

# ENCOUNTERING RESISTANCE

## State Policy for Development in Gadchiroli



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**Indian Association Peoples' Lawyers (IAPL)**  
**Women against Sexual Violence and State Repression (WSS)**

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## Introduction

Between the 5<sup>th</sup> and 7<sup>th</sup> of May 2018, a combined fact-finding team of 40 members from the Coordination for Democratic Rights Organisation (CDRO), Indian Association of Peoples' Lawyers (IAPL) and Women against Sexual Violence and State Repression (WSS) visited the district of Gadchiroli in Maharashtra. This fact finding was organised following news reports of an alleged encounter that left 40 people dead, including some civilians, some of whom were suspected to have been minors. On the 15<sup>th</sup> and 16<sup>th</sup> of May, a smaller team re-visited the area in order to get more testimonies of people in the surrounding villages. This report is a result of what we saw, heard and understood. The team visited the site of the encounters as well as several villages in the Aheri, Bhamragad and Etapalli *tehsils*.

On the morning of 22<sup>nd</sup> April 2018, an alleged encounter took place near the villages of Boria and Kasanur<sup>1</sup> of Bhamragad block in Gadchiroli district, Maharashtra. On the following day, the Maharashtra police issued a press note that claimed 16 Naxalites were killed in the encounter. On the 24<sup>th</sup> of April, the police claimed 15 more bodies had washed ashore the banks of the Indravati River. In between these two big recoveries of bodies, on April 23<sup>rd</sup>, six more Naxalites were allegedly killed in an encounter that took place in the Nainer forests beyond the villages of Rajaram and Khandla of Aheri taluk. In the week that followed, the final count of the dead reached 40 as more bodies were brought out from the river. This 'encounter' was dubbed the 'biggest success' for the Maharashtra police and Central Reserve Police Force (CRPF) against armed resistance in the subcontinent. News reports were awash with triumphant rhetoric and news channels played video footage of security forces

celebrating this 'success' by dancing to popular Hindi tunes.

Later, local and independent journalists were allowed to enter the sites where the 'encounter' took place; we had an opportunity to hear the narratives of the people living in the region. These narratives appeared to contradict and question the accounts made available so far and raised concerns amongst activists, lawyers and human rights organisations all over the country. Thus, 40 members from three major organisations and networks, belonging to 12 different states came together to form a fact-finding team to jointly investigate the incident. This team was assisted by local elected representatives of Gram Sabhas, lawyers, journalists, and activists of the Communist Party of India (CPI). A comprehensive report, based on testimonies of villagers across several villages, interviews with family members of those killed, local leaders and activists along with the assessment of the fact finding committee is made available here.

The fact finding team split up into several teams and visited villages across the district of Gadchiroli meeting scores of people. The team met the Superintendent of Police, as well as the various police forces deployed in the region. The team recorded, took notes, pictures and videos of the sites and people with the express permission of all those involved. We wish to thank the people of Gadchiroli for their time and patience and for speaking with the fact finding team in spite of the atmosphere of hostility that has been created.

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<sup>1</sup> Kasanur is known as Kasansur in census records. Village names have been spelt as per local pronunciations, which at times differ from the census records.

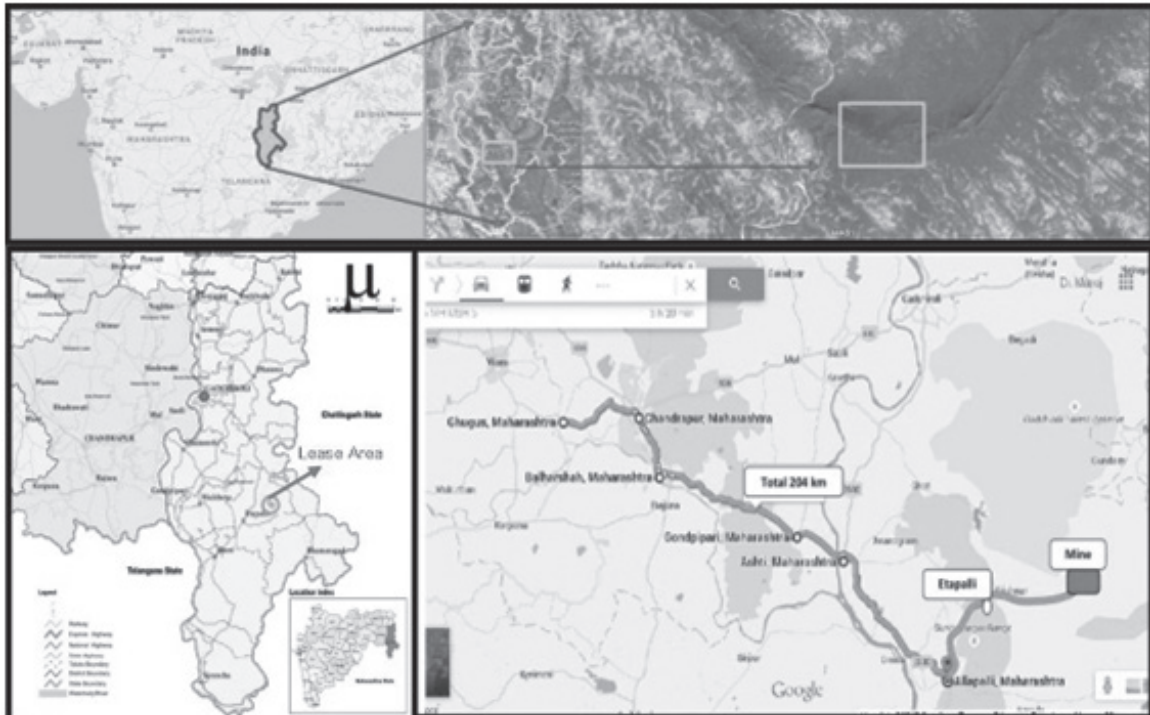


## CHAPTER 1

### The Background and Context: Minerals, Mines and Militarization

Located on the eastern edge of the state of Maharashtra, Gadchiroli district is heavily forested and home to some of the oldest and largest teak trees in the world. These were planted as a part of the colonial enterprise, that historically supplied wood for ship-building and served the imperial economy. Underneath the surface, below the majestic teak forests, lie some of the richest iron-ore deposits in the world. Nearly 180 million tonnes of the 260 million tonnes available in Maharashtra is found in Gadchiroli.<sup>1</sup> The red hills of Surjagarh,

to mine these lands for decades now. In 2007, Lloyds Metal, a Mumbai-based multi-national company, received clearances to begin mining in about 348 hectares of forest land.<sup>2</sup> Their 20-year lease is currently in the process of being extended to 50 years.<sup>3</sup> Jindal Steel Works (JSW) obtained a 20-year lease for mining in over 750 hectares of forest land.<sup>4</sup> Some of the other companies with leases are Gadchiroli Minerals and Metals, Gopani Steel, Gogte Minerals, and New India Mining Corporation.<sup>5</sup> However, there has been a strong resistance from the local



where Thakurdeo, the God of Gods to the Madia Gonds resides – has the largest deposit.

Private companies together with the help of the Maharashtra government have been trying

population who are determined to protect their lands and livelihoods. As a result, mining has been stalled for several years for most of these companies. Now, efforts to resume mining appear to be underway.

### *Forest Rights, PESA and Gram Sabhas*

Until a decade ago, the rights of forest-dwelling communities over their resources, both in colonial and post-Independence India, were consistently ignored and violently trampled upon. To “right these wrongs” as G. Seetharaman says<sup>6</sup>, the Forest Rights Act (FRA) was finally passed in Parliament in 2006, and made operational in 2008. For the first time under the FRA, in addition to individual rights, community rights are being recognised. With this, the Act recognises the rights of Gram Sabhas over forest land within the traditional boundaries of a village, allowing the villagers to own and collect, use and dispose minor forest produce except timber. In addition to this, the Community Forest Resource (CFR) Rights have given the Gram Sabha the right to protect and manage their forest. No project can come up in the forest nor can any conservation plan for the forest be carried out without the approval of the Gram Sabha. While there has been criticism over the implementation of the FRA, and several attempts to dilute the Act by State governments, Gadchiroli slowly became a district with the largest number of Community Forest Rights implemented as per the Act.<sup>7</sup> Village Mendhalekha in this district became an iconic example of successful control and sale of bamboo by the Gram Sabha.

In addition to this, large parts of Gadchiroli are areas notified under the Fifth Schedule of the Constitution, and are therefore covered by the Panchayat Raj (Extension to Scheduled Areas) (PESA) Act 1996. People in Gadchiroli have been organising and demanding their rights under the provisions of PESA for some time now. PESA grants Gram Sabhas ownership of minor forest produce. This law, fought for by (the late) Dr. B.D. Sharma, who was a former IAS officer and advocate of tribal rights, has

seen many struggles for implementation in Gadchiroli, a district where the organisation he founded - Bharat Jan Andolan - has deep roots. Every state is required to frame rules for the implementation of PESA. Despite the fact that the Act was passed in 1996, the Maharashtra government only issued a notification for its implementation 18 years later in 2014. In 2015, the government finally issued two resolutions allowing Gram Sabhas to collect and auction their own tendu leaves.<sup>8</sup>

According to the provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996 or PESA Act,

“... (c) every village shall have a Gram Sabha consisting of persons whose names are included in the electoral rolls for the Panchayat at the village level; (d) every Gram Sabha shall be competent to safeguard and preserve the traditions and customs of the people, their cultural identity, community resources and the customary mode of dispute resolution; (e) every Gram Sabha shall approve the plans, programmes and projects for social and economic development before such plans, programmes and projects are taken up for implementation by the Panchayat at the village level; ... (h) the Gram Sabha or the Panchayats at the appropriate level shall be consulted before making the acquisition of land in the Scheduled Areas for development projects and before resettling or rehabilitating persons affected by such projects in the Scheduled Areas; ... (k) the recommendations of the Gram Sabha or the Panchayats at the appropriate level shall be made mandatory prior to grant of prospective licence or mining lease for minor minerals in Scheduled Areas; (l) the prior recommendation of the Gram Sabha or the Panchayats at the appropriate level shall be made mandatory for grant of concession for the exploitation of minor minerals by auction...”

This gives a clear indication of the constitutional rights endowed to adivasis living in the district of Gadchiroli.

In an article about mining and resistance in Gadchiroli, Broome and Raut<sup>9</sup> have mentioned two other circulars issued by the Ministry of Environment Forests and Climate Change (MoEF&CC):

- Circular dated 3<sup>rd</sup> August 2009 that mandates prior consent of Gram Sabhas before diversion of forest land for any non-forest purpose such as mining
- Circular dated 26<sup>th</sup> February, 2013 that requires the completion of processes related to the recognition of forest rights under the FRA before land can be diverted.

But people have been far from passive recipients to these changes – on the contrary, each of the landmark judgements, legal reforms and changed modes of collection and disposal of minor forest produce in favour of their rights, are a result of diligent resistance and organised efforts by the adivasis of Gadchiroli. They have pushed the government and the administration to grant them what is – and has been – rightfully theirs. They have collectively struggled and laboured to take production into their own hands when everything seemed to be against them. With no access to capital, no means to rent spaces for storing tendu, or money to buy the required materials to treat the leaves etc, they struggled to take matters into their own hands and free themselves from their own alienation. They even took this a step forward – some Gram Sabha members went on to contest the Zilla Panchayat elections as independent candidates, and actually won. This exemplary work can be further understood through the story of Lavari Gram Sabha. The villagers of Lavari (Kurkheda Tehsil in north Gadchiroli) resisted the cutting of trees from their community forest reserve, which they

alleged numbered over 1600 as against the 960 claimed by the Forest Department. Eventually, a decision was taken to pay compensation to the Gram Sabhas which had lost important Non Timber Forest Produce (NFTP) trees in the deforestation for transmission lines. It was after a long struggle that the state finally paid the Gram Sabha a compensation of Rs. 1 crore 11 lakhs and 26 thousand.<sup>10</sup> This Gram Sabha later lent a substantial amount of these funds for supporting the Gram Sabhas of other thesils in their efforts to process, transport and store tendu leaves till a better rate could be procured. And all of this was done peacefully, productively and squarely within the provisions of the law.

With such legal empowerment and organised practice, one would think that adivasi rights over their lands and resources would be secure, if not guaranteed. As it turns out, however, the endless struggle of the adivasis of Gadchiroli is a testament not just to their own resilience and resolve, but evidence of the relentless ways in which the Government insists on violating the legally guaranteed rights of its people – whatever the cost.

### *The Violence Needed to Violate People's Rights*

In Gadchiroli, Memorandums of Understanding (MOUs) were signed and licenses granted to corporations without a whisper of Gram Sabha meetings being held to ascertain the will of the people. In some cases, despite the clear and strong resolution against mining passed in Gram Sabhas, the drills, JCBs and tractors have continued to come and have remained parked in the forest lands. And then, there are Sabhas like the one held for Jindal Steel; 70 kilometres away from the site of mining, in the urban centre of Alapalli. A “Gram Sabha” was held with a handful of people carted from other unaffected villages even after the local affected

villages had already registered their opposition to the mine. The District administration cited “security concerns” as the reason for holding the Gram Sabha in the tehsil headquarters, far from the affected area, with none of the affected village representatives present. The Collector claimed he was doing no more than his duty by carrying out such blatant violation of the law. He said, “(t)he District Administration’s job was to help the Maharashtra Pollution Control Board in conducting the public hearing and to send [details of] the proceedings to the government”. The Collector, it seems, has no interest in ensuring that the opinion of the people under their constitutional rights is recorded. Officials from Jindal, on the other hand, showed no concern either about security or for legal procedure – protection from the government against legally valid opposition to them was an entitled right. “The public hearing was the administration’s lookout. They could have taken it in Nagpur...” said Rajan Malani of JSW.<sup>11</sup>

Seventy Gram Sabhas in and around the hills of Surjagarh are directly dependant on the eco-system that the impending mines threaten to destroy. They have continuously raised their voices against the proposed projects demanding that existing and proposed leases be cancelled. Apart from holding Gram Sabha meetings, every occasion – a festival, a celebration, a *yatra* up the hill to seek the blessings of Thakurdeo and even a tendu auction, have all turned into moments and platforms to register their protests in the most democratic and constitutional of ways. Through songs, slogans, and speeches, through collective action and tireless labour – picking, bundling, storing and auctioning their own tendu leaves,

Na Lok Sabha, Na Vidhan Sabha,  
Sabse Oonchi Gram Sabha!  
Mava Nate, Mawa Raj  
Hamare Gaon mein Hamara Raj  
Jal, Jangal, Jameen Humara Hai  
Hamara Hai

through multiple letters to the government of Maharashtra and several national commissions, the people of Etapalli have tirelessly raised their voices against the take-over of their lands and livelihoods.

*In the midst of hills and rocks lie forests,  
Come to see them  
In the midst of the hills flows a river,  
Come to farm there  
The 1996 PESA law  
is being dismissed by the government,  
To protect water, forest, land, we will hold a gram sabha*

“They first came here with their JCBs and tractors, but we protested and chased them away. After that they didn’t return for many years”, recalled the villagers of Koindwarshi, a small village nestled in the Surjagarh hills. There have been a few victories like this one. But what stands out distinctly is the brutal state violence that has accompanied the violations of people’s rights.

