



**War and  
the Lightness  
of Being Adivasi**

**Security camps and  
villages in Bijapur,  
Chattisgarh**

**People's Union for Democratic Rights (PUDR) | Delhi, 2015**



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## **Preface**

Since June-July 2014, reports have been filtering in regarding the intensification of Operation Green Hunt in the forest villages of Bijapur district of Chhattisgarh. Civil rights organizations have been receiving requests to send teams in order to investigate what was happening on the ground. To this end, PUDR conducted a fact-finding in the villages of Sarkeguda, Rajpeta, Kottaguda, Pusbaka, Basaguda, Lingagiri, Korsaguda, Kottagudem and Timmapur villages in UsurTehsil of Bijapur District from 26<sup>th</sup> to 31<sup>st</sup> December 2014. The attempt was to document the principal concerns of the Adivasis and the reasons underlying these, by staying for a few days in the villages.

This report adds to the existing documentation on state repression that PUDR has been carrying out along with other civil rights organizations for over a decade in the Bastar region of Chhattisgarh. However, unlike previous fact-finding reports which were incident specific, such as the Sarkeguda killings of June 2012 by the CRPF, the scope of the present report allows for a larger understanding of how repression has percolated and utterly changed the lives of Adivasis. The information provided by the residents of the nine villages, the facts gathered and the observations made in the course of the fact-finding confirm the insecurities and hardships of daily life in the war-zone—the low key, but ever present forms of repression routinized by the state through its forces and security camps. The urgency of this report lies in the fact that there is a very real need to intervene and prevent the security camps from assuming a permanent character in the villages of Bijapur.

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## **Introduction: People, Land, Livelihoods in the Shadow of Camps**

Situated in the southern-most part of Chhattisgarh, Bijapur is one of the 27 districts in the state. The district was created on May 11, 2007, carved out of Dantewada, with a total area of 6562 sq. kms. The Bailadila mountain range lies at the border of Dantewada and Bijapur. Most part of the state is hilly with Bailadila reaching 4000 feet in height. The hill resembles the hump of an ox, thus the name Bailadila.

Eighty nine per cent of the 255,230 people of Bijapur, as per 2011 census, live in the district's 741 villages. Density of population is 30 per sq km. Bijapur has a sex ratio of 984 females for every 1000 males and a literacy rate of 41.58 per cent. The villages visited are predominately inhabited by DorlaKoyas, Murias, Mahars, Telugu and, with a few Muslim families in Lingagiri who were seen celebrating Tazia.

Bijapur district is rich in iron ore deposits with fourteen deposits having been identified by National Mineral Development Corporation (NMDC). Although the two mining complexes of Kirandul and Bachel, and all the mining related operations, roads, pipelines etc. are in Dantewada district. The villages on the other side of the mountain range – in Bijapur – get to bear the burden of the water pollution due to mining, although technically, the mining lands are all in Dantewada. The villages visited—Sarkeguda, Rajpeta, Kottaguda, Pusbaka, Basaguda, Lingagiri, Korsaguda, Kottagudem and Timmapur—are in the vicinity of the iron-ore mines and deposits. They are located in the same areas, on the other side of the hills. The police Thana under which these villages fall is called Basaguda Thana, located in Hirapur on the river Talperu which is linked to Basaguda by a bridge. The river goes on to merge with Godavari. Basaguda village is the last halt for the bus. It also happens to be the place from where the journalist, Sai Reddy, hailed and who was killed in 2013. (See PUDR press statement on the issue: [www.pudr.org](http://www.pudr.org)) Basaguda was a bustling bazaar and a relatively prosperous village until 2005 when the Salwa Judum, (the state sponsored vigilante initiative operational in Chhattisgarh between 2005 and 2008 – BOX) wrecked havoc. Whereas prior to this, paddy was sown everywhere in the fields, they are now a patchwork of mostly barren fields. On the banks of the river Talperu in Hirapur, there once existed a Government rest house which has now been converted into a paramilitary camp for the 168 battalion of the CRPF.

The last camp in this area is the Sarkeguda camp, an immense fortified structure where a dense forest once stood, close to the Korsaguda pond which has great importance in a subsistence economy with no irrigation. Villagers avoid going anywhere in the vicinity of the camp. When returning from Korsaguda village on 29<sup>th</sup> December evening to Rajpeta village one was told that the shortest routes ran close to the camp which is best avoided. Villagers say this is a camp with no less than 3500 troops of CRPF and CoBRA. This could be an exaggeration, but it appears

very large, even from a distance. Patrols are carried out by several hundred troops in and around the villages here, as well as deep inside the forest, from this camp.

Hills surround the area and are like a horseshoe with an opening towards the river and hills all around although they are some distance away parted by a vast plain. Few generations of Adivasis had transformed the dark forest into open fertile paddy fields. But clusters of woods were present everywhere and forests surrounded the fields. Only one crop of paddy is raised, fed by the monsoon rain. In December at the time of the visit it was the season of 'Manjai' (threshing). Signs of frenetic activity were visible in the paddy fields which had been harvested. Once this is done a large number of Adivasi peasantry move to 'Andhra' to work on chilli farms and earn Rs150 daily. They work for a month or two at best. Plucking of Mahua, followed by plucking of Tendu leaf begins in March and ends by May. A bundle of 50 tendu leaves fetches Rs 1.50. Each person on an average collects 6000-7000 bundles in a season. They sell it to 'seths' from 'Andhra' and Maharashtra. This is an important source of cash earnings.

#### **Demographic Profile of Villages Visited**

<b>Village</b>	<b>Houses</b>	<b>Population</b>	<b>Sex Ratio</b>	<b>Literacy</b>	<b>Total Workers</b>	<b>Main Workers</b>	<b>Marginal Workers</b>
Sarkeguda	41	145	790	0.8	99	40	59
Rajpeta	28	108	800	12.5	72	55	17
Kottaguda	79	311	981	19.3	183	100	83
Pusbaka	350	1533	1052	12.7	1045	6	1039
Timmapur	285	1522	927	22.5	873	119	754
Lingagiri	91	336	1100	36.8	248	3	245
Korsaguda	72	323	1153	11.6	216	0	216
Basaguda	61	285	516	79.04	185	116	69

**Source : Census 2011; Note: Census details for Kottagudem village are not available**

The nearest Primary Health Centre is in Basaguda. Apart from this the entire area is only covered by the 'Mitanins'. 'Mitanin' is one government health scheme which actually functions and it does so because of the dedication of its practitioners, the Adivasi women. They provide basic health services by visiting households, mostly on foot. Most of the Government schools that once did well are gradually being run down through neglect and hundreds of children being amalgamated into schools cum hostels run for Adivasi children, funded by the Central Government. Most teachers have not been regularized, and are 'anudeshaks' (temporary helpers) whose services can be terminated anytime. The school in Basaguda has 225 kids with nine teachers and the Timmapur school has 60 children and five teachers. However, the ashram schools have hundreds of students and the one at Avapalli has as many as 500 children. For each child a central grant of Rs.1000 per month is provided.

Officials at Bijapur, Sukma and Dantewada claimed that schools were not functioning due to their use by security forces, or because they had been blasted by the SalwaJudum, or by the "andarwale". The State

Government had, in response, started ‘temporary schools’ called Porta Cabin schools under the Sarva Shiksha Abhiyan. First started as ‘bridge schools’, aimed at bringing in the children affected by the Salwa Judum, now they have become ‘regular’ and do all the teaching. These schools had hired ‘anudeshaks’ not as teachers but as helpers to bring in the students from remote areas. But as there was no real provision for regular teachers, these ‘anudeshaks’ ended up teaching also, and became full time caregivers for the students, although most of them are only 10<sup>th</sup> or 12<sup>th</sup> pass. Now in order to make these schools RTE compliant, the regular teachers have to be brought in and these ‘anudeshaks’ are going to be let go – which these people are fighting against.

The Salwa Judum launched in 2005, represents the watershed moment in the lives of the villagers when things changed irrevocably for them. The effects of the Salwa Judum and its continuing follow up in Operation Green Hunt from 2009 onwards shape their lives today. So though in January 2011, the Supreme Court in Nandini Sundar and Ors. vs. State of Chhattisgarh, regarding the Salwa Judum, had ordered that villagers be resettled in their villages, camps removed, schools and health centers occupied by the security forces vacated, it was obvious from what was seen in the villages that there is no going back. The situation on the ground is very different and much more complicated than what the Supreme Court envisaged.

### **Iron Ore Mining in Bailadila**

The commercial discovery of Bailadila dates back to 1955-56 when Prof. Eumura of Japanese Steel Mills Association, drew the attention of the Japanese Steel Mills to the richness of the vast deposits of iron ore and its proximity to the eastern coast of India. An agreement was signed with the Japanese Steel Mills in 1960. Granted approval in 1964 on the basis of an NMDC report, the Mine Plan was inaugurated in 1968. A railway line was laid to connect Bailadila to Vishakhapatnam for transporting iron ore to Vishakhapatnam and then to Japan.

Today, the same process is now being repeated. The Gujarat-based Ruia owned house of Essar was given permission to set up a pipe-line to transport iron ore from Bailadila to Vishakhapatnam in 2006. Essar has also received permission to use the water resources to pump iron ore sludge directly from the mine to Vishakhapatnam.

