

# The Adivasis of Chhattisgarh:

Victims of the Naxalite Movement  
and Salwa Judum Campaign



ASIAN CENTRE FOR HUMAN RIGHTS

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Cover Photo : Chhattisgarh Chief Minister Dr Raman Singh and under-aged Special Police Officers

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# 1. Introduction

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Following the landmine blast by the Naxalites at Darbhaguda village under Konta Tehsil of Dantewada district of Indian State of Chhattisgarh on 28 February 2006, in which 27 civilians were massacred and 32 others were injured, Asian Centre for Human Rights (ACHR) sent a team of two researchers to investigate deteriorating human rights situation in Bastar region of Chhattisgarh.

On 3 March 2006, ACHR team reached Chhattisgarh state capital, Raipur and visited Jagdalpur, the headquarters of the Bastar district. ACHR team met and interviewed a few local journalists and social activists about the prevailing situation in Dantewada district, also known as South Bastar.

On 4 March 2006, ACHR team reached Dantewada. The team met District Collector of Dantewada, Mr K R Pisda and other high-ranking police officials who requested anonymity.

After meeting the officials, ACHR team visited the temporary relief camps at Bangapal and Geedam to obtain first hand information. ACHR researchers were interrogated and searched by the Salwa Judum activists before being allowed to visit the camps. It was only after the ACHR team explained that they had already met District Collector Mr Pisda and other senior police officials that they were allowed to enter the camps.

On 5 March 2006, ACHR team visited the site of the February 28th landmine blast at Darbhaguda and thereafter the temporary camp at Konta. At the temporary camp, ACHR team among others met and interviewed the family members of the victims of the 28th February landmine blast.

On 6 March 2006, ACHR team visited 30 injured persons of the 28th February landmine explosion undergoing treatment in a nearby hospital in Bhadrachalam district of Andhra Pradesh and interviewed some of them. ACHR team was prevented from taking photographs of the injured victims.

Since the visit of the ACHR team, there have been further attacks on the civilians, kidnapping of photographers and unarmed police personnel by the Maoists. This report highlights plight of the Adivasis who are caught in the conflict between the Naxalites and the state government of Chhattisgarh.

Suhas Chakma  
Director

## 2. Executive Summary

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Since the launch of Salwa Judum, an anti-Naxalite campaign, in Dantewada district of Chhattisgarh in June 2005, the Adivasis, who constitute 78.51% of the total population of Dantewada, have become victims of the conflict between the Naxalites and the State government of Chhattisgarh. Though majority of the cadres of the Naxalites are Adivasis, they are not the decision makers. "Commander" Kosa, the secretary for the Naxals in Chhattisgarh hails from Andhra Pradesh. The apology by the Maoists for the killings of innocent Adivasis on 28 February 2006 at Darbhaguda was also issued from Andhra Pradesh.<sup>1</sup> Similarly, the Salwa Judum campaign has been taken over by the State as a full-pledged counter-insurgency programme. The Adivasis are the pawns of both the parties of the conflict. They are also the perpetrators as well as the victims of the undeclared civil war.

In 1980s, the Naxalites, the ultra-left wing armed opposition group, made inroads into Bastar region from neighbouring Andhra Pradesh. Then Madhya Pradesh government had little semblance of presence in the Bastar region. The plight of the dispossessed and exploited Adivasis provided the classical situation for starting a communist revolution. As the Naxalites took over the tasks meant to be done by the State and provided protection to the Adivasis against exploitation by the corrupt officials, police, forest department officials, timber mafia, money-lenders etc, it was not difficult for the Adivasis to relate to the ideology of the Naxalites. The Naxalites gradually increased their influence day by day. At present, at least nine out of 16 districts of Chhattisgarh i.e. Kanker, Dantewada, Bastar, Surguja, Balrampur, Rajnandgaon, Koriya, Kawardha and Jashpur are affected by low intensity armed conflict with the Naxalites.

However, the Naxalites also came with the baggage associated with communist armed insurrections - execution of petty bourgeois amongst the most impoverished, extortion, and other harsh punishments. The Adivasis became victims of gross violations of human rights such as "violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture; taking of hostages; outrages upon personal dignity, in particular, humiliating and degrading treatment; and passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court affording all the judicial guarantees which are recognized as indispensable by civilized peoples", at the hands of the Naxalites. Some of those who were injured in the landmine blast on 28

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February 2006 at Darbhaguda village were allegedly stabbed and clubbed to death by the Naxalites.

The policy of the Naxalites of forcibly recruiting one cadre from each Adivasi family compelled many families to give the female members to the Naxals. Hence, traditional Adivasi social taboos were challenged and destroyed by the Naxalites and resentment against the Naxalites grew. But, any rebellion against the rebels was quelled with brutality. In 1992-93, a rebellion against the Naxalites was silenced after the Naxals killed 70 Adivasis.<sup>2</sup>

Since June 2005, episodic resentments against the Naxalites took organised shape under the leadership of Mr Mahendra Karma, the Member of Legislative Assembly and Leader of the Opposition in the Chhattisgarh State Legislative Assembly. Mr Karma christened it as Salwa Judum, Peace Initiative. It soon received the State sanction and became part of Chhattisgarh government's experiment with counter-insurgency operations to tackle the Naxalites. The civil war began in earnest.

The Salwa Judum has been far from a peaceful campaign with hundreds of the cadres being given full military training as Special Police Officers. It has created a civil war where one is either with the Naxalites or with the Salwa Judum. As the Naxalites followed the policy of forcibly recruiting one cadre from each family, in numerous cases, members of the same family have been pitted against each other. The Adivasis do not necessarily share the Naxalites' dream of surrounding "Delhi one day with Red Army"<sup>3</sup>, but they want their plight to improve and bring an end to exploitation by the corrupt government officials, police, money lenders, contractors etc. Instead, they find themselves in the midst of a civil war.

The Naxalites responded with violence against the Salwa Judum cadres irrespective of whether they are joining on their own volition or by force. Between 5 June 2005 and 6 March 2006, at least 138 Salwa Judum activists have been allegedly killed by the Naxalites.<sup>4</sup> In the Darbhaguda massacre of 28 February 2006 in which 27 persons were killed and 32 others were injured, the Naxalites allegedly killed many injured by stabbing and clubbing.

Even the children of the Salwa Judum cadres were not spared. Swayam Mala, Ex-Sarpanch of Darbhaguda village told Asian Centre for Human Rights, "On the night of 23 February 2006, Sangham people (Naxalites) came to my residence searching for me on the accusations that I was initiating development projects in the village. Not finding me, they killed my son Swayam Kanna, who was studying in class eight."



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Although the Naxalites have been responsible for more killings, the response of the State government to involve the civilians directly in the conflict and recruiting children as Special Police Officers is morally and legally untenable.

As on 4 March 2006, a total of 45,958 Adivasi villagers from 644 villages in 6 blocks of Dantewada district have come under Salwa Judum programme. The security forces and Salwa Judum activists have been responsible for gross violations of international human rights and humanitarian laws including torture, killings and rape especially during joint operations to bring scattered villages under the Salwa Judum. But the police do not register such complaints of atrocities as they also commit these crimes. Those who are victims of violations by the security forces and the Salwa Judum activists therefore are not given any compensation. Only the alleged victims of Naxalite violence are given compensation.

The displaced Adivasis have been living as inmates in temporary camps. Many have been living in the houses, roofed with the leaves of trees. The camp conditions are deplorable and no provisions are provided except for a square meals with watery dal.

There are also no educational facilities in the camps but the government claims that it is providing business education! Many government schools including Government Higher Secondary School at Konta, Girls High School, Janpad Middle School, Girls Ashram and Boys Ashram at Dondra have been converted into relief camps. Students who have been appearing for the High School and Higher Secondary School Board examinations in March 2006 have been badly affected.

The temporary relief camps have been turned into centres for military training and anti-Naxalite indoctrination education. As on 4 March 2006, 3,200 Adivasi boys and girls have been recruited as Special Police Officers (SPO) in Dantewada district alone at a fixed honourarium of Rs 1500 to each per month. Many SPOs have not been paid any honourarium. Many have joined in the SPO with the promise of regularization in the State Police Force.

Both the security forces and the Naxalites have been responsible for the recruitment and use of children in hostilities. ACHR interviewed 9 SPOs at Bangapal Relief Camp within the Bangapal Police Station who claimed that they were below 16 years.

As on 4 March 2006, there were 1999 surrendered Naxalites in Dantewada alone. Many of them have been kept in chains and they do not have the right to freedom of movement.

## **Conclusions and recommendations:**

As many as 227 persons have been killed between 5 June 2005 and 6 March 2006 including 47 security personnel and 30 alleged Maoists, 150 civilians out of which 138 at the hands of the Maoists and 12 at the hands of security forces and Salwa Judum activists. Out of these, 63 persons including 33 security forces and 30 civilians were killed in landmines planted by the Naxalites.

Undoubtedly, acts of terrorism by the Naxalites or any other group pose a threat to the most fundamental human right, the right to life.

There is no doubt that States have legitimate reasons, right and duty to take all due measures to protect those living within its jurisdiction, human rights, democracy and the rule of law, and to bring the perpetrators of such acts to justice.<sup>5</sup> However, measures taken by the State must be within the confines of the rule of law and due process of law. International human rights law, notably International Covenant on Civil and Political Rights requires that certain rights including the right to life may not be derogated under any circumstances.<sup>6</sup>

The State has the primary responsibility to protect the right to life of persons living within its jurisdiction. However, by involving the civilians in the Salwa Judum campaign, Chhattisgarh government has rather been increasing the risks of the civilians without any guarantees for safety and security of life.

In addition, the Salwa Judum programme cannot resolve the Naxalite crisis. The villages being vacated for Salwa Judum are virtually under the control of the Naxals. Experiences in the North East India and Jammu and Kashmir show that there is no outright solution to insurgency problem that Salwa Judum seeks to achieve. Nor today's Naxalite movement is the same as the ones of 1960s in West Bengal. The Naxals are not confined in Dantewada or Chhattisgarh alone. The Naxalite movement spreads over nine States of India including neighbouring Andhra Pradesh, Maharashtra, Orissa, Jharkhand etc which provide tremendous space for mobility.

The fact that many joined the Salwa Judum for recruitment and regularisation into Chhattisgarh State Police Force speaks of the need for economic upliftment, which cannot be addressed by Salwa Judum. The camp conditions are deplorable. Majority of the inmates have also been forced to join the camps. The disillusionment has already caught up the camp inmates -many SPOs have not been even paid the honourarium. No State can afford to feed entire populace indefinitely. Nor settling the Adivasis along the roads will create sustainable economic opportunities. This will deprive them from access to the minor forest produce and their agricultural lands.

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If the State had its presence in the Adivasi areas to protect their rights in the first place, the Naxalites would not have been able to make such inroads. The inability of the government to make its presence felt cannot be addressed by forcibly evicting innocent villagers to camps - at the cost of their human rights and fundamental freedoms. The deprivation of the rights of the Adivasis cannot be addressed by more violations of their rights. The Salwa Judum will only deteriorate the conditions of the Adivasis which the Naxalites exploit in the first place.

There is an urgent need to bring an end to the armed conflict in Chhattisgarh and the suffering of the innocent persons caught in the conflict. All actors of the conflicts i.e. State governments and the Naxalites must find peaceful solutions. If the Naxalites/Communist Party of India (Maoists) are serious about the plight of the Adivasis and other downtrodden people, and not establishing a communist republic in India, they must respond positively to bring an end to the suffering of the people caught in armed conflicts.

Asian Centre for Human Rights, therefore, makes the following recommendations:

**To the Central government of India:**

- The Government of India must intervene with the State government of Chhattisgarh to stop the "Salwa Judum" campaign and ensure that civilians are not involved in the conflict with the armed opposition groups and that no counter-insurgency or security measure be taken which directly or indirectly increases the risks of the civilians; and
- Take initiatives for holding dialogues between the State governments and the Communist Party of India (Maoists).

**To the State government of Chhattisgarh:**

- Declare cease-fire to facilitate holding of talks with the Naxalites and dismantling of all the temporary camps and return of the camp inmates to their respective villages with full safety and security;
- Provide relief to both the victims of Naxalite violence and violence by the security forces and the Salwa Judum;
- Release all the surrendered Naxalites from their undeclared detention;
- Immediately vacate the schools which have been turned into relief camps;

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- Conduct an inquiry into the recruitment of child soldiers among the SPOs and stop recruitment of children;
- Register the crimes perpetrated by the security forces, Salwa Judum cadres and the Maoists and bring the culprits to justice; and
- Withdraw Chhatisgarh Special Public Security Bill, 2005.

**To the Communist Party of India (Maoists):**

- Declare cease-fire with the State Government of Chhatisgarh to hold dialogue and facilitate dismantling of all the temporary camps and return of the camp inmates to their respective villages with full safety and security;
- Provide guarantees that no person, who has lived in the temporary camps, by own volition or force, or participated in the Salwa Judum campaign shall be harmed and that safety and security of those returning to their villages from the temporary relief camps be fully ensured;
- Stop targeting of the civilians and unarmed persons and use of land mines;
- Stop taking of hostages and immediately release those being held as hostages;
- Ensure full respect for the Geneva Conventions Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II) and make a public statement committing to ensure respect for the same; and
- Stop the use and recruitment of children in hostilities and immediately ban Bal Mandal (Children's Division).

### 3. The intensity of the armed conflict in Chhattisgarh

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Since the beginning of 2005, there have been increased attacks from the Naxalites. On 5 September 2005, the Chhattisgarh government banned Naxal organizations in the State following the killing of 24 security personnel in Bijapur Police district on 3 September 2005.<sup>7</sup>

Earlier in May 2005, a state government intelligence report stated that the Maoists have become a dominant force in 9 out of the sixteen districts i.e. Kanker, Dantewada, Bastar, Surguja, Balrampur, Rajnandgaon, Koriya, Kawardha and Jashpur and have partial but fast growing impact in four other districts.<sup>8</sup> In July 2005, Chhattisgarh Director General of Police (DGP) O.P. Rathor said that more than 40,000 square miles spread over 10 out of the 16 districts of the state was under the operational sphere of the Naxalites.<sup>9</sup>

Official sources estimate the number of cadres of the Naxals in Chhattisgarh to be about 3,000.<sup>10</sup> The Naxals have two units - Dalams and Sanghams. The Dalams are responsible for armed attacks while the Sanghams are hardcore overground cadres.<sup>11</sup>

The Bastar region has been heavily militarized with deployment of National Security Guard commandos, Nagaland Armed Police, Central Industrial Security Forces and Central Reserve Police Force personnel in addition to the State police. On 1 March 2006, Union Home Minister Shivraj Patil confirmed that the Centre had already provided 26 battalions i.e. 26,000 central security forces to Chhattisgarh to deal with the Naxals.<sup>12</sup>

The numerous armed clashes between the Naxalites and the security forces indicate the extent of the armed conflict in the Bastar region of Chhattisgarh.