To the mining corporations, it was quite clear early on that it wasn’t going to be as simple as taking their drills and tractors up a hill. So, along with the help of the local administration and the CRPF, in the years they didn’t mine, a parallel system was being set up around the red soiled hills of Surjagarh that would wreak havoc in the lives of the locals. Security camps were built and additional battalions of specially trained police and security forces were deployed in the area. All this was done in the name of anti-Naxal operations, as there been a history of armed resistance in the area.

Timeline of camps built in the area

Burgi Kandoli (2015)  
Hedari Camp, (2015)  
Aladandi (2016-17)  
Kotami (2016-17)  
Yelchil (2017)  
Burgi Pipali (2018)

On the 40 km drive from Alapalli to Gatta, a



site that lies at the base of the Surjagarh hills which is a gateway to the iron-ore deposits and is an active site of struggle in the Gram Sabha movement, the fact-finding team drove past at least four security camps. The team was stopped and interrogated at the camps. Each time the names and phone numbers of each member of the team was noted. The team was repeatedly photographed and the movements videotaped by the security forces.

In 2017, the police had proposed a new camp at the foothills of Surjagarh hill. (This falls just within 5 km of Hedari camp). A letter was received by the Gram Sabha to consult with them as per the provisions of PESA. The Surjagarh Gram Sabha rejected the proposal and permission for new police camp was refused (and endorsed) by passing resolution in this effect. More recently, in 2018, Hedri camp

which is the closest camp to the mining site, is being converted into a Sub Division Police Office.

The deployment of the police and paramilitary is defended under the guise of anti-Naxal operations. But the contour made by the camps tells a different story. The camps skirt the areas with the richest iron-ore deposits. The Chief Minister of Maharashtra, Devendra Fadnavis explains this best: “Gadchiroli is mineral rich and along with mining we also want to push for setting up of industries to process the minerals. For that, we discussed as to how much additional security is required.”<sup>12</sup> Fadnavis met Home Minister Rajnath Singh and Transport and Shipping Minister Nitin Gadkari among others to request the deployment of additional battalions in the area in August 2015. In spite of the discontentment of the people, the entire state

#### Mining Activities: A Timeline for Surjagarh

1993 - Lloyd Metals got the mining lease to start an open-cast mine in Surjagarh hills of Gadchiroli for high grade iron ore extraction. Strong local resistance against mines begins.

2007 - Lloyd Steel lease is renewed again without taking into account opposition from the local people to begin iron ore mining operations in these hills.

2007 - Company tries to build an access road but its men are abducted and machinery burnt down.

2008 - Mining begins. Within a month, operations stopped after company staffers are beaten up and equipment is burned down.

2011 – Another attempt by the company to restart the mine but people of the district continue to oppose the mining project.

2013 - Naxalites in the region shoot dead the Vice-President, and two other employees of the Lloyd group.

August, 2015 - Devendra Fadnavis, the Chief Minister of Maharashtra, requests the Minister of Home Affairs to increase the presence of paramilitary troops in the region to help facilitate the mining operations. This urgency is expressed as the approvals would lapse in January 2017. To this end, police camps start being set up in the area, first in Aldande and Burgi and, then Hedri.

February 2016 - Protest organised by the people of Gadchiroli against illegal felling of trees for the purpose of construction of a road to the mine.

March 2016 - Extraction of iron ore finally begins. It is shut down within days owing to opposition led by members of various political parties.

April 2016 – Company resumes mining activities at Surjagarh mine.

December 2016 – Work stops after 81 vehicles of the Lloyd Metals are torched by Naxalites.

February 2017 – Mining resumes with a 300-strong specially sanctioned force of State Reserve Police to provide police protection to the mining operations.

December 2017 - Hundreds of Gram Sabha members of Etapalli taluka hold protest march to the sub-divisional office (SDO) in Gadchiroli, demanding that mining rights given to various private firms in the area be revoked.



machinery was falling in line with the interests of the mining companies, "We are going to have a meeting next week to work out the nitty-gritty of providing security at the site" Gadchiroli district collector A.S.R. Naik has been quoted as saying, in early 2017. When asked if there are enough resources to put up the security needed for the same, the collector said, "Security is not an issue. We will work out everything with the company officials. Everyone, including the CM, is keen on this project, even the local people. ... These acts (PESA and the FRA Act) cover only minor minerals and not major minerals."<sup>13</sup> Police officials have also been quoted saying that deployment of additional forces have been proposed to provide security that will facilitate the project.<sup>14</sup>

The clear link between the interests of the highest officials of the state and central government to ensure the extraction of mineral wealth for these companies and the increasing deployment of

paramilitary forces in the area is clearly visible. This disturbs mainstream media's oft-repeated narrative of the paramilitary combating "Naxal terror".

A resident of Gatta village in Etapalli tehsil who has been slapped with multiple false cases for protesting the mines says, "*Naxali to humare paide hone se bahut pehle se hain. Magar camp to*



*abhi aaye, khadaan khodne ki baat jab shuru hui.*" (The Naxals have been here much before any of us were born. But the camps have only just come, once the talk of mining had begun.)

***The Costs of Mining: Interrogation, Arrests, Torture and an Economic Blockade***

A young girl from one of the villages affected by mining, the only one from the area to have completed class 12, having returned to her village after many years at a convent school, says she has witnessed a huge change. "Earlier they weren't so many (security forces). Now they go on combing operations passing through the village at least once or twice a month if not more. Much has changed here, yes. Roads and electricity have also come, but so has the police." "I used to think they were here for our protection" she says, "But now, I feel only irritation and disgust whenever I look at them – especially after what happened." (Her uncle was dragged by the police while he was killing birds with a catapult and shot dead in early 2018.) On Holi, the police returned with a peace



offering of sorts – gifting saris to the women of the village. "The same gang that killed my uncle came to me that day after they had distributed the saris and asked me if we could get them some alcohol. When I said I couldn't, they asked why? Don't you know? I said (to them). Don't you have any sense? After what has happened how can you come here asking me for liquor?"

For the young men and women of the region, this is what the increased presence of the police and security forces has meant. Men are afraid of being picked up and arrested, or worse still, shot. Very few of them now go to the weekly market. And women are afraid to go into the forests to pick produce; afraid they might be harassed or raped, as has happened often.<sup>15</sup>

In the early 90s, around the time the C-60<sup>16</sup> force was constituted, there was a spate of fake encounters in the region, but police violence was relatively contained in the decade that followed. But, once again, between 2006 and 2008 when the proposed mining lease was granted to Lloyds Metal, people have witnessed

a number of killings – over 34 people were killed in 2006 as compared to 4 in the previous year. 2007 and 2008 also saw 7 and 8 encounters respectively. Many of these 'encounters' have been reported differently by villagers. C-60 commandoes' involvement in sexual violence of young minor girls was reported from at least 2 villages. By 2009-10, the district was declared as one of the LWE affected districts. It was in August 2010 that the Deputy Collector of Gadchiroli, Rajendra Kanphade, after a

day's trip to interior villages, commented that 'There is legalized violence committed by the state, and illegalized violence committed by the Maoists. I do not agree with the violence of any party, especially the Maoists, but I personally feel that the legalized violence of the state is far more destructive.'<sup>17</sup>

In addition to these incidents of extreme violence, routine harassment, false cases and torture have become a part of everyday life in Gadchiroli. Those who are vocal about their opposition to mining have it worst. "Many of us have cases registered against us" says Mangesh, a local Gram Sabha activist from Gatta of Etapalli *tehsil*. Many of these cases are "Naxal" cases. This is because "to them, anyone who speaks up against the government or against the mines is a Naxal", he says. Most others are cases relating to the obstruction of public duties and abetment. Hundreds in these villages affected by mining have such cases against them. One stark and recent example is of Dashrath Gavde (27) of Lavari who was forced to "surrender" by C-60 Commandos as a Naxalite. He was kept in illegal custody for 65 days, from December 15, 2017 to February 17, 2018, until declared innocent during a judicial inquiry.<sup>18</sup>

Last year (2017), under great risk and with much at stake, some Gram Sabhas in the region for the first time decided to collect and auction their own tendu leaves, finally acting against the exploitation they are subjected to by contractors, by selling directly to *beedi* companies. Earlier, says Sheila Gotta, a Gram Sabha activist and Panchayat member in Gatta "We used to get Rs. 100-150 for every 100 bundles of about 70 leaves. Last year, the rate went up to Rs. 340 per 100 bundles." Last year's victory was a historic landmark and sent waves of concern and fear across the Forest Department and among the contractors. In addition to the Rs. 340 as wages

for 100 bundles, there was also a royalty of Rs.16000 per 1000 bundles. Calculating the rate per bundle combining wages and royalty meant that each bundle was fetching them Rs. 19.40 – an unheard of amount compared to what they have made in the past.

Incidentally, the fact finding team visited the area at a time when tendu collection should have been in full swing. But not a leaf had been plucked or bundled. This year most contractors have not even shown up to the auctions. The few that did, took advantage of the situation and offered a rate of Rs. 4.50 per bundle (a full Rs. 15 less than last year per bundle!) "There are no buyers this year" said Sheila Gotta. "The mining company goons have convinced the contractors and beedi companies not to buy from us. Each time there's trouble, it's always the mining company that's up to something. They think that if our tendu doesn't sell we will be forced to bow our heads and submit to them – to allow them to start mining. If we don't pluck our leaves, our people will die." But she laughs, "No one showed up to the auctions! What do we do? We'll see. We'll have to keep fighting."

On the one hand we have the brave voices of people like Sheila Gotta who are peacefully and democratically fighting for their lands and their rights, as granted to them by the Constitution. In the mainstream media and state narrative however, very little is said of this democratic resistance. Instead, only an armed resistance is talked about, and news is filled with the state response to this resistance. In actual fact, the state uses this as a justification to violently quell even the peaceful and democratic resistance that exists in the area. From arrests and beatings, fake encounters and rapes, and choking the local population economically by sanctioning a blockade on the sale of tendu leaves, the mining companies, police and state administration will



stop at nothing in order to push the private interests of big capital. These are the real costs of mining – the lives, lands and labour of the most vulnerable sections of our society. It is in this context that one has to view the recent incidents of mass violence in Gadchiroli.

### Notes

- 1 Website of Directorate of Geology and Mining, Govt. of Maharashtra, Nagpur
- 2 <http://lloyds.in/index.php/mining/>
- 3 <http://lloyds.in/index.php/mining/>
- 4 <http://www.thehindu.com/todays-paper/tp-national/trouble-brewing-in-gadchiroli-over-proposed-mining-unit/article4729410.ece>
- 5 <https://mahadgm.gov.in/ListPageMasterFiles/28-2-2018-14-46-25-Mining-List-Lease-2017.pdf>
- 6 <https://economictimes.indiatimes.com/news/politics-and-nation/down-memory-lane-forest-rights-act-yet-to-achieve-major-milestones/articleshow/53469538.cms>
- 7 <https://scroll.in/article/819849/adivasis-have-taken-charge-of-the-tendu-auction-in-gadchiroli-but-theres-room-for-improvement>
- 8 Ibid
- 9 [https://countercurrents.org/2017/06/17/mining-in-gadchiroli-building-a-castle-of-injustices/#\\_ftnref2](https://countercurrents.org/2017/06/17/mining-in-gadchiroli-building-a-castle-of-injustices/#_ftnref2)
- 10 <http://www.downtoearth.org.in/blog/a-village-in-maharashtra-is-standing-up-for-its-rights-54682>
- 11 <http://www.thehindu.com/todays-paper/tp-national/trouble-brewing-in-gadchiroli-over-proposed-mining-unit/article4729410.ece>
- 12 <http://www.dnaindia.com/india/report-to-secure-mining-sector-devendra-fadnavis-asks-centre-to-increase-paramilitary-deployment-2119542#>
- 13 <http://www.thehindu.com/todays-paper/tp-miscellaneous/tp-others/Villagers-protest-mining-in-Gadchiroli/article17096322.ece>
- 14 <http://indianexpress.com/article/cities/mumbai/security-public-trust-key-to-iron-ore-mining-projects-in-gadchiroli/>
- 15 In February 2017, two young women who were on their way for a *pūja* to celebrate Thakurdeo, the deity worshipped by the Madia Gonds as the God of Gods, who is believed to reside atop the Damkondvahi hill in the Surjagarh hill region, were picked up by C-60 and CRPF jawans who were patrolling the forests. They were raped and forced to spend the night with them and later sent off, with threats to remain silent about the

incident. But the girls got in touch with local activists to register a case against the police and spoke openly about what they had been subjected to. However, under tremendous police pressure and threats, they were later forced to change their statements in court. As backlash for raising the issue, the activists who had helped take up the case (nearly 6000-7000 villagers had *gheraoed* the Gatta police station demanding justice) had several cases slapped against them, including that of forcibly abducting the girls. This incident in particular, say many women in the villages in and around Gatta, brought a visceral fear of going into the forests alone to pick produce – something the women of the region have done for generations.

- 16 The Commando-60 force or C-60 force as it came to be called is an elite subgroup of the district police comprising of 60 commandos specially trained to counter the Naxal movement in the area. They were trained in Guerrilla warfare techniques by the Greyhounds of Andhra Pradesh and in Hazaribagh in Bihar. (<http://gadchirolipolice.gov.in/C60>) The force has expanded since and comprises largely of tribal youth from the area. Unlike Chhattisgarh, there was no *Salwa Judum* like movement in Gadchiroli. Instead, the largely tribal C-60 force acted in similar ways spreading rampant terror in the 90s and carrying out many extra-judicial killings. The force, like the *Salwa Judum* and the DRGF in Chhattisgarh violates the Supreme Court order that specifically condemns the use of tribal youth in counter-insurgent operations, saying that such a tactic should be a matter of “*gravest constitutional concerns and deserving of the severest constitutional opprobrium.*” (<http://www.hrln.org/hrln/images/stories/pdf/salwa-judum-order.pdf>)
- 17 <https://moonchasing.wordpress.com/2010/09/24/gadchiroli-narratives/>
- 18 <https://thewire.in/government/sign-the-papers-and-agree-to-surrender-or-we-will-kill-you-in-an-encounter>

## CHAPTER 2

### Execution and Cover up of a Massacre

On 22<sup>nd</sup> April 2018, news of an encounter in the forests of Gadchiroli began coming in. “16 Naxals killed in encounter” read most of the headlines. A day later, more news revealed that 6 more had been killed in what was being called a second encounter. By the third day, news began pouring in that bodies were being fished out of the river, and soon the death-toll grew to 40. This was interspersed with videos of dancing jawans,<sup>1</sup> celebrating the mass killings, and headlines that spoke of success rather than the loss of lives.<sup>2</sup> At the same time, questions were also being raised – news that villagers heard no sound of gunfire at the second alleged encounter site; news of missing people who’d gone to attend a wedding in the village closest to the site of encounter among other things.

The incident throws up many questions about the use of state violence, and the team found enough reason to believe that there was sufficient opportunity to arrest rather than kill many of the victims. The incident was a mighty attack by the state on people who were not in a position to defend themselves against the powerful and sophisticated weapons of the state – weapons intended solely to kill, and not injure and arrest. Where such murders by the state are dubbed “successes” and “victories”, there is much to be afraid and ashamed of as a democracy.

Of the people who lost their lives in those two days, a fairly large number were members of the banned CPI (Maoist) party. It must be emphasized that despite this, the state does not have the moral or legal authority to kill when it has any possible option of arresting and holding accountable in a court of law. Further, at least 8 people of those killed, were in fact

civilians. This raises more questions about the attack, including, how does one confront one’s own state on account of murder?

