

Living In the shadow of terror

People's lives and security operations in Jharkhand



**Coordination of Democratic Rights Organisations
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Preface

It has been over a decade since Jharkhand was carved out of Bihar into a separate state. In this period the state has witnessed a new face of people's movements against displacement and of armed repression by the state. News of the multitude of growing people's movements around the right to water, forest and land has accompanied news of Operation Green Hunt, a joint programme of centralised armed state repression.

Reports of armed operations in villages and the oppression of villagers by armed forces appear in the media in big cities in a much sifted form, and there has been a long-standing need for a detailed investigation into the roots of this violence. These news items have also been appearing in the local media apart from in the publications of Jharkhand-based human rights organisations.

The current situation has naturally raised worries in democratic circles about whether the people of this mineral-endowed state are being displaced from their villages in order to serve corporate interests. Are the youth forced to migrate to other states to ensure their livelihood and safety? Are the villagers here too being persecuted in the name of dealing with the Maoists, as in case of *SalwaJudum* of Chhattisgarh?

To answer these questions the Coordination of Democratic Rights Organisations (CDRO) decided to tour this region. The investigation was conducted in two stages. The first tour was conducted between 26 and 30 March, 2012, and the second between 19 and 23 May, 2012. The purpose of these tours was to investigate the situation related to the safety of people's lives and to make the country aware of it.

The following organisations and individuals were part of the first investigation team: Shashi Bhushan Pathak, Alokakujur and Liks Roz (PUCL, Jharkhand); Afzal Anees (United Milli Forum, Jharkhand); Ipsita Pati (correspondent, *The Hindu*, Ranchi); Shahnawaz Alam and Rajeev Yadav (PUCL, Uttar Pradesh); activists (PUDR, Delhi); Narasimha Reddy (OPDR, Andhra Pradesh); Amar Nandyala (Human Rights Forum, Andhra Pradesh); Manishwar (Committee for Peace and Democracy, Manipur); and independent journalists Chandrika from Wardha, Maharashtra and Prashant Rahi from Uttarakhand. At various places, the local activists of the PUCL, Jharkhand and correspondents of different newspapers and news channels joined this tour. While acknowledging their help and support, we are unable to record each name here given the lack of space and the large numbers who helped the CDRO team.

The participants in the second team, i.e., the one that toured the Saranda-Paudayahat area, were: Shashi Bhushan Pathak, Alok Kujur, Mithilesh Kumar and Santosh Yadav (PUCL, Jharkhand); Naushad (Bureau Chief, *Dainik Bhaskar*, Chatra); Puneet Minj (Jharkhand Mining Action Committee); Chiluka Chandrashekhar, Narayan Rao and R. Rajanandam (APCLC, Andhra Pradesh); Pritipal Singh and Narbhinder Singh (AFDR, Punjab); Shahnawaz Alam and Rajeev Yadav (PUCL, Uttar Pradesh); a three-member team from PUDR, Delhi; and Chandrika from Wardha, Maharashtra and Prashant Rahi from Uttarakhand (both independent journalists). Some social activists provided local guidance.

Context

The meaning of development for the inhabitants of rural areas is better health, education and means of agriculture. For the State, in mineral-rich regions development means mining. Most mineral-rich areas are also tribal-inhabited. Tribal people reside in more than half of the 50 mineral rich regions in India, and approximately 28% of the land is forest. In the period 1951 to 1991, over 26 lakh people have been displaced by mining of which more than half are tribal. 40% of the mineral-rich areas are

also Maoist-affected areas. (Source: *Rich Lands, Poor People: Is sustainable mining possible?* Report, Centre for Science and Environment)

In the matter of minerals, Jharkhand is very wealthy. It has 28% of the country's iron ore (the maximum), 29% coal (third largest), 16% copper (highest), 10% silver ore, mica (highest), bauxite (third largest), manganese ore and uranium, among others. The state holds the sixth position in the country in terms of mining. In 2009-10 the value of

its mining output was Rs 12,036.78 crores (Source: Ministry of Mines website). The vision of establishing a state where tribals shall own and control the forests and mineral resources was one of the reasons behind the struggle to form the state of Jharkhand. Ironically, in a complete turn-around, unbridled industrialization and mining in the name of 'development', entry of large corporate houses, the takeover of tribal communities' land, water and forest resources has resulted in enforced displacement and migration on an alarming scale. Whereas in 1901, 50% of the population of this area was tribal, the 2001 census shows their proportion at barely 26%. The process of the arrival of non-tribals from outside seeking employment in these new industries and mining enterprises and the accompanying out-migration of tribals has created a situation where the very survival of tribals in the region is under threat.

Between 1985 and 2004, 9000 hectares of forest land has been given over for mining. Since then too the government has signed over a hundred MoUs for various factories, power plants and mining. These are expected to entail an additional 2 lakh acres of land and a consequent displacement of 10 lakh people. (Source: *Jharkhand Mirror*, website)

If we leave aside coal mining, then West Singhbhum district contains the maximum mining activity. Of all the land leased to companies in the state, 28% lies in this district. 45% of Jharkhand's mining land is in this district. The maximum, i.e., 99% of the total iron ore in the state is here. However, West Singhbhum district occupies the 20th position in the list of the 150 most backward districts in the country. Significantly 66% of the population is tribal.

The largest deposit of high grade iron ore in the country is in this district. It has been estimated that this deposit is of 2000 million tonnes. Gua, Chiriyā, Kiribhuru and Noamundi are the principal centres of iron ore mining. Mining at Chiriyā started in 1936. Presently the mining is under the management of Steel Authority of India Ltd (SAIL). The state government has tried its best put its complete effort that these mines be sold at a high price to Arcelor Mittal or to Tata Steel.

Spread from Chhotanagra to Dhobil the Chiriyā mines cover 3% of the Saranda area. The fall-out of

the mining is visible. The lands are turning barren as with every rainfall the mining waste flows into the agricultural plots. Many perennial water streams have dried. Deep holes have ruined the forests around Kiribhuru. The water of the Koyna and Karo rivers is no longer potable since the iron ore is directly washed in these rivers.

Via 44 leases covering 12,374 hectares, forests, rivers and agricultural land in the region are being destroyed through mining. Another 19 such projects, ear-marking an additional 11,000 hectares of land for mining are believed to be awaiting approval. Arcelor Mittal has put up a demand of 8,000 hectares of land for mining and Tatas, for 4,800 hectares. Jindal is trying to obtain 1,800 hectares. The demand of land for mining foretells the direction of development in Jharkhand in the years to come.

The 'Saranda Mining Plan' given below helps understand the situation better. (Source: Indian Bureau of Mines, Ministry of Steel, as quoted in 'Between Maoist and Mines', *Down to Earth*, April 30, 2012, issue)

This loot of resources is taking place in the entire state. The year 2009-10 witnessed a growth in mining in Jharkhand: a growth of 10.04% in coal, 7.87% in iron ore, 14.36% in copper, 5.34% in bauxite and 96.84% in graphite. (Source: Ministry of Mines, website). The increase in the mechanization of the mining processes has serious implications. Now it is possible to wreak havoc on an entire land area in a short time. The setting up of mines requires laying of roads and railway lines, setting up of steel plants and other supporting factories, and, of course, townships. The total acquisition of land is therefore much greater than the land area marked for mining.

It has been noticed that despite the existence of industrial towns such as Tatanagar, Bokaro and Dhanbad in Jharkhand the economic condition of local people has been deteriorating. In order to stop the dispossession of tribal people off land a number of legislations like the Chhotanagpur Tenancy Act, 1908 (CNT), Santhal Pargana Tenancy Act, 1949 (SPTA), and PESA (Panchayat Extension in Scheduled Areas) the law passed by Parliament in 1996, have been passed over time. But none of these are being implemented. According to the CNT Act,

