime against women increased to 26.83 per cent with 1,073 cases in 2006 as against 846 in 2005. These included 91 rapes, 52 dowry deaths, 48 murders and 138 abductions, among others. Haridwar district recorded the highest number of rape with 30 cases.¹ The police were responsible for violation of the right to life.

All the nine posts were filled up in the Uttranchal High Court as of 31 December 2006 which was very rare with regard to other States. However, there were 170 vacancies in the District and Subordinate Courts as on 30 September 2006. There were a total of 30,275 cases pending with the High Court and a total of 12,8230 cases were pending with the District and Subordinate Courts as on 30 September 2006.²

Prisoners had to spend in jail for decades without trial. A few such prisoners were released by the court in 2006.

2. Human rights violations by the security forces

The police were responsible for violations of the right to life.

On 19 January 2006, 52-year-old Chudamal, resident of Rampura, reportedly died of torture at kotwali

police station in Udham Singh Nagar district.³

On 11 April 2006, Athar, a Bharat Sanchar Nigam Limited employee, was reportedly beaten to death by police at Bahadrabad police check post during interrogation following alleged recovery of a revolver with licence valid only in Uttar Pradesh. The deceased was on his way to attend the annual *Urs* festival held in the memory of the famous sufi saint, Sabir Saheb at Peeran Kaliyar near Roorkee.⁴

3. Violations of the rights of the SC/STs

According to the statistics of the Uttarakhand Police, crime against the Scheduled Castes and the Scheduled Tribes witnessed a rise of 3.37 per cent with a total of 92 cases in 2006 including eight cases of murders, seven cases of rape, one abduction and 21 cases registered under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, among others.⁵

On 9 February 2006, an 18-year-old Dalit girl, resident of Dhanpura in Hardwar town, was kidnapped by one Ashok at gunpoint and taken to a hotel where she was allegedly forced to consume liquor, beaten up, burnt with cigarettes and raped for refusing to marry him. However, when the villagers came to know about the incident they asked the victim's father not to report the matter to the police. The *gram pradhan* (village headman) let off the accused after subjecting him to a shoe-beating and a penalty of Rs 21,000.⁶

In August 2006, the priests of Mahasu temple at Hanol village in Dehra Dun

district reportedly imposed a fine of Rs 500 and some silver and gold coins on a group of Dalit artists of Jaunsar Bawar Sanskrit Lok Kala Manch for daring to enter the temple premises and touch the priests' feet. The Dalits had gone to the temple to offer prayers after the temple authorities opened its doors for Dalits and women two years ago.⁷

4. Status of the IDPs

Hundreds of Sikh families continued to be on the verge of eviction from the land allotted to them in Udham Singh Nagar district. On 16 January 2006, the Supreme Court directed that the 251 Sikh families facing eviction orders should not be evicted from their land and status quo should be maintained. Earlier on 13 July 2004, the Uttarakhand Government had directed 251 families of the 550 Sikh families settled in Dohrivakil, Kharmasa, Panchwala and Ramnagar villages in

Kashipur tehsil to vacate the land despite the fact that they were vested with "bhumidhar" rights by the undivided Uttar Pradesh government. Further, the revenue records of the 251 families showed that the government had allotted them "khasra" numbers for the 441.22 hectares in their possession. The Uttaranchal High Court had refused to grant stay on eviction of these families on 23 December 2005. These families were settled there in phases between 1965 and 1970.⁸

On 8 August 2006, the Supreme Court directed the Centre, the Uttarakhand Government and Tehri Hydro Development Corporation to submit a status report on the rehabilitation of over 500 families likely to be affected by the increase in the height of the Tehri dam from 760 metres to 790 metres. The directive came following allegation of not taking proper steps by the authorities to rehabilitate the oustees.⁹ ■

Uttar Pradesh

1. Overview

Ruled by Samajwadi Party, Uttar Pradesh remained lawless and witnessed widespread human rights violations. As per state police figures, a total of 1,18,195 cases were registered under the Indian Penal Code (IPC) in 2006 as against 1,17,748 in 2005. These included 5,482 murders, 3,420 riots, 109 kidnapping for ransom, 1,795 dowry deaths and 1,161 rapes, among others. In addition to the crimes registered under IPC, 411 cases were registered under the National Security Act, 2,177 under the Gangster Act, 11,816 under the Goonda Act, 39,184 cases under the Arms Act, among others.¹

The security forces especially the State Police were responsible for violations of the right to life through torture, indiscriminate use of firearms and alleged fake encounters. Asian Centre for Human Rights (ACHR) documented two cases of custodial death in 2006.

