

Campaign for Peace & Justice in Chhattisgarh

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Since 2005 the Chhattisgarh government has claimed that the Salwa Judum is a “peaceful people’s movement”, that “the villagers are never forced to join the camps”. They claimed that no minors were appointed as SPOs. It also resisted any independent enquiry, saying “There is no failure on part of state of Chhattisgarh and therefore independent investigation is uncalled for and unwarranted.” The NHRC investigation into Salwa Judum which was carried out on the orders of the Supreme Court found that this claim by the Chhattisgarh government regarding Salwa Judum was patently false. They found prima facie evidence of large scale burning of villages, large numbers of missing people, the fact that many people had been forced into camps against their will (though most they claim have subsequently returned), and the appointment of minors as SPOs in the initial stages at least. Some Nelasar camp residents, they note, “left the village due to atrocities committed by the Naga police.” This one example is clearly the proverbial tip of the iceberg. The NHRC investigation revealed that SPOs have been involved in “certain incidents of atrocities against the tribals” and in some instances (e.g Matwada camp killings), the security forces and SPOs seemed to be prima-facie responsible for extra judicial killings. They have also not ruled out the possibility that, as in the Matwada case, other FIRs registered could be false.

However, given the powers and responsibility of the NHRC, it has manifestly failed to bring out the full truth of what is happening in Dantewada district, Chhattisgarh. The National Human Rights Commission is a statutory body, mandated to be an autonomous overseer of human rights across the country. The current report is unfortunately a negation of this responsibility.

There are inherent infirmities in the present report (i) the composition of the team which consisted solely of police, (ii) the process of public enquiry, which involved SPOs and Salwa Judum activists acting as translators, coupled with intimidation of witnesses (iii) the manner in which conclusions have been arrived at by the NHRC’s investigating team. It is these which has led the NHRC investigation team to downplay its own findings on the atrocities committed by the SPOs and Salwa Judum activists and concentrate on the violence of the Naxalites. Curiously despite being so focused on the Naxalites, the report nowhere mentions that the state is already seized of this problem, having sent more than ten battalions of paramilitaries to the district, and spent crores of rupees on battling Naxalism. It did not need an investigation by the NHRC to uncover the Naxalite ‘problem’.

1. Composition of the team and method of enquiry:

The investigation team comprised solely of police officers. It did not have any representative of the local tribal communities or even any of the NGOs associated with the NHRC who had asked to be associated with it. The team went to various Salwa Judum camps and villages in an armed convoy which included Salwa Judum leaders and members, Special Police Officers (SPOs) and the Superintendent Police of Dantewada. Concerns that the arrival of a convoy of anti-mine tanks, preceded by road clearing

exercises, would do little to instill confidence in villagers who were already terrified by the violence of the Salwa Judum and security forces, had earlier been raised with the NHRC and have been fully borne out by the findings of the investigating team itself. The NHRC report itself acknowledges at least two instances, in Pusbaka and Chikurubatti villages, where the villagers ran away seeing the police/CRPF accompanying the team.

2. Flawed Investigation - insufficient and biased acceptance of evidence:

It is not just the petitioners who have been raising the issue of human rights violations by Salwa Judum and security forces in Dantewada and Bijapur. Several independent civil and democratic rights groups have been consistently raising questions about the manner in which the government has armed civilians and the impunity with which the militarized nexus of Salwa Judum, Police, SPOs and the CRPF has unleashed violence on the local population. This is also probably the only instance where several government agencies, including the Planning Commission, the Administrative Reforms Commission, National Commission for Women and the National Commission for Protection of Child Rights, have also condemned the counter-insurgency strategy employed by the government. The NCPDR report based on a fact-finding by Prof. Shanta Sinha, Mr. JM Lyngdoh (former CEC) and Mr Venkat Reddy, based on testimonies of at least 35 victims in Cherla, noted that “many people shared accounts of family members being killed and women raped by the Salwa Judum” and again, based on a public hearing in Kirandul, “There were numerous accounts of family members being killed for resisting the Salwa Judum”. The NHRC has unfortunately chosen to ignore all such reports.