Operational Mining Projects	Area (hectares)
44 iron ore mining leases in West Singhbhum	12,384.00
SAIL, Chiriya	2,376.00
Usha Martin (P) Ltd., Ghatkuri Protected Forest	155.00
Proposed Mining Projects	Area (hectares)
JSW Steel Ltd, Ankua Protected Forest	1,388.50
Essar Pvt. Ltd., Ankua Protected Forest	568.70
Tata Steel Ltd., Ankua Protected Forest	1,808.00
Electrosteel Castings Ltd., Kudalibad Protected Forest	192.50
Roongta Mines, Kudalibad Protected Forest	350.00
Sunflag Iron and Steel Ltd., Kudalibad Protected Forest	120.00
Arcelor Mittal, Karampada Protected Forest	202.30
Arcelor Mittal, Karampada Protected Forest	662.95
Arcelor Mittal, Karampada Protected Forest	416.00
Arcelor Mittal, Ghatkuri Protected Forest	3,150.00
Bhushan Power and Steel Ltd., Chatubhuru	422.75
ALM Steel and Power Ltd., Bokna	383.50
Prasad Group Resource Pvt. Ltd., Bokona	110.00
Horizon LohaUdyog, Satetarua	215.00
PrakashIspat Ltd., Ghatkuri Protected Forest	-
Abhijeet Infrastructure Pvt. Ltd., SilpunjiKantoriya	138.50
Neelanchal Iron and Power Ltd., SilpunjiKantoriya	437.00
Anandita Trades and Investment Ltd., Parambaljori	46.60
ALM Steel and Power Ltd., Bokona	383.50

land can be taken for a 'public purpose' with the concurrence of the village residents. But today the residents are posing the question – Can handing over land to a company for mining be a 'public purpose'? In a different fashion with the same end result, the Forest Rights Act, 2006, stipulates that lands occupied by tribals for cultivation can be registered in their name. However, the security forces in the name of Operation Green Hunt or Anaconda are destroying the land-related documents, thus denying them any possible benefit under the Forest Rights Act. The Singhbhum area also falls under the Fifth Schedule of the Constitution which provides for constitutional provisions to protect tribals and their lands. Hence as per the statute book, legally handing over tribal land to non-tribals is certainly not easy. Yet despite all these laws, distribution of tribal lands for mining is proceeding at great speed.

In October 2011, Rs 263 crore was announced for the 'development' of the Saranda area. This included the cost of setting up of the CRPF camps. Additionally Rs 104 crore was to be spent on road construction. The kind of roads that would be constructed at such cost is a pointer that the roads are being constructed not for tribals but for the movement of dumpers and heavy vehicles of the companies and to reach the armed forces into the forests.

In 2006, the Arjun Munda government signed an MoU with a Chinese company for mining and transporting iron ore from the Dinsumburu mines, Tholkobad to China through the Sahebganj-Barhet road. The Maoists have prevented the mining work from starting.

It is our belief that it is in order to implement this model of development that the government needs to conduct armed operations like the Operation Green Hunt. These operations are being conducted not only to deal with Maoists but also to implement those industrialization policies which people's movements have opposed for long. To declare war against the people is to provide economic benefits to the big corporate companies. The armed forces of the state and the corporate entities are seen helping each other – at times explicitly, at other junctures in a more hidden manner – conduct a massacre of the tribal people.

Part 1

District-wise Investigation of Incidents

This chapter presents a description of some incidents of excesses by the security forces which happened before or as part of the Operation Green Hunt and which were investigated by the fact-finding team. The repression has grown steadily since the start of the Operation Green Hunt and incidents of the kind described have become a part of day-to-day life.

i) District Latehar

Latehar district was carved out of the erstwhile Palamu district. It has a total population of 7,25,673 of which 20.7% are scheduled castes and 45.17% are scheduled tribes. We were able to investigate five incidents that occurred in Latehar between 2010-12 during Operations Green Hunt and Anaconda. These include incidents of custodial torture, rape and custodial killing besides looting. The sixth incident predates these operations but indicates the absence of justice, both then and now.

1. Sanjay Prasad, Barwadih – On the first day of the fact-finding when our team was about to leave Latehar, Jairam Prasad and Satish Prasad, the father and brother of Sanjay Prasad, came to share their experience. Their house was around 20 km away from where we were. On 21 March 2012 at 11:45 a.m. Sanjay was taken to the police station in connection with some questioning. According to Jairam, Ghulam Sher Khan the driver of the Inspector of Barwadih *thana*, and the bodyguard of DSP Jha had taken Sanjay from the house saying that the officer had asked for Sanjay. When Sanjay did not return in the evening, his father went to the *thana* to inquire. The *thana* in-charge told him that they had no knowledge of Sanjay and that no such person had been called for questioning at the *thana*. Terrified, Jairam and Satish faxed a letter the next day to the Governor. They met both the Superintendent of Police and the DSP.

Contrary to the statement of the *thana* in-charge, the DSP said that Sanjay had been let off after questioning on the evening of the 21st. The Latehar

S.P., Kranti Kumar, told them that after the questioning, Sanjay went towards the forest on 21 March. He told the family members of Sanjay that at 9:00 pm on 23 March Sanjay had been arrested from the forests between Madal and Chemu-Sanya. Even after this Sanjay's whereabouts were not known for another four days. Finally on the 26th a news item appeared in the newspapers that Sanjay has been arrested from the Latehar *thana* area, accused of being a Maoist and sent to jail. It was said that on his information chain-bombs were recovered. Sanjay was also accused of planting bombs in the area between Mandal and Chemu-Sanya. It is important to note that this year there has been no incident of bomb explosion in this area. The sequence of events reveals that Sanjay must have been kept in police custody for four days. And after the appearance of a report in the newspaper that he was missing, a false charge may have been imposed on Sanjay to silence him and to belittle his claims. For the past four years Sanjay had been managing a shop selling SIM cards and scooter parts, close to the Barwadih bus station. Since the incident Sanjay's family has been in shock. Apart from his father and brother, his family includes a mother, wife and two children.

2. Jasinta Devi, village Ladi, thana Garu – This incident is from the early days of Operation Green Hunt. Ladi village is at least four kilometers away from the metalled road. On 27 April 2010 a Maoist squad was resting on a platform in the village. The house of Jasinta Devi is situated close to the entrance of the village. According to villagers, the Maoists had stationed one sentry at the back of the house of Jasinta Devi. Suddenly a CRPF party arrived at the village. The surprise factor worked in favour of the armed forces. They shot dead the Maoist sentry and the other Maoists were unable to retaliate and were forced to run away.

The CRPF personnel then accused Jasinta Devi of hiding Maoists in her house and forced everybody out of the house, threatening to burn it down. The

persons in the home at that time included Jasinta Devi, her three children, mother-in-law, brother-in-law Vishram Singh, and an aged cowherd, Puran. Vishram Singh's hands were tied together. Jasinta Devi requested permission to call the old cowherd resting at the back of the house. As soon as she returned with Puran, the security forces opened fire on them. She died on the spot and Puran lay injured and unconscious.

After the incident Vishram Singh put the dead bodies of the Maoist sentry and of Jasinta Devi in the police vehicle and tried to register a First Information Report at the Barwadih *thana*. He was told that both were killed in a cross-firing. The FIR registered by the police states that Jasinta Devi was killed in crossfire. Members of our team examined the walls of Jasinta Devi's house and found bullet marks only from one side, which suggests that the firing which killed Jasinta Devi was one-sided.

Following the killing, the police announced a compensation of Rs 5 lakh to the family and government employment to one family member. To date the family has received Rs 1 lakh and no job has been provided. There has been no action against the guilty CRPF personnel. According to a local member of our team, Puran had been admitted to the Sadar hospital. Since then, Puran has gone missing. Two years have passed but the villagers still don't know his whereabouts.

3. Lucas Minj, village Navarnagu, panchayat Lat, thana Barwadih – The Kharwar and Uraon tribal communities form the majority in Navarnagu village. To access the metalled road from this village, the residents have to walk for 8 kilometres through a forest. There are no water supply or electricity facilities available in the village.

On 31 January 2012, as was his norm, Lucas Minj of Navarnagu took his cows and buffaloes for grazing towards the river. He never returned home. During these days, 31 January to 5 February, Operation Marx was being conducted by the security forces. Therefore it was life-threatening for villagers to be seen outside. This situation meant that Lucas's family members got no news of Lucas for many days. But they had no reason to believe that he had been harmed. For what threat could the deaf and mute Lucas Minj pose to anyone?

His rotting body was finally found by two fishermen in the Koelriver. The family members found two bullet injury marks on the dead body. Family members and village residents proceeded to Barwadih *thana* to lodge a complaint. The *thana* in-charge sent the body for post mortem. The post mortem examination confirmed that he had indeed suffered two bullet injuries and that he had died on 31 January. To date the family has not received any justice. No compensation has been paid and no policeman is being prosecuted.

It is pertinent to note that the day when Lucas Minj was killed and the day before that (i.e. 30 and 31 January 2012) were the dates when a ceasefire between the Maoists and the security forces was to have been in operation. And during this ceasefire, one constable taken hostage by the Maoists was to be released in the presence of two senior members of the PUCL. While the Maoists had suspended armed action, the security forces continued their campaign under the title Operation Marx.