The Naxalites were active in three districts of Sonbhadra, Chandauli and Mirzapur. A special battalion 'the new Indian Reserve Battalion' of the Provincial Arms Constabulary, comprising local youth of these Naxalite-affected districts was being raised to tackle the Naxalite problem in the State.²

The condition of the Dalits remained deplorable. Dalits women continued to be highly prone to violence perpetrated by upper caste people. Apart from killings and rapes, they were meted out barbaric treatment such as chopping off arm and nose.

Prison conditions were deplorable and prisoners were often denied timely treatment. In early January 2006, Subodh

Shukla, an inmate of Lucknow District Jail, died of jaundice due to the non-availability of timely treatment. In 2005, at least twenty inmates died at Lucknow Jail due to non availability of timely treatment.³ However, politically influential or rich inmates allegedly enjoyed lavish homely comforts in the jail hospital.⁴

The condition of the children was worst in the State. Children were employed in hazardous industries. Even children staying in orphanages were sexually exploited.

2. Human rights violations by the security forces

Human rights violations including violation of the right to life through alleged fake encounters, torture and indiscriminate use of fire-arms were widespread. Those who were killed in custody after arrest included Chhote Jatav, Bahujan Samaj Party worker, at the Bahadurgarh police custody on the night of 4 February 2006⁵ Satish, BJP worker, who was allegedly beaten to death at Didauli Kotwali in Moradabad on charges of power theft on 25 March 2006;⁶ Rajiv Kapoor, resident of Delhi, who allegedly committed suicide by setting himself ablaze with sewing machine oil in the custody of Noida's Sector 39 police station on the night of 24 August 2006;⁷ Sonu, son of Dalveer, a resident of Hazratpur under Khurja police station, who allegedly committed suicide from a window grill of the toilet attached to his cell after being arrested for interrogation at Sector 20 police station in Noida on the night of 1 September 2006⁸ and Rajvir who allegedly committed suicide by hanging in the toilet of the Kanth police station in

Shahjahanpur district on 21 September 2006.⁹

There were also allegations of fake encounters. On the night of 24 May 2006, Sohanveer was killed by police in an alleged fake encounter at Mawana in Meerut district. The police claimed that the youth was a hardcore criminal.¹⁰

In April 2006, the Supreme Court taking cognizance on a letter written by co-accused Shailendra alias Shailee on the killing of one Brahmpal, a resident of Ramala under Baghpat in an stage managed encounter in December 2005 sought a detailed enquiry report from the Uttar Pradesh Police to be filed in the court.¹¹

In November 2006, a fast-track court in Basti sentenced 17 policemen including then Station House Officers of the Dudhara and Mehndawal police stations, P.K. Rai and Ram Bishun Yadav respectively, to life imprisonment on the charge of killing 11 innocent persons in a fake encounter in Karhana village of Basti district on the night of 28-29 July 1986.¹²

Torture continued to take place in Uttar Pradesh. On 12 February 2006, one Tillu of the Nandgram area was seriously injured following torture by the police. Later the victim was admitted to the Yashoda Hospital in critical condition.¹³

3. Violence against women

Uttar Pradesh continued to witness increase of violence against women in 2006. According to State Police Department Records, a total of 14,925 crimes against women were registered in 2006 against the total of 12,897 in 2005. These included 1,795 dowry deaths, 1,161 rapes, 2,295 kidnapping, among others.¹⁴

On 24 April 2006, a woman was gang raped by three persons identified as Billu, Pali and Lala when the victim was returning home through the fields at Madhpuri village under Badhapur police

circle in Bijnor district. The victim and her husband went to the Badhapur police station to lodge a complaint but the police allegedly refused to register their complaint. When the victims threatened to approach senior police officials, the police advised them to approach the panchayat. The next day the village panchayat ordered the victim to hit the three accused five times each with her slippers as punishment.¹⁵