#### **i. Killings of the security forces**

On 8 January 2005, alleged Maoists reportedly killed three policemen - Sub-Inspector B S Tirkey, Bhuneshwar Bhagat and Lalit Kumar in an ambush near Indrapuri in Balrampur district.<sup>13</sup>

On 19 January 2005, a police constable was reportedly killed and another seriously injured when alleged Maoists ambushed a police party in Rajnandgaon district.<sup>14</sup>

On 23 January 2005, suspected Maoists reportedly killed a police officer in an Improvised Explosive Device (IED) explosion in Panawah Forest in Kanker district.<sup>15</sup>

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On 23 March 2005, suspected Naxalites killed one police personnel and injured another during an attack on the helipad at Danteguda village in Dantewada district.<sup>16</sup>

On 5 May 2005 night, two CRPF personnel identified as Chandresh Singh of Uttar Pradesh and Shyamlal of Himachal Pradesh were killed and seven others injured in landmine blasts allegedly triggered by Maoists at a weekly rural market in Kanker district. The CRPF personnel were patrolling the area.<sup>17</sup>

On 23 May 2005, Maoists killed 6 security personnel in two separate incidents. Five security personnel, including four CRPF personnel were killed in a landmine blast triggered by suspected Maoists near Jhangla village under Bhairamgarh police station of Dantewada district. In another incident, Maoists shot dead Station House Officer, Mr Augustus Kujur of the Mainpart police station of Sarguja district. He was reportedly leading a police party to nab the Naxalites.<sup>18</sup>

On 1 June 2005, six CRPF personnel including Assistant Commandant R K Mishra were killed when Maoists ambushed a combing party of the security forces near Injaram of Konta police station area of Dantewada district.<sup>19</sup>

On 16 June 2005, one CRPF jawan was reportedly killed and nine others were injured when the Maoists opened fire on their vehicle near village Turrapani under Ramgarh police station in Korla district.<sup>20</sup>

On the night of 3 September 2005, 24 CRPF personnel were killed in a powerful landmine explosion by the Maoists in remote Punjer village in Dantewada district.<sup>21</sup>

On 17 December 2005, the Maoists killed one Indian Reserve Battalion (Nagaland Regiment) personnel in Pakhanjur of Dantewada district.<sup>22</sup>

On 18 December 2005, Naxalites reportedly shot dead one security personnel at Mendra village in Kanker district.<sup>23</sup>

On 6 February 2006, 11 security personnel including nine from the Indian Reserve Battalion (Nagaland Regiment) were reportedly killed in two separate attacks by the Maoists. While nine personnel of the Naga Task Force were killed in a landmine blast in village Kutachera under Bhejji police station of Dantewara, two policemen were killed in an attack by the Maoists at a police outpost in Jashpur district, bordering Jharkhand.<sup>24</sup>

On the night of 9 February 2006, eight Central Industrial Security Force

personnel were killed and nine others injured when the armed Maoists attacked the National Mineral Development Corporation depot at Hiroli in Dantewada district. The Maoists also reportedly looted 50 tonnes of explosives and 17 rifles.<sup>25</sup>

On 4 March 2006, the Maoists reportedly killed a policeman Jai Singh Thakur and looted his rifle in daylight in front of Benur police station in Narayanpur police district.<sup>26</sup>

## **ii. Killings of the alleged Naxalites**

The security forces have also killed many alleged Maoists. On 27 February 2006, Chhattisgarh Home Minister Ram Vichar Netam informed the Legislative Assembly that 30 Maoists, including eight Sangham members, were killed between 5 June 2005 and 31 January 2006.<sup>27</sup>

There have also been reports of allegations of extrajudicial executions. For example, the police claimed that between 29 August 2005 and 3 September 2005, 10 alleged Maoists were reportedly killed by the security forces in the dense forest of Bijapur and Bhairamgarh areas under Bijapur police district during a special operation called "Green Hunt".<sup>28</sup> However, it has been alleged that on 1 September 2005, the police and paramilitary personnel allegedly arrested 10 unarmed villagers, including a 12-year-old boy, and killed all of them in cold blood at Haryal village situated just two kms from the Mirtul Police Station in West Bastar. The police and paramilitary personnel reportedly raided the village upon complaint by the village Mukhiya, Doru Magu (who was a leader of the Salwa Judum) that the villagers were planning to attack the police station. The security forces later announced that they had killed 10 Naxalites. The bodies of the deceased were allegedly not handed over to their family members but were secretly burnt down by the security forces in the forest.<sup>29</sup>

On 18 May 2005, two alleged women cadres of the Maoist were reportedly killed in encounters in Narayanpur police district in the Bastar region.<sup>30</sup>

On 11 August 2005, two alleged Maoists identified as Lekam Borde and Duhram of Kotrapal were reportedly killed in a gun battle with the jawans of the Nagaland Armed Police patrolling party near Podum under Bhairamgarh police station.<sup>31</sup>

On 14 November 2005, three alleged Maoists were reportedly killed by security forces near Erakeli village in Dantewada district. Four Maoists, including a woman, who was injured in the shootout were reportedly

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arrested. The security forces claimed to have recovered three guns besides a landmine and other materials from the spot.<sup>32</sup>

On 16 November 2005, an alleged Maoist leader identified as Shyam Bihari alias David, zonal commander of the CPI-Maoist, was killed in an alleged shootout by the police in Surguja district.<sup>33</sup>

On 16 December 2005, three alleged Maoists and a civilian were killed in an encounter with security forces at Bhejji locality in Dantewada district.<sup>34</sup>

On 18 December 2005, one alleged Maoist was reportedly killed and seven others were arrested during an encounter between police and the Maoists at Rampur in Kanker district.<sup>35</sup>

On 28 December 2005, six alleged Maoists were reportedly killed in a gun battle with the security personnel on Basaguda-Gangalur road near Korma village in Bijapur police district. The dead body of one Maoist recovered by police was reportedly identified as Sannju Halma.<sup>36</sup>



## 4. The genesis of the Naxals in Chhattisgarh

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*“...A lopsided socioeconomic development of the district caused by indirect exploitation through environmental destruction and direct exploitation through cheating and duping, has provided an ideal setting for the Naxalites to take root in the area... They supported the illegal encroachments of forest land and organised some campaigns of encroachment themselves; they repeatedly brought to the fore the issue of tanks and the need to maintain them in a systematic manner for irrigation; they openly opposed the Bodhghat project; they punished corrupt officials; they made the tendu leaf contractors increase the wage rates; and they held health and education programmes among tribals.” - Observations of the People’s Union for Civil Liberties in the report, *Baster: An Investigation into an ‘Encounter’*, June 1985.<sup>37</sup>*

The Naxal movement, named after the peasant’s armed uprising at Naxalbari in West Bengal, has become synonymous of armed insurrection influenced by Chairman Mao Tsetung of China. Naxalbari Day is celebrated on 25 May to commemorate the unprovoked killing of 11 innocent persons including 7 women and 2 children on 25 May 1967 at Naxalbari bazaar in West Bengal by the Assam Frontier Rifles. The victims were participating in a meeting. The alleged killing was in retaliation for the killing of Mr Sonam Wangdi, an enforcement inspector by a youth’s arrow on 24 May 1967. Mr Wangdi was to raid the houses of those suspected of looting foodgrains, arms and taking over lands from the Zamindars.<sup>38</sup>

The West Bengal government responded with unprecedented violence and unlawful measures such as torture, disappearances and extrajudicial executions to crush the Naxalite movement. In 1980, another Naxalite movement was started in the impoverished and underdeveloped Telengana region of Andhra Pradesh by the Peoples War Group (PWG).

Killings of the class enemies, petty bourgeois, police informers and sentencing through its Peoples Court became key features of the PWG functioning.

The State government of Andhra Pradesh too reacted with equal lawlessness. The “Guidelines /Procedures to be followed in dealing with deaths occurring in Encounters” of the National Human Rights Commission of India were developed based on systematic extrajudicial executions perpetrated by the Andhra Pradesh Police with impunity. There has been little difference

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between the security forces and the Naxalites in terms of lawlessness and violations of human rights.

The Naxalite movement from Andhra Pradesh soon spread to neighbouring Madhya Pradesh, Orissa, Jharkhand and Maharashtra. "Commander" Kosa, the secretary for the Naxals in Chhattisgarh hails from Andhra Pradesh.<sup>39</sup>

The Naxals are believed to have made inroads into Chhattisgarh during early 1980s. However, their presence in the State was felt only in late 1990s having established their stronghold in most of rural belts in Surguja and Bastar<sup>40</sup> where the government had little presence. In May 2005, a state government intelligence report stated that the Maoists have become a dominant force in nine of the 16 districts i.e. Kanker, Dantewada, Bastar, Surguja, Balampur, Rajnandgaon, Koriya, Kawardha and Jashpur and have partial but fast growing impact in four other districts.<sup>41</sup> In July 2005, Chhattisgarh Director General of Police, Mr O.P. Rathor said that more than 40,000 square miles spread over 10 out of the 16 districts of the state was under the operational sphere of the Naxalites.<sup>42</sup>

Official sources estimate the number of cadres of the Naxals in Chhattisgarh to be about 3,000.<sup>43</sup> The Naxals have two units - Dalams and Sanghams. The Dalams are responsible for armed attacks while a Sangham is a bunch of hardcore overground cadres.<sup>44</sup> The majority of the cadres of the Naxals are Adivasis, as the Naxalites adopted a policy to forcibly recruit one person from each Adivasi family. The girls had to be given if there is no male member in the family. The decision makers and the think-thank of the Naxalites are from outside of the Bastar region.

It is not the case that the Adivasis share the dream of establishing the Naxalite government. However, the language of the Naxalites found support in the Bastar region because of the abject poverty amongst the dispossessed, deprived and exploited Adivasis as a part of erstwhile Madhya Pradesh.

The creation of Chhattisgarh in 2000 made little difference. Once the Naxalites strengthened their bases, governmental activities through the Panchayat or Public Work Department or Agriculture and Irrigation Department or Rural Engineering Service or the Forest Department came to a virtual halt. The dumpers and trucks of the Border Road Organisation were set on fire by the extremists. The contractors were told not to help roadwork and the movement of raw materials, including iron ore and bauxite. The Naxalites also imposed taxes.

However, official records show that a whopping Rs 25 crore is reportedly

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spent each year by the Bastar-Sarguja Development Authority in addition to the other programmes from Central and State governments.<sup>45</sup> Obviously, the developmental programmes did not reach the dispossessed and deprived Adivasi populations.

Rather, the Naxalites took over the tasks of the government. They distributed land records to the villagers, a job meant to be done by the revenue department. The “pattas” given by the Naxalites have maps of the land allotted to them with the seal of the local commander. The Naxalite leaders settled land disputes and if their “verdicts” were violated, the accused were awarded harsh punishment including executions.<sup>46</sup> The Naxalites also established their schools and health care centres.

It was not difficult for the Adivasis to relate to the Naxalites.

## 5. The Counter-Naxals: The Salwa Judum cadres

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As the Naxalites made their presence felt strongly, especially since the beginning of 2005, a counter-Naxal campaign, named Salwa Judum came up. In local Gondi Adivasi dialect, the term Salwa Judum means a “purification hunt”.<sup>47</sup> The supporters of this campaign translate its meaning as “peace campaign”. The Naxalites on their part stated that Judum means “hunting” and Salwa means “group” and therefore, they say, it is a group hunting of innocent Adivasis supporting the “people’s movement”, the movement of the Maoists.<sup>48</sup>

There is no authentic record as to when and how the present Salwa Judum campaign was first launched and who actually launched it. There has been episodic protests against the excesses perpetrated by the Naxals. It is believed that Salwa Judum campaign was initiated in early June 2005 by a little-known schoolmaster from Kutru, who got his students to stand up and declare a joint struggle against the Naxalites.<sup>49</sup>

Some of those interviewed by ACHR during the field visit told that on 5 June 2005, 8 Sangham men or Naxalites were apprehended by supporters of Mahendra Karma, the sitting Member of Legislative Assembly from Dantewada and Leader of the Opposition in the Chhattisgarh State Legislative Assembly in Ambeli village under Kutru police station in Dantewada. On that day, the Naxalite cadres came to Ambeli village to carry out their activities but Mr Mahendra Karma’s supporters openly resisted them, overpowered, beaten them up and handed them over to Kutru police.

On 14 June 2005, the Naxalites attacked the villagers of Kotrapal village under Bhairamgarh. Eight innocent villagers were killed. This killing by the Naxalites angered the families and relatives of victims.

On 19 June 2005, Mr Karma’s active supporters reportedly organised the first meeting of the campaign, which was later christened as Salwa Judum or Peace Campaign by Mr. Karma himself on 25 June 2005.

There have been anger and frustration with the atrocities of the Maoist cadres - killing, abduction, harassment and imposition of taxes upon the already impoverished Adivasi populace. As a surrendered Sangham member of the Naxalites was reported as saying:

*“We were forced to become Sangham members. We gave them food and drink, though we had so little for ourselves. For 25 years, they have*

*been here. Earlier they would sweet-talk us, promising to stop exploitation of Adivasis; they said they would form the government. They made fools of us. They harass us, after the police ask questions; they even take away our young girls. Then, they began to kill. They claim to hold Jan Adalats, peoples' court, before doling out punishments or execution orders, but I never saw one."*<sup>50</sup>

It is clear that spontaneous anti-Naxalite sentiment and activities took organized form under the leadership of Mr Mahendra Karma, who earlier launched Jan Jagaran Abhiyan (People's Awakening Campaign) against the Naxalites in 1990 and 1996 but without much success.<sup>51</sup>

Soon, the Chhattisgarh State government lent its support to the Salwa Judum led by the Leader of the Opposition in the State Legislative Assembly. In his Independence Day address on 15 August 2005, Chief Minister Dr Raman Singh assured the Adivasis that the government would abide by its commitment to provide full backup to people fighting the Maoists.<sup>52</sup> On 25 August 2005, the State government announced that it had set up a Committee headed by Chief Secretary A.K. Vijayvargiya to provide direct support such as logistics, arms and funding to the Salwa Judum.<sup>53</sup>

The state government adopted two blocks - Bijapur and Bairamgarh, comprising 240 villages in Dantewada district as a "pilot project" for the Salwa Judum.<sup>54</sup> The Gram Raksha Samitis (Village Defence Committees) were formed in 130 villages in Bijapur and Dantewara districts on an experimental basis. The VDCs are backed by police clusters, each covering 4-5 villages.<sup>55</sup> As of 4 March 2006, 644 villages of Dantewada district were brought under Salwa Judum.

The persons joining the Salwa Judum camps may be broadly categorised as (1) victims and relatives of victims of Naxalite violence; (2) persons who are induced by free rations and money; (3) persons who want security in the form of recruitment as Special Police Officers and police informers; and (4) persons who support the Naxalites.

While majority have been brought to the Salwa Judum camps by force, many joined the camps because of the inducements provided. Ms Markan Jogi whose husband was killed in the Darbhaguda landmine explosion on 28 February 2006 stated, "*We have shifted to the Arrabore relief camp just about 15 days ago. We have been told that my husband will be employed as Special Police officer if we shift to the relief camps started by the Salwa Judum and that he will get a monthly salary of Rs. 1500/ plus free ration*".

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Salwa Judum is far from a “peace campaign” with some of its cadres being given full military trainings as Special Police Officers. It has become a state sponsored violent counter-insurgency programme.

ACHR interviewed nine minor girls at Bangapal relief camp. The girls identified themselves as Rinki Bogani, 14 years of Pundri village, Rina Karma, 15 of Bodli, Jamuna Oyami, 15 of Chidrapal village, Budri Mariam, 14 of Pundri, Nilo Kadi, 14 of Talnar, Nila Punem, 15 of Bodli, Jamuna Bhaliga, 14 of Belnar, Judira Oyami, 16 of Chidrapal, and Gita Kunjam, 15 of Kodoli.

The minor girls, who were recruited as SPOs, told ACHR that the Salwa Judum activists wooed them with the prospects of employment as SPO at a monthly salary of Rs.1,500 and that they would be permanently absorbed in the Police department. So, they joined Salwa Judum.

## 6. The Civil War and the Darbhaguda Massacre

As of 4 March 2006, Salwa Judum campaign organised 128 rallies and 42 meetings. Many villages have been forcibly included in the Salwa Judum campaign. Out of 1153 villages, according to the District Collector of Dantewada, 644 villages have reportedly participated in the Salwa Judum campaign while 509 villages have not yet joined it.