In 2012 NMDC and Chhattisgarh Mining Development Corporation (CMDC) agreed to a joint venture to set up an integrated steel plant at Nagarnar, 16 kms from Jagdalpur. The Chhattisgarh government allotted a mine for captive purposes for up to 3 MTPA (Million Tons Per Annum). In October 2014 a joint venture between NMDC-CMDC was given clearance to divest 316 hectares of forest land for mining to produce one MTPA. Significantly, the open cast mines of the NMDC have damaged the region. Not only are Shankani and Dankini the most polluted rivers in India, the signs of environmental degradation are apparent everywhere.

## The Salwa Judum

The truth about the Salwa Judum is available in The Union Ministry of Rural Development's draft report '**Committee on Agrarian Relations and Unfinished Tasks of Land Reforms**' (2009). The Report exposes the initiative by placing it in context:

“Most tribal areas in Central India are the abode to the naxalites, whose presence is a response both to past and future land alienation, *the failure of the government to live up to its constitutional mandate and the withdrawal of the state from its responsibility to protect the tribal realm.*”

And then the report says: “There was *initial resistance (in 2000) to land acquisition and displacement from the tribals.* The state withdrew its plans under fierce resistance. An argument put forward was ‘you don't play foul with the Murias’, it's a matter of life or death and Murias don't fear death. A new approach was necessary if the rich lodes of iron ore are to be mined.

The *new approach* came about with the Salwa Judum, (euphemistically meaning ‘peace hunt’). Ironically the Salwa Judum was led by Mahendra Karma, elected on a Congress ticket and the Leader of the Opposition and supported whole heartedly by the BJP led government. Salwa Judum was headed and peopled by Murias, some of them erstwhile cadre and local leaders of the Communist Party of India (Maoist). Behind them are the traders, contractors and miners waiting for a successful result of their strategy. The first financiers of the Salwa Judum were Tata and Essar in the quest for ‘peace’. The first onslaught of the Salwa Judum was on Muria villagers who still owed allegiance to the Communist Party of India (Maoist). It turned out to be an open war between brothers. 640 villages as per official statistics were laid bare, burnt to the ground and emptied with the force of the gun and the blessings of the state 350,000 tribals, half the total population of Dantewada district, are displaced, their womenfolk raped, their daughters killed, and their youth maimed. Those who could not escape into the jungle were herded together into refugee camps run and managed by the Salwa Judum....” (Italics ours)

The above only reaffirms what a joint fact-finding into the Salwa Judum, perhaps the earliest, by a team of five civil rights organizations- PUDR, PUCL(Chhattisgarh), PUCL (Jharkhand), APDR (West Bengal), Indian Association of Peoples Lawyers (IAPL) had exposed. The report ***When the State Makes War on Its Own People*** concluded that the Salwa Judum launched in 2005 was designed to divide Adivasis and pit them against one another. The objective was to depopulate the forest villages, collect Adivasis close to the roads and in relief camps, thus weakening the Maoists and enabling opening up forest areas for mining.

In its 2011 judgment, the Supreme Court declared the Salwa Judum illegal and directed the government to carry out investigations and take action in criminal allegations against all SPOs, armed personnel and Maoists. By this time however the Judum had already served its purpose. Ironically in the long run the significance of these judicial pronouncements has come to lie in how lightly and with what arrogance they could be ignored. It's a very telling comment on the democratic avenues and their efficacy including judicial remedies available to the Adivasis.

## Chapter 1

### Who Harasses the Adivasis and What Angers Them?

#### Complaints that go Unheard

**Sarkeguda** is one of the seven villages where people who had been forced out by the Salwa Judum, returned in 2009. Their return was entirely a civil society initiative to re-settle the displaced back to their villages and rebuild their lives anew.

In early hours of 13<sup>th</sup> December, 2014 there was a landmine blast followed by a pressure bomb exploding near the Sarkeguda camp which was set up after the massacre in 2012. One CRPF personnel was killed in the blast. Two days later CoBRA units entered the surrounding villages in the morning where armed men entered homes and beat up the residents. While beating them soldiers were heard shouting, "tum me se kisine bomb futuaahai" (who amongst you exploded the bomb). One of the villagers said "aapke camp ke samne bomb futa hai, aapne kyon nahi dekha karne wale ko. Gaon ke andar hoti to baat alag hoti" (*the bomb exploded in front of your camp, why did you not see who carried it out. If it had exploded inside the village it would have been another issue*).

According to the villagers, soldiers threatened that they had orders to kill five people. "No one will come to your aid. Nothing will happen to us." The soldiers left after picking up eleven persons namely: Irpa Krishna, Irpa Baburao, Irpa Kanna, Irpa Nagesh f/o Irpa Kanna, Modim Dinesh, Irpa Mahesh, Irpa Ganpat, Irpa Nagesh f/o Irpa Chandresh, Madkam Nagesh, Irpa Lachha, Irpa Manoj. They were frog marched. While leaving, the unit warned that 'if anything happens to us we will deal with you appropriately and it will be your responsibility to see this does not happen.' On reaching the camp, the villagers were made to do 'begar' (unpaid labour) for the entire day, clearing shrubs from around the camp, perhaps as a way of ensuring that there were no land mines in the camp area. When asked, if they had filed any complaints, the villagers responded, "*who shall we complain to?*" They added that the Collector had once told them that 'he could not do anything unless they gave their complaint in writing'. He told them that if he goes by what is said to him by the villagers and enquires from the police, the police say 'why do you side with the villagers when we have lost our man?' Villagers said that they dare not complain because 'then the field forces take their anger out on us. They pick up anyone, torture them, implicate them in false cases or demand money in return for their freedom, asking them to provide them names and whereabouts of 'andarwale' (i.e. 'insiders' – the name by which the Maoists are called colloquially).'

The villagers complained that they get stopped by the forces on patrol who demand to know 'where they are going, what is their work or who they are they going to meet.' As part of punishment, sometime they are made to sit from morning to evening; women are particularly vulnerable as they not spared either. According to one of the villagers, a woman was once detained at a camp and was made to prove that she was a lactating mother who had to rush home to nurse her baby. Some of them wondered if they did the right thing by returning. If this harassment continued should we leave our land again, they questioned.

When they still cultivate their fields they do so in patches close-by leaving large areas barren. Basaguda, they said was once known for its paddy harvest even though it was rain fed with no irrigation to boast of, but still earned them a fair amount until the SalwaJudum came. For instance, Kamla, one of the respondents, said that her family was Patel of the village and held pattas for 62 acres. Now they cultivate no more than 10-12 acres. This is the case with other households too where not all the land is cultivated.

The forces constantly accuse them of being Naxalites. The villagers gave several examples, such as: if they were digging a trench and a patrol happened to pass by, it was instantly assumed that they were planting bombs. If they used any implements during work, however blunt, and a patrol happened to pass by, they feared being accused of possessing weapons and being a Naxalite. The villagers rued the fact that they could not roam freely, they could not carry their traditional knives, bows and arrows or go with their axes into the forest as the forces consider these illegal arms and use it as proof of them being 'andarwale'.

Kaka Kanna said that when he was grazing cattle, in October, 2014, the patrol party summoned him and demanded to know 'who had dug this hole'. The soldiers were angry and one of them said 'm.... c... tum bomb lagate ho aur gai charate ho; tum, m.... c... sab ek saman ho'. (You m.... f..... plant bomb and go for grazing cattle. You m....f.....are all the same). He said school kids are stopped and told 'you work in evening for Naxalites and go to school in the morning. You work as informers for 'them'.

The villages of **Pusbaka and Kottagudem** (visited on 28<sup>th</sup> December) are located inside the forest. The hill road leads to Cherla and vehicles could ply back and forth on it until 2005. After the SalwaJudum and now, 'andarwale', the roads are broken and motorbikes are used here for transport. A young man, who offered a lift on his bike said that he was a temporary teacher and was going to have his services terminated by April 2015. He earned Rs 6000. He was at a loss as to what he should do. When asked 'why were the serviceable road, such as this, broken?' he said '*to prevent new camps from coming up inside*'. Asked who was responsible -was it the 'andarwale' or the villagers themselves, or was there a convergence of interests of people and the CPI (Maoist) party, and was it therefore a shared venture?- he did not offer any

answer which would give much greater clarity, barring emphasizing that camps have created insecurity.

Today, **Pusbaka** village has 150 households. Once it was a large prosperous village with paddy and forest produce as a source of livelihood and a thriving bazaar. The village had electricity until 2005 when the SalwaJudum hoodlums came and burnt the transformer and razed a school the villagers were proud of. Children have now had to move to Ashram school- cum -hostel. They said that in the past they even had cricket teams come in from as far as Avapalli to play and then return in the evening without fear. Everything was destroyed by the SalwaJudum. And the good times were gone. Will they ever re-live what they had before the SalwaJudum, they asked?

The villagers mentioned that although the incidence of stealing of rice, chicken, goats, etc. had come down, but during Diwali this year, a unit came and each of the households was forced to have one Special Police Officer (SPO) stay with them. They said that the unit stole their chickens, goats, mahua. When the soldiers searched inside their homes they first ransacked the earthen jars containing rice, as the soldiers believed that the money was stored inside these jars. What some of the villagers also resented was the fact that when, perchance, they are paid for a goat or chicken by the unit, then instead of getting the market price i.e. Rs. 8000 for a goat, they get paid just Rs. 2000.