There were also reports of honour killings. On the night of 5 February 2006, 16-year-old Soni was killed along with her lover Sharafat by her family members who opposed the relationship at Akbarpur village in Behsuma.¹⁶

4. Violations of the rights of the Dalits

The conditions of the Dalits remained deplorable in Uttar Pradesh. According to State Police records, a total of 4,104 crimes against the Scheduled Castes (SCs) and Scheduled Tribes (STs) were registered during 2006. These included 312 murders, 302 grievous hurt, 212 rapes, 50 arsons, 1,320 cases under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. In 2005 and 2004, a total of 3,211 and 2,690 cases of atrocities against the SCs/STs respectively were registered.¹⁷

On 12 August 2006, Dulichand, a Dalit, was killed by about six upper caste men belonging to Thakur community while he was on his way to answer the call of nature at Alauda Jagir village in Greater Noida.¹⁸

Dalit women were more prone to abuses including inhuman torture, killing, rape, etc by the upper castes. On 12 January 2006, a Dalit woman identified as Naina Devi, wife of Rati Ram, was burnt to death by four landlords at Danagarh village in Bulandshahr. The police registered a case against the

accused under SC/ST (Prevention of Atrocities) Act.¹⁹

The Dalit women were meted out inhuman torture. On 12 February 2006, four upper caste men including one Veeresh Yadav chopped off an arm of 15-year-old Dalit girl named Anju when she resisted their attempt to rape her in the fields near Achalda village in Auraiya district. The police initially refused to register her complaint.²⁰

On 23 November 2006, the nose of Dalit woman was reportedly chopped off by landlord Randhir and his son Sanjiv while she was cutting grass in their field at Noarottampur village in Muzaffarnagar on the charge of defiling their land.²¹

5. Judiciary and administration of justice

Judiciary was plagued by shortage of judges and judicial delay. By the end of December 2006, there were nine vacancies in the Allahabad High Court, while there were 467 vacancies in the District and Subordinate Courts as on 30 September 2006. The total number of 8,036,76 cases were pending with the Allahabad High Court and a whopping 46,66,667 were pending with the District and Subordinate Courts as on 30 September 2006.²²

There were several instances of judicial delay and gross negligence by the administration. On 8 February 2006, one Rajaram of Tarabganj in Gonda district was released on a personal bail bond after spending 35 years in Faizabad jail and Varanasi mental hospital without in a petty theft case in 1970.²³

On 13 February 2006, the Supreme Court granted bail to 70-year old Jagjivan Ram Yadav who had been languishing in Faizabad jail for the last 38 years without any trial.²⁴

On 19 February 2006, Shankar Dayal Singh, a resident of Maswasi village in Unnao district, was released after spending over 44 years in jail without any trial as he was declared mentally unstable.²⁵

In a similar case, an undertrial Devi Prasad, resident of Gazipur township in Fatehpur district, had been lodged in Varanasi jail for over 33 years as of March 2006 with both the complainant and witnesses in the case having passed away. The long ordeal left him mentally and physically unfit as he even failed to recognize his brother Pitambar when he went to the jail to meet him.²⁶

6. Violations of the rights of the child

Child labour was rampant in Uttar Pradesh. The Moradabad brassware industry continued to exploit children despite a ban. There were around 18,000 children working in the furnaces and another 20,000 - 25,000 who were involved in casting and scrapping processes of the brassware industry. The children were subjected to fumes and smokes which caused respiratory diseases and tuberculosis. However, they were paid only between Rs 7 and Rs 15 per day.²⁷

Children were sexually abused. Those living at orphanages were often victimised. On 1 December 2006, the Supreme Court sought an immediate response from the National Commission for Women, NHRC and the District Magistrate after a private TV channel a day earlier revealed sexual exploitation of about 65 girls, most of them aged five or six years, and some mentally challenged, in the Swami Bal Nath Ashram at Ghaziabad. The district authority reportedly did not initiate any action despite that the matter was brought to its notice.²⁸ ■