Without the support of the state government, the Maoists would have violently crushed the Salwa Judum campaign. A similar programme against the Naxalites in 1992-93 had to be dropped after the Naxals butchered 70 Adivasis.<sup>56</sup>

### The extent of Salwa Judum campaign as provided by District Collector Mr K R Pisda to ACHR

S. No.	Name of development block	No. of villages	No. of participating villages	No. of non-participating villages
01	Geedam	75	28	47
02	Bhairamgarh	324	324	0
03	Bijapur	96	96	0
04	Usur	132	56	76
05	Bhopalpatnam	186	0	186
06	Konta	340	140	200
	<b>Total</b>	<b>1153</b>	<b>644</b>	<b>509</b>

The Salwa Judum cadres brought most villagers and its population forcibly and it has led to clashes and loss of lives from the beginning. On 18 June 2005, about 3,000 people reportedly attended a Salwa Judum meeting led by Mahendra Karma and Mukhiyas (headmen) from Bel and Dharma villages. After the meeting about 1,000 people backed by the security forces reportedly attacked nearby Kotrapal village. But the villagers prepared their defence in advance and attacked the mob with bows and arrows killing three Salwa Judum activists on the spot.<sup>57</sup>

As many as 227 persons have been killed between 5 June 2005 and 6 March 2006 including 47 security personnel and 30 alleged Maoists, 150 civilians out

of which 138 at the hands of the Maoists and 12 at the hands of security forces and Salwa Judum activists. Out of these, 63 persons including 33 security forces and 30 civilians were killed in landmines planted by the Naxalites.<sup>58</sup>

The ongoing civil war culminated into the Darbhaguda Massacre on 28 February 2006 by the Naxalites.

### **i. The Darbhaguda Massacre of 28 February 2006**

According to the accounts of eyewitnesses and survivors, who are undergoing treatment at the area hospital in Bhadrachalam district of Andhra Pradesh, in the morning of 28 February 2006, four trucks carrying between 60-70 Salwa Judum activists in each truck were returning to the Arrabore relief camp from a Salwa Judum meeting at Dornapal relief camps. At about 11.30 am, the four trucks were crossing the Darbhaguda village when there was a very big explosion and the 2nd (in order of their advancing forward) of the four trucks was blown to pieces killing 8 of the occupants on the spot and injuring many others, some of them critically.

During its visit to the site of the landmine explosion near Darbhaguda village in Konta Tehsil, the ACHR team found a big crater on the road, where the explosion had occurred.

District Collector of Dantewada Mr. K R Pisda informed the ACHR team 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.

This was corroborated by the family members of the deceased and survivors, who are undergoing treatment in the nearby hospital in Bhadrachalam district of Andhra Pradesh.

An injured survivor, who is undergoing treatment (name withheld because of the fear of retaliation by the Naxalites) at Bhadrachalam Hospital in Andhra Pradesh told Asian Centre for Human Rights, *"we (between 60-70 persons) were on the 2nd of the four trucks and were crossing Dharbhaguda village, when we were dampen by a big explosion and being thrown up with the truck. We were writhing in pain and screaming for help, then Sangham (Naxalites) members armed with guns, choppers and spears attacked us and killed some of us."*

Ms Markam Jogi, whose husband Markan Sankuru, was killed in the landmine explosion on 28 February 2006, told ACHR:

*"In the morning of 28 February 2006, my husband along with hundreds*



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*of other Judum activists had gone to the Dornapal Salwa Judum meeting and was returning home when their truck was exploded by the Sangham (Naxalites) people with land mine. Co-inmates of camps and neighbors told me that my husband had received only simple injury in the blast and was feeding water to the injured when Sangham men attacked the injured, killed some of them and kidnapped him”.*



Markan Sankuru was reportedly killed in captivity of the Maoists.

There have also been security lapses. Mr Markam Buccha, father of late Markam Sankuru, staying at Arrabore relief camp blamed the security forces for the failure. He told ACHR:



*“There were absolute security lapses. Had there been adequate security, more causality would have been prevented, as many of the injured were stabbed to death by the Naxalites after the blast. The conditions of the injured would not have deteriorated to that extent had they been transferred in time. Abductions could have been prevented. At the time of taking the people to the Salwa Judum meeting at Dornapal, the security forces had*

*assured complete security of the participants and that they were keeping vigil on every inch of the area and that there was security within the distance of 3 to 5 kilometers. But this assurance was a lie.*

*Once the security forces are able to bring the villagers to the camps, they do not provide security to the villagers to re-visit their houses to see whether their household goods and domestic livestock like cattle, goats are safe”.*

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**List of persons killed**

<b>S. No.</b>	<b>Name of victim</b>	<b>Father's name</b>	<b>Village</b>	<b>Tehsil</b>
1.	Salbam Subba	Arra	Phandiguda	Konta
2.	Panda Chandra	Desha	Phandiguda	Konta
3.	Panda Ram	Rajlu	Phandiguda	Konta
4.	Panda Chandra	Mutta	Phandiguda	Konta
5.	Panda Muttha	Dulla	Phandiguda	Konta
6.	Salbam Venkatesh	Joga	Phandiguda	Konta
7.	Panda Jayo	Veera	Phandiguda	Konta
8.	Swayam Papeya	Tameya	Kuttanguda	Konta
9.	Kunja Subba	Borra	Jharpaguda	Konta
10.	Marco Kanna	Rama	Kamrajparh	Konta
11.	Sodhi Somaru	Soni	Ashirguda	Konta
12.	Soda Hunga	Hirma	Ashiguda	Konta
13.	Panda Kanna	Mutta	Injarem	Konta
14.	Kabasi Lachha	Bhima	Jharpaguda	Konta
15.	Sondi Joga	Kanna	Jharpaguda	Konta
16.	Sodi Buchcha	Boji	Jharpaguda	Konta
17.	Swayam kama	Dulla	Kamrajparh	Konta
18.	Barse Nanda	Bandi	Jharpaguda	Konta
19.	Karka Bhima	Mutta	Jharpaguda	Konta
20.	Muchchaki Sula	Arra	Jharpaguda	Konta
21.	Jode Rama	Tameya	Burguda	Konta
22.	Karti Deva	Namalum	Jintetong	Konta
23.	Markam Joga	Barre	Jharpaguda	Konta
24.	Salbam Lachcha	Rama	Burguda	Konta
25.	Chinna	Namalum	Kamrajparh	Konta
26.	Markam Sankuru <sup>59</sup>	Markam Buchcha	Paniguda	Konta
27.	Swayam Mutta	Swayam Kanna	Ashirguda	Konta

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**The list of injured persons as provided by Medical Superintendent, Area Hospital, Bhadrachalam, Andhra Pradesh**

S. No.	IP No.	Name and address of injured	Age	Sex	Caste	Nature of injuries received	Remarks
1.	1891	Panda Bucham S/o Jogaiah R/o Irpagudem H/o Kunta	45	M	ST	Fracture Radius (L) Distel end with head injury	
2.	1892	Panda Rajam S/o Subbaiah R/o Patigudem H/o Kunta	27	M	ST	Head injury	Shifted to dis. Hqrs Hospital Khamman
3.	1893	Panda Bheema S/o Ganga R/o Pandigudem H/o Kunta	17	M	ST	Both bones (Rt) fore-arm	
4.	1894	Salvam Rajaih S/o Bheemaiah R/o Pandigudem H/o Kunta	35	M	ST	Fracture both bones right leg	
5.	1895	Unknown	45	M	ST	Head injury - unconscious - fracture pelvis	Shifted to Dist. Hqrs. Hospital Khammam
6.	1896	Panda Rafee	25	M	ST	Fracture left olecranon with head injury	Shifted to Dist. Hqrs. Hospital Khammam
7.	1898	Karam Muthaiah R/o Vinjaram H/o Kunta	28	M	ST	Head injury	Shifted to Dist. Hqrs. Hospital Khammam
8.	1899	Sarapa Lachu S/o Ganga R/o Pandigudem H/o Kunta	30	M	ST	Head injury with left wrist fracture	
9.	1900	Parsika Chandri D/o Balla R/o Pandigudem H/o Kunta	15	F	ST	Head injury	
10.	1901	Salvam Sankuramma	23	F	ST	Head injury	Shifted to Dist.

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		W/o Joga R/o Pandigudem H/o Kunta				with collis fracture	Hqrs. Hospital Khammam
11.	1902	Pandu Subba S/o Raja R/o Pandigudem H/o Kunta	35	M	ST	Fracture femur right	
12.	1904	Panda Jaya D/o Mutha R/o Buruguda H/o Kunta	20	F	ST	L2 compression fracture	
13.	1905	Pulam Deva S/o Badu R/o Neelamadugu H/o Dantewada	40	M	ST	Fracture calcaneum	
14.	1906	Kunjum Kamala D/o K Bajar R/o Pandiguda H/o Kunta	20	F	ST	Superior ramus fracture left	
15.	1907	Panda Raja S/o Subha R/o Vinjaram H/o Kunta	25	M	ST	Fracture distel end of radius left	
16.	1908	Savalam Kittu D/o Bazaru R/o Pandiguda, Kunta	24	F	ST	Spinal injury with blunt injury abdomen	Shifted to Dist. Hqrs. Hospital Khammam
17.	1909	Panda Kanna S/o Veeraiah R/o Pandiguda H/o Kunta	25	M	ST	Fracture femur left	
18.	1910	Mannem Kalyani D/o Janakiram R/o Pandiguda, Kunta	30	F	ST	Spinal injury with left humerious	Shifted to Dist. Hqrs. Hospital Khammam
19.	1911	Vemula Bheema S/o Suladhar R/o Nachirguda H/o Kunta	40	M	ST	Fracture left femur	

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20.	1912	Madakam Bhadri D/o Rama R/o Hasirguda H/o Kunta	13	M	ST	Simple injuries	
21.	1913	Kotam Ramulamma D/o Dula R/o Pandiguda H/o Kunta	16	F	ST	Fracture right humerous	
22.	1914	Mulaki Ganga S/o Kosa R/o Hasirgudem H/o Kunta	16	M	ST	Simple injuries	
23.	1915	Panda Lakshmi D/o Malla R/o Pandiguda H/o Kunta	18	F	ST	Head injury	
24.	1916	Dharban	26	M	ST	Head injury	Shifted to Dist. Hqrs. Hospital Khammam
25.	1917	Unknown	35	M	ST	Head injury	
26.	1918	Sode Subba S/o Rama R/o Hasirguda H/o Kunta	18	M	ST	Simple injuries	
27.	1919	Sode Lachu S/o Subbaiah R/o Vinjaram H/o Kunta	45	M	ST	Fracture both bones right forearm with fracture right ankle	
28.	1920	Panda Duleh D/o Kanna R/o Pandigudem H/o Kunta		F	ST	Simple injuries	
29.	1921	Savalam Tirupatamma D/o Rama R/o Burugudem H/o Kunta		F	ST	Fracture left femur	
30.		Chinna R/o Kamarajpad, Kunta Taluk		M	ST	Left leg amputation, right hand	Found dead when brought in helicopter to

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						amputation	Bhadrachalam
31.	1897	Soyam Muttu	M	ST	Head injury		Died at 8.45 p.m.
32.		Mallika Ganga, S/o Rama, Kunta	21	M	ST	Chest injury	

The number of victims, who were kidnapped by the Maoists could not be ascertained.

Many of the victims killed by the Naxals in the massacre have not been paid compensation at the time of the visit of ACHR team. Parents of Sodi Buchcha, who was the only son and died in the blast on 28 February 2006, stated that they were given only Rs 10,000. He was married and is survived by his four kids, his parents, and wife.

Swayam Kanna, father of Swayam Mutta, also received only Rs 10,000. He told ACHR, *“my young son was killed in the landmine blast by the Sangham men. He was the lone bread earner for the family. I am already 70 year-old and not able to work. How will I live without him? So far I received only Rs. 10,000 as compensation from the Government but it is being said that the Government has declared a sum of Rs.2 Lacs.”*

The victims include Markam Sankuru of Paniguda, Kunta, whose wife told Asian Centre for Human Rights, *“Dead body of my husband was found yesterday (5 March 2006) at Bheji road in Injaram village. We were married last year and I am seven month pregnant now. I am very shocked to learn his demise and I do not know what to do and how to live? I received Rs. 10,000 from the Government while people are saying that the Government is giving Rs. 2 lacs as compensation against death.”*

## ii. The extent of the civil war

In Dantewada, one is either with Naxalites or Salwa Judum. In both the cases, life is at risk.

Whenever a Salwa Judum meeting takes place, people from neighboring villages are forced to attend it. Those who refuse are attacked by the Salwa Judum cadres, the police and the paramilitary forces stationed in the area. Alleged Maoists' sympathizers are hunted down and handed over to the police or killed. In the course of the Salwa Judum campaign, villages that refused to participate had been burnt, their goods and cattle looted and crops of the villagers were destroyed.<sup>60</sup>

The Naxalites also attack the supporters of Salwa Judum.

Majority of the Adivasis however neither support the Maoists nor the Salwa Judum. They are forced to take shelter at government run relief camps due to fear of retaliation from both sides. Once in the camps, they are left with no option but to join the Salwa Judum.

The Naxalites have a policy where each Adivasi family had to give one family member to be recruited either as hardcore cadre of Naxalites or member of its frontline organisations such as Chetna Natya Mandal, Mahila Mandal, Bal Mandal etc. The other members of the family remained in the village. Many of them have now been forced to leave their villages, take shelter in temporary relief camps and join the Salwa Judum. Consequently, fathers, brothers, sisters and other relatives now in Salwa Judum are being made to fight with their sons, brothers, sisters and other relatives who are with the Naxalites.

The Adivasis are pitted against each other in the name of Naxalite movement and Salwa Judum campaign.

### **iii. Applicable international law and Salwa Judum campaign**

Article 17 of the Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II) prohibits forced movement of civilians. It provides that:

“1. The displacement of the civilian population shall not be ordered for reasons related to the conflict unless the security of the civilians involved or imperative military reasons so demand. Should such displacements have to be carried out, all possible measures shall be taken in order that the civilian population may be received under satisfactory conditions of shelter, hygiene, health, safety and nutrition.

2. Civilians shall not be compelled to leave their own territory for reasons connected with the conflict”.

It is clear that the displacement of thousands of Adivasis by force and inducements constitutes a clear violation of the Article 17 of the Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II).

## 7. Abuses by the Naxalites

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The Naxalites in Chhattisgarh have been responsible for gross violations of international humanitarian laws including Common Article 3 of the Geneva Conventions and Additional Protocol to the Geneva Conventions. Common Article 3 provides that

### **“Article 3**

In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each party to the conflict shall be bound to apply, as a minimum, the following provisions:

1. Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed hors de combat by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria.

To this end the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons:

- (a) Violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;
  - (b) Taking of hostages;
  - (c) Outrages upon personal dignity, in particular, humiliating and degrading treatment;
  - (d) The passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court affording all the judicial guarantees which are recognized as indispensable by civilized peoples.
2. The wounded and sick shall be collected and cared for.

An impartial humanitarian body, such as the International Committee of the Red Cross, may offer its services to the Parties to the conflict.

The Parties to the conflict should further endeavour to bring into force, by means of special agreements, all or part of the other provisions of the



present Convention.

The application of the preceding provisions shall not affect the legal status of the Parties to the conflict. “

The members of the Salwa Judum, police informers, class enemies among the impoverished Adivasis and those who defy their diktat have been specific targets of the Naxalites. Even the children were not spared. Swayam Mala, Ex-Sarpanch of Darbhaguda village told Asian Centre for Human Rights, *“On the night of 23 February 2006, Sangam people (Naxalites) came to my residence searching for me on the accusations that I was initiating development projects in the village. Not finding me, they killed my son Swayam Kanna, who was studying in eight standards.”*

While one Pujari Budhram of Gogla village under Gangalur police station in Bijapur police district allegedly bled to death on 4 November 2005 after being brutally thrashed and stabbed by the Naxalites with knife and axe in full public view for participating in Salwa Judum<sup>61</sup> a village Sarpanch, Rajman Uike of village Baghdadongari was “convicted to death” in the Jan Adalat, peoples court, on the charges of being a police informer. Uike was killed on 12 August 2005.<sup>62</sup>

The Naxalites have also been responsible for forcible recruitment. They have been reportedly forcing each Adivasi family to give one family member to be recruited either as hardcore cadre of Naxalites or member of its frontline organisations such as Chetna Natya Mandal, Mahila Mandal, Bal Mandal etc. The forcible recruitment has created deep resentment among the Adivasis as in many cases, families which did not have sons had to forcibly give their daughters to be recruited as Naxalites. This has destroyed the social and cultural norms in conservative Adivasi societies. The allegations of exploitation of female cadres fomented the uprising against the Naxalites.