Villagers dare not go to their fields as they used to earlier. They preferred to work in fewer of their fields and curtail their activities in the open. Fear has become part of their everyday reality. Samaiya Barse narrated how he was intercepted by a patrol party one day when he was at a pond catching fish. The soldiers asked him for his ID. He showed them his card and the police took it with them and asked him to come the next day for it. He went the next day and was told 'Sir is busy come tomorrow'. The journey back and forth is 30 kms of walking. He feared that he could be implicated in any incident, that the police could show that it had 'found' his ID at the crime spot. He feared that if, in the meantime another passing patrol were to ask him for his ID and he had none to show, he could get mired in an even deeper problem.

On account of these daily fears, paddy cultivation has fallen considerably. The villagers say that they grow just enough for their own consumption. They are afraid to spend time outside because if they come across a patrol they get invariably harassed. They apprehended that they could be picked up, beaten and/or implicated in criminal cases. Men-folk in particular avoid going to visit even Basaguda bazaar, because SPOs hover around, and on their signal anyone can get picked up by the soldiers milling around for the mere reason of coming from Pusbaka, an alleged Naxalite village. So their present offers them little comfort. And nor does the future. The Polavaram dam, they said, threatens to submerge their village along with three hundred others. *'What would happen to us? Will we get land in lieu of what will be lost? Where will it be? What*

*will become of us?’* They were embittered about the fact that it was first the Judum that uprooted them from their homes, and now a dam threatens much worse.

**Kottagudem** is a Muria village. Reaching Kottagudem village meant going through five kms of forests. A delayed arrival meant that people had gone for threshing. In fact, more or less everybody was out working in the fields. Once they returned, one by one people began turning up for an impromptu meeting. Punem Suresh who studied till 8<sup>th</sup> in Avapallitold how, in October 2014, a 400 strong force led by a notorious SPO ‘Shankar’ of Polampalli and Tati Ramesh of Murguda came to the village and beat the villagers injuring nine persons including 3 kids. *[According to news reports (Indian Express, Jan 2, 2015), Shankar @ Korsajagaram, a “topmost rebel” and Military Intelligence Chief of West Bastar Division, surrendered in May 2013 and become “secret informer” in the Police Department. He was killed by the Maoists on 1<sup>st</sup> January in Kottapal.]*

Other accounts of repression were shared such as those of Oyam Bhima and Dodi Lakma who were picked up in June 2013, tortured brutally and sent to Dantewada jail. While Bhima came out in October 2014 Lakma is still inside the jail. He said that lawyers ask for “too much money. Not less than thousand. And if there is a charge-sheet then for the trial they charge Rs 20,000 for each case. Where will we get that kind of money?” Generally they said there is more than one case. Each case fee is different. Then there are expenses incurred for family to meet them during each ‘peshi’ (hearing)’. In another incident, Dodi Aayatu was shot dead on 28<sup>th</sup> August 2014 when he was cutting bushes near the river. He has five children. Thana in-charge of Basaguda assured Rs two lakhs as compensation. When the family visited him he told them to invite some journalist to come and write about it if they wanted the money to be paid. The villagers also said that in October 2014 one woman was raped. On that occasion too security personnel took away ten chicken, ten eggs, plus robbing Rs 150 cash they found on a person they accosted.

The villagers wanted to tell people outside Bijapur that they don’t want the camp. *“Tell them to stop patrols which harass us and are affecting us.”* Asked if the road broken by the Maoists had impacted them negatively, they said it had, but the insecurity bred by camps and patrols was what they resent and fear the most. For the people of Pusbaka and Kottagudem, while roads being broken have had the desired effect of impeding forces from entering the forests and setting up camps, they also entails inconvenience. The road which once linked Basaguda to Cherla still exists but travel is much more difficult. They still travel to Cherla from Basaguda to work as wage labour on the chilli farms and sell mahua and tendu leaves. Trade is still possible. But reduced economic activities since 2005 have diminished volume of tradable goods, and people earn less money than before. The shops which had variety of goods earlier had limited goods and quantities are less too.

In Pusbaka, during the evening meal villagers talked about the past and what it was like then, how life was different then. The SalwaJudum emerged as a water-shed moment in their collective life and marked a break between the past and the present. Many said that the Judum had come from outside; it did not emerge from amongst them. It threw light on how the Judum would use people from other areas to attack these villages. The villagers were displaced and had to run away. On their return they were provided one solar lamp for each family/household, and that was about all.

**Lingagiri and Korsaguda:** Korsaguda is deep in the forest & close to Bailadila hills. Lingagiri is located below Korsaguda in the plains. On 29<sup>th</sup> December, two kms short of Rajpeta, at Pechepara hamlet, villagers were waiting to give information regarding an incident which happened that morning. One was told that a neighbor's brother ('bade pitaji ka beta' or older uncle's son) had been picked up. Apparently, at 5 am the police came, entered the house of Krishna, woke up every man, woman and child, and kept saying that they had warrant for Soyam Potti and that they were searching for him. Some villagers followed the police to Basaguda to protest the arrest of Soyam Potti. Vani Xaxa, a Phd scholar doing her field work also went to the thana. Vani was told by the thana in-charge that they had not arrested anyone and that all they wanted was to 'invite' Soyam Potti for tea and a chat. When she said that this was an odd way of inviting someone for tea, by first barging into the house, rudely shaking everyone awake and then leading Soyam Potti to thana as a suspect, the officer shrugged his shoulder. When asked if there was any 'permanent warrant' (see Box) against him, the thana- in-charge said there was none. Soyam Potti was then released. But meanwhile two boys from Bilipara, Oyam Somlu s/o of Pasndu age 45 and Puinam Chinoo s/o of Aaytu age 25 had been arrested and brought to the police station. There were three cases each against the two.

Just near the entry path to Korsaguda, villagers reported that the police was on the road searching for bombs. So the route had to be changed. The long detour delayed the journey to Korsaguda village, and as a result, Lingagiri had to be visited first. Allegedly, twelve people had been picked up from Lingagiri just a few days back.

The way to **Lingagiri** passes through barren fields and an half abandoned Mahar village of Kumarpara. There were 30-35 people from Dolguda who had become SPOs in 2005 and their families had moved out of the village since. Lingagiri too had been vacated due to the SalwaJudum. People returned in 2009. At Lingagiri people were busy in threshing and loading paddy on tractor driven carriers to take to the market. They said that their biggest worry at the moment was people falling ill. Scores of people were stricken by fever and vomiting. They feared it could be malaria. There was no doctor available and only Mitandin were there to provide some medicine. When asked about the camp they said that it had made their lives more insecure. They were convinced that the Sarkeguda camp had at least 3500 soldiers. Patrol was routine. Although

there was no recent incident of trouble the fact that soldiers were there meant that anything could happen. When asked about the 12 people allegedly picked up and taken to the camp, they said that actually only five persons were picked up to do begar in the camp. When inquired if 'unpaid labour' was a recurring phenomenon, they nodded.

35 year old Ghantal Raju was very bitter. His sister had been raped and murdered by soldiers in December 2006. His father had been hacked to death by them. But his anger is directed against those who encouraged the villagers to come and re-settle here and he too worked with the civil society organizations to convince the villagers to return. He alleged that the organizations which had facilitated their return and had promised to ensure their rehabilitation, had abandoned them once the villagers returned. He said that he worked with the Vanvasi Chetna Ashram. He was of the view that as people from outside did not stand by their assurance it is futile to carry on resisting and standing up for one's rights. *"Look where it has got me. I am poorer than before. If I had stayed back in 'Andhra' I would have earned more. I just feel they cheated us."* When he spoke others silently nodded with him and did not even once contradict him even when he said that all his stout protests proved useless because even people refused to stand up with him. Now when he goes out of the village he faces taunts from CRPF soldiers. When he passes by, they loudly comment for him to hear-*"who ja raha hai Ghantal. Sala bahut baat karta hai. Abki baar aisa maareng sala dubara bhaag jayega"* [there goes Ghantal. Bastard protests a lot. This time we will beat him in such a way that he will run away once again].

His allegations could not be verified. It is also not clear if this view is shared by others as no one said so openly. But in Lingagiri at least no one said any different either. It is however true that people who returned to their villages fended by and large for themselves.

The next stop was **Korsaguda** which is a Muria village. This was the first village to be attacked in 2005 and burnt down. Villagers fled inside the forest. They had taken shelter further inside the forested hills. They were the first to return and resettle in 2009. Eighty out of the earlier ninety households have built new homes closer to the hills. Troops do not enter as often as they did in the past.

The villagers shared that earlier they were living near the ashram school in the village itself. They said that other than the Murias they had different communities living amongst them, such as Mahars or Telugus. They were all living there till the Judum came. *'They (SalwaJudum hoodlums) came and burnt all our houses. It was only after the SalwaJudum that we all moved further inside.'* They said that *'today if any of the men go to the market in Basaguda, they can be picked up. Then we have to approach the Patel or Sarpanch to free them from the thana.'* Others pitched in and said they some had also gone to Andhra Pradesh out of fear of the Judum but returned along with the other villagers (neighboring) when they returned. *'When*

*we came back we found all our cattle had disappeared. So whenever we went to search for our cattle, we would be beaten up by the CRPF.’* One old man was picked up by the Salwa Judum and beaten up. When he returned he collapsed and died. ‘We did not know what to do, so we kept quiet’, they said.

