

**IN THE SUPREME COURT AT NEW DELHI**  
**CIVIL ORIGINAL JURISDICTION**  
**WRIT PETITION (CIVIL) NO. 250 OF 2007**

**(UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA)**

**IN THE MATTER OF:**

**NANDINI SUNDAR AND ORS**

**PETITIONERS**

**VERSUS**

**STATE OF CHATTISGARH**

**RESPONDENTS**

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**AFFIDAVIT IN REPLY TO THE ACTION TAKEN REPORT**

I, Nandini Sundar, aged 41 years, resident of ....., New Delhi, do hereby solemnly affirm and state on oath as under:

1. I am one of the petitioners in the present petition. I am fully aware of the facts and circumstances of the case and competent to swear this affidavit.
2. In its last order dated 16.12.2008, this Hon'ble Court was pleased to give the Government of Chhattisgarh time till end January 2009 to file an Action Taken Report (hereinafter referred to as ATR) on the registration of FIRs and magisterial enquiry where killings had taken place, as well as

ATR on the other recommendations of the NHRC. The petitioners then took the Court's permission to file a response to this ATR, which was filed within the stipulated period by 21 March 2009 in time for the next hearing on 16 April 2009. On 15 April 2009, Counsel for Chhattisgarh government mentioned the matter asking for two weeks time to file a response to the petitioner's affidavit.

3. Nearly four months have passed since then, and the Government by virtue of not filing a reply must be deemed to have admitted our allegations and inferences.
4. The Government of Chhattisgarh has till date not prepared any compensation or rehabilitation plan, despite its affidavit before the Supreme Court, conceding that compensation should be given to victims of Salwa Judum/Security force/Naxalite violence, and a rehabilitation plan drawn up. Ten months have passed without any action. By deliberately delaying they have ensured that the crucial monsoon season has passed without seeds, cattle, or any other equipment and displaced villagers will remain un-rehabilitated and unable to feed themselves properly for another whole year.
5. In the meantime, since our last affidavit, more villages have been looted and burnt and innocent villagers killed by the SPOs and security forces. As time passes, many such instances will come to light. On 18 April 2009 all 22 houses of village Gollaguda were burnt and looted, on 25/26 April 2009, 19 houses in village Badepalli were burnt and on 3 May 2009, village Kamaram was looted by Salwa Judum members, SPOs, and security forces from Jagargunda camp. Annexed hereto as Annexure 1, is an English translation of a letter from villagers of Kamaram as a representative sample. Annexed hereto as Annexure 2 is a list of SPOs based in Jagargunda camp who carried out the looting and whose names were submitted to the SP, Dantewada. No action has been taken against these SPOs.

6. On 28 June 2009, 41 houses were burnt in village Vechapal and an additional 3 houses were looted, five houses in village Kondapal were burnt and looted, and seven houses in village Gahnar were burnt and looted by SPOs, Salwa Judum and security forces. The villagers have lost their belongings and seeds at the crucial time of sowing and are destitute. As the list shows their possessions are pitiful, and include only a few items of clothing, paddy, tubers and so on. Even this has been looted or destroyed. Annexed hereto as Annexure 3 is a letter from the villagers of Vechapal detailing the losses in Vechapal, Kondapal and Gahnar, along with a list of SPOs involved. As in Kamaram, there is no official record of the police having visited this village on the said date, which suggests a very worrying trend to conceal and obfuscate official records, instead of keeping police records properly as the NHRC had recommended (Recommendation 2).
7. In the same incident on 28 June 2009, two persons were killed, Katti Rama and Oyam Sukli. Annexed hereto as Annexure 4 and 5 are two letters from Katti Aitu of village Vechapal, district Bijapur, regarding the killing of his son, Katti Rama by the CRPF and SPOs, while he was ploughing the field, and from Oyam Aitu of village Vechapal, district Bijapur, regarding the killing (and possible rape) of his daughter Oyam Sukli, by CRPF and SPOs.
8. One of the petitioners, Prof. Nandini Sundar, Prof. Ajay Dandekar of the Indian Institute of Rural Management, Anand, and Prof. JP Rao of Osmania University, visited Vechapal village on 8 July 2009, and took photos of the burnt houses, which are annexed hereto as Annexure 6.
9. As part of this fact-finding we also recorded the statement of some of the relatives of victims of village Hariyal Cherli who had been killed by the Naga India Reserve Battalion on 2 September 2005 in the forest near village Hariyal Cherli. In our affidavit we had pointed out the discrepancies in the police and NHRC version, in which out of ten people who died,

some were recorded as Naxalites killed by police, and others as villagers killed by Naxalites. According to the relatives, all ten were villagers who had fled to the forest and were lined up and shot by the Naga Police. Their bodies were recovered by the women of the village at night who found them lying in a straight line. Some of the ten have been compensated as allegedly killed by Naxalites, but the passbooks are all kept by the Sarpanch Kadi Raju, who lives near the police thana in Mirtur and is a Salwa Judum leader there. The women do not know how the money is used. This supports questions we have raised on the NHRC investigation, and the state government's practice of compensating people as victims of Naxalite violence even when police has killed them. Such differential compensation further becomes a source of corruption. Annexed hereto as Annexure 7 is the statement by the relatives of the victims. Annexed hereto as Annexure 8 is a photo of memorials. In one three memorial stones are shown side by side to victims, who are both compensated and non-compensated. In another photo, all ten victims have been memorialized.

10. On the way back from visiting villages Vechapal and Cherli, the fact-finding team found that mobile phones, camera battery charger as well as copies of the jeep insurance papers belonging to Professor JP Rao, had been stolen from the jeep which was parked at village Cherli. According to the villagers and some CRPF personnel these were stolen by a large group of SPOs and Salwa Judum people on the morning of 8<sup>th</sup> July. The police station at Mirtur refused to file an FIR and instead said that on the orders of the SP Bijapur, we would be detained for questioning all night. This, despite the fact that we had informed the Collector of our plan to visit villages Vechapal and Cherli, and he had assured us nobody would stop us.

11. In view of the scale of the problem with at least a lakh displaced; the fact that the incidence of attacks on ordinary villagers by SPOs and security

forces continues; the fact that the Chhattisgarh government continues to support Salwa Judum; the fact that any attempt to investigate such violations and assess the status of implementation of the NHRC recommendations is met with harassment; and the fact that the silence of the Government of Chhattisgarh on our allegations and inferences must be deemed to be acceptance, the Supreme Court may be pleased to grant our prayers on an urgent basis.

That the annexures filed along with the petition are true and correct copies of their originals.

DEPONENT