On 31 January itself another such incident took place. Under 'Operation Marx' Devti Devi's 16 year old daughter, seven year old niece and sister were detained at the CRPF camp overnight, that too without the presence of any women personnel. On 31 January itself the police stopped Prakash Minj, another brother of Lucas Minj, on his way to work and questioned him. The same day his house was also searched. Besides, another villager Muneshwar Sigh was tortured by ASP Chandramohan. He was intercepted when returning from making arrangements for his brother's wedding. He was accused of being a Maoist, beaten up by the police, and released only after the villagers resisted.

A day before Lucas's murder, on 30 January, there was a fierce gun-battle between Maoists and security forces at Karamdih, 2 km away. Beginning at about 7 pm it went on far into the night. There were still several bullet marks visible on nearby walls. As is routine the CRPF had taken over the school and converted it to a Camp. The CRPF had also dug up the walls and fences of nearby houses. The digging was done in the hopes of recovering arms as the police believed that the Maoists stored their arms beneath the soil. But they came back

empty-handed. Due to the Camp the children had stopped attending school. After the gun-battle with the Maoists, the CRPF were forced to vacate. The villagers believe that here lies the reason behind Lucas's killing. Angered at having to vacate Karamdih school they had retaliated by shooting Minj.

We also learnt that the security forces had tortured Sylsvester Minj so brutally as to have resulted in fracturing the upper portion of his spine. He was forced to get off the transport van when returning home from the market. He was made to stand on his head for a long time by the roadside. While in this position he was given a vicious kick in the neck. He couldn't move his neck for several days

A few days after returning from the fact-finding, the team learnt that the security forces had brutally tortured Lucas's brother William Minj. Clearly he was being punished for having spoken freely to the fact-finding team as well as the media and bringing Lucas Minj's death to public notice. This denial of freedom of speech too is a part of state repression, where talking about oppression itself becomes a crime.

4. Village Baheratad, near Saryu Pahad, block Latehar- This tiny village of 40 families was settled by members of the Adim Parhiya tribals. The village had been all but forgotten by the state. Baheratad village has been given the status of Mundari Khuntakattidar. As per the Santhal Pargana Act forests cleared by *adivasis* in the past and villages settled in there, fall in the category of Mundari Khuntakattidar. *adivasis* don't have to pay revenue to the government on this land. Also under the Forest Rights Act there is a provision for land to be distributed to *adivasis* by cutting out *pattas* from forest land. The gram pradhan Beefa Parhiya said that while he had been issued land papers under the Act, even he had no information where the land was.

On 6th February the CRPF entered the village alleging that the villagers were supplying food and rations to the Maoists. *Gram* Pradhan Beefa Parhiya and nine others were picked up and taken to the CRPF camp and tortured. As a result of the beating he has nearly lost eyesight in his right eye. In this

instance of custodial torture the paramilitary forces had detained these men merely on suspicion.

Beefa doesn't own any land. Nor does he have enough produce to feed and take care of his family. He receives 35kg from the government every two months. This amount is not even sufficient to feed the four members of his family, let alone for feeding the Maoists. But under Operation Green Hunt such evidence is incidental.

Following a discussion in the Gram Panchayat the next day the villagers went to Latehar and filed a complaint. The only response was that the Pradhan received Rs 5000 for treatment. A senior police official had visited the village to investigate but to date nothing has come of it.

We learnt that the CRPF had set up camp in a nearby school that had been started for the benefit of *adivasi* children. However, as a result of the CRPF's commandeering it, the children could not attend school. Once the situation was exposed in the media, the CRPF removed their camp from the school - only to set up a picket close by. This picket is a permanent structure with walls of brick and cement, barricaded by mud or sand-filled bags. The existence of the CRPF picket right opposite a school ironically enough is an image of the state's plans for people's development.

Beside a very large CRPF camp stands near the residence of the Panchayat president, sharing a wall with the girls' school and hostel. In Palamu as well the security forces have taken over schools and colleges. In the district headquarters at the library and playground of the famed Ganesh Lal Agrawal College in Daltongunj (Palamu) too has been transformed into a CRPF camp!

5. Birju Odaon, village Murgidih, block Latehar- The CRPF picked up Birju Odaon on the night of 7th- 8th February, 2012, at Chatwakaram market, on his way back from attending a marriage celebration. The CRPF beat him up brutally and also cut the tips of his fingers with a wire-cutter. He was accused of being a Maoist. In the security forces' dictionary any tribal who is out of his house at night is a Maoist. When the matter came to light in the local newspapers, Birju was given a sack of rice as compensation before the local press. The Manika MLA Harkishen Singh visited him at home

and gave Rs 1000 towards medical expenses. However, when the news of the case spread, the police organised a press conference to do damage control. They made Birju give a statement that he was drunk at the time of the incident and could not say for sure whether those who detained him were CRPF men or other uniformed personnel. This is yet another instance of the absolute authority exercised by the security forces over the lives of local people.

6. Manoj Kumar, mandalKhas, block Barvadih-

Incidents such as this have a long history, going back to before Operation Green Hunt. In one such incident, on 6th January, 2004, Manoj Kumar Chaudhri alias Chottu (26) became the victim of a custodial killing in broad daylight before a large number of villagers. A resident of Mandal Khas, he lived there together with his two brothers, sister-in-law and parents. On the 6th he was working at his small repair shop in the market. A man named Khudi Singh had come to get his bike repaired at about 5 pm. Manoj was checking the bike after repairing it when five men attacked the shop. They were policemen in plain clothes who had arrived to arrest the alleged Maoist Khudi Singh. Unfortunately at that moment Chottu was sitting on the bike to check it. The policeman shot and killed him and Khudi Singh there and then, allegedly because they were Maoists. That evening Chottu's younger brother, a driver by profession, was visiting and saw his brother get killed before his eyes. The CDRO team met him in Latehar. We learnt that the police had carried away his brother's body and that was the end of the matter. Their father passed away three years ago, never having quite recovered from the shock.

Manoj's family petitioned the National Human Rights Commission. They are yet to receive even a reply, let alone compensation. The current SP Vishwas Bhajan acknowledged that there was no crime lodged against Manoj. Eight years after the custodial killing the guilty policemen have yet to be punished. No case has even been registered against them under S. 302.

To get justice and affix responsibility was then a struggle for people. Operation Green Hunt has only made it more pronounced.

(ii) District Garhwa

Like Latehar, Garhwa district was carved out of the erstwhile Palamu district. This district has a total population of 13,22,387. The paternal village Chemu-Sanya of the martyrs of 1857, Nilambar and Pitambar, is situated in Garhwa district.

1. Villages Homiya and Baligadh, block Ramkanda-

Village Homiya in Garhwa District has a population of 130 families including 45 Udaon, 75 Munda (Bhuinhar, Naga, Munda etc), 8 Korba (an Adimjati, i.e. primitive tribe), and 12 Lohar families. They earn their living primarily through agriculture. On an average at least one family member migrates to Chennai, Chhattisgarh, Goa, Orissa or Surat in search of livelihood. Many local residents also work as contract labour under NREGA to sustain themselves. In this village, people haven't received their wages under NREGA for the last one year.

A meeting was called by the villagers on our reaching there. Homiya village falls under forest area; the other half is cultivated by the villagers. The 8 *Adimjati* families have a total of 13 acres between them, and the other families 4-5 acres each. The villagers have received land rights from two sources. The first of these are the *pattas* issued by the erstwhile king. The second is the land redistributed 50 years ago through the Bhudaan Movement.

About 70 years ago the upper castes (*savarna*) of the village issued land to an immigrant Brahmin Ramlagan Pandey because of his caste status. He gradually became a feudal landlord through taking over the land of many villagers. Currently his son Ram Narain alias Phullu Panday maintains nearly absolute authority in the village. We came by this information regarding oppression and class relations in the course of a conversation about struggles in the area.

2. Village Baligarh: Baligarh is a large village with a population of nearly 10,000. There are about 500 Bhuinyan homes. All the others are of Khorwar and Gond tribes. Popra river flows through the village which is spread over an area of approximately 12 kilometres.

Last year when the villagers went to pay land tax, they were told that this land, on which they had paid taxes, the last time being in 2009, was not theirs. In 2010 Phullu Pandey together with five others had sold of the land to some corporate houses, all without the

knowledge of the villagers. This included land that the *adivasi*, Dalit and some poor farmers had got after struggling for 25 years. The *pattas of gair mazaruaaa* land that had been given to the Bhuiyan families carried the clause that this land could not be signed over, transferred or sold. Some middle peasants too were victims of this scam of Phullu's. The corporate houses to which extensive acres of land have been sold with the connivance of local feudal elements include companies as large as Essar and Jindal. The Bhudan land included in this can't be sold or bought under law. In this way 115 acres in Homiya and 338 acres in Baligarh have been illegally appropriated. Phullu Pandey alone has allegedly been involved in transactions of 132.38 acres.