The villagers narrated how Kakem Munni was shot dead while weeding the fields on November 18, 2012. She was dressed in shirt and pant, as Andhra women tend to do while working in the fields. Her body was taken to the thana and later returned. The police arrested Hemla Bheema from the same village and kept him in the lock-up for three days and beat him after hanging him upside down. It was only after this that they arrested Hemla Chinnu and whose trial was currently on in Dantewada. Hemla Bheema said that ‘*recently (on the 29<sup>th</sup> of December) they (CRPF) had come for patrolling. They took away our (Tati Dasru’s, Tati Bamma’s and Padam Sukku’s) knives which we use for collecting ‘tadi’. When we asked why our knives were being taken away, they beat us.’* He continued, ‘*when the CRPF/police come for patrolling they take away our bows and arrows, axes, knives, and then we have to buy fresh pairs. We cannot afford buying them all the time. Why should our necessary items be taken away from us? The CRPF camp which is in Sarkeguda is on our patta land. Our pond which we used for fishing is occupied by them. Our mango tree, tamarind trees ...all is theirs. If we go there, they beat us. We want that the camp to be removed from here.’* The villagers wanted wide circulation of the report of this fact-finding and were ready to come to Delhi if invited.

**Village Timmapur** (visited on 30<sup>th</sup> December): Like everywhere else, threshing was going on in **Timmapur** too. And schools were having half yearly exams. Timmapur village has six ‘paras’ and it is one of the few villages in this area from where people did not leave even during the Salwa Judum days. When asked how come they escaped being displaced, the answer was that the villagers decided that they will not vacate the village and they communicated it to the Salwa Judum leaders that ‘*come what may we are not moving out*’. Their large numbers, villagers believe, too could have helped them escape retribution. This was a village which had 360 households.

It was reported that 11 people had been made to surrender a couple of weeks before in December 2014. Although the story about 11 surrenders from this village turned out not to be true, it was learnt that five persons were arrested from Timmapur and sent to Dantewada namely; Padam Sanu, s/o Padam Masa, Padam Lakhmu, s/o Padam Budhram, Awalam Mangu s/o Awalam Lakhmu, Padam Jagdish s/o Padam Sentiya, and Oyam Mangu s/o Oyam Lakhmu. The ubiquitous ‘permanent warrant’ was again mentioned. What were the charges against them, under which sections of the IPC were they booked, and for what specific ‘crime’? None of the villagers spoken to could answer this. Most of the people in Timmapur (or for that matter

in other villages too) were agitated over the threat posed by ‘warrants’, which they saw as something meant to ensnare them.

One of the villagers, on assurance that his name would not be revealed, shared what he said he learnt from people from Jedipara who came to inform him. Apparently, a fortnight earlier [mid-December approximately], forces had entered **Jedipara**, a hamlet of Timmapur. The men folk had run away leaving behind women, children and the aged. The women, he said had been molested. His thin frame shook with anger when he narrated this. Shivering with rage he said that they had ‘raped women’. He repeatedly used the phrase “*kukarm kiya*” (did bad things).

He kept saying that soldiers have been sent to ‘*serve the people then why do they molest women?*’ He had himself witnessed how a woman with a baby was being taken to a ‘thana and soldiers every now and then would touch her breasts and some poked their guns from behind.’ ‘*Instead of taking the women from the road leading to the Timmapur camp, they were taken through the forest road. What was the purpose of this?*’ He said that post the Sarkeguda massacre, the visits by reporters and human right groups did provide them with some relief. And if such groups and individuals had not come, their situation would have been much worse. ‘*People fear soldiers and soldiers suspect villagers*’, he said. He himself was picked up in October 2014 when a bomb exploded on the road that was being built near Timmapur. When he remonstrated with the soldiers ‘*why would we plant a bomb virtually in front of our houses*’, he was told to shut up. He was convinced that ‘*this silsila (such conditions) will continue.*’ He did not foresee any end to this very soon. Apparently one time people were asked to come to the camp to collect clothes and utensils. When they went, instead of getting utensils and clothes, fourteen persons were picked up, of whom nine were released later while five were arrested. (Named above) ‘*What does this show*’, he asked rhetorically? ‘*That they lure people and then arrest them*’.

He questioned that since Maoists are ‘terrorists’, then why did the Government enlist ‘Sangham’ members and Maoists as SPOs? He said how easy it is for the ‘fauj’ (military) to kill someone and dress him/ her in uniform and say they killed a Naxalite. He was worried if his name is leaked, he would have to face ‘danger’ from the ‘fauj’ and the police.

### **“Permanent Warrants”**

1. The FIRs are mainly against “unknown Naxalites”- or a few named people and 50-200 unknown others. Many times, the names in the FIR, if any, will be common village names such as Hidma, Ayatu, Manglu etc. with no other identifying characteristics (father’s name unknown and village name unknown).

2. When the police investigate the complaint, they usually arrest a few people - 3-5 people in connection with it, but in the chargesheets which they submit to the court, they list 15-35 people as accused -- the remaining people not arrested are simply listed as “absconding”. Consequently, the number of so-called “absconders” in this region is extremely high. It is estimated that every male resident in certain targeted villages (and some important women) between the ages of 15 to 45 is listed in some chargesheet or another as an “absconder.” Many are listed as “absconding” in multiple chargesheets.

3. These people are not really absconding - but they are simply not arrested by the police, and most of them have no idea that they have been listed as an “absconder” in a particular chargesheet. However, after the charge-sheet is submitted to the court, while committing the case for trial, the court issues permanent warrants against all “absconders”. These warrants are with the police, basically authorizing them to arrest the accused person immediately. They are usually executed at the will of the police and act as swords hanging over the heads of villagers. This is how Soni Sori had 8 outstanding warrants against her when she was arrested in the Essar case even though she was a warden in a government run ashram school all this while. And her husband, Anil Futane, had 4 outstanding warrants and her nephew, Lingaram Kodopi, had two warrants at the time of his arrest. In the Sarkeguda massacre, when the CRPF shot dead 17 people including seven juveniles, they could immediately claim that the dead were naxalites by producing outstanding permanent warrants against them, dating back several years.

4. The chargesheet presented before the court makes for hilarious reading. Technically for each person against whom there is a permanent warrant, there should be a panchnama by the patwari saying that this person is “absconding” and his movable and immovable property has been/will be attached. Alleged eye witness accounts used by the police state: “on seeing police, Maoists ran calling out to each other by names—‘run Nagesh’/ ‘run Ayatu’” etc. In many cases this is the only evidence in the chargesheet against the said Nagesh or Ayatu, on the basis of which arrest is made/ or permanent warrant issued.

5. With the return of S R Kalluri, as the IG (Bastar) there is a concerted move now to arrest people against whom there are outstanding warrants. This is how people are being “surrendered” - all those who have been living peacefully in their villages and who are well-known to the police are being told that the police have a warrant against them, and either they surrender or they get arrested and face jail time. Now with “surrenders” being questioned, the police are simply arresting people with permanent warrants against them. These permanent warrants are also used for extortion by the police.

6. On 29th December 2014, the Bijapur police did a massive “clean-up” operation and in one day arrested 32 people against whom there were these outstanding warrants from years ago *Nai Dunia* and *Jagaran* of 31st December carried the news item. Where as *Hitavad* of 31st December published a separate news item stating that five Maoists, including two women carrying reward of Rs two lakhs, surrendered. The names of the two women are identical. One is Gattapalli Kutaru r/o Mitaki Modiyam and the other Gattapalli Kutaru r/o Somali village. There was said to be a child Sannu Kudiyam with them, allegedly a Bal Sangham member. All of them were given “encouragement” amount of Rs 5000 by the state government.

### **Incidents of Violation by Security Forces in Bijapur District (Nov 2012-Dec 2014)**

Note: *unless otherwise indicated, information is based on village accounts and the list does not claim to be comprehensive. \* Denotes other sources which are indicated below.*

- 1. Korsaguda:** 18 Nov. 2012. A girl, Kakem Munni was shot and killed in the fields. Her body was taken to the thana. Police arrested HemlaBheema, in connection with the case. He was tortured in jail for 3 days. Later released. Another man, Hemla Chinnu was arrested. Trial was going on in Dantewada.
- 2.\* Pidiya and Dodi Tumnar:**21-23 Jan. 2013. Detail: The police and the paramilitary CRPF, STF, CAF, Cobra forces attacked Pidiya village near Gangalur, and Dodi Tumnar village in Bijapur district and resorted to huge destruction. In Pidiya they barged into the homes, looted them and later razed down twenty homes. In Dodi Tumnar security Forces razed down an Ashram School run by the Krantikari Janatana Sarkar for both boys and girls.
- 3.\* Korseli:** 24-25 Feb. 2013. Paramilitary forces, Chhattisgarh police and STF attacked Korseli village (Gangalur area, Bijapur district). Caught Comrade Salim (Sammi Reddy) who was leading an ordinary life and shot him dead near Avunar village the next day.
- 4.\* Kanchal:** 9 March 2013. A woman Kunjam Deve died in firing by AP Grey Hounds near Kanchal village (Usur Tehsil) and one woman was injured. The attack occurred when they came to take water from a water body. Later they took the dead body of Deve and the injured woman in a helicopter, put uniforms on them and declared them naxalites.
- 5 \*Edesmeta:** 17 May 2013. CRPF soldiers killed 8 adivasis, among them 4 minors. 4 more were injured.
- 6. Kottagudem:** June 2013. Oyam Bhima and Dodi Lakma picked up and tortured brutally by forces. Sent to Dantewada jail. Bhima came out in October 2014. Lakma is still inside.
- 7. Kottagudem:** 28 Aug, 2014. Dodi Aayatu shot dead. Promise of two lakh in compensation by Thana-in-charge of Basguda was not met.
- 8.Kottagudem:** October 2014. A 400 strong force led by SPO 'Shankar' of Polampalli and Tati Ramesh of Murguda came to the village and beat the villagers injuring nine persons including 3 kids.
- 9. Kottagudem:** October 2014. One woman was raped. Additional details not available.
- 10. Pusbaka:** October 2014. Theft, looting, wanton destruction by SPOs. Stealing chickens, grain, breaking vessels, forced entry, forcing villagers to have one SPO stay at each house around Diwali.
- 11\* ChhoteTongpal:** 26 Nov. 2014. Villagers beaten by police. Many sustained fractures. 26 villagers picked up but 15 arrested. Though villagers tried to get FIR registered against police, they refused.
- 12.Sarkeguda:** 15 Dec. 2014. Irpa Krishna, Irpa Baburao, Irpa Kanna, Irpa Nagesh f/o Irpa

Kanna, Modim Dinesh, Irpa Mahesh, Irpa Ganpat, Irpa Nagesh f/o Irpa C Handresh, Madkam Nagesh, Irpa Lachha, Irpa Manoj were frog marched to camp by COBRA units. They were also threatened. In the camp they were forced to clear shrubs.