Extortions of the impoverished Adivasis by the Maoists have also been reported. On the evening of 3 September 2005, a group of three Naxalites cadres reportedly came to Buditola village under Balrampur jurisdiction in Sarguja district and started collecting taxes/extortions from the villagers. The Naxalites demanded tax for allowing the villagers to irrigate about two hundred hectares of government land in the village. When some villagers tried to protest the said act, the Naxals allegedly beat them up mercilessly and warned them of dire consequences in case they attempted to raise voice against their activities. They also fired bullets in the air to spread terror amongst the villagers. Meanwhile some daring youths armed with sticks,

iron rods and other sharp weapons pounded on the Naxalites and snatched their rifles. Seeing this, the entire village came together and overpowered the Naxalites. While one of the three Naxalites identified as Shivram Bhuiyan of village Mitgai under Ramanujganj Police Station, was held by the villagers, two other rebels reportedly managed to escape from the spot. Later, the villagers handed over Shivram to the police.<sup>63</sup>

### **i. Killings since the start of the Salwa Judum campaign**

Since the launch of Salwa Judum in June 2005, at least 138 Salwa Judum activists have been killed by the Naxalites as on 6 March 2006.<sup>64</sup> On 27 February 2006, Chhattisgarh Home Minister Ram Vihar Netam informed the State Legislative Assembly that the Communist Party of India-Maoist killed 95 villagers who were involved in the Salwa Judum campaign up to 31 January 2006 since the beginning of Salwa Judum campaign in June 2005.<sup>65</sup>

On 6 March 2006 at around 11 am, alleged Maoists reportedly blew up a 25-seater passenger bus plying on the Jagdalpur-Basaguda route near Timarpur, about 550 km south of capital Raipur. Two people were reportedly killed and ten others received injuries.<sup>66</sup>

On the intervening night of 5 and 6 March 2006, hundreds of armed Maoists reportedly raided Basaguda village, about 70 km from Bijapur, and assembled over 50 villagers after calling them out of their homes. The Maoists warned the villagers against participating in Salwa Judum campaign and suddenly opened indiscriminate fire on the crowd, killing six villagers on the spot. Over 20 villagers were reportedly injured, 14 of them were in critical condition. The injured were airlifted to Apollo Hospital in Bachel in Dantewada. The Maoists also reportedly abducted some villagers during the raid.<sup>67</sup>

On 5 March 2006, an unidentified body of a villager was recovered at Gawadi village in Narayanpur police district. He was allegedly kidnapped by the Maoists and killed. The victim's hands and legs were found tied.<sup>68</sup>

On 12 February 2006, alleged Maoists shot dead three Adivasis at Cherli village in Dantewada district.<sup>69</sup>

On the night of 10 February 2006, alleged Maoists reportedly killed three Adivasi villagers and injured 19 others in remote Odsa village in Dantewada district after accusing them of helping the police against the Maoists. According to police sources, around 75 Maoists raided the Adivasi dominated Odsa village, lined up around 22 male members and beat them up

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mercilessly. Three people succumbed to their injuries and 19 were admitted to hospital.<sup>70</sup>

On the late night of 29 January 2006, armed Naxalites attacked the Gangalur camp in Dantewara district, where about 5000 Adivasis had taken shelter. 11 persons including three Naxalites were reportedly killed and nine injured in the attack. Some of the villagers killed in the attack were identified as Jaipal, Benje, Durgma Lacha and Hemla Lacha. Among the injured were five Special Police Officers, who were local youths recruited by police on fixed honorarium.<sup>71</sup>

On 15 December 2005, alleged Naxalites reportedly killed a village headman, Chintanpalli, in the Dantewada district when he was returning from a weekly market. The Naxalites also shot dead another civilian in another incident in the Bijapur area of Dantewada district.<sup>72</sup>

On 3 December 2005, alleged Maoist cadres fired at a Chhattisgarh Road Transport Corporation bus killing a woman passenger and the driver of the bus and injuring five others in the Woosm forest area of Dantewada district.<sup>73</sup>

On the late night of 23 November 2005, alleged Maoists reportedly killed four innocent villagers, identified as Sujan Singh, Fakira, Ankalu and Sriram of Otekasa village in Kanker district. Two other villagers, Mahajan and Jagdish, were maimed in the attack. The rebels reportedly accused them of passing on information to the police and not sending youth to join the Naxalites.<sup>74</sup>

On 11 November 2005, two villagers identified as Samlu of village Padera and Hemla Boudhram of Gangalur under Bijapur police district were reportedly brutally stabbed to death by the Maoists for participating in Salwa Judum. The villagers were working in the fields when the rebels struck and attacked with axe. Both the villagers died on the spot.<sup>75</sup>

On 7 November 2005, alleged CPI-Maoist reportedly killed Bharatiya Janata Yuva Morcha leader, Anil Pandey at Mohala village in Rajnandgaon district.<sup>76</sup>

On 5 November 2005, Maoists reportedly abducted Hapka Ayatu in Halur under Bhairamgarh police station and killed him. His body in a mutilated condition was recovered from a place on Halur road on 9 November 2005. Ayatu was playing an important role in the Salwa Judum.<sup>77</sup>

On 4 November 2005, alleged Maoists cadres killed one Pujari Budhram in Gogla village under Gangalur police station in Bijapur police district. A group of rebels reportedly went to the village and dragged out Pujari from

his house. They tied his hands, and brutally thrashed with stick in full public view at the heart of the village after “charging” him of participating in Salwa Judum. The Maoists then stabbed him with knife and axe. After screaming for hours, Pujari finally succumbed to his injuries.<sup>78</sup>

On 28 October 2005, alleged Maoists shot dead Jumadi Laxmaiyya, a resident of Cherapal village when he was reportedly returning home after harvesting crop at about 1 pm. The deceased had reportedly participated in Salwa Judum.<sup>79</sup>

On the night of 22 October 2005, suspected Maoists shot dead Hafta Mangu, a former Sarpanch, village headman, in village Ghumra under Bijapur police district headquarters. The Maoists reportedly came to the village looking for him. The rebels and a mob consisting of villagers beat him up and shot him death in full public view. Mangu had reportedly participated in the Salwa Judum campaign. The Maoists also abducted his son, but he was released unhurt later.<sup>80</sup>

On 30 September 2005, alleged CPI-Maoist cadres reportedly killed five civilians after their abduction in the Bijapur area of Dantewada district.<sup>81</sup>

On 29 September 2005, alleged Naxalites slit the throat of Mahadev Manjhi after taking him out from his house and injured two others in the incident at Pandiyarapara village, four kilometers away from Bijapur Police Head quarters. They also abducted Govind, Jagara, Antaresh, Inter and Suresh from the same village.<sup>82</sup>

On the night of 28 September 2005, Naxalites killed Pandu of village Boradi under Gangalur police station by slitting his throat. <sup>83</sup>

On the night of 15 August 2005, Pandru Dongi of village Jangla under Bijapur police district was abducted from his house by the alleged Maoists. His body was recovered from the forest near the village with slit throat on 16 August 2005. The Maoists killed him because his son had participated in the Salwa Judum campaign.<sup>84</sup>

On 12 August 2005, alleged Maoists killed a village Sarpanch, Rajman Uike of village Baghdadongari after he was kidnapped along with three others. His body was recovered on Narayanpur road with his hands and legs tied. The Maoists reportedly claimed that the Sarpanch was “convicted to death” in their Jan Adalat, peoples court, on the charges of being a police informer.<sup>85</sup>

On 9 August 2005, alleged Maoists killed two relatives of Leader of Opposition in Chhattisgarh Assembly Mahendra Karma at Pharaspal village in Dantewada district. A group of armed Naxals hacked Suku Karma, the

brother of Mahendra Karma, to death and abducted Suku's son Rati Karma and Sukhdev Bhogami, a distant relative of Mahendra Karma. While Sukhdev was killed in custody, Maoists released Rati after assaulting him.<sup>86</sup>

On 6 August 2005, alleged Maoists killed an Adivasi leader Akhmu Podami of village Junwani in Bhairamgarh region. After axing him to death, the Maoists threw the body on the National Highway - 16 near village Karremarka, about four kilometers from Bhairamgarh police station. The Maoists left a letter on the spot saying that Akhmu was killed as he was actively participating in the Salwa Judum against the Naxalites.<sup>87</sup>

On the night of 27 July 2005, alleged Maoists raided three villages Karemarka, Talnara and Munder of Bastar region and killed seven persons. The deceased had reportedly participated in a public rally against the Maoists on 24 July 2005. The Maoists had also left behind pamphlets saying the attack was in response to the Salwa Judum campaign.<sup>88</sup>

On the night of 21 July 2005, suspected Maoists killed Sarpanch of village Tumla, Lekam Satish and seriously injured his father for allegedly leading Salwa Judum campaign in the village. Armed Maoists reportedly entered his house at about 10.30 pm and dragged him out of the house. They attacked with axe and brutally killed him.<sup>89</sup>

On 16 July 2005, seven villagers and two Maoists were reportedly killed and at least 12 villagers injured in Maoists' attacks on six villages in Dantewada district. Over 250 Maoist cadres attacked Kutru, Ambeli, Pharsgaon, Uskapatnam, Badekarkeli and Chhotekarkeli villages targeting the villagers who had participated in Salwa Judum campaign. While two Maoists were killed in retaliation by the villagers with bows and arrows, two villagers were killed on the spot and five villagers were killed after abduction by the Maoists.<sup>90</sup>

On 7 July 2005, suspected Maoists abducted Vijay Giri, member of District Panchayat, from his residence in Nayapara in Bijapur. Nine members armed with axes and other traditional weapons reportedly entered his house and dragged him into the jungle after tying his hands with a rope. Giri was shot dead in captivity on the night of 9 July 2005, and his body was recovered from the roadside.<sup>91</sup>

## **ii. Killings prior to the Salwa Judum campaign**

Although the killings by the Naxalites have intensified since the Salwa Judum campaign has been launched, the Naxalites had also been involved in killings prior to its beginning.

On the night of 22 May 2005, Maoists reportedly killed Ayodhya Prasad Jaiswal, manager of a cooperative in village Khod under Ramkola police station of Sarguja district. The deceased was allegedly tried in a peoples court of the Naxalites and awarded capital punishment.<sup>92</sup>

On 5 May 2005, Kamesh Manikpuri was clubbed to death by the alleged Naxalites near Pinnabheji jungle under Dornapal police station area in Dantewada district. Manikpuri, the vice-president of the Dornapal Mandal BJP, was returning from Pinnabheji on his motorcycle when he was attacked by the Naxalites. His body was recovered from the jungle on 6 May 2005.<sup>93</sup>

On 27 April 2005, suspected Maoists killed a local BJP leader Ravikant Mahoba and a hotel owner Amal Mandal in Konta in Dantewada district. A group of armed Maoists allegedly dragged the BJP leader from his house and stabbed him to death.<sup>94</sup>

On 19 April 2005, alleged Naxalites shot dead Konta Block Chairman, Hungaram Markam (32) of the Congress at Chirmur village in Dantewada district.<sup>95</sup>

On 9 April 2005, suspected Maoists killed an Adivasi at Garidas village in Dantewada district on the charges of being a police informer.<sup>96</sup>

On 10 January 2005, People's War cadres reportedly shot dead a youth identified as Gopal (30) in Kanker district.<sup>97</sup>

### **iii. Abductions**

There have also been consistent reports of abduction by the Maoists.

On the night of 27 July 2005, suspected Maoists abducted and killed five villagers, including a minor girl in Pinkonda village station in Bastar region. The victims were identified as Mangalram (20), Karti Kowa (35), Karti Ayut (45), Karti Mangu (30) and Laxma (15). They were said to be active supporters of Salwa Judum campaign.<sup>98</sup>

On 9 January 2006, suspected Maoists reportedly abducted 35 people from three villages of Kachapal, Kutur and User, located in remote areas of the Aboojmad forest in Dantewada district. But the police came to know of the abduction only when a shop-owner escaped from the captivity and informed the Narayanpur police.<sup>99</sup>

On the night of 5 March 2006, the Maoists reportedly abducted sixteen villagers from Korsaguda village in Dantewada district.<sup>100</sup>

## 8. Human rights violations by the security forces and Salwa Judum cadres

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Bastar region is the most heavily militarised area in Chhattisgarh with the deployment of National Security Guard Commandos, Indian Reserve Battallion (Nagaland Regiment), Central Industrial Security Forces and Central Reserve Police Force, in addition to the State police. On 1 March 2006, Union Home Minister Shivraj Patil confirmed that the Centre had already provided 26 battalions (26,000 personnel) of security forces to Chhattisgarh to deal with the Naxals.<sup>101</sup>

Yet, in the Dantewada district, there is neither law nor order. The State government has abdicated its duty of maintenance of law and order to the Salwa Judum activists.

Members of the Salwa Judum are involved in illegal checking of all vehicles passing through their area, levying of illegal tax like the Naxalites from the drivers or occupants of the vehicles. The Salwa Judum activists, armed with lathis, bows and arrows and other traditional weapons stop the vehicles, direct the occupants to get down and thoroughly check the vehicle and luggages, seized the contents they find objectionable and subject the occupants to extensive interrogations. The ACHR team also received reports of torture of occupants of vehicle, who refused to pay illegal tax, looting of the occupants of vehicles and villagers and torture and killings of villagers not willing to join Salwa Judum.



The ACHR researchers personally experienced it. Their vehicle was stopped and checked numerous times by the Salwa Judum activists during the team's visit to different temporary relief camps in the district. At Bangapal relief camp, lathi yielding Salwa Judum activists stopped their vehicle and directed the occupants to get

down. The Salwa Judum activists started to rebuke the occupants for delay in vacating the vehicle for checking. They relented only when ACHR team told them that they were visiting the area with due permission of the District Collector, Dantewada and have already met the senior police officers.

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In frequent raids jointly carried out by the Salwa Judum activists and the security forces, alleged Naxalite supporters are beaten up, their houses torched, livestock killed or looted. It has been alleged that “in some villages, the raids continue till the entire village is cleared and people have moved to camps while in other cases, only old people, women and children are left. Many villages are coming to camps to avoid these attacks in the first place.”<sup>102</sup>

Police do not register First Information Reports relating to such atrocities by the Salwa Judum activists, as they also take part in these illegal activities and crimes. Rather it has been reported that the security forces threw dead bodies inside or near villages with a clear motive to frighten the villagers, who are not joining the Salwa Judum against the Naxalites.<sup>103</sup>

On 1 July 2005, hundreds of police, paramilitary forces and Salwa Judum activists under the leadership of Inspector General of Police Ansari, Bijapur Superintendent of Police Manhar and MLA Mahendra Karma reportedly raided the Kotrapal village in retaliation against the killing of three Salwa Judum activists by the villagers when they had attacked the village on 18 June 2005. Most of the villagers had fled to the forest prior to the attack. The mob allegedly burnt down 8 houses and killed and looted all the chicken, pigs, and animals of the villagers. Two elderly villagers who were returning to the village were allegedly brutally killed by the Central Reserve Police Force personnel, who also shot at and seriously injured an old woman.<sup>104</sup>

The police, paramilitary personnel and Salwa Judum activists reportedly carried out similar attacks at Pondum and Pallayvaya villages on 20 July 2005; at Munder village on 22 July 2005; Phulgatta village on 25 July 2005; Karrebodli village on 29 July 2005.<sup>105</sup>

On 8 August 2005, the Salwa Judum cadres accompanied by the police and paramilitary forces allegedly attacked Kotrapal village and killed three innocent peasants and raped four women.<sup>106</sup>

On 26 August 2005, the forces of Indian Reserve Battalion (Naga Battallion) reportedly attacked Pottnar village but they had to repel when ambushed by the PLGA forces. While fleeing from Pottnar village, the Naga forces met four Adivasis, who were grazing cattle. They allegedly shot dead all the four including a 12-year-old boy.<sup>107</sup>

On 28 August 2005, personnel of the Indian Reserve Battalion (Naga Battallion) and Salwa Judum cadres allegedly attacked Aakva village and killed one 12-year-old boy after he was found hiding in the village.<sup>108</sup>



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On 1 September 2005, the police and paramilitary personnel allegedly arrested 10 unarmed villagers, including a 12-year-old boy, and killed all of them in cold blood at Haryal village situated just two kms from the Mirtul Police Station in West Bastar. The security personnel reportedly raided the village upon complaint by the village Mukhiya, Doru Magu (who was a leader of the Salwa Judum) that the villagers were planning to attack the police station. The security forces later announced that they had killed 10 Naxalites. The bodies of the deceased were allegedly not handed over to their family members but were secretly burnt down by the security forces in the forest.<sup>109</sup>

In September 2005, around 50 houses were allegedly burnt in Mankeli village, 15 kms from Bijapur by gangs purporting to be 'Salwa Judum' activists.<sup>110</sup>

On 3 October 2005, personnel of the Indian Reserve Battallion (Naga Battallion) and Salwa Judum cadres allegedly shot dead a Maoist activist identified as Komar Mankeli, who was the chairman of the Janta Sarkar of Lova village. A 14-year-old boy, Raju who was a witness to this murder disappeared since then.<sup>111</sup>

On 10 October 2005, personnel of the Indian Reserve Battallion (Naga Battallion) and Salwa Judum cadres allegedly killed a 14-year-old boy during a raid on Paralnar village.<sup>112</sup>

## 9. Deplorable conditions of the Internally Displaced Persons

Thousands have fled their villages and abandoned their paddy fields fearing retaliation either by the Naxalites for opposing them or by the Salwa Judum forces, 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. However, Dantewada is the worst affected district.