Though NHRC report claims to reach several conclusions, it summarily rejects several of the complaints in the petition by saying that they have “not been substantiated”, based either on insufficient evidence or a specious acceptance of the police version. Some instances are:

- i) The NHRC has made registration of FIRs as the bench mark of ascertaining whether an incident of violence took place or not. The NHRC seems to have charily ignored the fact that in cases where state agencies are responsible for human rights violations people would be unable to lodge FIRs for fear of their life or that false FIRs may have been lodged by the police themselves falsely implicating others. This even though the report itself admits at least one instance where a villager was killed by Salwa Judum activists no FIR has been registered.
- ii) The report uncritically accepts the police version of the cases and makes that the basis for “substantiation” or otherwise. This even as the report itself has had to admit at least one instance- in the Matwada case which was highlighted due to the efforts of local groups, that false FIR has been filed by the police blaming Naxals for an incident which was prima facie committed by Salwa Judum and security.
- iii) In at least two cases, the NHRC visited the wrong village – of the same name but in a different thana. In the case of Polampalli in Usur thana, which was used as a test case to say that rape was not substantiated, despite the correct details being mentioned in the petition, the NHRC team visited Polampalli in Dornapal thana.
- iv) The NHRC team has ignored the evidence provided by independent journalists and others which contradicted the police version and accepted the police version at face value. In the Santoshpur case for instance, at least 4 independent journalists have separately and one after another confirmed to the killing of Kodiya Bojja by SPOs, based on interviews with

next of kin soon after incident. NHRC however uncritically accepts police version that he was killed by Naxalites.

- v) Most strikingly, all testimonies given by IDPs in Andhra Pradesh regarding killings of their relatives by Salwa Judum and SPOs have been discarded, while all testimonies given by camp residents and villagers regarding killing by Naxalites has been accepted at face value. The AP testimonies have been ignored even when they are corroborated by the evidence of burnt and abandoned villages (e.g. Kottacheru, Lingagiri etc.)
- 3. Several misleading conclusions:** It is not clear how NHRC came to its conclusion that no village was being discriminated against for not joining Salwa Judum camps when it notes that rations are available only in camp and that Salwa Judum is identified with the camps, and that “the only government agency active in the area is the police”. The National Commission for the Protection of Child Rights had noted in its fact-finding report, that ‘A big problem is that schools and Anganwadi teachers have been shifted from the villages to the camps leading to a concentration of service-providers in camps and no services available to those who are still living in villages.’
4. The NHRC avers to some instances where security forces and SPOs seem to be prima facie responsible for extra judicial killings. It states that it came across certain cases in which the “excesses” have been committed by ‘public servants’ and where the State has proceeded against those “who failed to operate within the four corners of the law”. However it does not give details of any such instances. Till date, the Dantewada and Bijapur district administrations, the Chhattisgarh Police and the Chhattisgarh Government have not accepted or made public the cases where Police Officers, Special Police Officers or CRPF personnel in Dantewada and Bijapur have been proceeded against for violation of law.
- 5. Justifies Vigilantism:** Most worrying however is the manner in which the NHRC report openly justifies Salwa Judum on the grounds that people cannot be denied the right to defend themselves against the atrocities perpetrated by Naxalites thus condoning civil vigilantism and arming one section of the society against the other, which in fact represents abdication of the State itself.

Justice Rajendra Babu, Chairperson, NHRC had said in one interview, “The NHRC has not given a clean chit to Salwa Judum. What we said in our report to the Supreme Court was that the problems afflicting Chhattisgarh are not law and order problems but socio-economic ones.” Burning villages, and extra-judicial killings are surely law and order problems. Meanwhile the Raman Singh government which has come under a lot of criticism for its support to Salwa Judum is going all out to publicise this biased report as a vindication of its disastrous strategy.

We hope that the Supreme Court and the wider public sees the biases the report evidently demonstrates. At the same time, even the limited findings by the NHRC are sufficient to indict Salwa Judum and SPOs as an extra-constitutional, vigilante force which must be disbanded forthwith. Those who wish to must be allowed to return home, and all victims, whether of Salwa Judum or Naxalites must be given compensation on an equal footing. A judicial enquiry is essential to establish the scale of victimization and prosecute those who are guilty.