There are various accusations of rape and violence against Phullu Pandey, but he has not been convicted in any of these. He has also been behind several incidents of arson. As per the villagers, the police have ransacked several houses at his orders. Phullu Pandey now lives in luxury in a *kasbah* 15 km away from the village. We were told that a few years ago some of the villagers had beaten to death Girdhari Pandey, a landlord who had occupied their land. Currently struggles over illegal land occupation and its related incidents are being fought out through the law.

The change in the power equation with the entry of large numbers of police and paramilitary forces into the area has had serious implications for the lives, livelihoods, and security of the 10,000 inhabitants of the region.

3. Ramdas Minj and Fida Hussain, village Komikola, Bargadh gram panchayat, Bhandariya block- On the morning of 21 January, 2012, the police picked up the village headman Ramdas Minj, and Fida Hussain and three others of the same village alleging that they had provided food to the Maoists. But the real reason lay elsewhere. That day there was a peaceful *dharna* against the illegal construction of a health-center on panchayat land that had been given to the *adivasis* for setting a market. As per the strict letter of the law under PESA (1996), the decision and implementation regarding all panchayat-related construction work falls under the jurisdiction of the elected village *panchayat*. This land in any case falls under the Bazar Samiti area and the *adivasis* come here to sell their produce. The Gram

Panchayats of Tehri, Bargadh and Parsavaar, as well as some adjoining villages of Chhattisgarh come here to earn their livelihood. In this context, the construction of the health center was anti-people. In this regard, the Gram Panchayat had submitted at least three applications to the Health Department. Village headman Ramdas Minj and Fida Hussain were leading this struggle. Accusing them of consorting with the Maoists was a strategy by which to put a stop to the protest. After being taken from one police station and picket to another, they were finally thrown into jail. They were also stripped of clothing and beaten mercilessly.

That day when the five were being questioned, the Maoists exploded a land mine in the region. The police held the detainees responsible for this incident as well. The peaceful demonstration by the villagers against the illegal construction of the health center that morning was alleged to be a cover for the Maoists' attack. Serious charges filed under Sections 147, 148, 149, 171, 341, 342, 302, 307, 353, 427, 329, 435 IPC; Sec 17 of CLA; Sec. 38 and 39 UAPA, and Sec 27 of the Arms Act have been slapped on Ramdas Minj and Fida Hussain.

This incident is a glaring example of how anti-Maoist operations are being used to suppress the democratic protests of villagers. The demonstration that day was not only against appropriation of the land on which their livelihoods depended. It was also a protest against the administration's ploy to profit those contractors with whom they had an understanding. Imposing serious charges against villagers demanding their rights has become a frequent means of silencing dissent in this region.

4. Kutku Mandal Dam Project, village Sanya – Sanya village is the ancestral village of Jharkhand's brave martyrs Nilambar and Pitambar who had staked their lives fighting the British over land rights during the 1857 war of independence. Today this very village is on the verge of extinction. Sanya is one of the 32 villages falling in the submergence area of the Kutku Mandal Dam. Another 13 villages have been designated as project affected areas.

The Kutku Dam Project had been postponed in 1997 as a result of people's opposition. The immediate reason for the postponement being that in order to silence the villagers' protests the Dam Engineer Baijnath Mishra shut the temporary /

sluice gate of the dam in August 1997. Thirty two nearby villages were submerged overnight in the resulting floods, and approximately 1100 families were affected. A large number of animals died and a lot of people's property and goods were destroyed. The elderly people in the village reported that pans for carrying cement and rubble were used as boats to rescue people. Twenty one people drowned.

On 16 August the Maoists assassinated Dam Engineer Baijnath Mishra. Since then the Project has been shut down. Years have passed but even today people are not ready to give up their land. In the eighties, compensation for the project was decided on the basis of a survey conducted in 1916-17. Almost a hundred years later the number of villagers and households has increased several times over. Deciding compensation on the basis of the 1916-17 figures simply means that very few people would be entitled to compensation.

In 1972 compensation had been fixed at Rs14,000 per acre. Till 1984 only half the people had received compensation. Displaced people had been rehabilitated in Ramdar-Mirda at a distance of 4 km from the Bhandariya headquarters. But no amenities had been provided. The affected people informed us that earlier the land yielded 2 harvests. But now due to a change in the natural flow of the river and a paucity of underground water, it's very difficult to raise even one crop.

As this area has been declared as a submergence zone, no governmental facilities are being made available. The villagers lack all basic facilities like an *anganwadi*, health center, ration, water, electricity. There was an itinerant scarcely equipped 'doctor', but accused of providing health care to Maoists he too has been stopped from practicing. This self-appointed, voluntary local health worker Manbodh Singh was picked up a week before *Diwali* last year by the CRPF, taken to their camp and kept in illegal detention till 31 January 2012. His textbook of treatment and cures was confiscated and he was forced to take up other employment.

This village lies in the heart of the forest. Therefore every resident of this village can be a suspect. It is on the basis of 'suspected' Maoist activities that the villagers are harassed. The villagers thus live amidst the terror of the police and paramilitary forces. Some young men have left the village as a result. The situation is such that every time that Jokhan Singh who works as a labourer in Allahabad and Meerut visits the village,

the police and paramilitary forces arrive to harass and terrorise him. He has also been named as one of the accused in the Bargadh mine explosion case, despite his not being present in the village as he was then working as a contract labourer in a large NTPC thermal power plant near Allahabad. Every other day the police arrive on the pretext of searching for Maoists. Earlier the entire force used to come together and conduct patrols. Now ever since the Maoists have escalated the ambushing of patrols and use of landmines, the security forces have adopted the strategy of approaching the village from the forest in separate battalions and platoons and conducting sudden raids. When the villagers lock their doors and go to work, security forces break the locks and scatter and spill the grain. In the course of writing this report we learnt that 'Operation Octopus' was being conducted in the area. We also got some unsubstantiated reports of villagers being killed by para-military forces, as well as reports of several of their vehicles having been blown up by the Maoists. Unfortunately there is no avenue of impartially investigating these reports in this civil war like situation and bringing the truth before the country.

iii) District Palamu

The present Palamu division was once a large district of Jharkhand. Garhwa and Latehar were carved out of this district. The entire Palamu region is surrounded by forests and low hills. According to the 2011 census, the total population of the district is 19,36,319. Many large and small rivers flow through the district, of which Koel and Auranga are the most prominent. The 250-kilometre Koel river is the lifeline of the district.

1. Rajendra Yadav, PS Chhatarpur, Rudrawa Gram Panchayat - On 30 December 2009 in Teladi village the ASI of Chhatarpur PS, Bhim Mahto together with a police team burst into Rajendra Yadav's house. They woke up Rajendra Yadav and forcibly carried him off to Chhatarpur PS before his wife Manju's eyes. When his relatives reached the PS they were told that he would be let off after questioning. When Rajendra's father visited the PS the next day ASI Bhim Singh demanded Rs10,000. Rajendra's father somehow managed to raise the money and gave it to the police. Then he was told to return the next morning and take back his son. When he did so he was told that the police superintendent Jatin Narwal

wanted to speak to Rajendra Yadav for which he had been taken to the SP's residence. When he reached the SP's residence he was informed that Rajendra had been taken to the hospital as he had suddenly fallen ill. By the time he reached the hospital Rajendra Yadav had died. The cause of his death did not emerge in the first post-mortem report which stated that he died because of a stomach ailment. As a result of strong protests from the local people a second post mortem was conducted at RIMS Ranchi. This report revealed that death was caused due to beating. Perhaps the truth could only emerge in this case as Rajendra hailed from a prosperous middle peasant family with contacts from Daltonganj to Ranchi. And yet Rajendra's family is still struggling to get justice. When such is the state of affairseven after a second post-mortem, the possibility of justice for a poor farmer or labourer killed in a remote village where it is nearly impossible to even get a medical certificate is a distant fantasy.