The most strikingly suspect part of the police narrative is the news of the alleged encounter in the jungles of Rajaram-Khandla (in Aheri taluk), where 6 bodies were recovered. People in the surrounding villages heard a couple of gun-shots, indicative of random shots and not a cross-fire. Moreover, local people were also aware that some of those who were shown killed in this incident on the 23<sup>rd</sup> were actually in police custody from the Tumirgunda site on the previous day.

Eight young people from Gattepalli village in Etapalli Tehsil of Gadchiroli had travelled towards Kasanur village that very same day (22<sup>nd</sup> April, 2018) and have not returned since. One of them has been identified among the bodies of those killed in the incident. It is likely that all the other seven would have likely suffered the same fate. Moreover, there are more bodies that have not been accepted by the CPI (Maoist) Party as belonging to their cadre. This raises some serious concerns about how many civilians and unarmed people were there when the encounter took place.

The report hereby explores these concerns and shows how the team reached their conclusions, revealing the discrepancies in the police version.

#### 22<sup>nd</sup> April 2018

The fact-finding team visited the site of the incident about two weeks after the encounter. The site, being referred to as the Boria-Kasanur forest, in fact lies in Chhattisgarh, as it is across

Date of Recovery of Bodies	Place	Number of bodies
April 22	Tumirgunda jungle, Bedre P.S. Area, Bhopalpatnam Tehsil, Bijapur District, Chhattisgarh (4km from Kasanur, Bhamragad Block, Gadchiroli)	7 women and 9 men
April 23	Nainer jungle, Damrancha P.S., Aheri Tehsil, Gadchiroli District	4 women and 2 men
April 24	Indravati River, skirting the Tumirgunda jungle (Chhattisgarh) and Kasanur-Boriya Forests, Bhamragad Tehsil, Gadchiroli District	8 women and 7 men
April 25	Indravati River, skirting the Tumirgunda jungle	2 bodies and body parts
April 27	Hillside in Tumirgunda forests	1 body (woman)

the river Indravati. It is part of the Tumirgunda forests of Chhattisgarh, and the nearest village is possibly Pengunda (in Bijapur, Chhattisgarh). The site is about a 4 to 5 kilometer trek across the river Indravati, from either of the villages of Boria and Kasanur, which lie in Bhamragad block, Gadchiroli.

Many things were strewn about on the forest floor and there were several places where a fire seems to have been lit, indicative perhaps of a recent and temporary camp. Plates, cups

and other items like soaps, underclothes, food packets, spices etc. were found lying in different parts of this forest patch. People who had visited the site soon after the incident shared with us that they had seen large utensils and strewn grains of rice closer to the river.

*The Echoes and Aftermath of an 'Encounter': Discrepancies, Destruction and Despair*

It appears that a large contingent of members of the CPI (Maoist) party had assembled in the area



Things found on the site give some hints to comment on the situation -

- There was one medium-sized utensil found.
- Cups and plates were found strewn over a big place.
- Mounds of turmeric powder and other masalas were seen in different parts.
- Partly-burnt Maoist literature (Edges were burnt from different sides but still readable in the centre),
- Prabhat Magazine
- Areas where things have been burnt were evident
- Open soap cases
- Packets of Semolina/flour
- Medicine boxes and other labels left on the ground
- Partially consumed biscuit packets

- People's bags (used by villagers), knapsacks, slippers, water carriers
- Some underclothes including one vest that could have been used by a child or a young girl
- Times of India journalists reported a pen drive.





on 21<sup>st</sup> April, 2018. Villagers shared that rations were provided to them during the day. There was supposed to be a meeting to discuss the problems arising out of the restriction on sale of tendu patta and the low rates being offered by contractors. The meeting was scheduled for 22<sup>nd</sup> April 2018. Civilians from villages all over Bhamragad may have started out earlier on in the morning or on the previous night, and those

from the nearby areas would have come in the day. *“If the police had started the attack a little later in the day, many more of us would have died”* says a villager of one of the border villages.

The police claims that based on specific information, they knew where the Maoists had camped that night. It was by Saturday afternoon that an informant had given them



“pinpointed information” on members of two to three *dalams* planning to camp in the area, according to sources in the Maharashtra police.<sup>3</sup>

Some residents of villages in the vicinity of the encounter site shared with the fact-finding team that the police has been trying to make more inroads in their village, and this (incident) makes it further easy for them, “They catch hold of the young educated boys, and tempt them with greed. “Give us information on people in the village, on Naxal activity and you could also get a 15000 rupee salary, they tell them”, said an activist and panchayat member from the region. “This is how they make inroads and divide the village. We’ve seen it for years now.”

Villagers reported that they heard intense firing in the early morning hours of Sunday, the 22<sup>nd</sup> of April, 2018. It was around 7 or a little more in the morning, and continued for an hour or so. On the other hand, the FIR reports the cross-firing between 9 and 11:30 a.m. The presence of soaps and bathing materials lying strewn around, uncooked food on the campsite suggests that the timing is more close to what the villagers have shared.

There seem to be further discrepancies in various accounts given by the police as to how the encounter unfolded that morning. There is one version which states that the Maoists started firing on the police, forcing them to retaliate and that the retaliation was done in a restrained manner. The SP told the team that the police troops were attacked by the Naxalites on the river islands, when a batch of police and security personnel were crossing the river, and therefore the retaliation had to start. However, this is contradictory to the details given in the FIR.

*“...one party was searching in the Kasanur forests, our party was searching in the Boria jungles, when*

*we saw a group of armed Naxalites in green uniforms, some Naxalites were crossing the river from the west side to the east. We immediately alerted the other police parties...” (FIR No. 12/2018 of Bhamragad P.S.)*

In complete contrast to this version, the Deputy Inspector General of Police (DIG) Ankush Shinde was reported to have said, “Our men had taken secure positions the previous night.”<sup>5</sup>

These discrepancies and the nature of the difference in the various accounts is indicative of the realisation that the attack which was clearly one-sided and needed to somehow be projected as an “encounter” to justify the use of such brutal and heavy police attack. The fact that none on the side of the police party were injured<sup>6</sup> and the opposite side suffered heavy casualties also indicates that this was largely one-sided. A fair investigation would help in bringing out the truth about the need for the kind of ‘self-defense’ the C60 commandoes carried out even presuming there was cross-firing by members of the CPI (Maoist) Party.

#### ***Weapons intended to kill: A one-sided attack***

As reported in other incidents and commonly known practices of the Maoists, there are sentries posted, at varying distances of 400 metres to a kilometer of any camp that would have members of the rank of a Commander present (such as the district commander of South Gadchiroli Shreenu and Aheri *dalam* Commander Sainath, whose bodies were found).

While there is no mention of sentries on duty in the First Information Report (FIR) of the incident filed by the police, the SP himself informed the fact-finding team that there were 3 to 4 sentries on duty. To be able to get past the sentries (having killed them), and kill another

30 + people in a camp that could not have been larger than the order of 50-60 members, with neither a single injured police personnel nor a single person arrested can only mean this was an offensive designed to kill right from the start.

The weapons used by the police included an Under-Barrel Grenade Launcher (UBGL), which relies on burst-firing. It is a light-weight grenade launcher that can simply be attached to a regular rifle. Such a device was born of decades of military research. One of the first UBGL devices was invented in the late sixties and was used in the Vietnam war. The mark of the weapon is that it has an extremely high rate of fire, making it deadlier than even the larger machines that preceded it.<sup>7</sup>

The SP himself admitted that an attack by UBGLs cannot be survived within a range of 100 meters. "The police lobbed at least 12-13 grenades and fired about 2,000 rounds"<sup>8</sup>, he has said. He referred to these weapons as 'area weapons' whereby grenade shells can hit out at a site '300 - 400 metres ahead'. As per the interview with the doctors, the post-mortem of almost all bodies that were not recovered from the river (in which case it was declared death by drowning), were indicative of burst firing- each of them having multiple bullet wounds. While the police had assured sharing the post-mortem reports with the team, these could not be accessed till the time of writing of this report. Media reports have revealed that the number of bullet injuries ranged from 1 to 10. The maximum of 10 bullet injuries were found in the body of 30-year-old Nagesh Narote. Sainath, one of the top commanders, had six bullet injuries, three each in the front of the body and the back.<sup>9</sup>

However, only 2 bullets were recovered from bodies. All the others had made their way through the bodies. This means that it was very



likely that the police was close enough to injure and therefore, possibly arrest too, since the opposite side had far less weapons.<sup>10</sup> Despite this, the police used these deadly weapons recklessly to kill.

Several family members who have been able to recover their family member's body shared that there were many injuries on the face. R assu, the young girl of Gattepalli, had a smashed face and it was difficult for her family members to recognize her. Nandu, the Commander of Aheri dalam, had injuries with an axe on his back and shoulders and was also not recognizable. Similarly, Bijju (of Korepalli) had one eye out. The gruesome manner in which people have been killed shows inhuman cruelty.

The use of deadly weapons, the nature of the offensive and the nature of cruelty inflicted make the incident a massacre and certainly not an encounter in self-defense.

#### *No effort to arrest people*

It is striking that the police has not shown the arrest of even a single person, injured or unhurt, from the encounter site, even though the camp

was well encircled. This was neither done from the river nor from land.

The river seemed like the only avenue to escape death. The police themselves later claimed that “some fleeing cadre had jumped into the water”.<sup>11</sup> However, there is no mention of people falling or jumping into the river in the FIR. Given the number of bodies found from the river, it is striking that the police did not bother to give these details in the FIR.

There are reportedly four crocodiles in this patch of the river. Local villagers said that these crocodiles sit on the riverbed and do not come to the surface. If the security forces had tried, they could have perhaps managed to arrest those who had jumped (or fallen) into the river.

The police claim that search operations could not continue immediately after the encounter on 22<sup>nd</sup> April 2018 because of heavy rainfall and shortage of manpower. And it was only two days after the killings, on 24<sup>th</sup> April 2018 that 15 more bodies were recovered from the river very close to the place of firing. The next day, on 25<sup>th</sup> April 2018 two more bodies were recovered a little downstream.

“Due to heavy rains and paucity of manpower, search was stopped. On Monday, an operation was launched to search for bodies in the Indravati river and 15 more bodies were recovered,”<sup>12</sup> was the police version. However, all the locals from both Boria and Kasanur attested to the fact that there was just a mild drizzle and no rainfall that day. This is also confirmed through weather reports of that day.

Post mortem reports of 8 of the bodies taken out from the water reveal that 4 people had died due to drowning and 4 more had bullet injuries but the death was due to drowning as water was found in the lungs. An independent



investigation is needed to look into this absence of effort to arrest people before they started sinking in the water. It is also important to determine whether they fell into the water after the injuries or were shot at after they tried to escape by jumping into the river.

#### *Fishing for corpses: The massacre that robbed a village of its most valued source of drinking water*

On the third day, it was again the villagers of Boria who were forced to take out the bodies. The police barged into the village and demanded that every able-bodied male from each house of the village must accompany them to fish out the corpses. When one young man refused, saying it was not their job, they were all threatened and coerced into going.

“For two days the smell didn’t leave us or our homes, the entire village. We tied a cloth around our noses as we dragged bodies out of the water, but nothing could’ve saved us from the odour of death.” cringes one of men from Boria who, like all the others, had helped fish for corpses. “We can never drink this water again. Not after what we’ve seen and experienced.”

For their labour – two or three days of work from morning till dusk – the villagers

demanded Rs. 15000 for all the men put together. Bargaining about the cost of the involuntary labour in the aftermath of the death they themselves had caused, the police only gave them less than half that amount – Rs. 7000.

### **Fake Encounter on the 23<sup>rd</sup> of April, 2018**

According to the police, six members of the CPI (Maoist) died during an exchange of fire between Maoists and the police in the forests of Nainer, on the 23<sup>rd</sup> of April 2018, a day after the Tumirgunda incident. The FIR alleges that 20-25 Naxals were present at the spot, and the police engaged in ‘controlled and restrained’ firing against the ‘*andhadhundh goli-baaree*’ from their side. Nandu, the commander of Aheri dalam, was shown among those killed in this incident. The two encounters are being presented as separate incidents, but a little probing makes it quite evident that Nandu and Lata, the Assistant Commander, were present at the Tumirgunda site on 22<sup>nd</sup> April 2018 and taken into custody.

### ***The Most Blatant of Lies: The Case of Nandu***

Vasudevo Bichha Atram alias Nandu was a DVC rank member of Aheri *dalam*, killed in the encounter. Nandu’s father, Atram shared that on 22<sup>nd</sup> April 2018 itself, their village Patel, Jairam Linga got a call (from a police source) that Nandu had been picked up by the police during the encounter in Bhamragad Area, and was being tortured. When Jairam reported this to Atram, he initially did not believe that this could have been possible since this area was outside of Nandu’s general area of work. However, Nandu’s family members made phone-calls and the news was confirmed unofficially through police sources. By the next day, news of Nandu being in police custody and being taken through the forests of Alapalli area had started coming out from the villages in

the vicinity as he was well-known and popular in these parts. Villagers reported that he was taken around in vehicles as well as through the forests by the security forces.

By evening, the news was out that six Maoists had been brought down in an exchange of fire in the Rajaram-Khandla forests. But when his father went there, the villagers of this area said that there had been no sounds of firing that day. The fact-finding team went to the site of the alleged encounter and found that it lay much further into the forests, at least a distance of 17 kilometers away from the adjoining villages of Rajaram – Khandla, and just behind the villages of Nainer and Madgu.<sup>13</sup>

Villagers in the area were hesitant to speak with the team<sup>14</sup>, but in hushed tones shared that Nandu and other CPI(Maoist) party members had not visited the area for at least a month . On the day of the encounter, they had heard some screams and a couple of random shots, however, it was nothing like an exchange of fire, as would be the case in a real encounter.

The villagers assessed that the police had brought Nandu and other *dalam* members here to access the money from a money dump which probably only to a few senior cadre would have known about. A couple of local villagers showed the team the spot and between them and Nandu’s father, they opened up the ‘money dump’. Under two logs, and buried into the soil, were two big steel containers – one inside the other. There were empty packets in it. The outer container had some water that had probably seeped in because of the recent rainfall.

Just next to this money dump were patches of blood on stones and the bark of a small tree. Villagers also pointed out to certain logs that they believed must have been used to hit the



people in custody. At a short distance away, there were bullet marks low down on a tree trunk at a height of approximately a foot from the ground. There were also bullet marks on a flat stone. Villagers explained that because of the rain, some of the stains might have washed off.

Villagers from the area said that the police had extracted money from seven such dumps before those in police custody were finally killed in cold blood. The team could not check the veracity of this information. However, the team did ask the SP about money recovered in these operations, to which he responded that there had been a small amount equivalent to about Rs. 2400/- recovered from the pockets of those killed.

But from the evidence at the site and testimonies of villagers, it does definitely appear that Nandu and his colleagues had been tortured and killed only once they had shown the police the 'money dumps', and this money has not been shown as recovered or seized in the records of this operation.

*When he was caught alive, why could he not be charged for Naxalite activities and produced in court? Why did the state decide to kill our child in this cold-blooded manner? He even gave you all the money that had been saved out of everyone's hard work, even then you killed him? - Bichha Atram, Nandu's father*

Those allegedly killed during the Nainer "encounter" included senior *dalam* members (Nandu and Karthik from Aheri *dalam* and Perimilli *dalam* respectively), Lata (Nandu's wife and Assistant Commander) as well as some very young women. It can be guessed that the senior *dalam* members would be in the know-how of the money dumps. The fact-finding team also heard from people who have further met eye-

witnesses to the Kasanur encounter that Nandu had been injured on his knee during the attack on 22<sup>nd</sup> April 2018 morning and that Lata had been killed that morning itself during the firing in Tumirgunda. However, she has been shown as killed in the encounter in Nainer.