**13. Jedipara, near Timmapur:** 15 Dec .2014. Security forces raped women. Additional details not available.

**14. \* ChhoteTongpal:** 20 Dec. 2014. Village ex-sarpanch Mukka Kawasi arrested on 20 December 2014 for speaking to media on fake surrenders and failure to register FIRs.

**15. Pechepara near Rajpeta:** 29 Dec. 2014. At 5 am the police entered the house of Krishna, stated that they had warrant for Soyam Potti and were searching for him. Soyam Potti released later following intervention by village members.

**16.\* Basaguda Thana Area:** 29 Dec. 2014. Police arrested 32 people belonging to many villages under Basaguda Thana, alleging they were naxalites. All of them had outstanding/permanent warrants from years ago.

**17. Korsaguda:** 29 Dec. 2014. CRPF soldiers seize knives used for collecting 'tadi'. On asking reason for confiscation, the villagers are beaten up.

**18. Timmapur:** Dec. 2014. Five persons arrested; Padam Sanu, s/o Padam Masa, Padam Lakhmu, s/o Padam Budhram, Awalam Mangu s/o Awalam Lakhmu, Padam Jagdish s/o Padam Sentiya, and Oyam Mangu s/o OyamLakhmu. All sent to Dantewada prison. Nature of crime, charges etc. not known to anyone. Fear of 'permanent warrants' among villagers.

**19. Billipara:** Dec. 2014. Two boys Oyam Somlu s/o of Pasndu, age 45, and Puinam Chinu s/o Aaytu, age 25, arrested and brought to the police station. Three cases each against the two.

**20. Lingagiri:** Dec. 2014. Five persons picked up to do 'begar' in the camp.

**Sources:** Anil Mishra, "Another Volley of Bullets for Bastar's Tribals": <http://www.tehelka.com/another-volley-of-bullets-for-bastars-tribals/>; Bela Bhatia, "Police Complaint to In-Charge, Gangalur PS, Regarding Burning of Houses and Destruction of Households in Pidia Village": <http://sanhati.com/articles/6101/>; DSU (Democratic Students' Union), "Chhattisgarh—Preliminary Report on the Fact Finding in Bijapur": <http://sanhati.com/articles/6231/>; Suvojit Bagchi, "In South Bastar, grim battles on to retake Maoist bases": <http://www.thehindu.com/todays-paper/tp-national/in-south-bastar-grim-battles-on-to-retake-maoist-bases/article4734555.ece>; Press Releases of CPI (Maoist) (<http://www.bannedthought.net/India/CPI-Maoist-Docs/#2013>); Supriya Sharma, "An Ill Sowing Festival": <http://www.outlookindia.com/printarticle.aspx?285796> and, "Villagers Dispute Claims of Andhra Police in Chhattisgarh Encounter": <http://timesofindia.indiatimes.com/india/Villagers-dispute-claims-of-Andhra-police-in-Chhattisgarh-encounter/articleshow/19002528.c>; See also: <http://khabar.ndtv.com/video/show/news/bastar-tribals-forced-to-surrender-348926>; and, <http://naidunia.jagran.com/search/bijapur->

## Chapter 2

### Some Aspects of Life in a War-Zone: Roads, Transport, Camps

Truth is the first casualty of war. And denial of presence of armed conflict an act of deceit. The Government knows Bastar is a war-zone. The two military forces here, state and non-state, the government and the PLGA (People's Liberation Guerrilla Army), wear uniforms meant to distinguish them from civilians whenever an encounter takes place. Article 48 of the Additional Protocol I to the Geneva Convention explicitly defines the principle of distinction on which the laws of war rest:

*“In order to ensure respect for and protection of the civilian population and civilian objects, the Parties to a conflict are required at all times to distinguish between the civilian population and combatants and between civilian objects and military objectives and accordingly must conduct their operations only against military objectives”.*

However in its words and its actions, as reported by the Adivasis, the 'armed forces of the Union' ignore that Bastar is a war-zone. They routinely violate the fundamental principles of distinction mentioned above, in multiple ways; for example, 'proving' that ordinary civilians were Maoists simply by clothing their deceased bodies in the uniforms worn by PLGA cadres.

**Road Barriers / Check-posts:** The entire strategy of area domination is premised on the idea of saturating an area with massive troop deployment. Thus, military domination by setting up new camps and an increase in company and battalion strength, is one part of it; the other being regular patrolling inside the forests either daily or periodically in the area considered the 'red zone' in military parlance. Camps are present on the highways as well as close to forest villages inside. Between Bijapur and Basaguda, a distance of 50 kms, there are seven camps with one inside in Sarkeguda. There are a number of police stations in this block. Troops are armed and they control the traffic on the road through their military check-posts/barriers outside their camps. Traffic does not move without road opening exercise by the CRPF every morning. Only three buses ply between Bijapur and Basaguda and the buses leave between seven and then nine in the morning and the last bus leaves at 3 pm. The many check-posts on the road from Bijapur to Basaguda reduce movement. The soldiers can demand to know from travelers their identity, where one is headed, the purpose, or person they are going to meet...and detain for hours anyone travelling on the road. This does not seem to Adivasis to be anything remotely meant to 'protect' them. When asked about their views on road building activity, the villagers' responses showed that they were against it if it meant bringing in more troops and setting up of more camps.

**Roads...To Where and For Whom:** Additional DG of Chhattisgarh Police, RK Vij, wrote in the *Indian Express* on December 6<sup>th</sup>, 2014 that “(m)any more camps are needed to move into such vacuums and restrict Maoist movement. The setting up of mobile towers over the next year may improve telecom connectivity around the security camps but the construction of roads remains a major challenge. *Approach roads to security camps are essential to maintain their supply lines* and meet other administrative needs.”

The use of roads and securing them to protect supply lines of the military forces on the ground shows clearly what is guiding road building operations. Bringing more troops and setting up of new camps is on the anvil; for which securing the ‘supply lines’ is a very important exercise. Building roads acquires even more strategic importance in the context of increased military presence towards area domination. The presence of large number of troops along with barriers on them makes roads more insecure. There are several more on the road from Bijapur to Basaguda. This reduces movement on the road. Travel on roads has become that much more risky and far less smooth.

**Military Personnel Travelling in Civilian Vehicles:** Government forces travelling in civilian buses bearing arms are an everyday affair in these parts. This is in clear defiance of what constitutes basic dos and don’ts during armed conflict. Article 8 of the Rome Statute of the International Criminal Code defines War Crimes. Its clause (2) sub clause (e) “applies to armed conflicts that take place in the territory of a State when there is protracted armed conflict between governmental authorities and organized armed groups or between such groups.” (See clause f). Clause 2 Sub clause (e) (i) outlaws “intentionally directing attacks against the civilian populations as such or against individual civilians not taking direct part in hostilities.” Clause 2(c) which applies to ‘armed conflicts not of an international character’ outlaws the following acts committed against persons taking no active part in the hostilities: (i) Violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture; (ii) Committing outrages upon personal dignity, in particular humiliating and degrading treatment; (iii) Taking of hostages.

The same Article 8 through its clause (2) sub clause (b) (xxiii) outlaws ‘Utilizing the presence of a civilian or other protected person to render certain points, areas or military forces immune from military operations’. It thus clearly considers use of civilians as human shields a war crime. (While it may be argued that strictly as per the letter of the law, Article 8 clause 2 sub clause b) is about international conflicts, it is but logical that this apply to internal armed conflicts as well). This ‘war crime’ gets committed every day for Adivasis travelling between Basaguda and Bijapur, when armed personnel board their buses.

It may well be argued that India is not covered by ICC, since it is not a signatory to it. But ICC encapsulates into law the dos and don’ts of war which flow from Geneva Convention and Protocols, to which India is a signatory too. Even if India claims not to be covered by ICC or

willingly goes against Geneva Convention and Protocols, surely common sense should guide us. Having deployed masses of troops and military among civilians, it is the obligation of the Government to ensure that the forces do not put civilians at risk. The responsibility to provide its personnel adequate transport lies with the government. If it cannot ensure transportation for their troops, the Government has no business putting them there in the first place. They most certainly cannot be allowed to travel in civilian buses bearing arms using civilians as 'human shields' or use them virtually as 'hostages' for the duration of their travel to ensure their own safety. The fact that not all the security personnel are in uniform but in 'civvies', compounds the crime.