Rajendra's wife Manju must be about 30. Rajendra has two sons under ten years. He was the

Santosh is a social activist in Chhatarpur and a member of PUCL, Jharkhand. He played an active role in launching a campaign against Rajendra Yadav's death in custody. It was as a result of this campaign that the second post-mortem took place and also Rajendra Yadav's wife received compensation. Santosh also approached the National Human Rights Commission (NHRC) and the courts demanding action against the guilty police personnel and high officials. He is therefore being repeatedly threatened by the SHO Chhatarpur Vipin Kumar and DSP Ram Prasad Singh. He has been receiving frequent death threats from the TPC (Tritya Prastuti Committee) acting on the police's directives. When false reports appeared in newspapers linking him to the Maoists he complained to the Palamu SP Anup Singh. He was blatantly informed that the police were behind the reports. If anything untoward were to happen to him, the police could cite his alleged Maoist connections as reasons.

mainstay of the family income and is now no more. The entire responsibility of bringing up the boys is now solely on Manju.

Why was Rajendra targeted in particular? According to the villagers the police were in search of another Rajendra and mistakenly carried off this one. This is the only possible explanation. The report of a high level police inquiry has still not been made public two years after the incident. This itself is telling. In the meantime Rajendra's wife has been given a government job as compensation.

No action has been forthcoming against the guilty police personnel. Forget pressing charges against the guilty police officials, the government is not even willing to assume responsibility. Jatin Narwal still occupies the post of SP in Gumla. During the inquiry the current DIG Deepak Verma openly challenged Rajendra's family to prove anything against the guilty policemen. Every year when on 1st January Rajendra Yadav's death anniversary is observed as Martyr's Day, the police threaten his friends and relatives and try to disrupt the programme. It's apparent that Jharkhand police have been given complete impunity to oppress people with the knowledge and goodwill of the administration.

The incidents investigated by us are just a few illustrative examples of the prevailing state of affairs. From our conversations with journalists and social and political activists in Daltonganj, headquarters of Palamu, and in Latehar; in our interaction with local villagers and workers and in the activity of the para-military forces that we observed, it seems that the situation is far more serious than what these incidents suggest. Wherever we went we heard about the atrocities committed by the security forces, but due to limitations of manpower, resources and time, it was not possible for us to investigate all of them. The incidents given above are only a brief introduction to the real state of affairs in Jharkhand.

At the end of this fact-finding on reaching Ranchi we asked the DIG for an appointment in order to get the administration's point of view. The DIG refused to give us time.

Part Two

Saranda-Podaiyahat

The largest forest of Saal trees in Asia is in Saranda in Western Singhbhum district. The Saranda region is connected to Odisha along the southern border of West Singhbhum district. This place can be reached from Ranchi via Khunti district. Reroute is region of the Paudiyahat forest that lies in Khunti district. This comprises a hilly area clad in forest. Towards the east the forest gets denser and the earth starts getting red. This is the Saranda forest in which are located over 50 villages where the Ho tribal people form the majority. Roads exist only in those places where the big companies have their iron ore mines.

The villages of Saranda forest are inhabited by the Ho tribe. More or less the same situation prevails in the adjoining Podaiyahat area. Historically the Ho have been a militant people. In the nineteenth century it's the Ho tribals who together with Birsa Munda had opposed the British extension of the feudal agrarian system. In 1978 the people of the Ho tribe had opposed the Forest Department when there was an attempt to replace Sal trees with the commercially favourable Sangwan trees.

Operation Green Hunt began in Jharkhand in March 2009. Last monsoon the security forces had carried out Operation Anaconda in Saranda. This operation was a centralised and more brutal version of Green Hunt. It's believed that one of the

main motives behind operation Anaconda was to remove all obstructions interfering with the ruthless and large scale extraction of iron ore in the region. The villagers from Saranda reported that about 5000 security personnel had been deployed in the area at that time. The security forces took over the houses and schools for a month to make their camp. No women security personnel were part of this month long operation. During this period many villagers fled to the outlying jungles and stayed there the entire month. During Operation Green Hunt the security force would come via the road, commit acts of repression and violence and return by night. But under Anaconda very large battalions came to the village via roads. They came in bullet and landmine proof vehicles, established camp in the village itself, and proceeded to exercise terror. During this operation all the 36,000 adivasis living in the region were affected in some way or another, for one or another reason.

The incidents of custodial violence, state terror and violation of rights are characteristic of Palamu as well. A noticeable feature is the connection between Operation Green Hunt, people's struggles over resources. In villages where the state has been more or less absent with no facilities having been made available, people's right to protest, demand their rights and voice dissent too is being actively suppressed. Operation Green Hunt is a war against the people of Jharkhand.

Some incidents of Khunti and Western Singhbhum

1. Village Kamaya, pram panchayat Tomedail, tehsil Gudri, block Chakradharpur - About hundred Munda *adivasi* families live in Kamaya village. Basic facilities are miles away from this village surrounded by hills. The nearest health center is located 52 km away, the high school is at a distance of 12 km and the Inter College 70km

away in Manoharpur. Even today the main irrigation source is the rains.

This was the very first time that a human rights team visited this village. We spoke to an old retired school teacher, a Christian priest and several other villagers. They informed us that the visits of the security forces had become more frequent in the

last year. Every other day they harassed and beat up the villagers.

In January, 2011 Marshall Bhuiyan (70), his son Nelson (25), 21 year old daughter Pinki and village co-brother Premanand Bhuiyan were arrested by the CRPF from their homes, without any reason being given. We were told that about 400 CRPF personnel came wearing the uniforms of BKP(Maoist) and PLGA. On arriving they greeted the villagers in the style of PLGA and then suddenly attacked, vandalised the houses and arrested the abovementioned.

According to Marshall's 19 year old daughter Neelam, they were targeted because their land yielded the highest grain produce in the village. They were accused of feeding the Maoists and also charging their cell-phones. This suspicion was based on their house being equipped with a solar energy panel and battery.

Though Pinki and Premanand received bail in September 2011, they have to go to the Chaibasa court nearly every month when the case comes up for hearing. Besides, the security forces still harass them. In February 2012 they beat up Pinki badly. As much of the family is now in jail the entire responsibility of the household is now solely on the women, who still feel terrorised. On hearing the sound of the CDRO vehicles Pinki's mother left the house in fear. She had still not returned till the next morning when the team left. Neelam said that she does so frequently. When we visited the village on 20th May Pinki had gone to the Chaibasa court as it was the date of the hearing. On returning she was very startled to find 20 strangers standing in the courtyard of her home. For some time she stood in the courtyard staring at us. Neelam explained who we were. But even then Pinki went to a neighbour's house to have dinner, and also spent the night there. Neelam has had to give up her studies midway. The social, economic and mental state of Marshall's whole family has been seriously affected by the CRPF's acts of terror.

2. Village Pandua, gram panchayat Tomedail, tehsil Gudri, sub-division Chakaradharpur –

The security forces had attacked Pandua village just the day before our team reached there. According to the villagers the security forces

numbering 300-400 arrived in the village at about 5.30 am. They then proceeded to ransack, pillage and loot; they beat up people and misbehaved with women and children. In this village of 70 houses our team came across damaged houses, smashed goods, a broken motorcycle lying on the ground. We also saw marks of beating and bruises on people's bodies.

Gram Pradhan Joseph Bhaingra told us that on 20 May when the security forces entered the village some of the villagers fled towards the forest. The forces demanded information about those who had fled from Bhaingra who was strolling outside with his child. The security forces suspected that those who had gone into the forest were Maoists. When Joseph told the security men that they were villagers who had fled out of fear of the forces, he was beaten, his hands were tied, and then they began to drag him off. When Joseph's wife together with some other women protested, they were beaten. They didn't even spare a woman holding a child. But the villagers' resistance succeeded as the security forces didn't take Joseph away.

During this period the security forces also raided Joseph's brother John's house. They broke things, ransacked the house and mixed up various kinds of grain. They also robbed the houses of money. According to the villagers the CRPF personnel made the terrified villagers cook chicken for them. They also drank liquor and smoked *ganja*. The fact-finding team found a liquor bottle outside one of the houses.

The security forces beat up a fifteen year old boy Mithun Bhuiyan and stole Rs 10,000 from his house. The family had got Rs 7,000 from selling their oxen. They had saved up Rs 3,000 from earlier. The money was for getting a new pair of oxen.

An old woman named BIRTHA told us that the security personnel had bound her son Hallan Hutoor's hands blind folded him and then brutally beaten him. After this they had taken him to Sodey camp. We learnt that Hallan Hutoor had left the village on the morning of 20th May in order to meet the CDRO team and show us the way to Podaiyahat near Sodey. But he had to return as we were late. On the way back to his village he was picked up by the security forces. The villagers now fear that Hallan

might be killed in a false encounter. Other than his mother 25 year old Hallan has a wife and a three year old son to look after.