Whether there were others who were captured or injured and brought from the site of the incident on the 22<sup>nd</sup> remains a question.

### **Identity of those who have died – Civilians and Party Cadre**

There is no certainty as to who were those amongst the dead. This uncertainty lies in distinguishing between civilians and party cadre who fell to the police bullets and/or drowned and also in recognizing them.

The police has released photographs only of those whose bodies were recovered on the first day. Of these 16, the CPI (Maoist) party claimed 13 to be belonging to the party and three to be civilians. Of the three, one was identified as a young girl from Gattepalli (see next section on this).

No further photographs of faces/close-ups have been released by the police. In a press statement on 24<sup>th</sup> April 2018, the police listed out five names of the six who were shown killed in the Nainer forests on 23<sup>rd</sup> April 2018. A far-off shot of these was bodies lying on a polythene was released by the police (but not close-ups).

Photographs of the bodies recovered subsequently were not shown at all. It is being said that all were beyond recognition, especially those that were recovered from the river. In order to ascertain identity therefore, DNA matching is required. While DNA samples from all bodies and several family members have been taken, not a single result has been released





to date, nor a single family member updated.

The number of weapons shown recovered (21 in all; two AK47, two SLRs, one 303 Rifle, ten 12-bore rifles, one 8 mm. rifle from Tumirgunda site and one Insas rifle, one SLR rifle, one 303 rifle, one Muscat rifle and one 12-bore rifle from Nainer site)<sup>15</sup> is also comparatively lot less than the number of people (40) killed. This denotes that a fair number of people who have died were unarmed.

The villagers who fished out the bodies shared that of the 15 bodies taken out from the water on 24<sup>th</sup> April 2018, six people (4 women and 2 men) were not in uniform. Three of the women's corpses had salwars while one woman's body was found completely naked. So far, neither the post-mortem reports nor any police narrative mentions this. They only talk of uniformed personnel.

### **The Gattepalli Guilt: Missing persons and delayed DNA test results, the cover-up of civilian deaths**

Gattepalli is a village about 20 kilometres from the encounter site in the Tumirgunda forests. Villagers from this village have come forward to report 8 missing children. These youngsters (3 boys and 5 girls), all in the age group of 17 to 21 years, had reportedly left the village in the evening of 21<sup>st</sup> April 2018, for the Kasanur area, where there was a wedding.

When they did not return the next day, the families were worried and went to look for them. After visiting the local *thana*, they reached the district headquarters on 24<sup>th</sup> April 2018. A missing persons' complaint was registered and all details taken, including Aadhar cards and other relevant documents. However, they were not shown the list of the deceased from the Kasanur 'encounter' and were told to revisit the

villages Boria and Kasanur to go look for their missing children. They were also taken to the mortuary where the bodies were strewn across the room, but not one was recognizable.

It was on April 27<sup>th</sup>, when a local activist-lawyer came to Gattepalli and showed the photographs from the police press release, that some of them identified the body number 5 as that of Raasu or as she was also known, Bijju. To the police it meant that only seven were "missing" but what it actually implies is that they are most likely among those dead, as one amongst them has been identified in the deceased. It is very likely that the seven are amongst those bodies that were recovered from the river. The police version has been that if they were among the deceased, they would be new recruits who had come to meet Sainath, the Perimili Dalam Commander (whose body was recovered on the first day<sup>16</sup>) since Sainath himself is from Gattepalli. However the family members deny that the youngsters were party members or were to join the party. One of them, Mangesh, was actually home from school for the summer break.<sup>17</sup>

Much cannot be said about whether the deceased met the police and security forces enroute to Kasanur and were captured and killed, or whether they were killed at the site itself.

When the team visited Gattepalli, it was fairly late in the evening and there was no electricity. It was the third day without electricity and villagers said that it might have been deliberately cut off. Security forces had been camping here since that very morning.<sup>18</sup> The Station in Charge (SI) from Permili *thana* told the team, as the police organised food for the village of Gatepalli (as though in way of a peace offering), that the police is doing everything it

can to search for the missing people. "I really don't think they were killed there. I think they're genuinely just missing. Some of them used to dance at the ghotul. Maybe the boys and girls have run off with one another. Tribals often do this. Also only one family from here was invited to the wedding."

But if they are in fact so certain, why is there such a delay in releasing the DNA test results? DNA samples have been collected from family-members of all the missing youth and family members have been keenly waiting for the reports to be able to conduct the final rites.

The police had also instructed the District Hospital to dispose off the bodies as soon as possible. However, the hospital insisted it would follow protocol and would therefore either wait for a family member to identify the body or until a DNA test of the bodies has been carried out and the result published. From the pressure on the hospital and the delay in releasing DNA results, one can only infer that the Gadchiroli police does not want the bodies to be identified, that it in fact does have something to cover up with respect to Gattepalli.

The SI also spoke of how they had been instructed to be kind and polite to the villagers. "We can't badger the truth out of them like the police normally do" he said. "We've begun making good relations. That's why we are here – for their protection and for development of the area." The team asked him if any efforts had been made for restoring the electricity since the last three days, to which he failed to give any reply.

A young woman from the village, in stark contrast said *"I like my village without the (C60) Commandoes. Because then I have more freedom to walk around. Now, my brother says he will accompany me, even when I go to my uncle's house.*

*That is a bit irritating, to be told what do to, where to go..."*

### ***Delayed presentation of the incident by the State***

The FIR for the incident that occurred on 22<sup>nd</sup> April 2018 is dated 24.4.18, and has been registered at 20:20, approximately 56 hours after the incident. The basis of the FIR is the statement of a constable named Kailash Devu Kovase, who was part of the C-60 party led by Madhukar Netam. Even though it was written during the late hours of 24<sup>th</sup> April 2018, it does not even mention the bodies found in the morning of 24<sup>th</sup> April 2018, nor does it contain details of others being injured and jumping/falling into the water. It seems to be written with deliberately minimal detail so as to avoid discrepancies that could arise at a later stage as the police narrative is gradually crafted over time. On the other hand, the FIR for the alleged encounter in Nainer forests has been written also on 24.4.18, at 05:00 a.m. (Damrancha P.S.).

The police press release also came in formally with photographs only on 24.4.18. Until then, senior police officers had been giving statements, which also had their contradictions and confusions.

It does appear that the police decided to speak to the public only once it had some kind of closure to the entire operation spread over the three days. While the police narrative talks of two separate "encounters", it is very likely that these two incidents are not independent, but are linked to one another in spite of what is being claimed.<sup>19</sup>

### ***Yet Another Effort to Cover Up: Same police party involved in both the encounters***

As per the FIR covering the Nainer encounter,



the different parties were working under the supervision of ASI Amol Fadtade, S.F./221 Madhukar Netam and S.F./472 Vasudev Madhavi. This is the same group who led the encounter in the Tumirgunda forests on 22<sup>nd</sup> April 2018. It is surprising that a police party with such a 'successful' impact was not sent to rest for at least a day (as the SP himself said) but rather was sent back on duty the very next day in a completely different area. While it is not unusual that the same police party spreads out over a broad area (the police station jurisdiction area is different and the shortest distance through the jungle route between the two sites is 60km.), the fact that it was the same police officials involved suggests that the two incidents could be quite closely connected.

Additionally, operations in Kasanur area to recover bodies had been stopped partly due to 'shortage of manpower'. It is suspicious and unacceptable that in a district with 12,000 troops including C-60 commandoes, CRPF, SRPF<sup>20</sup> in addition to the regular district police, there was a shortage of manpower.

### *Merry-making and Medals for Murder: Celebrations, Rewards and Promotions*

Shortly after the news of the incident came in, a video began doing its rounds in the public domain. This showed the C-60 commandoes doing a dance in the vicinity of the encounter site. The video released shows the jawans dancing to the foot-tapping number of a popular Haryanvi song. Another video well-covered in several news channels<sup>21</sup> showed a big-scale celebration that evening in the Tadgaon police camp. It is a deeply disturbing sight; to see the state dance and make merry, celebrating the killings of those who are in the final analysis not enemies but Indian citizens. In fact India, while on the one hand repeating internally ad nauseam that Maoists are the greatest

threat to internal security, refuses to admit the Maoist insurgency as "an internal armed conflict" which would subject it to international monitoring by UN agencies including granting access to medical aid agencies and international press.

The National Human Rights Commission has a set of guidelines that emphasize that encounter deaths should not be the basis for promotion or awards as this promotes the culture to kill instead of arrest. However, the Maharashtra police has blatantly ignored these guidelines. Rewards have followed the celebrations. In addition to immediate cash distributed to all the Commandos, it was heard that they have been promoted by one rank.

The team was informally told that ASIs, Madhukar Netam and Vasudev Patil, along with their troops were sent to Singapore for a holiday shortly after the incident. This is now also being reported in the media but the police is denying that they were sent officially while acknowledging that people did go on leave.<sup>22</sup> With these key witnesses unavailable, there could be no detailed information about the operation being shared with public sources, and the possibilities of further contradictions and glitches seem to have been completely avoided.

That such 'encounters' are lauded and encouraged – with praise from leaders and emphatic articles in the media hailing this as a victory, topped with large sums of money, cash-prizes and promotions for those who have commanded or killed, warrants great public scrutiny and criticism.

### *Telling the families: the Callousness of the Police*

*Nandu's family* - Nandu's sister, Sarojna, asked

officials that she be allowed to see her brother's body before the post-mortem. She had not seen him in so many years and had vague memories of him of 14 years back, but was not allowed. Nandu's body was returned dissected and beyond recognition. It was only when his father threw water on his face and mouth that he recognized him by his silver tooth.

His father asked that he be shown the encounter spot so that as per tribal customs, he can take a handful of mud from the earth where his son died. But this was also denied.

*Bijju's family* - Bijju's brothers said that they had to spend Rs. 4000, a very precious amount for the family, to bring his body home. The body was in such a decomposed state that they only saw his face and did not open the 'jhilli' plastic packing in which he had been handed over and buried him in this packing. Bijju's body had been found on the very first day and could very well have been preserved well until it was handed-over.

*Dharmu* – The team could not meet the family members of Dharmu but villagers said that his father could not recognize his face while the villagers could see that it was his body on the computer screen. For this reason, they did not claim his body. Dharmu also died on the first day and there could have been a preservation of the body as he was immediately identified through police sources.

*Rasso or Bujji* – The body was identified through the initial photographs released by the police. However when the family had gone to Gadchiroli, they were simply shown the bodies strewn in a room. They had already started decomposing and could not be recognized. The family felt they should have been shown the photographs on the computer and then her specific body, rather than being made to

go through the added trauma of having to find her among the other bodies strewn in the room. They returned empty-handed without being sure of whether or not they had seen the corpse of their child. But when a week later, an activist showed them the police press release in the village, they were able to recognize her and went back to the district headquarters. By the time the body was recognized, it had decomposed further and the family could not bring it home and had to bury her in the district headquarters itself.

### Notes

- 1 <https://www.financialexpress.com/india-news/gadchiroli-encounter-after-killing-20-naxals-jawans-celebrate-dance-to-hit-haryanvi-number-watch-video/1143258/>
- 2 <http://totaltv.in/user/newsDetails/10814/Maharashtra-Police-Achieves-Major-Success-16-Naxalites-Gunned-Down-in-Gadchiroli-Area>
- 3 <http://indianexpress.com/article/india/gadchiroli-encounter-naxal-bodies-found-floating-in-river-death-count-now-37-5150321/>
- 4 Refer to Annexure C for a translation of the complainant's statement in the FIR No. 12/2018 dated 24.4.18 of Bhamragadh P.S.
- 5 <http://indianexpress.com/article/india/gadchiroli-naxal-body-count-now-37-police-laid-an-ambush-and-waited-5150635/>
- 6 The injuries suffered by 6 security personnel were not caused by arms, and were of a different nature of walking in the terrain, as claimed by the SP in the meeting with the fact finding team.
- 7 <http://nationalinterest.org/blog/the-buzz/why-militaries-the-world-over-still-use-grenade-launchers-23552?page=2> and [https://en.wikipedia.org/wiki/Special\\_Purpose\\_Individual\\_Weapon](https://en.wikipedia.org/wiki/Special_Purpose_Individual_Weapon)
- 8 <http://indianexpress.com/article/india/gadchiroli-naxal-body-count-now-37-police-laid-an-ambush-and-waited-5150635/>
- 9 <http://indianexpress.com/article/india/maoist-encounter-gadchiroli-post-mortem-reports-show-12-fell-to-bullets-eight-died-of-drowning-5163970/>
- 10 The fact that this proximity is not indication of danger to the life of the police is proved by the absence of even one firearm injury amongst so many police personnel. Therefore, the deceased were clearly not a threat to the life of the security

- personnel.
- 11 <https://timesofindia.indiatimes.com/india/maoists-bodies-float-in-river-toll-now-put-at-27/articleshow/63888035.cms>
  - 12 <https://www.financialexpress.com/india-news/bodies-of-2-more-naxals-recovered-maharashtras-gadchiroli-encounter-toll-rises-to-39/1145806/>
  - 13 Given what was reported in the media and police, up until this point in the report, we have used the Rajaram-Khandla forests to refer to the area of the incident. Henceforth we use the Nainer forests. However, note that both refer to the same incident.
  - 14 Security forces were present in the 4-5 villages staring from the main road to the site of the encounter.
  - 15 Information as per the respective FIRs
  - 16 <http://indianexpress.com/article/india/gadchiroli-encounter-eight-of-39-maoists-killed-may-be-new-recruits-5153320/>
  - 17 <https://thewire.in/rights/gadchiroli-encounter-lost-children-of-gattepalli>
  - 18 This is against the usual trend shared by the villagers who said that nowadays the forces usually roam the forest and mountainside for a few days before they head back to their base, and that is when they cross by the villages.
  - 19 These links are described in the section on the incident that occurred on the 23rd of April.
  - 20 <http://www.dnaindia.com/india/report-battle-against-left-wing-extremists-in-gadchiroli-become-intense-one-state-205-naxals-and-12000-cops-2284685>
  - 21 <https://economictimes.indiatimes.com/news/politics-and-nation/watch-c-60-commandos-celebrate-successful-naxal-encounters-in-maharashtras-gadchiroli/vedioshow/63891585.cms>
  - 22 <http://www.sakaltimes.com/maharashtra/c-60-commandos-holidays-after-gadchiroli-encounters-17812>

## CHAPTER 3

### Encountering Resistance

*Encounters are shown as successes – successes of having brought down demonised “terrorists”. But as the team criss-crossed through the jungles and villages of Gadchiroli, bits of information were gathered; a party member was going to the hospital with family members when he was captured and killed; two bathing women, members of the CPI(Maoist), were caught alive and shown to be killed in an encounter; villagers have been caught and killed simply to add to the swelling numbers of the dead; it does not matter that they were out on a hunting trip or collecting mahua flowers or school students, each head fetches a price, a promotion, an award. It is these “encounters” that make it possible for the Ministry of Home Affairs to feel proud<sup>1</sup> of their work.*

*The fact finding team visited a cluster of villages in Etapalli Taluk of the district. As the mining conglomerates try to spread their fangs into the ground, people’s years of resistance and an effort to protect their lands and culture is being suppressed with all the might of the state.*

*We share below the struggles of people in face of military operations in their area.*

#### **Koindwarshi village**

*He went out hunting for birds and fell prey to the police, who were hunting for people.*

On the 5<sup>th</sup> of February 2018, when Supari Nandu Khese and Lachchi Khese went off to a neighbouring village to attend a pre-wedding celebration of a relative, they bid their young son Ramkumar goodbye, and told him to take care of the house while they were away. They didn’t know that this was the last time they were to see him.