By travelling on civilian buses armed soldiers are not protecting civilians but are ironically using them to protect themselves from coming under attack. All the buses plying between Basaguda and Bijapur have soldiers travelling in them. Civilian transport provides multiple safeguards for the security forces as a) their own official vehicles are military targets and therefore better avoided, even when available; b) the Maoists in general do not target civilian buses; c) in case of an ambush, they can use the civilians as hostages. But the soldiers' presence increases the chances of the buses being attacked. The civilian passengers don't have a choice in the matter having no alternative transport. Placing civilians at a grave risk for their own protection is a cowardly act. One committed every day hereabouts.

In all incidents where Maoists have targeted passenger buses being used by soldiers, it has been admitted by senior police officers that there is Standard Operating Procedure (SOP) which forbids their personnel from travelling on civilian vehicles. The standard response is thus to shift the blame onto individual personnel for violating the SOP. However, the real reason behind such SOPs is to prevent information being leaked to 'rebels'. It does not emanate from ensuring that civilians are not put at risk. Or, that soldiers should not use civilians to protect themselves. These are clear instances of civilians being used as 'human shields', or as hostages, which are outlawed by rules which govern prosecution of wars. The government's lack of seriousness on the issue of civilians' safety is apparent from the routine presence of security personnel travelling in buses. All the buses between Bijapur and Basaguda have soldiers travelling in them. The 7 o'clock bus on 30<sup>th</sup> December was more than half filled with armed soldiers. The other half comprised babies, children, women, men young and aged, policemen with two villagers picked up from Billipara on 29<sup>th</sup> December and police personnel accompanying them with arms. There is an irony, therefore, about road building in these parts. Rather than improving mobility and communication for villagers, the presence of large number of troops along with barriers on the roads, make travel much more risky and far less smooth.

**Overwhelming Opposition to Camps:** When asked whether they feared the 'andarwale', i.e. the Maoists, the villagers responded by saying that the andarwale didn't beat, kill, rape or

molest women, or steal from them. Beyond that they were unwilling to speak. But the villagers said that these very same soldiers are scared of 'andarwale' as they strongly resist and target the military's road building efforts. The recurrent incidence of bombs exploding or being found, followed by crackdown on the villagers is not the gravest challenge to deal with as the biggest problem for the villagers is the continuance of the camps. It was, in fact, said by some that camps and road building had triggered the bomb explosions. There is no doubt that removal of camps was a popular and shared demand. The everyday fear of harassment weighs heavily on them. The hatred of the forces was palpable among those spoken with, both in their agitated tone and words. The rage at not being allowed to move around as they once used to, to carry their traditional weapons and use implements of work, the decline in agricultural activities, the beatings, sexual violence, forcible entry into homes, looting, and the wanton destruction by the forces and insecurity about future, was palpable. Some even asked if they did right by returning to their villages, and if they ought to leave?

The villagers see the camps as the source of their troubles. Initially trouble meant the SalwaJudum, now trouble comes in the form of setting up camps as part of area domination strategy of the military forces, which includes roads being built and guarded by the forces. Many villagers wondered whether the government actually wanted them to be out. They wondered if it was part of some design to force people out, not as done through the SalwaJudum earlier, but through a mix of periodic killings and harassment on a routine basis. KamleshJhadi, member of the Communist Party of India from Bijpaur, reiterated his demand, in line with the demands of his party comrades, of the removal of all military camps from Bastar. Throughout the entire fact-finding one could not find any single instance of support for the CRPF, Chhattisgarh Armed Forces or CoBRA. Indeed, watching the patrolling soldiers armed with their weapons and guard dogs against the disarmed Adivasis' leave an indelible image—of cocky soldiers lauding over civilians.

**Special Police Officers/SPOs:** Significantly, although SPOs are detested, there is also sympathy for them. As Adivasi youth, including some surrendered Maoists, the SPOs were earlier referred to as Koya Commandos by the army. Post the 2011 judgement by the Supreme Court which ordered their immediate disbanding and disarmament, they continue to operate, albeit, 'legitimately', as the Chhattisgarh government has officially inducted them into the constabulary as an 'auxiliary force'. Many villagers said that the SPOs too are Adivasis and it is the Judum which has effectively pitted them against each other. The villagers see in the Salwa Judum a cataclysmic event which has devastated them most. The SPOs are a part of that process of devastation as they oppress the villagers and enjoy the immunities available to soldiers and jawans. At the same time, the villagers pointed out, the SPOs are compelled to carry out onerous tasks and are used as 'coolies' by the soldiers. They run errands for police officers and military commanders. And even the jawans of the para military force order them around. It seems that 'graded inequality' is deeply embedded within the military even while the SPOs play a significant role in assisting the troops in the present interface between the camps and villagers.

## Chapter 3

### The Lawless Force

The villagers are angry and they want to tell what angers them. Throughout the fact-finding, people came to the impromptu meetings in order to tell their side of the story. Of course, a limited fact-finding which is forever constrained by the constraints of time can hardly do justice to the problems raised. Paucity of time coupled with the problem of distances between villages imposes certain structural restrictions, endemic to fact-findings, on these meetings. As a result, the discussions were mainly directed towards understanding the immediate concerns, and inquiries into some disturbing matters, such as those of sexual assault which require greater time, could not be completed. Despite these limitations, it was clear that there was another, more obvious reason for their inhibition and reluctance from sharing easily: the fear of retribution from the police for speaking. This fear is entrenched as the shadows of the camps and those of the patrolling personnel have fettered their lives.

ChhoteTongpal is one of the villages where the villagers were beaten up on 26th November 2014 and, where 26 young men were also picked up out of which 15 were then arrested. Mukka Kawasithe, ex-Sarpanch of ChhoteTongpal, was also arrested. Mukka's crime was to appear in an NDTV interview, to speak on forced surrenders of innocent villagers by the police and, how the villagers have been trying to get an FIR registered against the forces for beating them. In this latter case, the court, on 18<sup>th</sup> December, ordered the police station to submit their report in the next hearing. Mukka's interview was aired on 19<sup>th</sup> December 2014 (<http://khabar.ndtv.com/video/show/news/bastar-tribals-forced-to-surrender-348926>) and he was picked up around 1 p.m. from Kukanar bazaar (haat) the very next day. The news channel also carried the news of his arrest but naively suggested that the arrest had nothing to do with the interview! (<http://khabar.ndtv.com/news/india/sukma-tribesman-who-talked-to-ndtv-india-detained-715600>)

At the same time, when the villagers of ChhoteTongpal who were beaten up on the 26<sup>th</sup> of November tried to register the FIR against the police the next day, the police refused. The Superintendent of Police assured them that he would register the FIR after an "inquiry" was conducted, but till date, no FIR has been registered. Shockingly, the MLCs from district government hospitals in Sukma and Jagdalpur confirm that some villagers had sustained fractures, making it a cognizable offence – in which case it is mandatory for the police to immediately register an FIR. Even the CJM of Sukma, after being presented with an application u/s 156 (3) of Cr.PC on 18.12.2014 seeking the registration of an FIR has merely asked the police to expedite the inquiry and not asked them to register the FIR (<http://www.thehindu.com/news/national/other-states/police-went-on-the-rampage-in-chhattisgarh-villages-say-residents/article6670955.ece>). Getting an FIR registered has thus become a difficult task as only a court can order the police to do so and they

take a very long time indeed to do so. So although the Collector has asked people to write to him with their complaint, villagers are not sure it will get anywhere. Importantly, till date the commission of inquiry constituted by the State Government after the Sarkeguda massacre has not concluded its work and, even if they do there is no way of knowing what will become of the demand for bringing the perpetrators to justice.

**Arrests and Cases:** While there's been nothing to show that the state is serious in controlling its personnel from committing everyday crimes in the area, there's a continuous spate of arrests and filing of cases against the villagers. The apprehensions of the villagers are corroborated by the **Report of the High Level Committee** headed by Virginius Xaxa, constituted by the Ministry of Tribal Affairs and submitted to the government in May 2014. On pg. 356, the Committee notes that:

*“ A large number of tribals are languishing in jails for long years without their trial concluding....Here too, after the first FIR lodged against them , there would be further FIRs filed over a period of time implicating them (tribals) in various episodes of violence. Persons charged with naxal offences find it extremely difficult to get bail, so end up spending long years in jail. Trials do not conclude in many cases because official witnesses were absent. This may happen because a member of paramilitary force cited as prosecution witness had been repatriated with his unit and was no longer in the state.....The committee also met with criminal lawyers...(who) assessed that over 95 per cent of the cases were baseless... In reply to an RTI application, the court registers for all cases disposed of, between 2005 and 2012, revealed that average rate of acquittal over these years was 95.7 per cent.”*

Not surprisingly, the fear of arrest is a very real one for the Adivasis. Apart from the fear of being locked up for years in jail, the exorbitant legal fees (reportedly, Rs 20,000 for each case), the expenses incurred in making court related trips to Dantewada and, the sheer wait for trials to commence and end—such a process can easily exhaust and deprive families of their resources and energy. These fears are compounded by the fact that there is hardly any possibility of ever filing cases against the paramilitary. As the villagers argue, the police and military (“fauj”) use ‘warrants’ to threaten them into silence, if not submission.