Local para-doctor Joseph Kandoolan's 70 year old mother Rundrai Kandoolan and his father were beaten mercilessly till they lost consciousness. Rs 12,000 were stolen from their house. In this remote area where a doctor is a rarity, they threatened the para-doctor and prevented him from practicing as otherwise the Maoists too could avail of treatment.

They also tore up the driving licence, voter's id card and exam entry slip of Hallan Kulloo who had come from Odisha for his uncle's (mother's brother) wedding. They also photographed him.

We learnt from the villagers that the security forces had also raided the village earlier, on 10th May. Then too they had beaten up people and robbed them. After our fact-finding was over we learnt that the security forces had again raided the village on 24th May. Supposedly this raid was an expression of their anger against the villagers for daring to speak and give so much information to the fact-finding team.

A 500 strong force entering a village of two *tolas* comprised of 70 houses is in itself an occurrence of some magnitude-enough to strike terror in the hearts of the village's inhabitants. Security personnel regularly harass and abuse women and children. That security forces are above the law in Jharkhand is clear from the absence of women security personnel, a mandatory requirement while arresting, questioning women. Complete lack of accountability, immunity from prosecution allow the forces to act with complete impunity.

3. Village Bandoo, Bram Panchayat Bandoo, Tehsil Gudri, Sub- Division Chakradharpur - Adjoining Pandua is village Bandoo. We visited it on our way back from Pandua. Sukhram, a village resident told us that on 10 May the security forces forcibly took away a boy. His crime was that he had bought a large tarpaulin. As Maoists use tarpaulins for making their shelters in the forest this probably was enough to give security forces an excuse to get him on suspicion. There is no other possible explanation. It's apparent that the security forces are keeping a strict eye on the day to day routine

activities of the villagers. Which activity might be interpreted as suspicious by the security forces, who arrested, when and for what reason is completely arbitrary. The villagers live their daily lives in unimaginable fear, anxiety and uncertainty.

4. Village Tholkobad, Gram Panchayat Digha, Tehsil Manoharpur, Sub- Division Chakradharpur - No government facilities are available in this village either. A hospital, school, ration shop, market etc are at a great distance from the village. The nearest hospital is in Kiriburu 30 km away; the ration shop is 13 km away in Digha, and the nearest market is in Karampada 15-16 km away. There are no irrigation facilities. Last year a pond was dug under NREGA. The villagers who worked on this have still not received their wages. Now the pond is being repaired. Going by past experience the likelihood of receiving wages is bleak. In the name of development only roads and mines are coming up. We learnt from the residents that a few surveys had also been conducted in the village. One survey was carried out by a private company in 2009-10. They could not tell us for what purpose. A second survey was conducted by the CRPF in order to construct a road to Jaraikela via Maanpurse Tholobad. Mining had been started in Dinsumburu but could not continue due to the opposition put up by the Maoists.

The villagers informed us that on 31 July 2011 the security forces began an operation whereby about 500 personnel kept the village under occupation for a month. On hearing about the approach of the security forces, most villagers fled leaving their homes and goods behind. Some took refuge in the forest while others went to relatives in other villages. Those who were left behind had to face the cruel and brutal repression of the security forces. Not only did they damage the houses, destroy grains and crops, steal chickens and goats as well as money but also beat people mercilessly.

Children, the elderly, men and women were all beaten up indiscriminately. This custodial violence caused grievous injuries and also resulted in a custodial killing. 65 year old Etwa Naag and his wife were beaten up - kicks and boxes showered on them by 3-4 soldiers. As a result the left part of Etwa's body is now immobilised. 60 year old Gomita

Haanga too was beaten, and then thrown into jail. 50 year old Panda Poorti was arrested on the way to the market and then jailed. Similarly Birsa Torkode hailing from Jamui Buru was picked up from Tholkobad and jailed. Gram Pradhan Gangaram Honhunga's father Jarda Honhunga was beaten so viciously that he had to be hospitalised, and passed away while still in hospital.

The entire family of 50 year old Ramesh Soya was badly harassed and tortured. Ramesh Soya and his 18 year old son were hung upside down from a tree and beaten. Parai Soya, Ramesh's wife, was stabbed in the chest. The mark left by it is still visible. The security forces also demolished their tiny grocery shack. After this Ramesh and Munna were flown to Ranchi by helicopter. Kujru Gagai, Ramesh's 23 year old brother-in-law from Tirilposi village who was visiting them, was also put in jail. Ramesh and his son were later released but Kujru is still in custody.

The village school has been destroyed during Operation Ananconda. The teachers have stopped visiting out of fear as they had been beaten up. The security forces have left graffiti on the broken down walls of the school. In big bold letters is the warning – 'Operation Cobra *terabaap!*' with a gun drawn next to it.

The terrified villagers returned after the security forces left a month later. They found their houses looted and those villagers who had been left behind in a state of shock. These villagers who have been ruined economically, socially and psychologically have to date had no hearing anywhere.

After wreaking so much havoc the security forces returned in April 2012. This time they came to distribute clothes, utensils, mosquito nets, solar lamps, sewing machines etc. This exercise was part of the CRPF's Civic Action Plan undertaken to instill faith in the security forces among the villagers! Only 5-6 of the 53 Munda and Ho households received these 'benefits'. People informed us that the goods distributed were of a sub-standard quality, besides. The *sarees* and *dhotis* tore very soon and the solar lamps stopped functioning. It is indeed farcical that the security forces first ruin the villagers' lives and livelihoods through brutal oppression and then arrive to provide a 'healing

touch' by distributing these goods!

Surprisingly even in the face of this calamity certain instances of a sense of a community and collective emerged. With the nearest school having been destroyed the closest school was now in Manoharpur 40 km away. In these circumstances the better educated students are now teaching the students with lower level of education. In the face of a paucity of sources of irrigation water, it is being collected in small ponds and reached to the fields through makeshift canals. We saw rice growing in the month of May. These extra measures undertaken by the villagers to overcome their economic and educational conditions reveal their understanding of and ability to implement models of development as per their needs, and of self-governance.

On inquiring about the Maoists we received a radically different account from the stereotype propagated by the state. The villagers hesitantly informed us that the Maoists sometimes passed through the village. At most they asked for water or left-over rice and carried on. They had never beaten or quarrelled or robbed people, or sexually harassed the women. On the contrary they came to the aid of villagers fleeing to the jungles from fear of security forces.

5. Village Tirilposi, village panchayat Deegha, tehsil Manoharpur, sub-division Chakradharpur

- On 3 August 2011 CRPF *jawans* attacked the village in hundreds. Those who couldn't run away from the villages were attacked and threatened. Some houses were burnt and the sewing machines kept in houses were broken. Women were ill-treated. For a full month the forces coming to the village school continued their atrocities upon the villagers.

In a way, from 3 August to 3 September, 2011, the villagers were kept captive in their own village. These are the incidents that took place during this month-long occupation:

During this month every evening the men of the villagers were called for attendance and then they were locked in a house. If someone came late he was hung upside down by a tree and beaten. They were not even allowed to go out to urinate. When

women raised an outcry the men were released late in the morning the next day.

For their safety all the women used to sleep together at night. When the fact-finding team asked about the sexual assault on women, it was answered with silence. And then they tried to evade the topic. In 2011 a human rights group had conducted a fact-finding in the village in September. The report says that a woman was raped continually for five days in her own home. Since the woman's son was in jail, the report adds, nobody openly complained about the incident out of fear. Because of the paucity of time, the team could not verify the incident.

Nobody had known till now that men were kept locked in houses like this, or that there was the presence of armed forces around women and children without the presence of women soldiers. This only came to light when at the initiative of the Jharkhand human rights campaign, the Jharkhand Human Rights Commission sent a fact-finding team into the state. The security forces prevented the team from entering Tirliposi.

Arrests have been made in the village on a large scale. 17 people are still in Chaibasa jail. Through a charge sheet we got to know that serious charges have been foisted on them. Cases have been lodged under the UAPA, Arms Act, Criminal Law Amendment Act and the Indian Penal Code. Families say that they don't know what these people have been arrested for. Ramesh Gagrai, Hindu Gagrai, NanduSodhi, Dorsona Bodra, Kajuri Gagrai, another Kajuri Gagrai, Suresh Guria, Bandu Soi, Raju Guria, Narkan Bari, Ramesh Chikhwa, Soma Torpod and Vijay Gagrai are among those arrested. Also, people from other villagers of Saranda have been imprisoned in Chaibasa jail for the past 10 months without any legal awareness or help.

In Tirliposi houses of five people were destroyed along with that of Sukurmuni Guria. It was told that clothes and sewing machines were found in some houses, and that some of these clothes had been stitched for the Maoists. Sewing machines were burnt in whichever house they were found. 34-year-old Sudodra's shop was also destroyed. But before it was demolished, items worth Rs 50,000 and a

cash amount of Rs 4000/- were robbed.