Ramkumar Minjh would often go bird-hunting with his friend Premlal Khese. With catapults and stone pellets they would set out into the forest during the day and return by evening. As protection, they had begun carrying their Aadhaar cards because everyone in the village said, “If we run into troops in the jungle, it means a lot of trouble. They bombard us with questions – *Where are you going? What are you doing here? Why have you come? Are you going to see the Naxals? Have you come to spy on us?*”

Like one of those days, Ramkumar and Premlal set off on 5<sup>th</sup> Feb 2018, with their pellets, catapults and identification. They only managed to catch one bird that day. When they were returning from the forest, they were stopped by the troops – mixed troops of C-60 and CRPF - and interrogated. They were separated and policemen came in turns and asked them the same questions. “You were out to meet the Naxals, were you not? Tell us. Say it. You went to meet them.” Repeatedly they were coerced to make a false confession, but they refused. Held by the neck and pinched on the arms, Premlal was pushed and shoved for some distance. When his neck was finally released, a tribal commando whispered to him “There is going to be a firing here. If you want to save your life, run.” Premlal was wary. “Won’t you shoot in the back if I were to run?” he asked. “No. Here. If you don’t believe me, take my uniform. And run.” “But what about Ramkumar, I don’t want to leave without him” “If you want to save your life, run.” And so, Premlal ran.

It is because Premlal managed to escape that we have such a detailed narration of the events of that day.<sup>2</sup> Somewhere along the way he threw



away the uniform. By evening he reached Rekhalmetta, where he spent the night. The next morning, when he returned to Koindwarshi, the village had already gathered, worried about the whereabouts of the two young men. The villagers in Koindwarshi and also of peripheral villages of Wadavi, Mohandi, Besewada villages had heard gunshots the previous evening and were concerned. They were relieved to see Premlal. He narrated what had happened to them and took some members of the village including Ramkumar's father and the village *Patel* to the spot from where they were picked up. Later they found the burnt remains of the bird they had caught, a burnt catapult and Ramkumar's Aadhaar card. They also noticed some blood stains at the site. That's when they decided to go to the Gatta thana (police station). They reached the police station on the evening of 6<sup>th</sup> Feb 2018. They were assured by the people at the thana that Ramkumar was alive and that he had been taken to Gadchiroli police station where they could go meet him. Supari Khese together with others from the village went to Gadchiroli to bring Ramkumar back. They were first shown photographs. One of them was shaved half way up the skull, and so none of them could recognise it. The other was definitely Ramkumar. It was the same person they said, and took Supari Khese inside to show him his son's body. Media reports<sup>3</sup> also described the brutality of the killing that Khese alleging that not only had two bullets been pumped in his chest and leg, but his face was smashed repeatedly by a stone. The family brought Ramkumar's body back on the 7<sup>th</sup> Feb 2018 and held a funeral the following day, the 8<sup>th</sup> of February.

Koindwarshi is a small village of 18 families. Twelve of these are homes of people from the Oraon tribe who had moved here nearly three decades ago in search of land and livelihood. They were given space and land to farm in five

or six villages in the Surjagarh hills area. An older man who remembers moving here from Sarguja points at the village *Patel* and said "He was a small boy then, running around. His father together with others in the village had agreed to give us land and let us settle here." The primary occupation is farming, herding and picking minor forest produce. Bamboo and tendu are the main source of income.

"I told them I'd burn their guns down" Supari Khese told us the day we met him. The troops had been patrolling the village since that morning. "I want answers. Why did they kill my son? What was he carrying – was he carrying a gun? Had he done anything wrong? How can they take away my son like that?" Everyone in the village – men and women, young and old, speak openly about what happened. There's a brief hush when the police and security forces enter the village and skirt Ramkumar's house. But soon the chatter begins again. The village *Patel* tells us how he was called by the SDOP<sup>4</sup> from Hedri camp and told they had committed a mistake. "If there is someone educated in the family, we will give them a government job. Otherwise, we can pay. Please tell the family this. No need to file a case. They won't get their son back by filing a case. Convince them to take up our offer." The *Patel* was clear "Tell them yourselves. We are simply there to support them. If they want the money, they can take it. If they want to fight a case, we will stand by them." Lalsu Nagoti, known to everyone as *Vakeel*, a Gram Sabha activist, Zila Parishad member and a lawyer by profession, has filed a complaint on behalf of the villagers. He, too, was called and offered money.

Over ten years ago, it was in this very village where the tractors first arrived. "We drove them away", said the villagers proudly. There has been no mining in their village since. But, instead, the camps and the combing operations



started. And, with them, fear. Now, in February of this year, the death of an innocent young man added to the woes of the people of Koindwarshi.

### ***Mohandi Village***

*They say it is because we roam around here and there and do PESA work, hence we are naxalites or we support naxalites!*

Mohandi, a small village with about 25 Madia Gond families, has been facing the backlash of the state for several years. The village is located around 175 kms from the district headquarters of Gadchiroli, and is in the immediate periphery of Surjagarh Mines, and one of the 70 villages that have been resisting the mining project. The families largely depend on farming and forest produce for their livelihood. Random detentions, beatings and false cases are being used to suppress people's resistance.

On 23<sup>rd</sup> September, 2017, at around 6 pm, Darsu Kopa Hedo was working in the fields when the forces came and captured him. They seized him by the back of his neck and took him around the hill and then to the police station, where they kept him for 3 days. *"They beat me up badly at the station. My cheeks and ears were swollen. They asked me to show where the Naxalites are in the hills and took me all around the hills. No*

*case was registered against me"*, says Darsu.

Darsu Hedo is the younger son of the Patel of the village. There had been a firing in the Mohandi-Gatta forests in the previous month, and as expected, local activists were being targeted. The beating was meant to serve the Patel a lesson to pressurize villagers from supporting any kind of activity that may again impede on the mining work.

While Darsu was let off, six other people from the village were picked up. Five of them were charged with serious offences and continue to languish in Chandrapur jails after denial of bail at Sessions Court. In the age group of 20 to 40 years, all of them had been living in the village and lived a typical villager's life with their families. One of them, Birju Lekhami was a village Sachiv. The sixth, Suresh, is a minor and was sent to the juvenile home.

The charges against them include stopping public servants from their duty (S.353), rioting and unlawful assembly, criminal conspiracy (S. 147, 143, 148, 149 120(B)), attempt to murder (S.307) as well as sections of Arms Act (S. 5, 28) and Explosives Act (S. 4, 5). These cases on villagers convey the message that anyone in the area can be entrapped and charged for being a sympathizer or a cadre of the CPI (Maoist) Party and evidence is not needed to send people to jail.

On the day of the team's visit (May 6, 2018), a few young boys had been severely beaten up by the C-60 forces. As they gathered around to talk, they were taken away. The villagers are very concerned since they don't have any money to take up the cases. Bail is often rejected in the lower courts. In this specific case, the villagers pool in their money to help the families out so that they could go see their sons in jail. These families are struggling to make ends meet. They hardly have enough food to eat.

People also shared repeated incidents of harassment and of an invasive interference of the security forces in their lives, where threats and intimidation are being used to force people to give up their lands. Villagers say that at any given time, a few people would have been routinely picked up from each village and detained at the police station in Etapalli, sometimes for 4-5 days at a time. *"We don't know which sections we would be charged with. They charge us as per their whims and fancies. Sometimes, they use Section 110 (of CrPC) and detain us. They say it is because we roam around here and there and do PESA work, hence we are naxalites or we support naxalites! They call us every 15 days and ask us to come to the police station. I have been doing this for 6 months"*, shared Pradeep Mura Heddo, a villager.

The villagers clearly see the connection and voiced to the team that it is been the way of the state because of the *mining which is going to start in the nearby hills*. The deployment of forces has increased in the area ever since the mining was proposed. The villagers from Mohandi, Damkondvahi, Gudanjur etc. and surrounding villagers, after having discussed it in the gram sabha, have sent written statements to the administration, that they are against the proposed mining in this area. *"If we oppose mining they tell us we support Naxalites and we instigate people. If we have meetings to discuss our entitlements under the PESA act, they tell us we are having meetings with the Naxalites"*, say villagers.

Villagers have stopped having gram sabha meetings in the village because of the intimidation by the forces. They say they usually try and gather in Gatta or Surjagarhh instead, to discuss mining related protests. *"They will go into people's houses and kill all of us. This is happening because we are fighting for our people, our forests and our land. This is to forcefully evict us from here. They call us and tell us we*

*have no rights over our hills and it belongs to the government. If anyone speaks up for their rights in the village, they are immediately silenced"*, says Pradeep Heddo.

### **Gudanjur Village**

*If they killed him, I at least need to see his grave*  
Gudanjur, a village of about 40 families, deep into the forests beyond Gatta, has lost young people, men and women, to this undeclared civil war. People have been killed, arrested and simply disappeared. A couple of recent incidents are narrated here as examples.

On the 26<sup>th</sup> of September, 2017 the C-60 forces beat up the villagers of Gudanjur and took away Naresh Pungati, aged 16 years old, son of Mano Raino Pungati. He was beaten up severely in the village, kept for two days at the police station at Gatta and then taken to Etapalli. He is now at a juvenile home in Gadchiroli.

*"When the police came, they came into our house and beat up my son and dragged him out of the village. When I followed the police, they beat me up badly. They broke my hands. I don't know why they took him."*

Naresh's mother, Mano Raino Pungati was brutally beaten when she followed the security forces as they dragged her son away. Her hand hurts even now if she doesn't take painkillers. There was visible swelling on her hands even 8 months after the incident. Mano had to be taken to the hospitals at Etapalli and then to Aheri and also to Gadchiroli, which involved a lot of expense. She had to be hospitalized for about 15 days.

Later, she submitted a complaint to the SP regarding her beating. The police refused to register an FIR and have continued to pressurize Mano to retract the complaint, giving a verbal



assurance of action against the police personnel who had beat her up. *“The police offered me Rs 20,000- Rs 50,000 to change my statement but I didn’t take it. I want justice for me and my son.”*

#### *Disappearance from Custody: the Case of Dinesh*

On the morning of 30<sup>th</sup> September, 2017, at around 7a.m., Nansu Munsu Pungati’s son, Dinesh Pungati, aged 17 years, was returning home from the fields when the C- 60 police apprehended him and brought him back to the village. He was publicly beaten up and interrogated on the road, and taken away. Dinesh’s family members and many villagers went to the Gatta police station to enquire

about why Dinesh was being detained without any reason. They demanded his release but the police said to come later as they had to interrogate Dinesh further. Later, the police came and told us that they took some boys who had been arrested from Mohandi and Gudanjur to Gadchiroli.

Dinesh has been missing ever since that day. He was not produced in court in Gadchiroli, nor were any records made at the thana. The police have verbally told the villagers that Dinesh had escaped from custody but the villagers sense foul play. The police further alleged that he may have run away and joined the Maoists. But the villagers have not bought this story as he could not have simply run away from the highly barricaded police station. Also, the police themselves would have widely publicised him as a wanted Maoist or used their intelligence machinery to say where he had been seen.

*“We asked them how he could escape when they had guards all around the station and when the station itself was protected by such high fences. The Thanedar told us that Gudanjur villagers are now asking too many questions and that we shouldn’t come back. Ever since then, when our villagers go to Gatta, the C-60 commandos always trouble and threaten us - especially the women from our village. I need to find my son. He was a farmer. He knew no other work. He wasn’t educated. From the time the police took him away on 30<sup>th</sup> September 2017, my son has not been seen. I don’t know if they killed him. I went 3-4 times again to the police station but they sent me away. If they killed him, I at least need to see his grave”, says Nansu, Dinesh’s father.*

The villagers had filed a written complaint on 11<sup>th</sup> October, 2017 with the Gatta police station, the sub divisional magistrate of Etapalli and the police headquarters at Gadchiroli, regarding the illegal detention of Dinesh and fearing that he has died in police custody. But there has



been no concrete response.

The SP, in his interaction to the fact-finding team, also merely said that he was aware of such a complaint and they will be looking into the matter.

Going to the forest or to the bazaar at Gatta has become a journey fraught with insecurities, as people are caught and interrogated by the police whenever seen. Villagers say that this is the case for all the surrounding villages. It happens most often to young boys and seems like a means of spreading terror more than anything else. Often when people are picked up, the villagers go to the police station or camp in a big number and try to get them out.

### *Rekanar Village*

In the north of Etapalli Block, lies Rekanar, on the state highway. There are approximately around 25 families in the village.

On the 30<sup>th</sup> of March, 2018, Sonsu Usendi, a resident of Rekanar village went out to catch birds, having informed his wife. He was carrying a *gulel* (catapult), a box, an axe and had

The encounter farce..

Two rifles, daily need essentials and Naxalite propaganda literature too have been seized from the place after the fierce gun-battle which is learnt to have lasted around half-an-hour.

Police claimed the C-60 jawans had zeroed down upon the Maoist cadres after getting information about their presence. According to a senior official, there was information regarding location of Tippagarh and Kasansoor dalams near Humdi forest and it's surrounding hamlets following which the C-60 jawans were sent from Gadchiroli police headquarters.

Source: <https://timesofindia.indiatimes.com/city/nagpur/unidentified-maoist-killed-in-encounter/article-show/63571043.cms>

gone to the nearby forests of Gomdi-Madoli. He didn't return home as expected in the evening, so the villagers approached the Patel of the village. The next day, many villagers and family members went to the forests to look for him and further contacted relatives living in the proximity.

When there was no news of him even by the end of 31<sup>st</sup> March, 2018 the villagers went to Kotami police station the next day, to find out about him, fearing a false arrest. However, the villagers were informed that Sonsu Usendi had been killed in an 'encounter'.

The thana police initially dissuaded the people to go to the headquarters that day but the villagers insisted that they wanted to meet the Superintendent of Police (SP) at Gadchiroli and verify the death of Sonsu Usendi. It was late at night when they reached Gadchiroli, a distance of about 100 kilometres.

The villagers were not able to meet the SP immediately and were sent to the hospital and morgue. The caretaker of the morgue contacted the SP who then met with the villagers. The SP asked them how they knew that the body of Sonsu was in Gadchiroli. The villagers told him that they had been informed by the Kotami police station. Thereafter, the villagers were asked to identify and take the dead body which was already in a badly decomposed stage. The village Patel, Seetaram Ganu Padda, who went with the villagers to get the body said, "*We were then taken in a big truck to take the dead body, which was rotting and smelling very foul. His face was disfigured. It looked like he had been badly beaten up with stones. The face was completely smashed.*"

The villagers believe that there was no such encounter as being claimed by the police. Sonsu Usendi, according to the villagers was an ordinary villager with no links to the CPI

(Maoist). Sonsu is survived by two wives and four children – three sons and a daughter. “He was an ordinary villager and yet he was killed by the forces for no reason”, says Sonsu’s wife, Jaiko Sonsu Usendi.