West Bengal

1. Overview

Ruled by the Communist Party of India (Marxist), West Bengal continued to witness serious human rights violations especially by the State agencies. On 5 January 2006, Calcutta High Court stated that a “jungle raj” was prevailing in the State. Justice Girish Chandra Gupta while hearing a petition by Samsur Rahaman, a resident of Burdwan, stated “The state police will have to understand the difference between a jungle raj and a civil society. The manner in which police are allowing musclemen to torture law-abiding citizens, it seems we are living in a jungle raj”.¹

The armed opposition groups, particularly the Naxalites, were also responsible for violations of international humanitarian laws. The Naxalites targeted the activists of the ruling Communist Party of India - Marxist (CPI-M).

According to the estimate of Asian Centre for Human Rights (ACHR), 22 persons were killed in the Naxalite conflict in the State during 2006 which included eight civilians, 10 security personnel and four alleged Naxalites.² In June 2006, the State Government announced Rs 50-crore special allocation for underdeveloped rural areas of the State, including the Naxal-hit areas and a separate department for Paschimanchal development was created to expedite the implementation of poverty alleviation programme, but the department did not have its own budget.³ Hence, it failed to address the situation.⁴

The security forces, particularly the Border Security Forces (BSF) operating along the India-Bangladesh international border in West Bengal, were responsible for serious human rights violations

including extrajudicial killings. The BSF personnel allegedly killed Mithun Sarkar (14), son of Nripendra Nath Sarkar, at Harudanga village under Raninagar police station in Murshidabad district on 28 June 2006,⁵ Jabir Hossain at Muslimpur village under Englishbazar police station in Malda district on 20 July 2006,⁶ and Musaruddin Molla (17), son of Enamul Molla, near Taltala outpost-1 under Jalangi police station in Murshidabad district on 22 May 2006.⁷

At least three persons were killed in the conflict over the acquisition of 997 acres of land for a proposed Tata Motors small car plant at Singur in Hoogly district to bring “industrial development of the State”⁸ without the consent of the affected persons. On 30 November 2006, the West Bengal Government banned gatherings, meetings and processions at Singur.⁹ On 2 December 2006, as many as 60 villagers, including women and minor girls, were arrested by the police when they tried to resist the barbed wire fencing of the project site. Many protestors were injured in lathi charge by the police. On 19 December 2006, Chief Minister ordered an inquiry by Central Bureau of Investigation into the alleged rape and murder of Ms Tapasi Malik, a member of the Krishi Jamin Bachao Committee which was spearheading the movement against the Tata Motors project.¹⁰

By the end of December 2006, posts of six judges were lying vacant in the Calcutta High Court while there was vacancy of 140 judges in the District and Subordinate courts as of 30 September 2006. There was a huge backlog of 2,65,553 cases before the Calcutta High Court while a total of 20,52,038 cases were pending

before the District and Subordinate Courts as of 30 September 2006.¹¹

2. Human rights violations by the security forces

The security forces were responsible for extrajudicial killings, including in custody, alleged encounters and in indiscriminate firing at protestors.

a. Violations of the right to life

The Border Security Force personnel operating along the India-Bangladesh international border in West Bengal perpetrated serious human rights violations including extrajudicial killings of innocent villagers in the border areas.

On 28 June 2006, a 14-year-old boy identified as Mithun Sarkar, son of Nripendra Nath Sarkar, was allegedly killed by the BSF personnel of Outpost No. 2 of 136 Battalion under Kuthibari Camp at Harudanga village under Raninagar police station in Murshidabad district. The victim was held by the BSF personnel during an anti-cattle smuggling operation in the village. During interrogation, the victim was allegedly tortured and later shot dead on the charges that he was part of the cattle smugglers. On the other hand, the Officer-in-Charge of Raninagar police station, S. Bhattacharjee allegedly refused to lodge a First Investigation Report when approached by the victim's father, Nripendra Nath Sarkar.¹²