6. Village Deegha Raidih, village panchayat Deegha, tehsil Manoharpur, sub-division Chakradharpur -

Like in the case of Tirliposi, in this village too armed forces were stationed for a month. Every night men were held captive and women had to stay away. The school also remained shut that month. Part of the fact-finding team met the village chief Dennis Toppo who said that while armed forces did come, they did not harass anyone. Later we came to know that a few years back he had been labelled a Maoist and beaten up by army personnel, with his head kept under water.

In Deegha too clothes, utensils, mosquito nets etc., were distributed. Then Union Rural Minister Jairam Ramesh visited and at the villagers' appeal got the work regarding two check dams started. The work regarding these dams had started with an expenditure of Rs 28 lakh, but some irregularities and flaws have come to light since then. To begin with, the task of building these dams, being done under the Integrated Action Plan (IAP), has been assigned to a contractor, Raj of Maa Sherawali Constructions from Jamshedpur. However, under IAP regulations it is mandatory that this contract be given to a local person. The way these dams have been built has been a failure all over the country. There is no gate, because of which within five years it could get filled with sand and then lakhs would have to be spent on its cleaning. Clearly the plan is to benefit the scammers and contractors involved in the construction of the dam.

The closest hospital here is in Rourkela, Orissa. Villagers reported that for the past year, each week they have been getting some medical amenities like medicines, nurses, etc. Village Chief Dennis Toppo said that these are being provided by SAIL company's Chiria Mines as part of their social welfare work. On the face of it, it seems that a big mining company is providing these facilities. But it is also a sign of the state's withdrawal, resigning all responsibility for providing basic access to education and health to citizens, handing these over to the whims of private companies. The people's dependence on the private sector is then complete.

Summing Up

Repression in Jharkhand has increased manifold after the coming of armed forces in the state, especially after Operation Green Hunt started. The socio-economic-political identity of *adivasis* here is under threat. To come out of this situation, there is no way for the oppressed labourers-peasants but to present a long and determined struggle.

Here is a brief description of the situation as we found it:

A. Land - Dispossession and Displacement: Land provides security not just at a financial but at a social level. The people of Jharkhand have been carrying on a struggle for land historically since the times of Birs aMunda and Nilambar-Pitambar.

Constitutionally people in Jharkhand have been provided land security. According to the fifth schedule (section-2), the governor has the right to control or transfer *adivasi* land or to put a stop to such transfers. Several other laws in the state focus on land security. The most important of these is the Chhotanagpur Kashtkari Law (CNT Act), 1908, and Santhal Pargana Kashtkari Law (CPT Act), 1949. The CNT Act is applicable in 19 out of the 24 districts of Jharkhand, including Garhwa, Palamu, west Singhbhum, Khoonti and Latehar.

Under section-A of the CNT Act 1908, land can be sold to another *adivasi* within the same police station area, and that too with the permission of the assistant commissioner. In 1908 when the law was made the sale of land wasn't possible at all. But with time amendments were made. Only land for public purposes can be sold to non-*adivasis* under section-49. After an amendment in 1996, education or religion related works etc., were removed from the list of public purposes but mining and other industrial works were added.

Once again a section of society is demanding amendments in section-49. Naturally *adivasis* suspect that once again the sale and buying of land will pick up speed and the gain will go to middlemen and industrialists. An amendment in the CNT Act could also mean that the legal obstacles faced by the CRPF in obtaining land to establish their camps could now be removed.

After having toured five districts of Jharkhand, the team felt that people are being dispossessed and displaced from their land in different ways:

- **Illegal Sale:** In Baligarh and Homiya villages, land was illegitimately sold to Essar and Jindal companies. Where land cannot be transferred legally, and where local people own the land, it is being sold to big companies without the knowledge of the villagers. Instead of taking action against these illegal transfers, the administration is harassing the actual land owners. In Komikola village, market land was sold illegally. When this was opposed by the local leader, he was jailed on charges of being a Maoist supporter. Similarly, efforts are being made to crush the struggle being put up by the villagers of Sanya against Kutku dam. Everyone here still lives in constant fear because the CRPF jawans have been continually harassing the villagers.
- **Ownership Rights:** In Baherataad village inhabited by Primitive Tribe, every person is a 'mundarikhuntakkidar'. It means the ancestors here had themselves cut the jungles here and since then have been looking after the land here. So the right to use the land too is shared by the entire village. Let alone the government, even the villagers can't transfer the ownership of land. These people are not obliged to pay taxes to the government. Only donations can be accepted from them. But the government is still levying taxes on such land; the team saw the receipts. Clearly the villagers do not know of the law properly to understand that they have ownership rights over the land and in several such villages the government must have kept people in the dark about such laws.

B. Threat to livelihood: 60 per cent of Jharkhand's population relies, for its livelihood, on agriculture and forest produce like wood, mahua, tendu leaves, fruits, chiraunji, sal seeds, honey, gum, kyondi, shahtoot and saag like chakod, katai, sarla, and other medicinal plants. In the villages where we went we learnt that due to CRPF operations it becomes difficult for the villagers to go to the jungle. When a hearing-and-speech-impaired person like

Lucas Minj can be killed while herding cattle, when two minor girls of the same village can be held in a CRPF camp without the presence of a woman constable, it is hardly surprising that the people of that village should feel unsafe. Because of these dangers, the everyday work of *adivasi* women is being adversely affected. In Baligrah and Ladi villages, our team was told that they have not been paid NREGA wages for several months. Many are being forced to flee the villages in order to sustain themselves and their families.

C. Meaning of Integrated Action Plan and Civic Action Plan: In 2010 the Central government started the Integrated Action Plan in 60 select *adivasi* and backward districts of the country. Under this, the government had allocated 55 crores each for development work in Naxal-affected district in the year 2011. This money is given for health services, drinking water, education, road construction, etc. But the local journalists we met told us how the money is also being misused. In Daltonganj in Palamu district, the money was used for the repair-renovation of the town hall. The same pond was dug twice which cost 70 lakh. Apart from this we could not see many signs of development in the villages we toured. For example, in order to go to Karandih from Navarnagu village, one has to walk for 2 kilometres. The people of this village have to travel for about 8 kilometres on a stony, kutcha path to reach the market.

Under the Civic Action Plan, the CRPF distributed books, clothes, blankets and food to some villagers. Their stated aim was to share the pain of villagers and to extend friendship towards them. The fact-finding team saw the rest house built by the CRPF in Bargarh panchayat. Recently a campaign called 'Parivartan' has been launched. The CRPF, under this, trains young women as security guards with the purpose of giving them employment. The same armed forces that harass and oppress women and even pose a threat to their livelihood are now claiming to train women for employment.

D. Denial of justice: Even in cases where the responsibility of the CRPF has been indirectly admitted by giving compensation, there have been no convictions. RajendraYadav of TeladiChhatapur was beaten to death at the residence and in the

presence of the then police superintendent JatinNarwal. His wife Manju has been given a job as well as compensation. But the identity of the killers has not been ascertained yet. Rajendra's friend Santosh has been fighting a constitutional battle to get Rajendra justice, and for this he keeps receiving threats from SP JatinNarwal and Triteeya Prastuti Committee (TPC). Efforts are continually being made to declare Santosh a Maoist.

The family of Jasinta Devi of Ladi village was compensated but no one has been punished for the crime. In many cases even FIRs have not been lodged. If the state is awarding compensation for crimes done by it, surely the guilty should also be identified. We did not come across a single case where a guilty member of the armed forces was punished. The cost of life is being equated with money. The children of these areas cannot go to school because of the presence of armed forces in the school or nearby. Who will compensate for this? Certainly under these circumstances, the people of the state will lose their faith in the state's justice system and this is what is happening. There is the complete rejection of the principle of natural justice, equality before law and presumption of innocence. These undemocratic beliefs and practices are given legitimacy through laws like the UAPA which deny all such rights. From time to time CDRO has emphasized that it is arbitrary politics to declare any organization banned and to declare its members criminal. Once an organisation is banned all those associated with it and any activity they do is automatically criminalized. We urge that instead of this arbitrary politics, the need is to focus on removing these bans.

E. State Sponsored 'Naxal' organizations: During the fact-finding, the team we came across the question of organisations labelled by the media and the police as Maoist, outfits such as TPC (Triteeya Prastuti Committee), JPC (Jharkhand Prastuti Committee), PLFI (People's Liberation Front of India), JJMP (Jharkhand Janmukti Parishad), JLT (Jharkhand Liberation Tiger). One of the views we encountered was that these were extra-judicial groups operating under state protection.