There is overwhelming documentary evidence with the villagers that indicate that Sonsu Usendi was a resident of the village and an active member of the Gram Sabha. The documents available in the village include:

- Receipts of Cheques issued to Sonsu Usendi from the Gram Sabha.
- Sonsu Usendi’s Ration card with a list of all his family members including his 2 wives.
- Sonsu Usendi’s bank statements. He had 2 bank accounts. One was in Kasansur Cooperative Bank. The bank statements reflect a balance of Rs. 12,860 and there is evidence of his presence in the bank and a transaction done by him on the 26<sup>th</sup> of March, 2018, just 4 days before he got killed.
- Sonsu Usendi’s election Voter ID card.
- Sonsu Usendi’s Aadhar card
- The papers of the land registered in Sonsu’s father’s name. Sonsu’s father’s name was Mirja Usendi and Sonsu was his first son.

Subsequently, the villagers organized a big protest in Gadchiroli, demanding justice<sup>5</sup> and a complaint was filed at the Kotami Police Station. But nothing has moved yet on the complaint, nor has the family been able to get a copy of the post-mortem report.

While the police authorities say they will look into the matter (as assured in April to the media and to the fact-finding team in May), different pressure tactics continue to be used on the villagers to withdraw their complaint and not take the matter further. The village Patel of Rekanar said, *“The Thanedar of Kotami police station called me and said what happened has happened and that I must not take this matter further. The security forces officer called me once. I didn’t go alone. He offered me Rs 10,000. The commando at the CRPF offered me this. I told him that the man is dead. Don’t offer this to me. His wife needs to be compensated for the loss. Not me. I am just another villager. We refused to take any money from them.”*

This account is strikingly similar to what the team heard in Koindwarshi. The police kill, call it an encounter, and every time there is



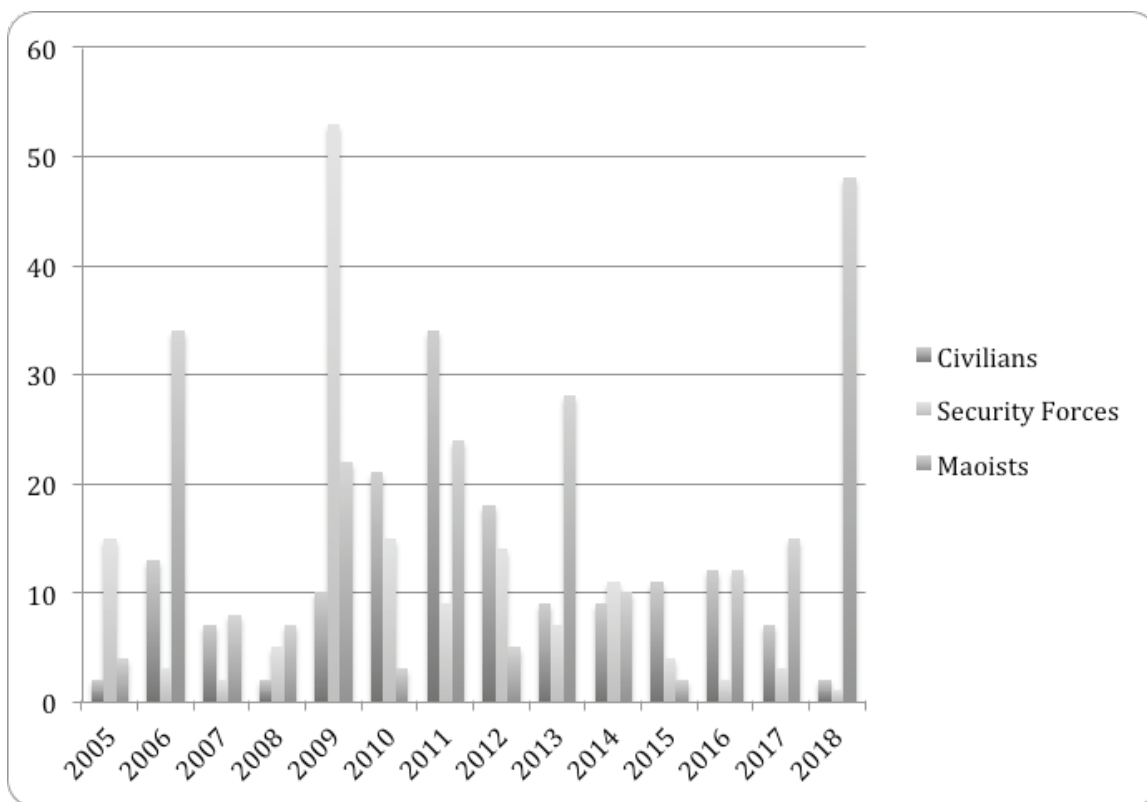
Source: Sakal Times

sufficient evidence to show that it was nothing like an encounter but a cold blooded murder, people are secretly called to the camps and offices of the security forces and offered money to keep silent. "Sorry" they say, "Don't make a noise about it.". These encounters foreground the critical question about whether these are minor discrepancies that can be attributed to a couple of trigger-happy jawans, or it is the (unconstitutional) government policy of awarding jawans for killing – a cash-prize for each head they bring in or a promotion and other perks – actually breeding a culture of such murders?

***The encounter stories need to be probed - 2005 – 2018***

Annexure B is a compilation of the numbers of deaths since CPI (Maoist) Party was formed and active in Gadchiroli district after September 2004. This has been drawn from the 'South Asia Terrorism Portal'<sup>6</sup> which is a compilation drawn from media reports.

The so called 'encounters' of Ramkumar and Sunsi Usendi, reflected in the numbers of 2018, show that those reported under the heading of 'Maoists' cannot be simply accepted as such. It is often only the police version that is reported in the media which has the usual elements of – having exact information or suddenly seeing the members of the banned party; issuance of a call to surrender, the non compliance or aggressive retaliation to which forces the carrying out of restrained firing in self-defence and resulting in an 'encounter'. Only a few of these encounters



have been independently investigated and the version of families, villagers and ordinary people has not seen the light of day. Many of those killed could be civilians and only a village version can provide another story on how the 'encounter' unfolded.

Javed Iqbal, an independent journalist, had written about the notorious encounter specialist, Munna Singh Thakur in 2006.<sup>7</sup> This was a year in which 34 encounter killings were reported. Manik Jangi of Paverval village shared how his own son, Ramse Jangi was shot dead by a police-party in 2006. Severe repression followed in the subsequent years. A fact-finding carried out by Coordination for Democratic Rights Organizations (CDRO) in 2013 gives a glimpse of how five of the six encounters in Gadchiroli district that had been reported in the press during the first seven months the year unfolded.

<sup>8</sup> A total of 26 persons (civilians and Maoists) had lost their lives in these encounters. It was found that in all the five incidents investigated, the police were the first to open fire. In Mendhri village, the six women Maoists had laid down their weapons and raised their arms to surrender before being shot. In Bhagwanpur the person killed was in the custody of the police at the time of the killing.

### Notes

- 1 In January 2017, the (Home) Ministry informed the Prime Minister that since the NDA Government came to power in May 2014, there had been a 45 per cent increase in the efficiency of Central Forces (CFs) in operations against the *Naxals*. In a presentation made by Home Secretary, Rajiv Mehrishi, Modi and other officials were informed that the number of *Naxal* cadres killed in 2016 had been the highest ever in six years.
- 2 This part of the incident is written out as narrated by Premlal. As for the rest, the team spoke with several villagers, the village *Patel*, a local lawyer, and later questioned the Superintendent of Police (SP) Vikas Deshmukh about the incident. He had

nothing to say except that they had received a complaint and were looking into it.

- 3 <http://www.sakaltimes.com/pune/family-gadchiroli-youth-killed-police-encounter-allege-foul-play-14110>
- 4 Sub-Divisional Officer of Police
- 5 <http://www.sakaltimes.com/maharashtra/gadchiroli%E2%80%99s-locals-accuse-c-60-commandos-fake-encounters-16073>
- 6 South Asia Terrorism Portal - [www.satp.org](http://www.satp.org); SATP 2005 – 2009 data accessed from <https://indocanadaoutlook.international-perspectives.net/index.php/archives/2018/january-2018/2551-maharashtra-gadchiroli-struggle-for-survival>
- 7 <https://moonchasing.wordpress.com/2010/09/24/gadchiroli-narratives/>
- 8 <http://sanhati.com/excerpted/7907/>



## CHAPTER 4

### Conclusions

The fact finding in Gadchiroli district in Maharashtra has brought to the surface the links between the state policy on so called Left Wing Extremism (LWE) and its use of the paramilitary forces, as pretext to curb it while actually trying to forcefully grab land from local populations for the purpose of mining by multinational corporations. It has also revealed an excessive use of force by the state and the unconstitutional nature of the states policy and actions with respect to counter-insurgency operations. The use of tribal youth in these operations and a policy of rewards, prizes and promotions for killing has led to an excessive and illegal use of force by the state in these areas. What has also come to light is the persistent democratic resistance of the primarily adivasi population of the district against efforts to take away their land, resources, forests and, consequently, their livelihood. The alleged encounter on 22<sup>nd</sup> and 23<sup>rd</sup> April, 2018 and the policy of indiscriminate killing in preference to arrests, detention, and investigation shows the state policy of bypassing the law of the land by implying inevitability of brutal action against the people and, simultaneously, ensuring impunity for those who take these illegal and unconstitutional actions. Thus, those empowered to uphold the law become the abusers of the law while the people are indiscriminately accused and forced to prove their innocence before a system that presumes guilt for simply being adivasi.

Those who oppose the takeover of their land for indiscriminate mining which is proposed and sanctioned by the State without following the due processes under law in the garb of development, have to live with the fear of being accused of being Naxals. The right to land,

forest resources, livelihood, freedom of speech and expression and a dignified life are denied to the most marginalised people of this country. In Gadchiroli, this is visible in every adivasi home. As the team documented observations during village visits, it was felt that the link between the state policy of 'encounter killings', multinational corporations with mining interests and the denial of constitutional fundamental rights to the most marginalised people of this country is crucial to an understanding of the political crisis in the area.

#### **Culpable Homicide by the State**

Forty lives were lost in the encounter on April 22-23, 20 women and 20 men. Each one of them was a tribal, a local person of the area and a citizen of the country. The elders of their families have fought invaders who have threatened to take away their land, livelihood and dignity. Now, they fight the invasion of the 'state' that is hell-bent to woo corporate interests which are in violent contradiction to the interests of the people of the land.

In its functioning in these areas, the state shows no semblance of being democratic in nature. It's policies towards tribal lands (that are constitutionally mandated for protection under scheduled areas) and in repressing a movement of the people through might rather than negotiation, reveals its continuing feudal and colonial tendencies. We cannot claim to be living in a democracy when people continue to be killed in this manner by the state solely for the long term gains of the corporates.<sup>1</sup>

Of the 40 deceased, at least 8 were civilians, people from nearby villages, and the number

could be much more. In a trigger-happy state attack, there could be no discrimination amongst those who may be in a position to defend themselves and those who didn't have the weapons to do so. Even those who were armed could not save their lives nor had the positioning or the arms that could cause injury to the other side. That not a single person was arrested alive reveals how the state values the lives of Adivasis, or for that matter its regard for the values enshrined in our Constitution and the laws of the land.

The state has no moral or legal authority to carry out such extra judicial executions. But the pattern continues with impunity, even if the numbers and locations change. The dichotomy woven into the narrative of "innocent villager" as opposed to "guilty" Maoist, not only ignores questions of the law surrounding these issues, but what's more, it is also rendered meaningless because the State seems to respond to both groups in similar ways – killing and incriminating indiscriminately. Many investigations by human rights groups as well as judicial inquiries instituted by the state have repeatedly demonstrated this. In the long list of encounters are civilians – men, women and children – carrying on with their everyday lives (farming, grazing animals, bathing, going to the market), civilians not posing any threat but associated with the Maoist party in some indirect way (posing as sentry or returning from a meeting or providing food), Maoist party members who have offered to surrender or having been caught alive and killed in police custody, armed party cadre who could have easily been arrested and need not have been killed; the list is endless. In many of these 'encounters', the story of 'self-defence' is clearly fabricated against the unarmed civilian or a party cadre opting to surrender and in none of these 'encounters', has there been a real exchange of fire.

The Nainer and Tumringunda 'encounters' had civilians as well as party cadre. Here too, there has been an abysmal failure in attempts to arrest, which constitutes excessive and unauthorized use of force. The Nainer encounter is evidently a fabricated story, as argued in Chapter 2. The large number of casualties at the Tumringunda site could have definitely been avoided if the district police followed the laid-down norms of an exchange of fire. The killings of Sonu Usendi (in Rekanar) and Ramkumar (in Koindwarshi) earlier in the year are reflective of this trend for showing 'successes' and incentivized violence. As citizens of a democratic country, each one of us has to question these killings carried out in the name of the nation.

These encounter deaths are cold blooded murders which in legal parlance is known as 'Culpable Homicide'. The initiation of criminal prosecution against the erring police officials and participants in encounter killings cannot be achieved unless an FIR to that effect is registered first under Sec.302 IPC. It is illogical that the FIR that forms the basis for investigation is based solely on the account provided by the police party that conducted the killings. This is contrary to all notions of civilized jurisprudence. The killer, the informant, the investigator and the judge need to be independent of each other. And this needs to be ensured in law and its practice. It is settled law that magisterial enquiry is not a fair or effective alternative to conduct an independent investigation. The judgment of the High Court of Andhra Pradesh<sup>2</sup> which held that, in an encounter killing which is challenged, a case under Section 302 must be registered against the concerned police party and that the plea of self defence needs to be established and not presumed has been stayed for years together by an ex parte interim order in an application by the AP Police Officers Association. But as the Gadchiroli encounters show once more, bringing the culprit police

## GREENHUNT to SAMADHAN

The approach of the Indian State in dealing with political crisis in the heartland of the country is visible in its operational policy titled SAMADHAN, for dealing with so called Left Wing Extremism (LWE). Announced with great fanfare in May 2017, this acronym is a contraction of: “Smart leadership, Aggressive strategy, Motivation and training, Actionable intelligence, Dashboard based key performance indicators and key result areas, Harnessing technology, Action plan for each theatre and No access to financing”. What the earlier policies lacked in pithy titles and elaborate performances for television, this policy does well.

The policy, conceptualised by members of the intelligence bureau and think tanks close to the current central government, is to be put into practice by those who hold the coercive mechanism of the state – the paramilitary and the police. But a closer reading of the grand press releases and television talking points reveal that it is a clear continuation of the previous UPA governments’ policy for central India, infamously known as Operation Greenhunt. What the earlier policies lacked in pithy titles and elaborate performances for television, this policy does well. It goes a step further with its aggressive tone and absolute disdain for the will of the people living in these mineral rich, densely forested regions of the country.

We need to remember that ex Home Minister Chidambaram repeatedly stressed on training the paramilitary forces in techniques used by the military along with advanced weaponry in efforts at crushing armed resistance, the preferred way of identifying any movement or struggle against forcible land acquisition, against displacement, for access to forest land and consequently livelihood, against mining and the destruction of natural resources. The current government is putting this policy into action in more efficient and systematic ways.

Leading the charge of ‘smart leadership’, Union Minister for Home Affairs Rajnath Singh is espousing a top down approach to dealing with political crisis in central India. The aggressive strategy of the paramilitary is visible in its trigger happy performances in the states of Chhattisgarh, Jharkhand, Maharashtra, Odisha, Andhra, Telangana, Bihar and West Bengal.

These paramilitary forces, Central Reserve Police Force (CRPF), C-60 forces, and units of state police are trained by the military in strategy and tactics on how to function and survive in these regions. These security forces are then trained in building networks of local informants now called ‘shadow intelligence officers’ in their effort at turning the people living in the region against each other.