The other victims included Jabiur Hossain who was shot dead by a BSF personnel identified as Bishnu Jha at Muslimpur village under Englishbazar police station in Malda district on 20 July 2006,¹³ and a 17-year-old boy identified as Musaruddin Molla, son of Enamul Molla, who was allegedly tortured and then shot dead by the BSF personnel near Taltala outpost – 1 under Jalangi police station in Murshidabad district on 22 May 2006.¹⁴

There were also reports of custodial deaths. On 26 March 2006, Robin Tudu, a schoolteacher, died in the district hospital in North Dinajpur district. He was arrested on 22 February 2006. While an inquiry was ordered into the circumstances of Tudu's death, his wife alleged that he was tortured to death in the lock-up.¹⁵

b. Arbitrary arrest, illegal detention and torture

Arbitrary arrest, illegal detention and torture were also reported. On the morning of 20 May 2006, BSF personnel allegedly picked up a 10-year-old boy identified as Nazimul Sheikh, son of Nasif Sheikh, a farmer, while he was returning from school and beat him up at their camp at Chapra in Nadia district. The villagers found the boy in an unconscious state in a bush off a road 150 km from Calcutta on the evening of 20 May 2006. The boy, who was a student of Class V, had to be admitted to Chapra block hospital and later shifted to Shaktinagar Hospital after his condition deteriorated. Although Nazimul Sheikh was carrying schoolbooks, the BSF officials claimed that the boy was picked up mistaking him to be son of a cattle smuggler, who was part of a gang of smugglers from whom the BSF personnel had seized a number of cattle. The doctors at Shaktinagar hospital reportedly stated that Nazimul Sheikh suffered both internal and external injuries and his condition was critical.¹⁶

Many were killed in use of fire-arms. On 12 April 2006, a woman identified as Tulsi Das, daughter of Mr. Sukdeb Das, was reportedly killed on the spot and another seriously injured when Sub-Inspector Kali Prasad Banerjee of Salar police station fired from his service pistol at a mob without warning at Daspara under Salar police station in Murshidabad district.¹⁷

3. Violations of international humanitarian laws by the AOGs

The armed opposition groups were responsible for violations of international humanitarian laws. On 26 February 2006, four persons – the driver, a helper, a home guard and a constable – were killed and six others were injured when the Naxalites blew up a police van at Naakrachhara in Belpahari in West Midnapore.¹⁸

The Naxalites targeted alleged police informers. After killing a CPI-M leader identified as Kartick Singh at Lalgur in West Midnapore district on the night of 4 March 2006, the Naxalites reportedly tied Kartick Singh's dead body to a palm tree in the Jhitka forest and left behind a note at the spot which read as "death sentence was awarded to the police agent".¹⁹

Similarly, alleged Naxalites killed two workers of the CPM identified as Gumai Tudu and Jaladhar Mahato on the charges of being police informers at Dangardihi area of West Midnapore district on the night of 8 March 2006.²⁰

The activists of the ruling CPI-M were specifically targeted. The political party activists killed by the Naxalites included a CPM local committee member identified as Chhoti Mahato at Lalgur in West Midnapore district on 2 July 2006,²¹ CPM activist Anil Mahato and his bodyguard Dinesh Baskey who were dragged out of a bus and shot dead at Joypur in West Midnapore district,²² and a CPI-M activist identified as Dipak Mahato, who was killed in Birghosa forest near Bhimpur under Salboni Police Station in West Midnapore on 26 December 2006.²³

4. Violence against women

The National Crime Records Bureau recorded a total of 11,887 cases of violence against women which represent 7.6 per cent of the total cases of violence against women in India during 2005. These

included 1,686 rape cases, 1,039 kidnapping/abduction cases, 446 dowry death cases etc.