**Permanent Warrants:** In such a scenario, the use of ‘permanent warrants’ becomes an issue of grave concern for the Adivasis. How many such ‘Permanent Warrants’ are there in Bastar? One was informed that there are at least 20,000 such warrants issued in the period, 2000—2014. How many of these are issued by the court? How many people are named in chargesheets/challans? The villagers said that there were from 15-35 Adivasis named per warrant issued by the police. These warrants do not include details such as the father's name or

the name of the village of those named. In several instances, the warrants were issued against unnamed people. All of them have been declared 'absconders'. In other words, it means that there are roughly 3 to 7 lakh 'absconders' in Bastar as per the police record!

A closer examination of the problem reveals the sheer enormity of the prevailing situation. For instance, in Bijapur district alone there are 1000 such warrants. The number of 'absconders' in Bijapur could be anywhere between 15,000 to 35,000, for a total population of 255,230! Even if there are multiple warrants against one person, named or unnamed, the sheer scale of 'absconding' Adivasis reveals that an entire people have been turned into accused. It is another way of saying that the government has declared war against millions of our own people and, the sordid reality is that the war against the Maoists is a war being prosecuted against the Adivasis.

**Impunity:** The situation raises a serious question, whether the government forces have been given a carte blanche from their seniors, or do they work on orders from political authorities? Refusing to even register an FIR constitutes a clear violation of the Supreme Court's guidelines as laid down in **Lalita Kumari vs. Govt. of UP, 2013** where the apex court held that registration of FIRs is mandatory for any cognizable offence, under section 154, Cr.PC. But here in Bastar, there is no effort on the part of senior officers to ensure that these guidelines are followed. All in all, this sends a clear message to the field troops that they are allowed to operate *asa law* unto themselves. Is this not what the Union government intended when its Home Minister, Rajnath Singh, stated at the 33<sup>rd</sup> symposium of police training institution in Jaipur on 3<sup>rd</sup> September, 2014 that, "As Uttar Pradesh Chief Minister, I had assured police force of **full freedom** from hassle of human rights commission while dealing with Maoists"? In the same symposium, Singh assured the present police chiefs that under his stewardship in UP, his men in uniform were exempt from worries of human rights violations and commissions of inquiry: "I told them that they need not worry about the commission as I was there to face its ire,"

The villagers point out that soldiers consider them to be either Maoists or Maoist supporters. If any incident occurs, the villagers bear the brunt of soldiers' anger. The common arguments that it is the Maoists who compel them to put their lives at risk, or that, 'both sides' should desist, fails to impress them. Their answers repeatedly return to how their security and safety was threatened by the camps and that such things did not happen before the Salwa Judum when there were no camps. When asked if it meant that since the Salwa Judum these camps have come up and that is the root cause, they concurred. Even if massacres have not recurred, the fact they took place in the immediate past is a reminder of what can happen to them. If the Sarkeguda massacre shook them in 2012, then Edasmeta killings in Bijapur district where 8 villagers including three children were shot dead on 17<sup>th</sup> May 2013 reminded them of what the forces were capable of doing. Killing of Adivasis every now and then, arrests and incidence of harassment and threats are routine. Stealing few hundred or thousand rupees may appear inconsequential to

many outsiders. But when it is placed against the cash earnings of Adivasis, who make, at most, Rs 15-20,000 per annum from working on chilli farms or from sale of minor forest produce, then the loss can be placed in a perspective and its relative immensity for Adivasis be fathomed. Since the Adivasis can be picked up any time, the fear of detention is coupled with the humiliation of ..... restricted to the problem of probable arrests and forced detention; it is equally about normalizing reprehensible feudal attitudes in the name of defeating Maoism. Thus, these camps have shaken the villagers' confidence and increased their insecurities as they are subjected to the "period and daily" harassments and humiliations, along with incarceration and mounting legal expenses. All of this strengthens their resolve to demand the removal of the camps.

**Militarization, Mining, Environment and Health:** A decline of agriculture, declining quality of water and water bodies, thinning of forest cover in the region, are all visible to the naked eye. Could there then be a causal link between iron ore mining in Bailadila and degradation of the surrounding area and its flora, fauna, human settlements? Could the illness people spoke of, high fever, nausea and retching, be related to water contamination in these parts? In a recent study ["Environmental Impact due to iron ore mining in Chhattisgarh", *Recent Research in Science and Technology*, 2014, 6 (1): 27-29], Bhumika Das suggests that mining has an adverse impact on surrounding environment, including surfaces and ground water. Besides chemicals used for mining, the runoffs from rock debris and the dumping of the runoffs in surface waters, all increase the possibility of water and soil contamination. Das particularly draws attention to how the method of open cast mining which uses heavy machinery to extract the iron ore from 'open pits' has an immediate, adverse impact on the environment. The demonstrable evidence of the contaminated rivers, Shankhini and Dankini, are living proofs of such damage having already occurred.

It is no secret that the policy of attracting and securing FDI in mining is one of the major motives behind Operation Green Hunt. Apart from the difficulties brought by Operation Green Hunt and the war against the Maoists, the acceleration of iron ore mining threatens to bring an augmentation in the environmental pollution and in the destruction of the self-sustaining economy of the Adivasis. A sharper understanding of this problem emerges when one bears in mind the studied indifference of the Central and state governments towards these problems and in their active continuance of the discredited policy of unbridled exploitation of mineral resources. The Adivasis who have been and are actively kept out of having a say in their future, are left to suffer the fruits of such 'development'.

## Conclusion

Counter-insurgency is meant to target those very people whom the forces are also said to 'protect' or win over. In other words, since the Adivasis are suspected to be hand in glove with the Maoists, therefore, every time a bomb blast causes casualty, soldiers attack the villagers. The irony lies in the fact that the troops are stationed there in order to 'protect' the Adivasis! Quite clearly, the idea is to erode the Adivasi will in resisting the state and in compelling them to be receptive towards official overtures. In such a situation, where officially it is denied that Bastar is a war-zone, the rule of law also does not prevail. This makes for a 'kafkaesque' situation, where the full might of law targets Adivasis and the executive protects the soldiers by ensuring that sanction is not given for prosecution of soldiers and officers for war crimes committed in 'line of duty'. Consequently, the standard rules of engagement are never adhered to because the situation of war is never admitted to. It needs to be noted that while the soldiers are all armed, the Adivasis are prevented from bearing their traditional arms such as bow and arrow in Schedule areas. Such military diktats which turns a constitutional right into a criminal act-is only possible in a war-zone.

The truth that in a war-zone the military calls the shots has now been sanctified. The Integrated Action Plan (IAP) was conceived by the Planning Commission under UPA II Government as a way to engage Gram Sabhas and bring 'development' to those districts where Maoists/Naxalites were strong. Until now the IAP was implemented by the trinity of Collector, Superintendent of Police and District Forest Officers (under pressure from Ministry of Home Affairs) arguing that local bodies were weak or non-existent in most places. Now, under the NDA Government, the Central Paramilitary Forces will get a say in the IAP spending. And, unlike in the past where the district was the unit for disbursement of funds, now it will be decided at the block level, a process which will only enhance the role of the military. Consequently, the divestment of authority which Fifth Schedule, PESA or FRA envisaged for Gram Sabhas is being totally subverted as the military has been elevated as one of the major deciders of fund allocation.

India's domestic laws and judiciary also have fallen short of ensuring protection to civilians. Instead, the executive's authority to wage war has been upheld as constitutional and legal immunity to armed personnel involved in war crimes has been strengthened. The most the apex court has done is to show its concern by either granting compensation to victims, or in raising the compensation amount. The High Empowered Committee set up by the Ministry of Tribal Affairs noted in its report the reluctance of courts to give bail to those implicated in 'naxal offence', even though, "naxal offence" does not mean a cognizable crime; it is a euphemism for charging people under serious sections of IPC, Arms Act or the Explosives Substances Act on grounds of being a Maoist supporter or sympathizer. As this report shows, all Adivasis living in Bijapur are suspects in the eyes of the law and many are picked up and thrown into jail for precisely this. Significantly, following the kidnapping of the Sukma district collector, the State Government, in May 2012, set up a committee headed by Nirmala Buch to review the delay in prosecution of Adivasi under trials in Chhattisgarh. The one "relief" the Buch Committee proposed was that bail should be granted on grounds of poverty or ill-health. The Committee continues to meet every once in a while and releases a list of

Adivasis in whose cases the prosecution is advised not to oppose bail. But the Committee has not bothered to even once examine the issue of permanent warrants and demand a judicial review of the cases.

Consequently, the periodic massacres and daily harassment that the Adivasis suffer which remain unreported have assumed grave concern. The regular patrols by masses of troops, presence of armed combatants in buses and on the roads, intimidation of people while at work, home or in open fields or while travelling—all these and more show how the overt violence of the Salwa Judum has been replaced by more calibrated violence which is daily, routine and constant. The impact of the dual strategy of ‘periodic and daily’ violations easily threatens the Adivasis from talking freely and sharing information. In several instances, villagers would say ‘so and so’ will speak for us. They would speak only if a question was posed, or if someone had something specific to say. Additionally, they are denied access to any official information concerning their area. For instance, whilst people fear that as many as 300 villages will get submerged by Polavaram Dam, the official report of the Central Empowered Committee, 2006 mentions four settlements with 2335 families, including 11,766 people will be affected by the dam. So what is the truth? Are the fears unfounded? If so, then why has no information been provided to assuage the insecurity experienced by the project?