Key performance indicators and key result areas appear to indicate the success of each mission judged by the count of the dead, damage to life and property, number of sexual assaults and torture of the adivasis of the region. This is visible in the competitive practice of declaring ‘surrendered rebels’ and the subsequent chest thumping and self-congratulating of the officers leading the paramilitary. The triumphant displays of advanced weaponry including Under Barrel Grenade Launchers (UBGLs), UAVs, drones, and guns is meant to encourage security forces to use weapons that will cause large scale damage to life and property as opposed to efforts to capture and charge people under the law of the land.

In Gadchiroli, SAMADHAN is in full action. In a region with a long history of social, economic and political struggles, extending as far back as the colonial period, against predatory exploitation of people’s resources, this policy of tackling the resistance of the people is not aimed to bring ‘development’ for the people. It is meant exclusively to line the pockets of those in power both in government and the corporations.

officers within the ambit culpable homicide is sine qua non for seeking justice to the deceased.

### **A Forced Infiltration of State Security Forces into People's Lives**

During the team visit in the first round, there were hardly any villagers visible and multitudes of commandos in their guns and green attire had 'taken over' these spaces. From the interiors of small houses and in the backyards lay sprawled the Commandoes, with no shame or consciousness that because of them, the house-owners were being inconvenienced. They were carrying out their 'area domination' mission. This was in village after village around both the 'encounter' sites as well as in Surhagarh region. In Gattepally, women and girls were at a back step, out of their own houses, seeking neighbour's houses to stay over for the night.

A positive gesture of food being distributed by the security forces in Gattepalli or the fairs conducted in Boria had not been a source of strength for the villagers. "This is the first time the police has done this. We told them also that our leaders are not here and it is the tendu leave

collection season so don't do it now, but they still did their program."

Many villages had solar lighting and also some roads, but these gestures tend to remain at a surface level. Many villages did not have schools or health facilities. All these facilities would remain superficial, until people's dignity and agency is not respected. Thus, in these years, the state has not moved far from the comment made by Deputy Collector Gadchiroli nearly eight years ago, 'I have been to many areas, and here too, it seems that the people in these areas are far more afraid of the police than the Maoists.' Villagers further shared that when the state is suspicious of a person or if it is known that a family member has joined the Party, then there is a continuous pressure on all the family members living in the village. In comparison, they said that the party does not threaten the families of informers or of those who have joined the district police.

When asked whether it has been beneficial for the people that camps have come in, people living even in villages on the main roads (in Bhamragad and Aheri) softly said how can it





be better in any way. For areas that have been affected by the mining (in Etapalli), the loss of land is seen as a direct outcome of the presence of police. *“Ever since the mining started, our jal, jangal are being destroyed. It was all so good before. Now, the police have come.”*

All of these are impressions and don't suggest anything conclusive, but it was evident that the local adivasis are not just some poor helpless people who are caught between two powerful counter-forces but they are agential and practical and wise. As a villager said, “We don't believe in sending anyone away from our doorstep, hungry. If the (Maoist) Party people come, we'll feed them. If the Police come, we'll feed them. Now that the fact finding team is here, we'll feed all of you happily. In fact, on second thoughts, she said it is the police that we don't feel so happy feeding, because they are usually the most rude and thankless and harass our people. Others are much more friendly and helpful.”

### **The Role of Women in Various Struggles**

There is a startlingly larger number of women being killed in 'encounters' in Gadchiroli. On one hand, it depicts their participation in the resistance (which is estimated at 35% of the Maoist forces)<sup>3</sup>but it also denotes a kind-of targeting by the state. Of the forty people who died during the Tumirgunda-Nainer encounters, half of them were women. A couple of months earlier, in March, six women had been shot down in a so-called encounter in Tadamalagutta<sup>4</sup> and a similar trend was seen in December 2017 where 5 of the 7 killed in an 'encounter' in Kalled village (in Sironcha tehsil) were women.<sup>5</sup>

On the one hand, we must interrogate the effect of militarization on the lives of women. From the testimonies of young women in Gattepalii

and Koindwarshi it is clear that the presence of security forces has drastically altered their lives – it has made them more vulnerable and therefore also their lives have become more governed by their families. Their movement and mobility is now restricted and they are under constant fear of being harassed.

Their vulnerability to sexual violence needs to be probed further – we have seen the silencing of rape survivors, as far back as 10 years ago (in the case of a 12 year old in Paverval or a 13 year old in Munger<sup>6</sup>), and as recently as just over a year ago as in the case of two young women raped by C60 and CRPF commandos in Surjagarh region.<sup>7</sup> In Paverval, the young child was raped repeatedly by several security personnel including an infamous commander of the elite C-60, Munna Singh Thakur. She had come to visit her family when the security forces took over her the village and stayed the night at her brother-in-law's house. Kept in 2 weeks of illegal police custody, she had been booked under sections 307 (attempt to murder), 143, 147, 148, 149 of IPC and section 3, 25 of the Arms Act. When sexual violence is unleashed in this form during combing operations when security forces go out in large numbers, the question of 'morale of security forces' and 'national interests' take precedence over any complaint of rape. The police narrative that 'all those allegations are just the work of Naxals' took the forefront even in this case. There have also been news reports of police personnel sexually violating tribal women and young minors in private spaces. In April 2015, an 11-year-old tribal girl was raped at her home by a 45-year-old head constable attached with Sironcha police station.<sup>8</sup> Early in this month (June 2018), an assistant sub-inspector (ASI) attached to the Naxalite cell of Gondia police was arrested for sexually exploiting a 22-year-old tribal woman for the last three years.<sup>9</sup> The rape survivor, who hails from Gadchiroli, was

working at his house and had initially come to Gondia to study.

Whether during combing operations as a part of their very ethos, or in private spaces, women in the area are time and again subjected to sexual violence at the hands of the police and security forces. The two instances maybe different in nature, but what is characteristic to both is the impunity that always accompanies sexual violence, making it that much more difficult for women to speak out against it.

However, the women (and people) of Gadchiroli refuse to be silent about it. And this is where the particular vulnerability and characteristic strength of women is most apparent. On the one hand we have their freedom curbed and lives more governed, along with the fact that they are more vulnerable to sexual violence. On the other, we have the strongest voices emerging in response to this kind of sexual violence – over 6000 people surrounded the Gatta police station when the two young women were raped by C-60 Commandos in Surjagarh in January 2017. And it is for speaking up against this sexual violence that they several of them were charged with kidnapping the two women. The state uses such tactics not only to cement the impunity that accompanies sexual violence but also at the same time to quell democratic dissent. *“They first sent me a notice. They also came to my house and investigated. I had a banner for demanding our rights under PESA act- I showed it to them to explain what the meeting I had gone for was about. Despite that they implicated me and others from my village in a kidnapping case of two girls”*, testified a young villager.

### **The Crushing of Democratic Dissent**

#### ***Targetting Human Rights Activists***

In one village, the team met with those who had been brought under the banner of ‘Naxal Peedit



Sangathan’ in hired buses. They demanded why human rights groups do not come when the Naxalites attack a villager. They had come from Gadchiroli, 150 kilometres from the village, and it was evident that the buses had been hired by the police.

Many of the young men part of this group had covered their faces. They were busy taking videos and photographs of the team members while keeping their own identity hidden. They were evidently comfortable with the security forces and it seemed as though this form of ‘protest’ was a commonly carried out event with the forces and different protestors carrying out specific roles. As some of the team members engaged with them, they were evasive about how they got to know about the team’s visit and came here and also their own identities.

While a majority of those in the protest would be surrendered people or police employees and their relatives, there would be a small handful, maybe one or two, who have genuinely lost something critical in life for no fault of theirs. A woman narrated how her husband had been killed for being an informer and she was now alone. Another person spoke of having

to leave his village since he was suspected to be an informer. They said there has been no semblance of rehabilitation for them.

The state instead of responding to the real concerns and lives of these people is using them as puppets in its war. Human rights activists are targeted in this manner but this is far from a resolution and support to anyone. This tactic has been repeatedly used to suppress the inconvenient voices of truth coming out from these villages, whether in Bijapur, Narayanpur, Dantewada or Gadchiroli. At another level, in the bigger towns, for instance Gadchiroli or Jagadapur, there are other platforms that try to oppose anyone questioning the police version of the facts. On May 7<sup>th</sup>, Bhumkal Sangathan (of Nagpur), an organization that openly works with the support of the district police, had also come in to promote its ideology to the local press at the same time when the team was carrying out its press conference.

### ***Mining Interests Triumph over the Laws of the Land***

The state has tried to impose its own concept of development on adivasis of the region, as in many parts of the country. This development as defined by the Indian State has disregarded the constitutional rights of the most marginalised people in different states of the country. The logic given by the state is that the people of the region don't know what is good for them. Simultaneously, then the people refuse to back down, they are dreaded rebels who can be shot at will for opposing 'development'. The contradictory manner in which the adivasi is both childlike and criminal is something visible historically since the colonial rule.

Sheila Gotta, a Gram Sabha activist and Panchayat member from Gatta, Etapalli tells us how their fields on the hills are filled with all kinds of vegetables, different types of grain, millet, nuts and fruits. "We grow everything

here. Eating all this has kept us alive all these years and saved us. If our hill is to go, what will we eat? Now the Maharashtra police are even in the forests! If we don't go to our own forests and tend to our fields, what will happen to us adivasis?" The justification for large mining projects like this one is usually the creation of jobs. But as another Gram Sabha activist from Gatta says, "They brought some villagers from Etapalli to work at the mines, saying they provide employment. But what work is there to do? They just sit there. All the work is done by machines."

People from Surjagarh have been organising themselves and asserting their right to choose how their land is to be used. As recent as January 2018, many villages, including Bande, Nagulwadi, Mohurli, Parsalgundi, Akra (Khurd) and Zarewada, located on the foothills of Surjagarh built a one-kilometre long fence to save the forest on the hill. They were backed by the gram sabhas of Gattepalli, Batter, Watta Gatta, Geda, Gattepalli, Mavli, Karpalli, Kothi, Bandvi, Tamda and Vilamgarh villages. But the state continues to disrespect the resolutions of the Gram Sabhas.

Similar to the suppression of the people's resistance in reference to mining projects, the whole-hearted participation in people-led collection and trade of forest produce and their effort to negotiate with contractors for better tendu rates are being crushed. Team members saw the uncertainty looming in the tendu trade this year with news that contractors have been instructed (in meetings with the police in district headquarters) to slash down on the minimum rates.

### ***An Attack on Tribal Life and Culture***

The entire adivasi way of life (Dumkondwahi and Surjagarh hills being holy devsthans for the locals) has been challenged in this notion



of 'development'. "We used to roam around freely before. After the mining started, our stress has increased. We have a lot of health issues which were not there before. There were no police or forces like this before the mining operations started.". Moreover, there is a complete disrespect and refusal to recognize the religious and cultural beliefs of the adivasi people.

*"If the mining starts, our source of life, our god will be snatched away from us."*

*"Everything will be destroyed. We go to the Damkondvahi hill and do puja. Now they are trying to mine our hills. This year the women didn't go there because they were scared of the police and forces. We used to all get together, sing and dance and make merry, celebrating our hills. A few men managed to just go there and do puja and return this year. Otherwise, all the women used to go there every year. They are doing all this to finish all of this."*

*"They don't let us go freely into our own forests. There's a lot of fear seeing all the guns (of the forces)."*

It is not only about livelihood; it is about bringing in a different ethos to the space with little respect to what the geography and people offer to the modern world. With the mining comes the facilities and industries that would process the iron ore extracted from the

mines. Thus, this creates a large, currently difficult to measure, entity that intends to slowly capture land away from the adivasis to feed the bottomless hole of big capital. In Surjagarh and Dhamkondvani, the cultural and spiritual life of several communities from Jharkhand, Chhattisgarh, Madhya Pradesh and Chhattisgarh is under threat as it sees hundreds and thousands of pilgrims from these states every year. By dividing the land and threatening the cultural life of whole communities, the state is generating regressive ways of life where people resort to limited mobility for women and idol religion as a way of being 'protected'. The ruling elite remains imperialist to the core while talking of 'development' and 'civilization' for all.

### ***Criminalising Democratic Dissent***

The state government has responded with criminalisation of those speaking out against the mines, orchestrating 'encounter killings', forced displacement, open threats to the people near the mining area, harassment, arrest and torture of villagers by the police and paramilitary. On the ground, people are being mercilessly targeted by the State because they are increasingly rising against the State, multinational corporations, mining companies and contractors who are striving relentlessly



to expropriate the natural wealth. And in cities and district headquarters, human rights defenders, lawyers and journalists are attacked in the name of being part of 'urban network' of the Maoist Party. Freedom for expression and a legitimate struggle is being suppressed through the might of the state.

Gram Sabha activists in villages of Surjagarh area have reported a continuous threat on their lives and liberty. *"When I was picked up, the thanedar told me at the police station that I work against the police, hence I was arrested. This happens a lot in our area. People are generally picked up from each village and detained at the police station in Etapalli for 4-5 days at a time. I don't know if any case is still going on in my name. The thanedar verbally told me the case is over. We generally never know when there is a case or not. We don't know which sections we are charged with. They charge us as per their whims and fancies."*

Arbitrary use of Section 110 to intimidate people has been a ploy to prevent people from organizing. Meetings to discuss work are labeled as Maoist meetings. This is a complete violation of the constitutional rights as guaranteed under Article 19 - right to freedom of speech and expression, freedom of movement.

*We would do well to remember the words of one who spent all his life trying to understand the contradictions between those who were one with the land and those who wanted to acquire, exploit and leave behind an empty shell in its place.*

***"This dissonance has been sky rocketing simply because the arrogant system, dubbing the tribal as poor, refuses to learn from history of valiant tribal struggles for redeeming their honour." – B.D. Sharma***

## Notes

- 1 To the extent that it cropped up even in the comment of senior police officer, DGP Satish Mathur, quoted in <http://www.dnaindia.com/india/report-split-among-naxals-pinpointed-info-against-them-helped-police-says-dgp-satish-mathur-2607975> and Times of India, 24.4.18
- 2 In 2009, a five-member bench of the Andhra Pradesh High Court ruled that FIRs must be registered against police officers in cases of encounters "notwithstanding a claim as to the death occurring while exercising the right of private defence". Further, it went on to say that the police did not have the authority to file closure reports without judicial scrutiny. The AP police moved the Supreme Court (SC) to get a stay on this and the matter is still pending in the SC.
- 3 <https://www.deccanchronicle.com/nation/current-affairs/040318/hyderabad-maoist-women-cadre-is-more-vulnerable.html>
- 4 ibid
- 5 <https://www.outlookindia.com/newsscroll/maha-5-women-among-7-naxals-killed-in-encounter-in-gadchiroli/1204024>
- 6 <http://www.dnaindia.com/analysis/column-the-illegitimate-children-of-the-republic-1664186> and <https://moonchasing.wordpress.com/2010/09/24/gadchiroli-narratives/>
- 7 <http://www.thehindu.com/news/national/other-states/Activists-police-spat-over-alleged-sexual-assault-of-two-tribal-girls/article17113387.ece>
- 8 <https://www.outlookindia.com/newswire/story/maharashtra-constable-held-for-allegedly-raping-minor-tribal-girl/890625>
- 9 <https://timesofindia.indiatimes.com/city/nagpur/gondia-cops-held-for-raping-tribal-girl/articleshow/64429836.cms>

## Epilogue

As this report is being written, news is pouring in of activists being arrested and their homes being raided. Advocate Surendra Gadling, a human rights lawyer, Shoma Sen, Professor and Head of Department of English at Nagpur University as well as a human rights activist, Mahesh Raut, an anti-displacement activist and former Prime Minister Rural Development Fellow (PMRD), Rona Wilson, an activist and member of the Committee for the Release of Political Prisoners (CRPP) and Sudhir Dhawale, a well-known cultural activist, founder of the Republican Panthers and editor of the magazine Vidrohi were all arrested in the early hours of June 6 by the Maharashtra police. All of them have been subject to continuous harassment from the state in various ways over the past few months.