Women continued to face societal violence. On 6 June 2006, a woman identified as Purnima, wife of Ramashis Rabidas, was reportedly stripped and her hair cut off when she protested against a group of people who were allegedly running a prostitution racket at Idrakpur 30 kilometers from Balurghat, the headquarters of South Dinajpur district. When Ramashis Rabidas went to Purnima's rescue, he was tied to a tree and beaten up. The police arrested three persons identified as Gopal Saha, Bapi Saha and Bani Mondol out of the seven accused named by the victim in her complaint.²⁴

The people who were targeted and thrown out of their village on the charges of being practitioners of black magic seldom received protection from the police. On 1 September 2006, 15 members of a family headed by Haridasi Sardar were attacked and drove away from their village under Ranaghat police station in Nadia district at the orders of a witch doctor, who held the family responsible for continued illness of the villagers. The victim family was not allowed to carry anything with them. Homeless and hungry, the family members sought shelter and protection from the officials of the Ranaghat police station but they were driven away by the police officers without arrangement of alternate shelter and protection. On 3 September 2006, the victimised family took shelter outside the Ranaghat block-I development office.²⁵

5. Violations of the rights of the Child

Corporal punishment were rampant. In May 2006, an 11-year-old deaf-mute boy identified as Subrata Biswas, son of Judhisthir, was reportedly forced to do 300

sit-ups by the village panchayat chaired by Sambhu Mondal at Kumar village in Nadia district on the charges of attempting to rape a minor girl. The panchayat also imposed a fine of Rs 2,000 on the boy's father, Judhisthir. The boy fainted after the punishment and had to be admitted to Kumar Block Hospital. He was shifted to Shaktinagar district hospital in Krishnagar on the night of 26 May 2006. The village panchayat imposed the penalty without verifying the charges alleged by Bablu Mondol, father of the girl. Earlier, the police had not acted on the complaint lodged by the girl's father against the boy as the charge was neither confirmed by the girl nor the medical report.²⁶

Trafficking of children remained a problem. On 16 January 2006, two Nepalese citizens identified as Karan Lama and Naresh Lama, were caught by members of an NGO, Kanchenjungha Udhar Kendra at Naxalbari for their alleged involvement in trafficking of girls from North Bengal and Nepal to Delhi, and handed over to the police of Naxalbari police station. But the police allegedly refused to arrest the traffickers.²⁷

6. Violations of the rights of the tribals

The National Crime Records Bureau recorded 12 cases of atrocity against the tribals in the State during 2005, which included seven rape cases, three cases under the SC/ST (Prevention of Atrocities) Act etc.

Apart from hunger and denial of the right to health, housing and other social, economic and cultural rights, the tribal peoples were also victims of cultural cruel practices. They were killed on the charges of practicing "witchcraft" or "black magic". On the night of 22 March 2006, an elderly tribal couple - Gobindo Soren and

wife Chhani - was burnt to death by residents of Kendrapukur village under Habibpur police station in Malda district allegedly for practising witchcraft. The couple was sleeping in their hut which was reportedly set on fire.²⁸

On 7 June 2006, a 18-year-old tribal girl, a resident of the Kamlapur tea estate under Phansidewa police station in Darjeeling district, was allegedly gang raped by four unidentified boys at Gulma. Medical tests reportedly confirmed rape. On 9 June 2006, the victim recorded her statement before the magistrate court in Siliguri.²⁹

On 20 August 2006, a tribal woman identified as Anchala Pramanick died at Namopara village under Belpahari police station in West Midnapore district after going without any food for almost a week. According to the family members of the deceased, there was nothing to eat in the house and even other members of the family were surviving on water.³⁰

7. Violations of the prisoners' rights

Jails in West Bengal were renamed as "Correctional Homes" with effect from 14 April 2000 in order to paint a rosy picture of the state of affairs of the jails in the State. According to the State Government, West Bengal had 19,348 prisoners against the sanctioned capacity of 19,722 prisoners as of December 2005. Of the total prisoners, 74.6% were under-trial prisoners (14,445). The population of female prisoners was 1,598 including 1,048 under-trials.³¹

On 17 March 2006, 52 undertrials including 47 activists of Kamtapur Liberation Organisation, four Maoists and one cadre of United Liberation Front of Asom started hunger strike in Jalpaiguri Central Jail demanding, among others, speedy trial of their cases and grant of status of political prisoner.³²

There were reports of death in judicial custody. On 7 March 2006, Sagar Saha, a convict, allegedly hanged himself from a mango tree in the premises of the Jalpaiguri Central Jail. A suicide note was reportedly found on him.³³