In every instance during the fact-finding, it was clear that the government forces are considered as predators. Their very name sends that message—‘Cobra’, ‘Greyhounds’. It is remarkable how something as inane sounding as ‘CRPF’ has, however, also become a pejorative term in these parts. Are these forces only living up to carry out the task assigned to them? What if this task, to bring a people to submission in order to accelerate mining activities, and degradation of environment, is contested by the people? Are soldiers and officers even aware of this contested reality? Do they have an opinion? Does this inform how they act on the ground? These questions are not rhetorical. This is what happened in Saranda (Jharkhand), where Maoists moved out in 2011 and the CRPF moved in with nineteen camps to enable mining activity. In Rowghat (Chhattisgarh) the process is on but is being resisted; as it is in the area of the fact-finding, all around in the Bailadila mining belt. There is nothing noble in this venture being pursued. Ignoble is an apt word to describe the way Indian military fights to ‘sanitise’ an area in order that a contested ‘development’ model is rammed down people’s throat.

Nine villages covered in three nights and four days may not capture the reality in all its macro and micro dimensions. Yet, it is a representative microcosm of the reality in the war-zone if the vantage point from which we perceive reality shifts from where the official order operates to one where it does not. War sharpens all perceptions. It cannot be otherwise, when ‘kill or get killed’ is the rule that governs war. Likelihood of death hovers all the time. So long as it is two uniformed forces fighting a guerilla war, they are both obligated to follow the highest standards of engagement; that is, if they are true to their declared lofty goals. But both sides are forbidden from endangering civilian lives. In the present context, while both sides have erred yet, as a matter of fact, the Maoists, by all accounts, have done less harm and have acted more responsibly towards civilians. Most importantly they are not feared, despite being guilty of war crimes. It sets them apart from government forces as they are deeply embedded among the people.

The paradox is that the Government argues in favour of prosecution of war, wiping out 'Naxalism', before commencing "development". Thus for the time being, private corporations have put their new projects on hold until such time the forests are cleared of Maoists as it is felt that if the projects were to commence, the Adivasi resistance may be revived. However, public sector corporations are expanding their activity here. Two new mines will begin production in Bailadila and a joint venture of NMDC-CMDC integrated steel plant is coming up at Nagarnar. This warped development that the Government is bent upon pushing is clearly guided by the policy of opening up of forest land for corporate exploitation. The thinning of Adivasi population in settlements has the happy consequence for corporates to make an easier acquisition of leveled land ready for picking. As a result the local economy, especially agriculture, is being allowed to decelerate and the matter is viewed either as an acceptable consequence, or a necessary collateral damage caused by intensified operations. The hypocritical claims of senior police officers, commanders, and government leaders about 'protecting' the civilians from the Maoists, hides this sinister reality.

It is not the Maoists who are preventing farming; it is the conduct of the government forces which is bringing this about. That such conduct violates every Constitutional provision and law meant to protect Adivasis obviously does not matter to the Government. Food and shelter is something that is available to children at home too. Education too was once accessible through the state government run schools. Instead of improving this system, these schools are being deliberately run down and children are compelled to study in ashram schools. Consequently, children are forcibly being separated from 'natural' surroundings of their lived culture and emotional security of home. They are confined in enclosed spaces with a regimented life. Is this not a sign of indoctrination, of drawing them into the 'mainstream' by making their physical surrounding inhospitable? That this mocks at the assurance and promise of "sustainable development" is not a matter which greatly troubles the Government.

NMDC together with CMDC are starting two new mines in Bailadila hills. The military objective appears to be to protect this investment. The problem posed to the environment by NMDC's two large open cast mines at Kirandul and Bachel, including pollution of Shankhini and Dankhini rivers, are going to get much worse. The issue of land and forest land, which is at the very heart of the self-economy of the Adivasi life and which also nurtures their self-identity, is under assault. To be physically ousted or driven away by the dwindling forests and degrading natural environment is what awaits Adivasis. What these nine village exhibit is not very different across Bastar. With variations no doubt, but manifesting more of the same, it makes for a shared reality. Warrants and absconders represent the legal war, as violent as the baton or bullet, probably more lethal as their staggering numbers vouch for. Surely, 3 to 7 lakh unnamed 'absconders', is a mark of the state going berserk. Is it not? While the Union Government may believe that their forces will wipe out 'Naxalwad' in three years, in these parts, people believe in Kamlesh Jhadi's parting words, 'aap aadmi ko maar sakte hain, vichardhara ko nahi' (*you can kill a person, but you cannot kill an ideology.*)

## **Demands**

In the context of the prevailing situation in Bijapur as described in this report, PUDR demands:

- 1 Immediate removal of security camps;
- 2 Withdrawal of security forces;
- 3 Application of Fifth Schedule of Constitution of India, Panchayat (Extension to Scheduled Areas) Act, 1996 (PESA), The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (FRA);
- 4 Immediate end to Operation Green Hunt;
- 5 Prevention of CRPF, CoBRA, CAF personnel from travelling and carrying arms in civilian vehicle;
- 6 Registration of FIRs against armed personnel involved in falsely arresting, harassing, beating, torturing, looting and sexually molesting Adivasi men and women;
- 7 Safeguarding of the Adivasis' right to bear their traditional arms;
- 8 Setting up of a judicial inquiry by the Supreme Court to probe the intent behind the 20,000 permanent warrants issued against thousands of Adivasis.
- 9 Supreme Court to take suo moto cognizance of the adverse environmental consequences of the iron ore mining projects in the area and the grave threat posed by them to the lives and livelihoods of Adivasis

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## **Murder, Protest, and Police Repression in Revali:**

On 6th January 2015, security forces entered the village of Revali in Dantewada District and shot dead Bhima Nupo around 10:00 a.m. Nupo, a forty year old man and father of five, was unarmed and had gone to collect firewood in the forest with his wife. The firing was unprovoked and the entire incident was witnessed by Nupo's wife, Budhri. The security personnel then proceeded to beat up villagers and took away some of their poultry, money and other belongings. When Budhri and the village sarpanch went to the Nakulnar police station to record an FIR, they were intimidated by the police. Instead of recording an FIR against the security forces, the police registered a case against 'unknown, uniformed and armed Maoists', despite Budhri's clear statement that her husband was killed by the police.

Consequently, the incensed villagers along with Soni Sori and the Jagdalpur Legal Aid Group decided to gherao the SP and Collector of Dantewada to demand compensation and investigation. A protest march was held on 16<sup>th</sup> January with around 8,000 villagers from 20 panchayats, led by Soni Sori and local panchayat leaders. There was tremendous pressure from heavily armed police, SDOP, the Tehsildar, the Thana- in-charges of Nakulnar, Bachel and other thanas to stop the march. The excuse provided was that section 144 had been imposed under the Election Code of Conduct for the Panchayat elections which disallows gathering of more than 5 persons. The villagers were stopped from proceeding to Dantewada and were herded into a stadium in Hitawad. Despite the persistent presence of armed police personnel, the determined, yet peaceful protest compelled the SDM, Haresh Mandavi, and ASP Naresh Sahu to meet the sarpanches, Soni Sori and the family of Nupo Bhima. While the Collector and SP refused to meet the delegation, the SDM and ASP agreed to the demands of a judicial inquiry and an initial amount of Rs5 lakh as compensation, within ten days.

However within a few hours the SP and Collector denied to the media that they had agreed to the villagers' demands. The Collector, K C Devsenapati, stated that prima facie there was no evidence to establish as to who killed Bhima. The SP Dantewada denied that security personnel were involved in the killing and said that the incident occurred after the forces had 'returned from the region'. Worse, the local police of Nakulnar PS went on record to say that the allegations against the police were false; that the FIR was lodged as per the villagers' testimonies which clearly said that the Maoists had killed Bhima. Under these circumstances, where the officials have already arrived at a decision, the inquiry conducted will be nothing more than a farce.

It is clear that the security forces are being given a clean chit by the authorities. But the authorities have accused Nupo Bhima's wife, Budhri and all the other villagers of lying. FIRs have been filed against Budhri, Rakesh (Sarpanch of Rewali), Soni Sori, sarpanchs of other villages, women who went with Budhri to file the FIR after Nupo Bhima died, various AAP members who were present in support of the march, and many other villagers who were part of the rally.

## **List of Available PUDR Reports on Chhattisgarh**

1. **When the State makes War on Its Own People: Violations of People's Rights during the SalwaJudum**, May, 2006 (Joint Report)
2. **Casting the Net Wider: The Chhattisgarh Special Public Security Act, 2006**, June, 2006 (PUDR)
3. **Through the Lens of National Security: A report on the Arrest of Dr. Binayak Sen of PUCL Chhattisgarh**, February, 2008 (PUDR),
4. **Of Human Bondage: An Account of Hostage Taking in Bastar**, March, 2011 (CDRO)\*
5. **Zindagiyan ki Keemat** (Hindi of above)
6. **Anything Goes...In the Name of National Security: The Story of Soni Sori**, March, 2012 (Joint Report)
7. **Who is the State Hunting? (A report on some incidents of massacres by Security Forces and Salwa Judum under Operation Green Hunt, in Bijapur and Dantewada districts of Chhattisgarh between 2009- 2012)** September, 2012 (CDRO)
8. **Working Against Odds: Condition of Workers in the Cement Industry in Chattisgarh**, November, 2012 (PUDR)

\*Co-ordination of Democratic Rights Organisations (CDRO). For PUDR and CDRO press statements on Chhattisgarh see: [www.pudr.org](http://www.pudr.org)

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