The Dantewada is the largest district in the Bastar region having 1354 villages in 11 Development Blocks. As on 4 March 2006, a total of 45,958 Adivasi villagers from 644 villages in 6 blocks of Dantewada district have left their homes and are living as Internally Displaced Persons (IDPs). The villages, where IDP camps have been established are- 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.<sup>113</sup>

### No. of inmates in temporary relief camps as on 4 March 2006

Sl. No	Name of Development Block	Name of Temporary Relief Camp	Period of running the camp	No.of inmates/ IDPs	No.of Special Police Officers	Disabled persons	No. of surrendered Naxalites	Total camp inmates
01.	Bhairamgarh	Bhairamgarh	8 Months	5965	350	180	311	6806
02.		Bangapal	8 Months	969	350	0	0	1319
03.		Nelsonar	8 Months	465	60	0	0	525
04.		Mirtur	6 Months	1500	113	0	72	1685
05.		Matwada	8 Months	2740	100	239	88	3167
06.		Kutru	8 Months	1100	350	69	0	1519
07.		Farseghar	8 Months	350	100	13	0	463
08.		Pinkondha	8 Months	135	30	0	0	165
09.		Khodholi	8 Months	50	21	0	0	71
10.		Korkheli	8 Months	0	100	0	0	100

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11.		Bhodli	8 Months	150	60	0	0	210
12.		Bhedore	8 Months	300	50	0	0	350
13.		Jhanga	8 Months	2360	119	150	81	2710
14.		Etamkhudum	3 Months	40	100	0	0	140
		<b>Total</b>		<b>16124</b>	<b>1903</b>	<b>651</b>	<b>552</b>	<b>19230</b>
15.	Bijapur	Cherpal	6 Months	2400	90	0	66	2556
16.		Gangalur	6 Months	2859	112	0	188	3159
17.		Bijapur	8 Months	195	470	0	240	905
		<b>Total</b>		<b>5454</b>	<b>672</b>	<b>0</b>	<b>494</b>	<b>6620</b>
18.	Usur	Murdhanda	1 Month	551	0	0	0	551
19.		Awapalli	1 Month	280	30	0	352	662
20.		BhangsaGudha	1 Month	485	20	0	0	505
21.		Usur	1 Month	1170	0	0	60	1230
		<b>Total</b>		<b>2486</b>	<b>50</b>	<b>0</b>	<b>412</b>	<b>2948</b>
22.	Geedam	Geedam	6 Months	1447	48	0	89	1584
		<b>Total</b>		<b>1447</b>	<b>48</b>	<b>0</b>	<b>89</b>	<b>1584</b>
23.	Dantewada	Dantewada	8 Months	0	36	0	0	36
24.		Fharaspal	8 Months	0	58	0	0	58
		<b>Total</b>		<b>0</b>	<b>94</b>	<b>0</b>	<b>0</b>	<b>94</b>
25.	Konta	Konta	15 Days	4500	165	0	350	5015
26.		Arrabore	15 Days	3932	136	0	0	4068
27.		Dornapal	15 Days	6165	132	0	102	6399
		<b>Total</b>		<b>14597</b>	<b>433</b>	<b>0</b>	<b>452</b>	<b>15482</b>
		<b>Grand Total</b>		<b>40108</b>	<b>3200</b>	<b>651</b>	<b>1999</b>	<b>45958</b>

ACHR team visited Bangapal IDP camp, Geedam IDP camp and Konta camp. The camp conditions are deplorable and they have been turned into detention centres of the surrendered Naxalites and counter-insurgency training centres.

## I. Camp conditions



The District Collector of Dantewada, Mr K R Pisda claimed that the government provides free housing, free fooding, clothes, medical facilities, children's education, Anganwadi centres for pre-primary education, adult education, business education and employment. It is as if the IDP camps are heaven for the impoverished Adivasis.

When ACHR team visited the camps, they found the conditions deplorable and sub-human.

The displaced villagers have been living in makeshift camps, some of which are covered just with leaves of trees as roofs, and open from all sides. The inmates were found to be soaked in rainwater as roofs cannot prevent the water from pouring inside. When ACHR team inquired about whether they received tarpaulin-roofing clothes, the inmates replied in



negative. However, some of the displaced persons, who came to the relief camps earlier have been lucky enough to get tarpaulin roofing.

The inmates informed the team that in the name of rations, they are just getting a square meal of rice and dal. They complained that dal is thin and watery.

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Medical facilities are non-existent.

There are also no educational facilities in the camps. Rather, the schools have been turned into temporary camps. The government Higher Secondary School at Konta has been turned into a makeshift camp thereby affecting hundreds of students. Similarly Girls High School, Janpad Middle School, Girls Ashram and Boys Ashram, Dondra have been converted into relief camps. Students who have been appearing for the High School and Higher Secondary School Board examinations in March 2006 have been badly affected.

In couple of camps, the ACHR team found drinking water being supplied with mobile tankers by the administration.

There is a lack of security and inmates live in fear of attacks by the Maoists. The Maoists attacked the camps on a few occasions.

## II. Surrendered Naxalites in chains

The government of Chhattisgarh also claimed that there are about 1999 surrendered Naxalites who have been rehabilitated. Each surrendered Sangham member is to be given Rs 5,000.<sup>114</sup> ACHR team found many of them being kept in chain. They have no freedom of movement.



## III. Special Police Officers



The police and Central Reserve Police Force personnel have been providing training in fire-arms and other counter-insurgency operations to the Special Police Officers (SPOs), recruited from the camp inmates. As on 4 March 2006, 3,200 Adivasi boys and girls who have been recruited as SPOs in Dantewada district with a fixed honourarium of Rs 1,500 per month.<sup>115</sup>

### **A typical orientation programme for SPOs and Salwa Judum activists**

At about 10.00 am on 5 March 2006, ACHR team reached Konta IDP camp. The camp housed approximately 7,500 inmates consisting of villagers from 32 villages.

When ACHR team reached the camp, an orientation programme for the SPOs and Salwa Judum activists was being conducted by Konta Sub-Divisional Police Officer, Mr. D.R. Achla. When the ACHR team asked about the number of SPOs in the orientation programme, Mr Achla declined to share any information citing security reasons. However, the numbers of participants in the orientation programme were found to be not less than 300.

ACHR team sat there for half an hour and observed the proceedings of the programme and noted the following instructions:

*Mr. Achla: Why Naxalites entered in Chhattisgarh?*

*His explanation: People were not aware about the Naxalites. People are not united. Development schemes were not given in the tribal villages because their houses are scattered all over instead of clusters.*

*Mr Achla: Why do you live in forests?*

*His explanation: You leave your forests and shift to the road sides. You will be adequately compensated by the industrialists and commercial concerns, who are ready to take your land and develop it. You will get employment and other provisions. But if you stay back in the forest, Naxalites will kill you.*

*His next advice was "if you (tribal inmates) see any stranger in the IDP camp or near the camp or in the roads while traveling, first shoot him/her and then verify".*

## 10. Child soldiers

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The Naxalites have been reportedly abducting Adivasi children, both boys and girls, to training camps where they are taught how to use weapons and deal with explosives.

The children, some as young as 14, are sent as frontline combatants and allegedly used as shields during operations against security personnel.<sup>116</sup> The Naxalites have a front organization named Bal Mandal, Children Division, to carry out its activities.

The Salwa Judum and the security forces involved in recruitment of SPOs also do not lag behind in using children in hostilities. ACHR team visited Bangapal relief camp inside the premises of Bangapal Police Station and interviewed nine minor girls, who were recruited as SPOs.

The girls identified themselves as Rinki Bogani, 14 years of Pundri village, Rina Karma, 15 years of Bodli, Jamuna Oyami, 15 years of Chidrapal village, Budri Mariam, 14 years of Pundri, Nilo Kakti, 14 years of Talnar, Nila Punem, 15 years of Bodli, Jamuna Bhaliga, 14 years of Belnar, Judira Oyami, 16 years of Chidrapal, and Gita Kunjam, 15 years of Kodoli.

These girls informed ACHR team that they are being given training in fighting tactics, including operation of guns, spying etc.



The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, which was ratified by the government of India on 30 November 2005, urges the State parties to ensure that persons who have not attained the age of 18 years are not compulsorily recruited

into their armed forces. It is clear that the State government of Chhattisgarh has been “recruiting or using” persons below 18 years of age in hostilities.

There is no verification process for recruitment into Special Police Officers.

## 11. An epilogue: Adivasis' Tryst with the Naxalites

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The analysis of the crisis in Dantewada from the perspectives of the Naxalites' movement for a communist republic and Salwa Judum campaign is a simplistic one that does not address the root causes. The Adivasis do not necessarily share the Naxalites' dream of surrounding "Delhi one day with Red Army"<sup>117</sup> but their tryst with the Naxalites must be analysed in proper perspectives.

In the 1960s the Naxalites movement garnered support among the urban middle classes in general and the intelligentsia. However, since its uprising in 1980s in Andhra Pradesh and elsewhere, the Naxalite movement acquired a predominantly rural or Adivasi character where lower castes and Adivasis form the core of its support base.<sup>118</sup>

The history of displacement of "nearly 85.39 lakh tribals from 1950 to 1990 on account of some mega project or the other, reservation of forests as National Parks etc" explains the Adivasis' tryst with the Naxalites. The Adivasis have been disproportionate victims of development in India. The Scheduled Tribes who constitute 8.1 per cent of the total population of India according to the 2001 census constitute at least 55.16 percent of the total displaced people in the country, according to the Ministry of Tribal Affairs of the government of India.<sup>119</sup>

The rehabilitation of those displaced Adivasis has been dismal and shocking. The Tenth Plan of the government of India stated that "a population of 21.3 million have been displaced between 1951 and 1990 in the states of Andhra Pradesh, Bihar, Gujarat, Maharashtra, Madhya Pradesh, Rajasthan and Orissa. Of whom, 8.54 million (40 per cent) are tribals and of those only 2.12 million (24.8 per cent) tribals could be resettled, so far."

The apathy and atrocities by the forest department officials, police personnel and civil administration officials in cohorts with the timber mafia, money lenders, contractors and well-known industrial houses of the country to circumvent and violate the constitutional guarantees to evict the Adivasis pushed them towards the Naxalites.

### **a. The role of the forest officials for strengthening the Naxalites**

From time immemorial, Adivasis lived in forests and their relationship with forest is what water is for life. But little has been done to recognize their symbiotic relationship with nature.



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When the Forest Act of 1927 was enforced, the Adivasis were considered as trespassers - guilty of encroachment in their own habitats. Their presence in the forest has been challenged, their relationship with the forest has been questioned and their existence made synonymous to criminality by declaring them encroachers of the forests where they have lived in and cared for ages before the British came. The Forest Act remained in force until 1980 and Adivasis continued to suffer under the colonial instrument.

In 1980, the government of India introduced the Forest Conservation Act and set 25 October 1980 as the cut off date for recognising the rights of the Adivasis and other forest dwellers. It failed to address historical injustices perpetrated by the British under the 1927 Forest Act. Rather, millions of Adivasis suddenly found themselves as encroachers and therefore liable for eviction on the mid-night of 24 October 1980. The National Commission on Scheduled Castes and Scheduled Tribes noted that in Madhya Pradesh alone, 1.48 lakh persons, mainly tribals, occupying 1.81 lakh hectares of lands in forest areas suddenly became encroachers from 25 October 1980.<sup>120</sup>

The differentiation between the pre-1980 and post-1980 encroachments was quite immaterial at the ground level. The Chairperson of the National Commission for Scheduled Castes (SCs) and Scheduled Tribes (STs) in his foreword note to "Resolution of conflicts Concerning Forests Lands - Adoption of a Frame by the Government of India" at para 39 on page 9 lucidly explained: "If the claims of the tribal people are to be determined on the basis of the record of the forest department or at best, record of other government departments, his claim is as good as lost. It is the fact of possession, of law, its cultivation and actual reclamation, in some cases by his ancestors which is the common knowledge of the village which is the basis of his claim. These facts may or may not have been brought on record. The reasons for this dissonance are many. For example, the official may not have visited the area or may have preferred not to take note of the cultivation, or may not have bothered to bring it on record and such like. They are of no concern to the tribal people. They cannot be expected to know what is there in government records. In these circumstances if the records are to be insisted upon, the disputes about land can never be expected to be resolved".<sup>121</sup>

Yet, even the revenue villages that qualified for regularisation under the Forest Conservation Act of 1980 were not regularized. The State governments and Central government sat over the regularisation processes. The regularization became a vote bank issue.

On 23 November 2002, the Supreme Court delivered its judgement in the case

of Godavarman Thirumalpad vs Union of India in Interlocutory Application No.703 in Writ Petition No. 202/95. The Supreme Court order banned all applications for regularisation of revenue villages including those which qualified under the Forest Conservation Act of 1980.

In order to circumvent the Supreme Court judgement, the present United Progressive Alliance government introduced the Scheduled Tribes (Recognition of Forest Rights) Bill 2005. The Bill once again recognizes the forest rights based on the cut off date of 25 October 1980 as provided in the Forest Conservation Act. Since the rights of those Adivasis have already been recognized, they are effectively being forced to fight twice for the same right given under the Forest Conservation Act of 1980.

The Adivasis have always been harassed by the forest department officials. On 11 October 2004, the State government of Orissa reportedly directed the Forest Department to withdraw all 11,424 minor cases involving forest produce of less than Rs 100. In a country infamous for judicial delay and Forester Raj, the implications of thousands of cases filed under the Forest Conservation Act are imaginable. Tribals are often harassed in petty forest offences while the timber mafia continues its business with virtual impunity.<sup>122</sup>

If Forest Department prepares a report similar to the one prepared by National Crime Record Bureau and desegregates the data, the intensity and patterns of violations of the rights of tribals will come up.

The forest department officials in collusion with timber mafia play a central role to drive the Adivasis towards the Naxalites.

## **b. Police atrocities: The Nagarnar experience of Bastar**

The atrocities by the law enforcement personnel have also been responsible for driving the Adivasis towards the Naxalites. The tales of atrocities by the police and other law enforcement personnel on the hapless Adivasis can be found in majority tribal villages across the country.