On the night of 7 August 2006, an under-trial prisoner identified as Dilip Modak of Dinhata jail died at the sub-divisional hospital in Dinhata. The family members of the deceased alleged that he was beaten to death. However, Sub-Divisional Officer of Dinhata Kajal Banerjee stated that the deceased had fallen ill in the jail and was declared "brought dead" at Dinhata sub-divisional hospital. A magisterial inquiry was ordered.³⁴

On 26 November 2006, an under-trial prisoner identified as Surya Limbu alias Souden, a Nepali citizen, allegedly hanged himself inside the Siliguri jail. Limbu, son of Kal Bahadur Souden of Jhapa district in Nepal, was arrested on 24 November 2006 for his alleged involvement in a scuffle. The Superintendent of the jail, Sudipta Chakraborty stated that the deceased used his trousers and shirt to hang himself.³⁵

8. The conflict at Singur

The Special Economic Zones have been turned into "Special Eviction Zones" with the State Governments allotting prime agricultural lands to manufacture. The conflict in Singur under Hoogly district began over land acquisition for proposed Tata Motors' small car manufacturing project. Chief Minister Buddhadeb Bhattacharjee justified the land acquisition for the Tata project in the name of "industrial development of the State".³⁶

The State Government claimed that most of the land acquired was wasteland. But a report released by a committee of Singur-based organisations investigating the Singur unrest said wasteland

constituted less than 60 acres out of 997 acres allocated by the government.³⁷

In May 2006, the TATA Motors, an Indian multinational company, proposed to the West Bengal Government for setting up a small vehicles factory in the state and asked the State Government to provide 1000 acres land in Hooghly district, alongside the new Durgapur Expressway and near Kolkata. Desperate to bring in investments, the CPI (M) government accepted the TATA's demand readily without considering the proposal. The State Government acquired 997 acres of farmland in five villages of Gopalnagar, Beraberi, Bajemelia, Khaser Bheri and Singher Bheri in Singur under Hoogly district under the Land Acquisition Act, 1894 without consulting the local bodies. Reportedly, less than 27 percent of the 11,000 odd landowners had been willing to give their land while those who had acquiesced were either not living in Singur or had done so fearing coercion by the government and the ruling party. Fearing loss of their fertile farm land, the only source of their livelihood, the farmers who have been permanently residing in these villages spontaneously got together to launch a resistance movement under the banner of 'Krishijami Raksha Samiti' (Association for the Protection of Agricultural Land).³⁸

The Singur area turned into a battlefield. On 7 November 2006, the West Bengal Government started deploying huge contingents of armed police and the Rapid Action Force and setting up camps at several places in the area.³⁹ On 30 November 2006, the West Bengal Government banned gatherings, meetings and processions at Singur.⁴⁰

On 2 December 2006, as many as 60 villagers, including women and minor girls, were arrested by the police when

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they tried to resist the barbed wire fencing of the project site. The police resorted to indiscriminate lathicharge, used rubber bullets and shelled tear gas on the villagers, majority of whom comprised of women and children. A large number of villagers were injured, some of them critically and were undergoing treatment.

The conflict gained momentum following the recovery of the burnt body of an 18-year-old girl identified as Tapasi Malik at the site of the proposed Tata car plant on 18 December 2006. The victim was reportedly a member of the Krishi Jamin Bachao Committee which was

spearheading a movement against the land acquisition in Singur. Trinamool Congress alleged that the victim was raped and burnt by men guarding the controversial land.⁴¹ Following strong protests, Chief Minister Buddhadeb Bhattacharjee ordered a CBI inquiry into the alleged rape and murder of Tapasi Malik on 19 December 2006.⁴²

The situation worsened following alleged murder of two other persons identified as Tinkari Dey and his wife Maya whose bodies were recovered from the site of the Tata project on 28 December 2006.⁴³ By the year's end, the stalemate continued. ■

The State of Human Rights Defenders

Human rights defenders in India continued to face persecution from State and non-State actors. The risk has become more acute.

1. Persecution by the State governments

Many of the State Governments have been misusing the national security laws against the human rights defenders. They were arbitrarily arrested and detained on the charges of being involved in anti-national activities. Even after their release by the courts, the State governments filed fresh cases to detain them further.