The 2003-04 report of the Home Ministry said that people who are anti-Naxal were needed in order

to fight Naxals. Therefore the report stressed the need for Special Police Officers (SPOs) and citizen security committees to fight Naxals. The member organisations of CDRO have seen over decades this strategy at work in areas such as the north-east and Kashmir. The SalwaJudum in Chhattisgarh is a variation on the same. The state prepares armed groups for its own protection and then calls instances of violence as in-fighting among 'terrorist' groups expresses their 'sham' revolutionary politics.

Given this history, the possibility that this strategy will also be used in Jharkhand too cannot be ruled out. We couldn't investigate the matter but think an independent fact-finding is needed to find out more about the real situation. Where other people's struggles too are being repressed by labeling them as Maoist, in what is allegedly a war between the State and the Maoists, the status and role of *all* organisations becomes an issue. Affording protection to anti-social or criminal groups to undermine the credibility of the Maoists carries with it the threat of anarchy, as happened in Chhattisgarh, Assam and Kashmir.

The Maoists declared one-sided ceasefire with groups like TPC, JPC, PLFI and JJMP presumably to prevent such a situation. In their appeal, the Maoists asked these groups to come forward and oppose anti-people policies in the interests of public welfare. We believe that if these are not state-

sponsored extra-judicial groups then they should have no problems with a ceasefire and public discussion on anti-people policies.

F. Development activities-the Maoist way: We learnt that in the Garhwa-Latehar-Palamu region, the Maoists used to do small development works, though in an unorganized fashion, with the help of their village Revolutionary People's Committees. They would also solve small problems of the public. The villagers used to benefit from the presence of these committees. The proof can be found in a chapter of a 2011 report by the Institute of Rural Management, Anand, which mentions the support given to government welfare schemes by the Maoists. It's a different issue that the chapter was dropped by the Rural Development Ministry. The 2010 annual report of the National Commission for the Protection of Child Rights starts by saying that in Jharkhand, Maoists were successful in reopening schools that had been closed by the administration.

G. Oppression of Women: A most alarming and shocking part of the armed operations was the complete absence of women security personnel. During the month-long period of Operation Anaconda in Saranda village, when at night men were held captive and women had to stay in the villages, it is not difficult to imagine the incidents of violence against women in these circumstances.

Conclusion

The description above indicates the speeding up of repression in the state of Jharkhand. Operation Green Hunt, started three years back, continues in the *adivasi* areas with rich mineral deposits. The state is carrying out the campaign in the name of fighting Naxalism but clearly that is not the true motive of this militarization and militarized development. Saranda is Asia's biggest iron ore-rich area. So this economically important place has now also gained social and political significance. Capitalists the world over are eyeing Saranda. Big industrialists are trying to capture large tracts of land here for mining. The way the government is waiving all laws to lease out land to mining companies is a clear indication of the profit-sharing between them. Opposition by different organisations to the development policies of the government is widespread in Jharkhand. The state is being militarized at an ever-increasing pace. Ruthless military operations are being carried out under Operation Green Hunt. Operation Octopus, Operation Anaconda, etc., are all part of it. The campaign is the government's strategy to stop *adivasis* and their supporting organisations from standing up against the loot of their resources like water, jungle and land. Armed forces do not just repress. They also try to instill a fear in people's hearts which is expected force them to stop protesting and buckle under.

It is true that after the entry of armed forces in these regions, the Maoist movement and the opposition to state repression has been affected. Also, because of these military campaigns, people have been facing mental harassment, and their socio-economic lives have been destroyed. The *adivasis* here are going through a very critical phase.

At a time like this, right after Operation Anaconda, the government announced the Saranda Action Plan, later renamed the Saranda Development Plan. It has been made in consultation with World Bank experts, whose joint team had come to tour Saranda in October 2011. The plan has both short-term and long-term development schemes. The short-term plan includes providing, within six months, land-ownership *pattas*, work under the

NREGA, radios, solar lamps, bicycles for people, adding names of eligible but missing candidates in the BPL list, house and road construction, water and health facilities. The plan intended that all 7000 families in the area should get these amenities. We found out that the distribution has been done just among a few, for form's sake. Not much activity was seen under the NREGA, nor were people found discussing it much. The question of giving land *pattas* does not even arise.

The Saranda Action Plan itself verifies that twelve mining industries are operating in the area. In the coming months, many other industrialists are going to get mining contracts. All this put together can be seen as the grim face of reality. The government prepares a development plan for Jharkhand. The definition of development, as understood by the government, carries within the displacement of people and the loss of their livelihood sources. Then it is alleged that development has not been possible in Naxal-affected areas, that Maoists are an obstacle to development. It is never discussed that in the past six decades nothing has been done in these areas to meet the needs of the people. To suddenly make a case for development and then start a militarized campaign suggests that it is being done to provide capital to the capitalists and mining opportunities to industrialists.

There has been a noted increase in both the Central and the state armed forces in the recent past. The CDRO team found that these forces, equipped with modern weaponry, mostly camp in schools and colleges. Additionally we could see bigger camps being constructed. We got to know that the rights of the local police forces are now being taken over by the CRPF. The role of the local police might just get eliminated here eventually.

Numbering thousands, armed forces like Jharkhand Armed Police, Jharkhand Jaguar, CRPF, Commando Battalion for Resolute Action (COBRA) have been stationed in the state. With this, the establishment of the Counter Insurgency and Jungle Warfare Training School has put Jharkhand on the map of the prime states targeted by Operation Green Hunt.

Demands of the fact-finding team:

1. Operation Green Hunt be stopped immediately.
 2. Central armed and paramilitary forces be removed from these areas with immediate effect.
 3. No amendment be done in the Chhotanagpur Tenancy Act.
 4. Forest Rights Act, giving individual and collective rights to villagers dependent on forests, be implemented.
 5. The various plans being executed by big corporates and public bodies be reconsidered in light of the mounting public opposition against them.
 6. The exploitation of mineral resources, and the grabbing of *adivasis'* land, given to them under PESA and fifth schedule, through the Saranda Development Plan should be stopped.
 7. A stop be put to private mining.
 8. Innocent villagers of Jharkhand languishing in jail be released immediately and the charges foisted on them be taken back.
 9. Justice be given to those oppressed by the armed forces and the paramilitary forces and the guilty in these cases be punished.
 10. The ban upon Krantikari Kisan Samitibe lifted.
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Constituent Organizations of CDRO

Association for Democratic Rights (AFDR, Punjab),
Andhra Pradesh Civil Liberties Committee (APCLC),
Asansol Civil Rights Organization (West Bengal),
Association for Protection of Democratic Rights (APDR, West Bengal),
Bandi Mukti Committee (West Bengal),
Committee for Protection of Democratic Rights (CPDR, Mumbai),
Coordination for Human Rights (COHR, Manipur),
Human Rights Forum (HRF, Andhra Pradesh),
Lokshahi Hak Sangathana (LHS, Maharashtra),
Manab Adhikar Sangram Samiti (MASS, Assam),
Naga Peoples Movement for Human Rights (NPMHR),
Organisation for Protection of Democratic Rights (OPDR, Andhra Pradesh),
Peoples Committee for Human Rights (PCHR, Jammu and Kashmir),
Peoples Democratic Forum (PDF, Karnataka),
Peoples Union for Civil Liberties (PUCL) : Chhattisgarh, PUCL Jharkhand,
PUCL Nagpur, PUCL Rajasthan, PUCL Tamil Nadu,
Peoples Union For Democratic Rights (PUDR, Delhi),
Peoples Union for Civil Rights (PUCR, Haryana),
Campaign for Peace and Democracy, Manipur (CPDM).

To Jharkhandi workers and farmers
Jharkhandi workers and farmers.....
God is Jindal's, Mittal's, Tata's,
Jindals', Mittals', Tatas' God!

ArjunMunda-biggest goon, capitalists' pimp,
Robs Jharkhand In development's name,
Jindal, Mittal, Tatas' God!

Our wealth is soil, stone, air and water,
But poor people should live on tears
So Orders Jindal, Mittal, Tatas' Lord!

Tatas-Birlas prosper,Jharkhand's people suffer
Displaced and uprooted are the poor
So Blesses Jindal, Mittal, Tata's God!

Exploits and represses, calls it progress
Robs us, of our land and forest
So Rules Jindals', Mittals', Tata's Lord!

For many a year the state's 'development' we have watched
For people's development,our development now we'll march
O Listen Jindals', Mittals', Tata's God!

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