In May 2001, government of India's National Mineral Development Cooperation (NMDC) decided to establish a steel plant at Nagarnar under Bastar district of Chhatisgarh. The lands of the Adivasis were appropriated even without following widely condemned Land Acquisition Act of 1871. Finding no justice, the Adivasis approached the National Commission for Scheduled Castes and Scheduled Tribes.<sup>123</sup>

The National Commission for the Scheduled Castes & Scheduled Tribes on the basis of an inquiry conducted reportedly concluded that the acquisition process violated the provisions of the Fifth Schedule of the Constitution of India. Therefore, it was declared *ab initio null and void*. The National Commission also held that senior officials, including the Collector and Chief Executive officer, were involved in a conspiracy and indulged in certain criminal offences, such as destruction of Public records and fabrication of false records. Further, the National guidelines for establishment of industries in Scheduled areas (1974) had not been followed. The National Commission for SCs and STs advised the State Government and NMDC to restart the process, honouring the spirit of the constitution and legal provision and advised them to take action against the concerned officials.<sup>124</sup>

The four concerned Gram Sabhas (village councils) affected by the project held a joint assembly from 2-3 March 2002 to which the relevant state officials of NMDC were also invited. The joint assembly of Gram Sabhas in their resolution stated that they were not opposed to the establishment of the steel plant. However, the guidelines must be followed and complete rehabilitation packages, including "land for land" as provided under the Fifth Schedule should be prepared for all those directly and indirectly affected in the likely zone of influence. It was also resolved that the agreement must provide safeguards against privatisation (as in the Balco case) in the form of shareholding for the community. The local officers conveyed to the people that all but two of their demands were acceptable.<sup>125</sup>

The administration seized the lands of the Adivasis forcibly. On 8 March 2002, those Adivasis who had not accepted compensation cheques were ordered to take them immediately. On 10 March 2002, hundreds of policemen descended on Nagarnar while the senior officials lodged themselves in the police station. The police started beating the villagers who were sitting at Nagarnar indiscriminately. As the news spread, the womenfolk came to protest. The police lathi-charged them, arrested many and sent them to Jagdalpur prison.<sup>126</sup>

The police conducted similar operations at Amaguda and Kasturi where doors were broken open, women and children were beaten up and 169 Adivasis were arrested and taken to jail.<sup>127</sup>

About 300 villagers, mostly women, were arrested among others under Section No. 307 and Section 506 of the Indian Penal Code and put in Jagdalpur jail. Some women were reportedly in advanced stage of pregnancy.<sup>128</sup>

The lands of the Adivasis were finally taken over by the NMDC and the foundation stone for the project was laid. The Adivasis have been dispossessed and in the last four years, there has been no development. Contrary to the NMDC's promise, neither schools nor hospitals have come up in the area.<sup>129</sup>

"The government had made a commitment to give Rs 5 lakh a year to the nagar panchayat of Nagarnar, but not a single paisa reached us so far," stated Laikan Vaghel, an affected Adivasi villager.<sup>130</sup>

Atrocities by the local police have also forced the tribals to approach the Naxalites.<sup>131</sup>

### **c. Industrial houses and the Naxalites**

Often atrocities by the forest officials or the police personnel have been perpetrated at the behest of either timber mafia and money lenders or at the behest of State or industrial houses of the country to displace the Adivasis for industrial activities. The Adivasis were never properly rehabilitated and they have always been cheated.

The Kalinga Nagar killings in Orissa on 2 January 2006 brought into focus the lack of rehabilitation which has characterised the industrialization of the country. Four of the 12 industries to be set up at Kalinga Nagar - Neelachal Ispat Nigam Limited, Visa Steel, MESCO Steel and Jindal Steel - have started operation. From 87 families evicted for setting up MESCO steel plant, only five persons got jobs. In Neelachal Ispat Nigam Limited, only 53 persons out of 634 displaced families found employment. Out of the 430 families displaced to make way for Visa Steel, only 42 persons got jobs.<sup>132</sup>

Most of the private lands for these industries in Kalinganagar were acquired in 1993. Out of the total 13,000 acres acquired, 6,895 acres were private and the rest was from the government. The Industrial Infrastructure Development Corporation, a nodal government agency entrusted with the task of land acquisition, paid Rs 35,000 per acre to Adivasis through the collector, Jajpur. The state government sold the land to the companies at Rs 3.35 lakh per acre. After revising the compensation packages in November 2005, the state government decided to pay additional Rs 15,000 per acre to the displaced Adivasis. But, in many instances, the money did not reach the right persons.<sup>133</sup>

The Chhattisgarh government has reportedly signed Memorandum of Understandings (MOUs) for an investment of Rs 17,000 crores (US\$ 3.8

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billion) in Bastar region for the proposed Tata and Essar Steel plants.<sup>134</sup> The Tatas plan to establish a Rs 10,000- crore steel plant at Lohariguda. It has proposed to acquire land in 10 villages which would uproot at least 250 families. The affected Adivasis have been assured of a house site of 3,000 sqft for each family, water and road connectivity and compensation between Rs 50,000 and Rs 1 lakh per acre.<sup>135</sup> However past experiences evoke little confidence.

The industrial houses have been responsible for pushing the Adivasis towards the Naxalites. Cynics allege that a Naxalite movement serves the purpose of the industrial houses as it silences any dissent in the name of countering terror.

Cynics are also sometimes correct. The Chhattisgarh Special Public Safety Bill of 2005, which has been sent for signature by the President, is an introduction to an authoritarian state in the largest democratic country in the world.

## 12. The Chhattisgarh Special Public Security Bill, 2005: Prologue as Postscript

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*“A democratic government has to make a distinction between the genuine and legitimate expression of dissent and disaffection and the manifestations of anti-national, anti-social and anti-people threats to our democratic way of life.” - Prime Minister, Dr. Manmohan Singh in his address to the Conference of Chief Ministers on Internal Security and Law & Order in New Delhi on 15 April 2005<sup>136</sup>*

Contrary to the assertion of the Prime Minister, the Chhattisgarh Special Public Security (CSPS) Bill, 2005 seeks to silence “the genuine and legitimate expression of dissent and disaffection”. The Bill also fails to differentiate it from “the manifestations of anti-national, anti-social and anti-people threats”.

Since the Communist Party of India (Marxist-Leninist)-People’s War, and all its formations and front organisations, and the Maoist Communist Centre (MCC) and all its formations and front organisations are banned under the Unlawful Activities Prevention Act, 1967 as amended in 2004, there is no need for the Chhattisgarh Special Public Security (CSPS) Bill, 2005 to tackle the Naxalites.

The Bill appears to be aimed at silencing the media, thereby preventing the journalists and not to report on counter-insurgency operations, Salwa Judum campaign and ban any kind of protests by the Adivasis against the industrial plants being established in their areas in violations of the fifth schedule of the constitution of India and ban “the genuine and legitimate expression of dissent and disaffection” by the Adivasis. Any protest today against the government by the Adivasis is termed as “Naxalite activity”.

### **I. Definition of unlawful activities**

Section 2(e) of the Chhattisgarh Special Public Security Bill, 2005 provides:

“(e) The unlawful activities, in relation to any person or organization mean any act committed by any person or the organization either by committing or by uttering words or in writing form or by indication or by visual representation or otherwise.

- (i) Which creates risk or danger for public order, peace and public tranquility;

- (ii) Which is an impediment in maintaining public order or enforcement of which may impede public order, or;
- (iii) Which is an impediment to the administration of law or institutions established by it and administration of its personal or enforcement of which may create impediment therein, or;
- (iv) Which plan to terrorise any public servant including force of state government or union government which is lawfully exercising power, by criminal force or by displaying criminal force or otherwise, or;
- (v) Which is involved in the act of violence, terrorism or involved in other acts of creating fear and apprehension or makes a propagation thereof or involved in using firearms, explosives and other devices or encouraging them or disrupts means of communication of rail or road, or;
- (vi) Which encourages the disobedience of established law and its institutions or propounds the disobedience thereof, or;
- (vii) Which forcefully collects money or material in order to carry out any one or more of unlawful act mentioned above.

### **Commentary and legal analysis:**

The definition is contrary to even what is provided under the Unlawful Activities Prevention Act (UAPA) of 1967 as amended in 2004. The UAPA defines “unlawful activity”, in relation to an individual or association, as “any action taken by such individual or association (whether by committing an act or by words, either spoken or written, or by signs or by visible representation or otherwise),-

- (i) which is intended, or supports any claim, to bring about, on any ground whatsoever, the cession of a part of the territory of India or the secession of a part of the territory of India from the Union, or which incites any individual or group of individuals to bring about such cession or secession; or
- (ii) which disclaims, questions, disrupts or is intended to disrupt the sovereignty and territorial integrity of India ; or
- (iii) which causes or is intended to cause disaffection against India”.

The definition of “unlawful activities” as provided under clause 2(e) of the

Chhattisgarh Special Public Security (CSPS) Bill, 2005 is too loose, broad, imprecise and ambiguous, and is outrageously subjective.

### **a. Throttling the right to freedom of expression**

The inclusion of “by uttering words or in writing form or by indication or by visual representation or otherwise” as an unlawful activity violates the right to freedom of speech and expression as provided under Article 19 of the Constitution of India. It should be read with 2(e)(vi) of the proposed Bill which defines encouraging “the disobedience of established law and its institutions or propounds the disobedience thereof” as unlawful activity.

It also violates Article 19 of the International Covenant on Civil and Political Rights which India has ratified. It provides that:

“Article 19

1. Everyone shall have the right to hold opinions without interference.
2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.
3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:
  - (a) For respect of the rights or reputations of others;
  - (b) For the protection of national security or of public order (ordre public), or of public health or morals.”

The United Nations Human Rights Committee which monitors implementation of the International Covenant on Civil and Political Rights in its General Comment stated “Paragraph 3 expressly stresses that the exercise of the right to freedom of expression carries with it special duties and responsibilities and for this reason certain restrictions on the right are permitted which may relate either to the interests of other persons or to those of the community as a whole. However, when a State party imposes certain restrictions on the exercise of freedom of expression, these may not put in



jeopardy the right itself.”<sup>137</sup>

The Supreme Court of India has given numerous judgements upholding the opinion of the UN Human Rights Committee. In the State of Bihar vs. Shailabala Devi (1952 SCR 654 (658): AIR 1952 SC 329), the Supreme Court held that the advocacy of revolutionary socialism as a panacea for present day evils cannot be restricted under the ground of “security of state” unless the use of violence is suggested. In Rangarajan S. vs. Jagjivanram P. (1989) (2SCC 574), the Supreme Court further held that the State cannot prevent open discussion and open expression however hateful to its policies or criticisms of the incapacity of the Government. It is clear that the CSPS Bill, 2005 puts in jeopardy the right to freedom of expression itself.

Under the guise of countering unlawful activities, even dissents and criticisms of the policies of the State Government and its agencies or institutions constitute unlawful activity and can be punished under this definition.

## **b. Violations of freedom of association and collective bargaining**

The Chhattisgarh Special Public Security (CSPS) Bill, 2005 also defines any activity which “which is an impediment in maintaining public order or enforcement of which may impede public order, or; which is an impediment to the administration of law or institutions established by it and administration of its personal or enforcement of which may create impediment therein” as unlawful activity.

This will have serious implications on the freedom of association, assembly and collective bargaining. Under this provision, 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.

A blockade by the Adivasis such as the ones called after Kalinganagar killings on 2 January 1996 can effectively be defined as “impediment in maintaining public order or enforcement” and “impediment to the administration of law or institutions”.

The inclusion of encouraging “the disobedience of established law and its institutions or propounds the disobedience thereof” can seriously hamper the freedom of association and assembly.

This violates Article 22 of the International Covenant on Civil and Political

Rights which provides that:

“Article 22

1. Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests.
2. No restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others. This article shall not prevent the imposition of lawful restrictions on members of the armed forces and of the police in their exercise of this right.
3. Nothing in this article shall authorize States Parties to the International Labour Organisation Convention of 1948 concerning Freedom of Association and Protection of the Right to Organize to take legislative measures which would prejudice, or to apply the law in such a manner as to prejudice, the guarantees provided for in that Convention”.

## II. Declaring an organisation unlawful

The Chhattisgarh Special Public Security (CSPS) Bill, 2005 provides that:

“Section 2:

- (b) ‘Organisation’ means association, body or group of persons, whether known by distinct name or not and whether registered under any relevant law or not and whether governed by any written constitution or not;
- (f): “Unlawful Organisation” means any such organisation, which is directly or indirectly involved in committing any unlawful activity or the objective of which is to encourage or give assistance or assist or induce unlawful activity by any medium, means or otherwise,

Section 3:

- (1) If, the state government is of the opinion that any organisation is or has become an unlawful organisation, the state government may by notification declare it an unlawful organisation.

- (2) Each of such notification shall specify the grounds on which it has been issued.

Provided, any matter in this sub-section shall not, expect the government to disclose any such fact, disclosure of which, in the opinion of the government is against public interest.

- (3) Where, such unlawful organization has any registered office the notification shall be served either by sending through registered post or by handing over the same to any official and in case any official is not available or he/she refuses to receive the notification then it shall be pasted on any conspicuous part of the office. Where there is no registered office of the organisation the notification shall be published in any local newspaper.
- (4) The notification shall be in force for a period of one year and it may be extended for such period, which may not be more than one year at a time, as may be required after reviewing the situation.
- (5) Any notification, issued under sub-section (1) may be revoked by the government in a situation, where, in the opinion of the government its continuance is no more required”.

### **Commentary and legal analysis: Absence of safeguards**

Under Section 2(p) of the Unlawful Activities Prevention Act of 1967 as amended in 2004, “unlawful association” is more precisely defined. The definition means, among others, any association, “which has for its object any activity which is punishable under section 153A or section 153B of the Indian Penal Code, or which encourages or aids persons to undertake any such activity, or of which the members undertake any such activity’.

There is no such precise definition under the Chhattisgarh Special Public Security (CSPS) Bill, 2005.

Under Section 3 of UAP Act, 1967 as amended in 2004, the confirmation by the Unlawful Activities (Prevention) Tribunal provided under Section 5 of the Act is mandatory for any notification of the Central Government declaring an organisation as “unlawful” to be effective. The section also requires the Central Government to fulfill other conditions.

On the other hand, the power of the State Government as provided under Section 3 of the Chhattisgarh Special Public Security (CSPS) Bill, 2005 to declare an organisation as ‘unlawful’ for one year or more is not subject to

any approval of the Advisory Board. Sec. 3(2) exempts the State Government from disclosing/specifying the grounds of so declaring if the Government is of the view that such disclosure is against public interest. This provision violates the right to information of the citizens as provided under the Right to Information Act, 2005. Section 3 of the Right to Information Act provides that all citizens shall have the right to information subject to the exemptions provided under Section 8.

Section 8 of the Right to Information which provides that

- “8 (1) Notwithstanding anything contained in this Act, there shall be no obligation to give any citizen,-
- (a) information, disclosure of which would prejudicially affect the sovereignty and integrity of India, the security, strategic, scientific or economic interests of the State, relation with foreign State or lead to incitement of an offence;
  - (b) information which has been expressly forbidden to be published by any court of law or tribunal or the disclosure of which may constitute contempt of court;
  - (c) information, the disclosure of which would cause a breach of privilege of Parliament or the State Legislature;
  - (d) information including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party, unless the competent authority is satisfied that larger public interest warrants the disclosure of such information;
  - (e) information available to a person in his fiduciary relationship, unless the competent authority is satisfied that the larger public interest warrants the disclosure of such information;
  - (f) information received in confidence from foreign Government;
  - (g) information, the disclosure of which would endanger the life or physical safety of any person or identify the source of information or assistance given in confidence for law enforcement or security purposes;
  - (h) information which would impede the process of investigation or apprehension or prosecution of offenders;

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- (i) cabinet papers including records of deliberations of the Council of Ministers, Secretaries and other officers:

Provided that the decisions of Council of Ministers, the reasons thereof, and the material on the basis of which the decisions were taken shall be made public after the decision has been taken, and the matter is complete, or over:

Provided further that those matters which come under the exemptions specified in this section shall not be disclosed;

- (j) information which relates to personal information the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual unless the Central Public Information Officer or the State Public Information Officer or the appellate authority, as the case may be, is satisfied that the larger public interest justifies the disclosure of such information:

Provided that the information which cannot be denied to the Parliament or a State Legislature shall not be denied to any person.