On 26 October 2006, Habel Koloï, Chairman of Borok Peoples Human Rights Organization of Tripura was arrested and charged with terrorism under Unlawful Activities (Prevention) Act of 1967 as amended in 2004 and waging war against the State, among others. After having been granted bail by the courts in all these charges, the authorities slapped him with detention notice under the National Security Act. He was not released by the end of 2006.

Earlier, in August 2006, Yengkokpam Langamba Meitei alias Thabi, the Publicity Secretary of the Threatened Indigenous People's Society (TIPS) and Mr Leitangthem Umakanta Meitei, General Secretary of TIPS were arrested without warrant¹ and later on charged under sections 38 and 39 of the Unlawful Activities Prevention Act of 1967. They were accused of being members of the banned AOG, Kanglei Yawol Kana Lup (KYKL). Both the activists were tortured in custody.² They were given bail which they

refused to accept stating that they were innocent and should be released unconditionally. On 4 October 2006, both of them were released and all charges against them were dropped.³

In Maharashtra, the State Government continued to harass human rights defenders. On 3 January 2006, anti-slum demolition activist Rajkumar Kishanlal Awasthi was arrested in Mumbai under the Maharashtra Prevention of Slumlords, Bootleggers, Drug Offenders and Dangerous Persons Order, 1981 for demanding proper rehabilitation of the oustees due to the Mumbai Urban Transport Project funded by the World Bank.⁴ He was earlier arrested on 14 October 2005 under a false charge of "accepting money" and was released on bail after spending 14 days in police custody.⁵

The Orissa government lodged several false cases against tribal activists opposing the TATA steel plant at Kalinga Nagar.

Similarly, many false cases have been filed against the leaders of the Committee for Citizenship Rights of the Chakmas of Arunachal Pradesh.

2. Persecution by the armed opposition groups

The armed opposition groups (AOGs) also targeted the human rights activists through issuing threats, abductions and even killings them. On 27 June 2006, Takhellambam Menaka Devi, Secretary of the Wangoo Meira Paibi, a women's organization was killed by alleged cadres of the People's

Liberation Army (PLA) after kidnapping from her home at Wangoo in Bishenpur district of Manipur. The PLA reportedly claimed that she was punished for working as an informer for the Assam Rifles.⁶

Earlier, on 16 January 2006, 78-year-old Rev. Dr Tongkhojang Lunkim, Chairman of Kuki Movement for Human Rights was abducted from his home in Imphal, Manipur by the Kuki Liberation Army (KLA). The KLA later clarified that Dr Lunkim was not abducted but merely summoned for a talk.⁷ Yet, Dr Lunkim was released only on 18 March 2006, after two months of captivity.⁸

On 9 June 2006, Elvis Chorkey, President of Mizoram Bru Displaced Persons Forum was abducted by Bru Liberation Front of Mizoram (BLFM) cadres at Santipur under Kanchanpur police station.⁹ He was released on 30 June 2006.¹⁰

Apart from the AOGs, the human rights activists also faced threats from the vigilante groups. In Chhattisgarh, the anti-Naxalite Salwa Judum activists often targeted the civil society activists or journalists. In Andhra Pradesh too, the human rights activists constantly live under threats from the anti-Naxalite vigilante groups consisting mainly of former Maoists.

3. FCR Bill: Two steps backward

In the name of establishing accountability, the Central Government introduced the Foreign Contribution (Regulation) Bill 2006 in the Rajya Sabha on 18 December 2006.¹¹ NGOs extensively commented on the Bill and unanimously held that it is not in conformity with India's liberalisation policies; and it contradicts with India's role for promotion of democracy in other countries though contribution to the United Nations Fund for Democracy or its intervention for restoration of democracy in Nepal.

In addition, foreign contribution received by the NGOs is quite insignificant considering the amount of funds disbursed by the Government of India and the State Governments to NGOs and voluntary organizations in the country. There are several existing legislations to address the concerns of the Ministry of Home Affairs with regard to possible misuse of foreign funds.

The Foreign Contribution Regulation Bill does not address the measures needed to be taken to improve functioning of the NGOs irrespective of whether they are funded by the Government of India / State Governments or overseas funding agencies. ■

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