These arbitrary arrests come months after right wing groups attacked the bicentenary celebrations of the Bhima-Koregaon battle on the eve of January 1, 2018. This was followed by two days of state-wide protests against the attack. With a BJP government in power, it is no surprise that instead of arresting members of Hindu right-wing groups for attacking a peaceful protest, the police raided homes and arrested dalit and anti-caste activists for asserting their right to celebrate their past. In 1818, the predominantly Mahar regiment of the East India Company defeats the mighty Maratha warriors, the Peshwas, and the untouchable Mahar soldiers see it as a victory over Brahminical oppression. Two hundred years later, the dalit community celebrates this victory peacefully on the site of the historic battle, remembering those that came before them and renewing their commitment to fight against Brahminical oppression which continues to plague their lives even two centuries later. They

are beaten and attacked by those very same forces – Hindu religious groups supported by the police. When, in response, they assert their right to celebrate their past and protest against being attacked for it, they are hounded out of their homes and arrested.

Many of those arrested have time and again raised their voices against the kind of State violence meted out in Gadchiroli this April. They have condemned fake encounters and caste-based violence, spoken up against illegal land grab for large corporations, questioned the excessive use of force by the police on the tribals of Maharashtra, resisted the taking over of their lives by the Hindu right, sung and written songs about exploitation and oppression, revealing the ties between capitalism and caste, truly executing the laws of the country by promoting Gram Sabhas and defending the constitutional rights of people, and dared to imagine a new and better world – all the while believing that they could struggle for it in this one; a world we are told is in fact democratic.

This relentless repression by the state needs to be recognised for what it is – a response to the growing unity between diverse sections of the oppressed. When dalits, muslims, adivasis and the working poor recognise how the structures that stifle and oppress them are deeply linked, when they come together and raise their voice as one, the resonance that is produced is much too frightening for those in power. Repression must also be seen as one more form of state violence – the state kills dissenting tribals and arrests the dissenting middle class professional and activist. Simply because it can. Because it has nothing in response to dissent (which in fact lies at the very heart of democracy) but brute force and extreme violence.

**Appendix A**  
**List of those killed**

<b>April 22: Specifics of Bodies recovered as per police press release unless denoted</b>				
<b>Body Number as per police press release</b>	<b>Name</b>	<b>Member</b>	<b>Sex / Age</b>	<b>Photo Number as per CPI (Maoist) press release</b>
1.	Sainath aka Dolesh Atram	Perimalli Dalam DVC	M/32	2
2.	Rajesh aka Dama Raaesu Naroti	Staff Tip PPCM	M	7
3.	Suman aka Janni Kulyeti	Platoon No. 7	F/18	15
4.	Shantabai aka Mangali Pada	Aheri Dalam Commander	M/31	5
5.	Bujji aka Rasso	Civilian	F/17	Identified by family
6.	Nagesh aka Dulsa Kanna Narote	Perimali Dalam ACM	M/32	11
7.	Tirupati aka Dharmu Pungati	Perimali Dalam Member	M/24	17
8.	Shrikant aka Dulsa aka Ranu Narote	Perimali Dalam Member	M/23	14/15
9.			F	
10.		Civilian?	M	
11.	Sunnu aka Bichchu Bolka Gawde	Platoon No. 7	M/44	16
12.	Shrinu aka Shrikanth Rawtu	Divisional Commander, Platoon No. 7	M/50	1
13.		Civilian	M	
14.			F	
15.			F	
16.	Anita aka Bali Ramji Madavi	Perimalli Dalam Member	F/24	18
<b>April 23: Specifics of Bodies recovered as per police press release unless denoted</b>				
1.	Nandu aka Vasudev Biccha Atram	Aheri Dalam DVC	M / 35	
2.	Lata aka Madhuri Dallu Wadde	Aheri Dalam Asstt Commander	F / 34	
3.	Jayshree Gawde	Aheri Dalam Member	F / 19	
4.	Kartik Uikey	Perimilli Dalam Member ACM (as per Maoist Bulletin)	M / 40	

5.	Kranti	Platoon No. 7 Member	F / 18	
6.	Chandrakala		F / 24	Estimated as per Maoist photographs

**Appendix B**  
**Encounters 2005 – 2018**

Information till May 31, 2018

Year	Civilians (killings allegedly by CPI (Maoist) party)	Security Forces	Maoists (killings by state, allegedly in a cross-fire and of party cadre)
2005	2	15	4
2006	13	3	34
2007	7	2	8
2008	2	5	7
2009	10	53	22
2010	21	15	3
2011	34	9	24
2012	18	14	5
2013	9	7	28
2014	9	11	10
2015	11	4	2
2016	12	2	12
2017	7	3	15
2018	2	1	48

Source: South Asia Terrorism Portal





Memukudi cover Chesamu. At the same time, one Naxal, Rupesh company 10, shouted Meeruandaru kudi, Pakkanundi cover Cheyandi; in response to that another Naxal answered and said Shrinuanna Memukudi cover Chesamu. Vasudev party took any cover and started returning fire. After some time the firing from the Naxal side stopped. This firing and counter firing happened in the morning between 9 and 11.30. Then we started inspection of the place of the incident. In the search operation we saw 4 men and 4 women lying motionless. Vasudev party came across 5 men and 3 women. They also recovered 2 AK rifles, 2 SLRs, 1 303 rifle, 10 items of 12 bore rifles, 1 8MM rifle from the site. Then all the soldiers were asked to come at one place to find out how the soldiers were. It was found that from the Vasudev Madaavi party the following soldiers had been injured: Narendra Madaavi poshi/5084, Mukesh Kamble poshi/5830, Arun Meshram poshi/91, Vishwanath Sadmek naposhi/2155, Vilas Polent naposhi/1577, Anil Alam poshi/5073.

In this encounter, the Naxalites were shouting each other's names. Hence we realized that they were members of Aheri dalam, Pergili dalam, platoon 07, platoon 14 and company 10.

In the encounter that took place in that particular place, 1 rifle, 198 rounds of SLR, 241 rounds of SG Insaas and 13 items of AK UBGL cell that belonged to me and from Madhukar Netam's party squad 794 rounds of AK were used.

On the whole, the ammunition used was 73 rounds of SLR, 150 rounds of SG Insaas, 14 items of UBGL cell.

On 22/04/2018 at around 9 o'clock in and around the Boriya Kasnasur jungle, we together with the police party were involved in the campaign against Naxalites, who belong to the Communist Party of India (Maoist), a party that has been banned by the Home Minister of the Government of India. Under the instructions of the central committee members of this banned organisation, Ganapati, Bhoopati, Basavraj, Katkam, Sudarshan, Kosa alias Gopanna, Chandranna, Milind Teltumbde, Prabhakar, Narmada akka, Radhakka, Balanna, Jogva, Bhaskar, as part of the plot, they were involved in anti-national activities and to overthrow the constitutionally and democratically elected government. Wearing green and black uniforms these armed women and men had gathered together to put obstacles in the work of the government and they indiscriminately fired with their illegal weapons at the police and jawans with the intention of killing them.

At the end of these incidents I was busy in the campaign and today 23/04/2018 I have come to police station Aheri and am charging the above-mentioned Naxalites under 307, 353, 143, 147, 148, 149, 120(B) of the Indian Penal Code, sub-section 5/27 of the Arms Act, under sections 16, 18, 20 23 of the UAPA and sub-section 135 of the Maharashtra Police Act.

In front of  
Unclear signature in English  
(Sandeep Hazare)  
Assistant Police Inspector, P.S. Aheri

Sign of Complainant  
Unclear signature in English  
PO / 3802 Kailas Kovase  
Appointment: VAP Pranhita

We have filed the crime report on the basis of the complainant's report and the kayami of the police station Aheri.

A copy of this is respectfully presented to the first class magistrate of Aheri

(Suresh P. Madane)  
Filing Officer  
Police Inspector  
Police Station Bhamaragad



from the Maoist, I with Mr. Raja R. Sir and Mr. Amol Phartade, Commander Vasudev Madavi and his soldiers with the weapons did controlled firing towards the Maoist and at the same time from the right side Addi. Police Inspector Mr. Hari Balaji Sir, gives the command to Madhukar Naitam Team to do controlled firing towards the Maoist.

All the above team member without fear of their own life carried out controlled firing towards the Naxalist and covered the team members and saved their life from the Naxalite. When the Naxalites saw the large mob of the police they ran away into the deep forest after 25 to 30 minutes of the incident when the police saw that the Naxalitea stopped firing we gather together and confirmed that no one hurt from the firing. Then we followed SOP regulations and searching the spot and we realized that on the spot 4 women and two men with the black and green uniform lay lifeless there. Also there was Insas Rifle 1, S.L.R. Rifle 1, 303 Rifle 1, Musket Raifal 1, twelve-bore rifle 2, Detonator 30 with some Naxalite books and other related material found there.

During this encounter, all the Naxalite members called each other with their names so we recognized them that these members are from the Aheri Dalam, Platoon 7 and 14. During this firing I fired 18 round with A.K., Mr. Raja R. fired 30 round from his A.K., Mr. Hari Balaji Sir Fired 23 round from his A.K., Mr. Amol Phartade fired 27 round from his A.K-47, Mr. Vasudev Madavi and the other team members fired 190 round from his A.K., S.L.R fired 4 round means totally S.G. fired 10 round, one piece of A.K. UBGL – this was the ammunition expended in all.

Though on 23/4/2018, around 17.00 pm, when we were launching anti-Naxal campaign along with the police party in Nainar Jungle area, the banned Communist Party of India (Maoist) according to the instructions of the central ministry or through its Central Committee members Ganpati, Bhupati, Vyavraj, Katkana Sudarshan, Kosa alias Gopala, Chandranna, Milind Teltumbde, Prabhakar, Narmada Akka, Radhakka, Baru, Nogas, Bhaskar, and as a part of this conspiracy, people were plotting to overthrow democratic government set up by the Constitution. The gun-wielding armed men and women in green and black uniforms belonging to CPI (Maoist) had organized a conspiracy and activities to obstruct government work and they surrounded the police, and launch an indiscriminate firing by trying to stave off the police forces. Therefore, a legal case is registered under section 307, 353, 143, 147, 148, 14, 120 (b) of the IPC, along with 5/28 of भा.द.का, S 4,5 of the भा.सको.का. along with S.16, 18, 20, 23 of UAPA and Section 135 of the M. Police Act.

Akshaya Kumar A. Tikane  
Police Sub Inspector  
V.A.P. Pranhita

#### **Appendix D**

#### **Citizens, if not Civilians**

The fact-finding team tried to meet family members of some of the deceased to get a brief glimpse and understanding of their lives. As majority of those who could be identified from the deceased were members of the CPI (Maoist) Party and not civilians, the team could interview family members of only the party cadre. The team recognizes them as citizens of the country, even if not civilians.

#### ***Sunnu (killed on April 22<sup>nd</sup> 2018)***

Sunnu aka Bijju Borga Gawde was one of the Permili Dalam members who died in police firing on April 22. His family lives on the edge of Kosapalli village. They shared that he had left home about 13 years



ago as a young man. He has two brothers, one elder and one younger. The family, a little hesitant to share much about him, said that he did not come home often as both the parents had died a long while ago.

He would simply advise them and say don't drink so much and take care of the children and yourselves. The elder brother said he had joined the party and had an exposure to these ideas; "We would tell him that we have to manage anyhow and the daily struggles have become part of our life."

When prompted to share how he came to join the Maoist party, they said "the thought came to his mind and his resolve was firm, so we couldn't say much.

The family was informed about his death through the Rajaram Police Station. They got the body from Aheri Health Centre. It was in a badly decomposed state and the face was badly smashed and one eye had also been taken out, is how the family described the body. They did not see the bullet injuries as opening the packing was not possible.

Through other villagers, it was also ascertained that the Permili Dalam headed by Sainath and including Bijju had held a meeting recently in the village to discuss if there were any problems and issues.

#### ***Nandu (killed on April 23<sup>rd</sup> 2018)***

Nandu was born in Arkapalli village (Jimmalgatta P.S.). The village comes on the main road heading towards Sironcha. Nandu finished his class 12<sup>th</sup> in the sciences. He was studying from the Permili Ashram School and was a topper in his school. His family, his parents, an older (mentally challenged) brother and his wife and a younger sister, could not afford the fees for the medical entrance test. Disillusioned with the state and deprivation amongst the adivasis, Nandu joined the Maoist movement in 2004.

Subsequently, Nandu's father, Atram was harassed by the police. He was arrested and charged under Section 110 of the CrPC. He would need to repeatedly go to Pranita P.S. to mark his presence for three months. Often the police, even the Gadchiroli SP would call him and ask him to persuade his son to surrender. Atram said that he would reply that once my son has gone, how can I get him back. He also shared that when he spoke to his son about this the few times he came home, and said that the police was offering Rs. 16 lakhs for the surrender, Nandu would always say that he is working for the 'gareeb janta' and cannot give up the struggle.

In the villages that the team visited, people were hesitant to share. But their overall admiration for Nandu was apparent. Taking the risk to show where he was killed in spite of the presence of security forces in the area, was done out of a commitment to him. People shared that when road-laying work was being carried out in the area, he called the contractor and ordered him to pay Rs. 300 per day to the labourers instead of the Rs. 200 that was being given. He told him that he was eating off the poor people's labour and becoming fat while they were working in the heat, on the ground, and to share his money more. Similarly, the ration shop keeper who had not been distributing rations fairly and regularly was also warned by Nandu and monthly rations were ensured. Today, immediately after his death, the road work has stopped and the ration shopkeeper has started roughing up the people and saying who will come to protect you now.

#### ***Radha (probably killed on April 22<sup>nd</sup> 2018)***

Radha was the second child of her widowed mother, Koli. Her elder sister and two younger brothers live in the same village, Nalgonda. As her grieving mother described her, she couldn't stop the flow of

tears. "Since I have heard that she has died, I can't think of anything else. Whenever she came home, she would tell her brothers to take care of me and not to fight or drink."

Her village does not have a school. A high school that once functioned, shut down in 2005. It is only recently that Lok Biradri is opening up a school which will function in the non-monsoon months. So everyone who wanted to ensure that their children study had to send their guards to an ashramshala. Radha's mother had also enrolled her in an ashram school in Dharamrao. While the boys were put in the boarding, the girls had to go walking. Radha went to school for less than a week before she knew that this was not the place to be in.

Her mother said that she did not know which Dalam she belonged to, and only knew that she was in Sheenu's group and that everyone of that group has died. She has given her blood samples for the DNA test but no one has reverted back to her. She would feel calmer if her dead body had come. If they had been able to find it early and looked after the corpse, she feels she would have recognized her easily.

Eleven years ago, sometime in 2007, Radha was 18 when she joined the CPI (Maoist) Party. Koli further described that she cannot say much about her life in the Maoist Party. Her daughter had been able to come to meet her twice in the previous year. "She lived well at home, and I think she would have lived nicely in the party also. She always said don't worry about me, and asked everyone to take care of her old mother. Today, my entire being misses her a lot."



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