- (2) Notwithstanding anything in the Official Secrets Act, 1923 nor any of the exemptions permissible in accordance with sub-section (1), a public authority may allow access to information, if public interest in disclosure outweighs the harm to the protected interests.
- (3) Subject to the provisions of clauses (a), (c) and (i) of sub-section (1), any information relating to any occurrence, event or matter which has taken place, occurred or happened twenty years before the date on which any request is made under section 6 shall be provided to any person making a request under that section:

Provided that where any question arises as to the date from which the said period of twenty years has to be computed, the decision of the Central Government shall be final, subject to the usual appeals provided for in this Act”.

Under Section 4 of the UAPA of 1967 there is a mandatory requirement for the Central Government to refer its notification to the Tribunal for the purpose of adjudicating whether or not there is sufficient cause for declaring the association unlawful.

There is no such requirement of the State government under the Chhattisgarh

Special Public Security (CSPS) Bill, 2005 to refer it to the tribunal. Unlike, the UAP Act, 1967, it is the aggrieved organisation, which is required to make the representation to the State Government, and there is no mandatory requirement for the State Government to refer its notification to the Advisory Board for adjudication.

Further, Section 4 gives only 15 days time to the organisation declared as 'unlawful,' for representation to the Government. This provision is meaningless because once an organisation is declared as unlawful, its members could be immediately arrested and prosecuted and they are not expected to make a reasonably good and convincing representation to the Government in the absence of accesses to its witnesses, evidence and legal assistance.

### **III. Advisory board: The rubber stamp**

Section 5 of the Chhatisgarh Special Public Security (CSPS) Bill, 2005 provides:

- (1) (a) The State Government, shall, whenever necessary, for the purpose of this Ordinance constitute an Advisory Board.  
  
(b) The Advisory board shall consist of three Members, who are or had been either the Judge of the High court or are qualified to be appointed as Judge of high court. one of the member shall be nominated as Chairman.
- (2) The Government Shall, under sub-section (1) of section (3), within six week of the publication of the notification give direction to the advisory board and shall present a copy of the notification, material in its support and the representation received from the unlawful organization, if any, for their consideration.

### **Commentary and legal analysis:**

Under Section 5 of the UAP Act, 1967, the member of the Tribunal, known as the "Unlawful Activities (Prevention) Tribunal" is constituted by a High Court judge.

Under the UAP Act, independence of the Tribunal is ensured by- (i) availability of independent and separate staff of the Tribunal [Sub-sec.3], (ii) availability and independence of financial resources [Sub-sec.4], empowering the Tribunal to regulate its own procedure in all matters arising out of the discharge of its functions [Sub-sec.5], giving the Tribunal the powers of a

Civil Court under the Code of Civil Procedure, 1908 for the purpose of making an inquiry under this Act [Sub-sec 6]

However, there is no such provision in the Chhattisgarh Special Public Security (CSPS) Bill, 2005. It provides that members of the Advisory Board may be sitting or retired Judge of the High court or may be persons qualified to be appointed as Judge of High Court. This means, even advocates, who qualify to be appointed as Judge of the High Court can be appointed as Members of the Advisory Board and the State Government can conveniently appoint any lawyer having loyalty or inclination to the ruling party. Such Member of the Advisory Board cannot be expected to give an impartial decision in a case involving an organisation critical of the ruling party or the Government.

The State government does not want to subject itself to any scrutiny by the members of the Advisory Board.

#### **IV. The procedure of the advisory board**

Section 6 of the Chhattisgarh Special Public Security (CSPS) Bill, 2005 provides:

- (1) The advisory board shall, after considering the material placed before them and after seeking further information from the government or from any official of the concerned organization or from the member, if necessary, and after giving the authorized official the opportunity of being heard personally, within three months from the date of receiving the direction from the government, present its report to the government.
- (2) Where, the organization desires personal hearing, a memorandum specifying the date and time of hearing shall be forwarded on the address mentioned in the representation of the organization.

The concerned organization shall not be entitled to appear through any person other than the lawyer or the authorized official.

- (3) In a separate part of the report of the advisory board, its opinion to this regard, whether there was sufficient cause to issue notification or not, shall be included."

#### **Commentary and legal analysis:**

Under Section 3 of UAP Act, 1967 as amended in 2004, the confirmation by

the Unlawful Activities (Prevention) Tribunal provided under Section 5 of the Act is mandatory for any notification of the Central Government declaring an organisation as 'unlawful' to be effective. The section also requires the Central Government to fulfill other conditions.

Further, Section 9 of the UAP Act, 1967 provides that subject to any rules that may be made under this Act, the procedure to be followed by the Tribunal in holding any inquiry under sub-section (3) of section 4 or by a Court of the District Judge in disposing of any application under sub-section (4) of section 7 or sub-section (8) of section 8 shall, so far as may be, be the procedure laid down in the Code of Civil Procedure, 1908 (5 of 1908), for the investigation of claims and the decision of the Tribunal or the Court of the District Judge, as the case may be, shall be final.

Under Section 6 of the CSPA Bill, 2005, the Advisory Board has no such power. The Advisory Board, after considering the material placed before it and after seeking further information from the government or from any official of the concerned organization or from the member, if necessary, and after giving the authorized official the opportunity of being heard personally, is required to present its report to the State Government within three months.

## **V. Action on Report of the Advisory Board**

Section 7 of the Chhattisgarh Special Public Security (CSPA) Bill, 2005 provides:

- (1) In any such case, where the report of the advisory board states that in its opinion there is sufficient cause to issue notification regarding declaring the concerned organization unlawful, the government may confirm the notification and subject to sub-section (4) of section (3) may continue it for such period as it deems fit.
- (2) In any such case, where the report of the advisory board states that in its opinion there is no sufficient cause to issue the aforesaid notification, the Government shall immediately revoke the notification”.

### **Commentary and legal analysis:**

Although it might be prejudging the decisions/proceedings of the Advisory Board but given the power of the State Government to appoint even advocates, who qualify to be appointed as Judge of the High Court as Members of the Advisory Board, an impartial decision can not be expected in



a case involving an organisation critical of the ruling party or the Government.

## **VI. Penalties: Punishments even for no crime/offence**

Section 8 of the Chhattisgarh Special Public Security (CSPS) Bill, 2005 provides:

- (1) Any person, who is a member of the unlawful organization or participates in its meeting or activities of such organization or makes contribution or receives contribution or requests for contribution for the purpose of such organization, shall be liable for imprisonment, which may be up to three years of imprisonment as well as fine.
- (2) Any person, not being a member of any unlawful organization, in any manner makes contribution or receives contribution or requests for contribution for such organization or gives protection to any member of such organization, shall be liable to imprisonment for such a period, which may be for a period up to two years as well as fine.

Any person, who manages any unlawful organization or assists in its management or gives encouragement to any meeting or to the member of such organization or assists or participates in any manner in the unlawful activities of such organizations or through any medium or means, is a participant to that, the person shall be liable to imprisonment for such a period which may not be less than three years as well as fine."

### **Commentary and legal analysis:**

Sub-section 1 of Section 8 of the CSPS Bill, 2005 provides for up to three years imprisonment as well as fine for being a member of an organisation declared or notified as unlawful while Sub-section 2 provides for up to two years imprisonment as well as fine for person, who not being a member of any unlawful organization, in any manner makes contribution or receives contribution or requests for contribution for such organization or gives protection to any member of such organization.

These provisions are beyond the principle of Criminal Jurisprudence governing 'Unlawful Assembly' under Section 141 Indian Penal Code, which requires actual participation of a member of unlawful assembly besides being

merely a member of such unlawful assembly.

The CSPS Bill also does not define as to what constitutes 'contribution'. In the absence of specific definition, the meaning of this vague terminology may be extended to cover any type of contribution and there is large scope for its misuse. The CSPS Bill, 2005, has abandoned the basic requirement in criminal law, like presence of intention or knowledge and commission of an offence pursuant to such intention or knowledge.

## **VII. The power to notify the place being used for the purpose of unlawful activities and taking occupation thereof.**

Section 9 of the Chhattisgarh Special Public Security (CSPS) Bill, 2005 provides that:

- “(1) The district magistrate may notify the place, which, in his opinion, is used for the activities of any unlawful organizations.

Explanation:- For the purpose of this section the place means house, building including any part thereof or tent or vessels also.

- (2) Where, under sub-section (1) any place is notified, the district Magistrate or any official authorized in writing for this purpose by him may take occupation of the notified place and may evict any person found living therein and the district magistrate shall immediately give report to the government about taking occupation.
- (3) Such a notified place, the occupation of which is taken under sub-section (2), shall continue to remain under the occupation of the government till the notification under section 3 in relation to such unlawful organization remains in force or for such earlier period as the government may decide.”

### **Commentary and legal analysis:**

Section 9 of the Chhattisgarh Special Public Security (CSPS) Bill, 2005 gives sweeping powers to the District Magistrate in matters relating to notification of the place being used for the purpose of unlawful activities and taking occupation thereof. The section does not provide any procedure to be followed before notifying a place being used for the purpose of unlawful activities. There is no requirement of production of any thing as evidence before the District Magistrate to prove that the said place is used for the purpose of unlawful activities. The fact that there is no provision for hearing

of the aggrieved owners of the place that is to be notified also violates the principle of natural justice.

### **VIII. Revision/ Bar against intervention by the courts**

Section 12 of the Chhattisgarh Special Public Security (CSPS) Bill, 2005 provides that:

“Revision Section 12.

- (1) Application for revision, against any order of the government passed under sub-section (1) of section 7, which confirm any notification issued under sub-section (1) of section 3, or order passed under sub-section (4) of section 3, wherein the period of notification has been extended or against any order of forfeiture under sub-section (1) of section 11, wherein its validity, accuracy or propriety has been questioned, shall be made in the High court.
- (2) The revision petition under this section may be filed within thirty days from the date of receipt of the order of the government mentioned in sub-section (1).

Section 14 of the Chhattisgarh Special Public Security (CSPS) Bill, 2005 further provides that “As expressed in this Ordinance, except as otherwise provided and under the constitution of India, without adversely affecting the jurisdiction of the Supreme Court and High Court, the action, taken under this Ordinance by any officer authorized for this purpose by the government or by the District Magistrate, shall not be questioned in any suit or action or application or in the form of revision and no injunction, in relation to action taken or likely to be taken as a follow up to any power granted by this Ordinance or there under, shall be granted in any court or by any officer.”

### **Commentary and legal analysis:**

Section 12(1) of the Bill provides that a revision application challenging the validity, accuracy or propriety of against any order of the government passed under sub-section (1) of section 7 confirming any notification issued under sub-section (1) of section 3, or an order passed under sub-section (4) of section 3 vide which the period of notification has been extended or against any order of forfeiture under sub-section (1) of section 11 shall be made in the High court.

Sub-section (2) provides only for 30 days time to file a revision petition against the order of the Government.

Section 14 of the Bill goes on to bar the jurisdiction of the courts against any decision of the Government. No suit or action or application or in the form of revision and no injunction, in relation to action taken or likely to be taken as a follow up to any power granted by this Bill or there under, is allowed to be pursued in any court or by any officer other than the High Court or Supreme Court in their writ jurisdiction.

## IX. Conclusion

International jurisprudence uniformly emphasises the importance of the cardinal principle of criminal justice system - *nullum crimen, nulla poena sine lege*<sup>138</sup> - i.e. criminal conduct must be defined in law before an offense can be committed, and with sufficient precision so as to prevent arbitrary enforcement.

Four prohibitions can be derived from these two clauses, *Nullum crimen, nulla poena sine lege scripta*:

“Prohibition of punishment by unwritten law: the punishability must be laid down in accordance with the legality principle. Written legislation must exist, unwritten (customary) law provides no basis for punishment.

Prohibition of analogy: the penal analogy bans, for the protection of the perpetrator, the transference of one legislation to another unlegislated situation, in order to justify the punishability of the perpetrator. On the contrary, the use of an analogy in favour of the perpetrator is permitted.

Prohibition against ex post facto laws: it is forbidden to impose ex post facto sanctions for a crime, or to introduce a more severe sanction or to intensify/tighten the sanctions. Punishability and punishment must have been legislated beforehand.

Prohibition of unclear terms in criminal statutes: The elements of a crime and respective penalty must be defined exactly. Only sufficiently specified sanctions can instruct the judge precisely in which particular behaviour is punishable and how”.<sup>139</sup>

Article 7 of the European Convention on Human Rights embodies the principle of *nullum crimen, nulla poena sine lege*. Article 7.1 provides that “No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence under national or international law at the time when it was committed. Nor shall a heavier

penalty be imposed than the one that was applicable at the time the criminal offence was committed". The European Court of Human Rights in its judgement in the case of *Baskaya and Okçuoglu v. Turkey* (Nos. 23536/94 and 24408/94) of 8 July 1999 (para. 36) held that "from these principles it follows that an offence and the sanctions provided for it must be clearly defined in the law. This requirement is satisfied where the individual can know from the wording of the relevant provision and, if need be, with the assistance of the courts' interpretation of it, what acts and omissions will make him criminally liable".<sup>140</sup>

The Inter-American Court of Human Rights held that "crimes must be classified and described in precise and unambiguous language that narrowly defines the punishable offense, thus giving full meaning to the principle of *nullum crimen nulla poena sine lege praevia* in criminal law. This means a clear definition of the criminalized conduct, establishing its elements and the factors that distinguish it from behaviors that are either not punishable offences or are punishable but not with imprisonment. Ambiguity in describing crimes creates doubts and the opportunity for abuse of power, particularly when it comes to ascertaining the criminal responsibility of individuals and punishing their criminal behavior with penalties that exact their toll on the things that are most precious, such as life and liberty. Laws of the kind applied in the instant case, that fail to narrowly define the criminal behaviours, violate the principle of *nullum crimen nulla poena sine lege praevia* recognized in Article 9 of the American Convention".<sup>141</sup>

The Chhattisgarh Special Public Security Bill (CSPS), 2005 does not define many of the crimes. It is peppered with "others". While criminal force and criminal display of force under Section 2 of the Bill may constitute offences, what constitutes "others" is not defined but one can be punished.

Under Section 143 of the Indian Penal Code, "a member of an unlawful assembly shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both". However, under Section 8 of the proposed CSPS Bill of 2005, any person, who is a member of the unlawful organization or participates in its meeting or activities of such organization or makes contribution or receives contribution or requests for contribution for the purpose of such organization, shall be liable for imprisonment upto three years, a heavier penalty by any yardstick.

## Endnotes

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1. Maoists say sorry, snatch cops, The Telegraph, 14 March 2006
2. Raipur mulls arming tribals against Naxals, The Asian Age, 22 July 2005
3. The view expressed by Commander Kosa, Secretary of the Naxalite for the Chhattisgarh State in his interview with Subhranshu Chowdhury, The Hindu, 10 April 2005
4. State government figures upto 31 January 2006 and the record of ACHR from 1 February to 6 March 2006.
5. E/CN.4/2002/18 of 27 February 2002
6. E/CN.4/2002/18 of 27 February 2002
7. Chhattisgarh orders ban on Naxals, The Asian Age, 6 September 2005
8. Maoist shadow over Chhattisgarh, The Times of India, 16 May 2005
9. Raipur mulls arming tribals against Naxals, The Asian Age, 22 July 2005
10. Carrot-&-stick policy to keep Naxals at bay, The Pioneer, 22 February 2005
11. Maoist shadow over Chhattisgarh, The Times of India, 16 May 2005
12. Central team to visit Chhattisgarh, The Kashmir Times, 2 March 2006
13. Three policemen killed in Naxal ambush, Deccan Herald, 9 January 2005
14. Police constable killed in ambush by Maoists, available at [http://www.outlookindia.com/pti\\_news.asp?id=274463](http://www.outlookindia.com/pti_news.asp?id=274463)
15. Police officer killed in IED Attack by suspected CPI-M in Kanker, Chhattisgarh, India, available at <http://www.tkb.org/NCTC/NCTCIncidentProfileDetails.jsp?incidentID=1917>
16. Incidents involving Communist Party of India-Maoist (CPI-Maoist): Chhattisgarh 2005, available at [http://www.satp.org/satporgtp/countries/india/terroristoutfits/CPI\\_M\\_Timeline.htm#chhattisgarh](http://www.satp.org/satporgtp/countries/india/terroristoutfits/CPI_M_Timeline.htm#chhattisgarh)
17. Two CRPF men killed in Chhattisgarh, Indo-Asian News Service, available at <http://www.eians.com/stories/2005/05/06/06two.shtml>
18. Maoists step up attack on policemen, 6 killed in Chhattisgarh, The Pioneer, 24 May 2005
19. CRPF commander, 5 jawans killed in Chhattisgarh, available at <http://sify.com/news/fullstory.php?id=13814673>

The Adivasis of Chhattisgarh  
Victims of the Naxalite movement and Salwa Judum campaign

20. CRPF jawan killed in C'garh Naxal attack, The Hitavada, 18 June 2005
21. 24 CRPF personnel killed in Chhattisgarh landmine blast, The Hindustan Times, 5 September 2005
22. Ultras rise again in Bastar killing Naga cop, The Pioneer, 19 December 2005
23. Incidents involving Communist Party of India-Maoist (CPI-Maoist): Chhattisgarh 2005, available at [http://www.satp.org/satporgtp/countries/india/terroristoutfits/CPI\\_M\\_Timeline.htm#chhattisgarh](http://www.satp.org/satporgtp/countries/india/terroristoutfits/CPI_M_Timeline.htm#chhattisgarh)
24. 11 security men killed in Chhattisgarh, The Pioneer, 7 February 2006
25. Maoists attack PSU depot, kill 8 CISF men, The Times of India, 11 February 2006
26. Naxals kill 1, abduct 16, The Hitavada, 6 March 2006
27. Maoist killed 95 villagers involved in anti naxal campaign, available at <http://www.newkerala.com/news2.php?action=fullnews&id=17321>
28. 10 Maoists killed in 'Green Hunt': DGP, The Hitavada, 6 September 2005
29. More Horrors of the Salwa Judum, Peoples March, Vol. 7, No. 1, January 2006, available at <http://www.peoplesmarch.com/archives/2006/Jan2k6/salwa%20judum.htm>
30. Incidents involving Communist Party of India-Maoist (CPI-Maoist): Chhattisgarh 2005, available at [http://www.satp.org/satporgtp/countries/india/terroristoutfits/CPI\\_M\\_Timeline.htm#chhattisgarh](http://www.satp.org/satporgtp/countries/india/terroristoutfits/CPI_M_Timeline.htm#chhattisgarh)
31. Two Maoists killed in police encounter, The Hitavada, 13 August 2005
32. Incidents involving Communist Party of India-Maoist (CPI-Maoist): Chhattisgarh 2005, available at [http://www.satp.org/satporgtp/countries/india/terroristoutfits/CPI\\_M\\_Timeline.htm#chhattisgarh](http://www.satp.org/satporgtp/countries/india/terroristoutfits/CPI_M_Timeline.htm#chhattisgarh)
33. Top Maoist leader killed in Chhattisgarh, The Pioneer, 18 November 2005
34. Incidents involving Communist Party of India-Maoist (CPI-Maoist): Chhattisgarh 2005, available at [http://www.satp.org/satporgtp/countries/india/terroristoutfits/CPI\\_M\\_Timeline.htm#chhattisgarh](http://www.satp.org/satporgtp/countries/india/terroristoutfits/CPI_M_Timeline.htm#chhattisgarh)
35. Ibid
36. 6 Maoists killed in gunbattle, The Hitavada, 30 December 2005
37. Quoted in "The Naxalite Left at the Beginning of the Millennium" by Subhash Gatade available at <http://www.massline.info/India/Gatade.htm>

The Adivasis of Chhattisgarh  
Victims of the Naxalite movement and Salwa Judum campaign

38. Confronting the Naxalites, Suhas Chakma, The Newstime, Hyderabad, 26 June 1998
39. Subrangshu Chowdhury, "In Naxal Heartland", The Hindu, 10 April 2005
40. Maoist shadow over Chhattisgarh, The Times of India, 16 May 2005
41. Ibid
42. Raipur mulls arming tribals against Naxals, The Asian Age, 22 July 2005
43. Carrot-&-stick policy to keep Naxals at bay, The Pioneer, 22 February 2005
44. Maoist shadow over Chhattisgarh, The Times of India, 16 May 2005
45. Naxalism hits 30 crore people: Raman, The Central Chronicle, 31 May 2005
46. NAXALGARH: Rule of the outlaw, The Times of India, 27 May 2005
47. State Pulse: Chhattisgarh: The purification hunt, available at <http://www.centralchronicle.com/20060125/2501304.htm>
48. War in tribal heartland, The Indian Express, 27 February 2006
49. "Resisting the rebels" by Annie Zaidi, available at <http://www.flonnet.com/fl2221/stories/20051021006401800.htm>
50. Ibid
51. Peoples March, Volume 6, No. 11, December. 2005, <http://www.peoplesmarch.com/archives/2005/nov-dec2k5/saalva%20judum.htm>
52. Raman Singh Asks locals to step up anti-Maoist fight, Indo-Asian News Service, available at <http://www.eians.com/stories/2005/08/15/15ram.shtml>
53. South Asia Intelligence Review, Weekly Assessments & Briefings, Volume 4, No.7, August 29, 2005, available at [http://www.satp.org/satporgtp/sair/Archives/4\\_7.htm#assessment2](http://www.satp.org/satporgtp/sair/Archives/4_7.htm#assessment2)
54. "Resisting the rebels" by Annie Zaidi, available at <http://www.flonnet.com/fl2221/stories/20051021006401800.htm>
55. Raipur mulls arming tribals against Naxals, The Asian Age, 22 July 2005
56. Ibid
57. More Horrors of the Salwa Judum, Peoples March, Vol 7, No 1, January 2006 available at <http://www.peoplesmarch.com/archives/2006/Jan2k6/salwa%20judum.htm>
58. The figures provided by Chhattisgarh Home Minister before the State Assembly on 27 February 2006 and the records maintained by Asian Centre for Human Rights.



The Adivasis of Chhatisgarh  
Victims of the Naxalite movement and Salwa Judum campaign

59. He has been kidnapped and killed subsequently
60. Bastar scholars write to Manmohan Singh, The Hindu, 18 February 2006
61. Maoists kill villagers, The Hitavada, 5 November 2005
62. Naxalites kill kidnapped Baghdadongari Sarpanch, The Hitavada, 28 August 2005
63. Naxalites apprehended for taking money from villagers, Hitavada, 8 September 2005
64. State government figures upto 31 January 2006 and the record of ACHR from 1 February to 6 March 2006.
65. Maoist killed 95 villagers involved in anti naxal campaign, available at <http://www.newkerala.com/news2.php?action=fullnews&id=17321>
66. 8 die in twin Maoist raids, The Telegraph, 7 March 2006
67. 8 die in twin Maoist raids, The Telegraph, 7 March 2006
68. Naxals kill 1, abduct 16, The Hitavada, 6 March 2006
69. Incidents involving Communist Party of India-Maoist (CPI-Maoist), Chhattisgarh 2006, [http://www.satp.org/satporgtp/countries/india/terroristoutfits/CPI\\_M\\_Timeline.htm#chhattisgarh](http://www.satp.org/satporgtp/countries/india/terroristoutfits/CPI_M_Timeline.htm#chhattisgarh)
70. Maoists kill three tribals in Chhattisgarh, available at <http://www.newkerala.com/news2.php?action=fullnews&id=7950>
71. 11 killed in Naxalite attack on relief camp, The Hindustan times, Bhopal Edition, 31 January 2006
72. Incidents involving Communist Party of India-Maoist (CPI-Maoist), Chhattisgarh 2005, [http://www.satp.org/satporgtp/countries/india/terroristoutfits/CPI\\_M\\_Timeline.htm#chhattisgarh](http://www.satp.org/satporgtp/countries/india/terroristoutfits/CPI_M_Timeline.htm#chhattisgarh)
73. Ibid
74. 4 villagers killed in rebel attack, The Telegraph, 26 November 2005
75. Naxalites kill two villagers, The Hitavada, 13 November 2005
76. Incidents involving Communist Party of India-Maoist (CPI-Maoist), Chhattisgarh 2005, [http://www.satp.org/satporgtp/countries/india/terroristoutfits/CPI\\_M\\_Timeline.htm#chhattisgarh](http://www.satp.org/satporgtp/countries/india/terroristoutfits/CPI_M_Timeline.htm#chhattisgarh)
77. Salwa Judum participants Maoist threat, The Hitavada, 11 November 2005
78. Maoists kill villagers, The Hitavada, 5 November 2005

The Adivasis of Chhattisgarh  
Victims of the Naxalite movement and Salwa Judum campaign

79. Tribal killed by Maoists, The Hitavada, 30 October 2005
80. Naxals kill Ghumra village sarpanch, The Hitavada, 24 October 2005
81. Incidents involving Communist Party of India-Maoist (CPI-Maoist), Chhattisgarh 2005, [http://www.satp.org/satporgtp/countries/india/terroristoutfits/CPI\\_M\\_Timeline.htm#chhattisgarh](http://www.satp.org/satporgtp/countries/india/terroristoutfits/CPI_M_Timeline.htm#chhattisgarh)
82. Naxals attack common people, The Hitavada, 1 October 2005
83. Ibid
84. Maoists slit throat of aged man in Bijapur, The Hitavada, 16 August 2005
85. Naxalites kill kidnapped Baghdadongari Sarpanch, The Hitavada, 28 August 2005
86. Naxals kill kin of Chhattisgarh leader, The Deccan Herald, 10 August 2005
87. Maoist kill tribal leader in Bhairamgarh, The Hitavada, 8 August 2005
88. Maoists kill seven in Bastar, The Pioneer, 29 July 2005
89. Naxals kill Sarpanch, The Hitavada, 23 July 2005
90. 9 killed as Naxals clash with villagers in Bastar, The Indian Express, 18 July 2005
91. Abducted Giri killed by Maoists, The Hitavada, 10 July 2005
92. Maoists step up attack on policemen, 6 killed in Chhattisgarh, The Pioneer, 24 May 2005
93. Naxals kill BJP leader in Chhattisgarh, available at [http://www.hindustantimes.com/news/181\\_1351093,000900030012.htm](http://www.hindustantimes.com/news/181_1351093,000900030012.htm)
94. Naxals kill BJP leader, villager, The Hitavada, 28 April 2005
95. Naxals kill Congress leader in Chhattisgarh, available at [http://www.hindustantimes.com/news/181\\_1327132,0006.htm](http://www.hindustantimes.com/news/181_1327132,0006.htm)
96. Incidents involving Communist Party of India-Maoist (CPI-Maoist), Chhattisgarh 2005 [http://www.satp.org/satporgtp/countries/india/terroristoutfits/CPI\\_M\\_Timeline.htm#chhattisgarh](http://www.satp.org/satporgtp/countries/india/terroristoutfits/CPI_M_Timeline.htm#chhattisgarh)
97. One killed by naxalites in Chhattisgarh, The Central Chronicle, 11 January 2005
98. Extremists abduct, kill five villagers, The Hitavada, 29 July 2005
99. Rebels abduct 35 villagers, The Hitavada, 16 January 2006
100. Naxals kill 1, abduct 16, The Hitavada, 6 March 2006
101. Central team to visit Chhattisgarh, The Kashmir Times, 2 March 2006

The Adivasis of Chhatisgarh  
Victims of the Naxalite movement and Salwa Judum campaign

102. Fact-finding report on the Salwa Judum, Dantewara District by PUCL Chhattisgarh, PUCL Jharkhand, PUJDR, Delhi; APDR, West Bengal and IAPL, Nov - Dec 2005, available at <http://www.pucl.org/Topics/Human-rights/2005/salwa-judum-report.htm>
103. Ibid
104. More Horrors of the Salwa Judum, Peoples March, Vol. 7, No. 1, January 2006, available at <http://www.peoplesmarch.com/archives/2006/Jan2k6/salwa%20judum.htm>
105. ibid
106. ibid
107. ibid
108. ibid
109. ibid
110. IFJ concerned over harassment of journalist in Chhattisgarh, 16 January 2006, available at <http://www.ifj-asia.org/page/india060116.html>
111. More Horrors of the Salwa Judum, Peoples March, Vol. 7, No. 1, January 2006, available at <http://www.peoplesmarch.com/archives/2006/Jan2k6/salwa%20judum.htm>
112. More Horrors of the Salwa Judum, Peoples March, Vol. 7, No. 1, January 2006, available at <http://www.peoplesmarch.com/archives/2006/Jan2k6/salwa%20judum.htm>
113. Details of IDPs and Salwa Judum Movement provided by Dantewada Collector Mr. K R Pisda to ACHR.
114. Taking on Maoists proving an uphill task, The Pioneer, 29 October 2005
115. War in tribal heartland, The Indian Express, 27 February 2006
116. Naxals using children as shields, The Times of India, 26 April 2005
117. The view expressed by Commander Kosa, Secretary of the Naxalite for the Chhattisgarh State in his interview with Subrangshu Chowdhury, The Hindu, 10 April 2005
118. The Naxalite Left at the Beginning of the Millennium" by Subhash Gatade available at <http://www.massline.info/India/Gatade.htm>
119. Background note on the Scheduled Tribes (Recognition of Forest Rights) Bill, 2005, Ministry of Tribal Affairs, Government of India
120. People's Democracy, Weekly Organ of the Communist Party of India (Marxist), Vol. XXVII, No. 01, January 05, 2003

The Adivasis of Chhatisgarh  
Victims of the Naxalite movement and Salwa Judum campaign

- 121 . ibid.
122. Govt to withdraw 11,424 cases against tribals, The Pragativadi, 12 October 2004
123. State Repression of Tribals in Bastar, Chhattisgarh Region, India, Bharat Jana Andolan, undated, available at <http://www.minesandcommunities.org/Company/nmdc1.htm>
124. Ibid
125. Ibid
126. Ibid
127. Ibid
128. Ibid
129. Tribal renaissance, Abhinandan Mishra, The Statesman, 15 January 2006
130. Ibid
131. State Repression of Tribals in Bastar, Chhattisgarh Region, India, Bharat Jana Andolan, undated available at <http://www.minesandcommunities.org/Company/nmdc1.htm>
132. Rehab for tribals was recipe for trouble - In Kalinga Nagar, Rs 3-lakh per acre margin salted tribal wounds, The Indian Express, 17 January 2006
133. Ibid
134. Appeal from the Chhattisgarh Lok Swatantrya Sangathan (PUCL) regarding ongoing suppression of human rights in Chhattisgarh by the state power, 16 November 2005 available at <http://www.pucl.org/Topics/Human-rights/2005/chhattisgarh-appeal.htm>
135. Rehab for tribals was recipe for trouble - In Kalinga Nagar, Rs 3-lakh per acre margin salted tribal wounds, The Indian Express, 17 January 2006
136. Available at South Asia Terrorism Portal, <http://www.satp.org/satporgtp/countries/india/document/papers/PMCCM05.htm>
137. General Comment No. 10: Freedom of expression (Art. 19) : . 29/06/83 available at [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/2bb2f14bf558182ac12563ed0048df17?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/2bb2f14bf558182ac12563ed0048df17?Opendocument)
138. ibid
139. ibid
140. Quoted in "Digest of Jurisprudence of the UN and Regional Organizations on the protection of human rights while countering terrorism" by Office of the United Nations High

The Adivasis of Chhatisgarh  
Victims of the Naxalite movement and Salwa Judum campaign

Commissioner for Human Rights available at <http://www.ohchr.org/english/about/publications/docs/digest.doc>.

141. Castillo Petruzzi et al. Case, Inter-American Court of Human Rights Judgment of May 30, 1999 (para. 121) quoted in "Digest of Jurisprudence of the UN and Regional Organizations on the protection of human rights while countering terrorism" by Office of the United Nations High Commissioner for Human Rights available at <http://www.ohchr.org/english/about/publications/docs/digest.doc>.

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