

To: The Special Rapporteur on Rights of Indigenous People,  
the Human Rights Council  
the United Nations

**Sub: Escalation of counter-insurgency violence on indigenous people in Bastar, Chhattisgarh, India and on human rights activists, lawyers and journalists who are working for the rights of the indigenous people in the abovementioned region.**

Kind Sir/Ma'am,

This is to bring to your notice that indigenous activists and politicians, along with human rights defenders, lawyers and journalists are being attacked violently by various groups while the State is not only silent but tacitly encouraging the attacks.

Chhattisgarh has seen a horrific state of affairs which equals to that of many militarised zones of the world due to the alleged base of guerrilla insurgents called the Naxalites – who are Maoists by political outlook and enterprise – in the state especially in a district named Bastar. It is important to mention that incidentally the state has a majority of indigenous population and evidently it is also an “undeveloped area”.

Given the rich mineral resources of Chhattisgarh, the Government of India and the Chhattisgarh State Government have both expressed in public, multiple times, of their eagerness to increase industrial activity in the state by promoting mining and heavy industrial estates in the state which has led to displacement of villages, migration of manual labour, loss of identity for the indigenous population etc. This is coupled with the fact that basic facilities like drinking water, healthcare, education etc were never reached rural and remote areas of Chhattisgarh from where people were asked to evict.

In such circumstances when the indigenous population protested against the mining and industrial activities and the absolute neglect of human life for the indigenous people of Chhattisgarh, the State responded with ‘counter-insurgency’ measures and counter-terrorism laws. Many operations were carried out by the State either actively or passively and they are known by many names such as “Operation Greenhunt”, “Salwa Judum” etc. Some operations such as “Salwa Judum” were carried by vigilante groups, constitutive oftentimes of underage indigenous adolescents from those very indigenous groups that are under attack. Such operations are carried out with the aid of the State, even though it has been declared by the Supreme Court of India that the operations of such groups are illegal as they are prima facie criminal activities and furthermore their encouragement is violating the Constitution of India. Although democracy has turned its wheels and the government has changed in the Union level but the situation is not improving for the people of Chhattisgarh, and lately there has been some alarming ‘counter-insurgency’ activities in the State.

SRP Kalluri the Inspector General of Bastar Range, the highest police officer in the Bastar district, has been at loggerheads with the Human Rights activists, journalists and lawyers who are working to uphold human rights in the region and lately many of them have received abuse, threats and in some cases brutal attacks recently. Ministers, Parliamentarians, National Media and Government Officials are all silent on the issue although civil society is trying hard to bring their attention to the blatant violations of human rights that is occurring in the state.

The following are some reports for your perusal and kind attention

<http://www.thehindu.com/news/national/other-states/soni-sori-attacked/article8262627.ece>

The attack on notable human rights activist and politician Soni Sori on 20<sup>th</sup> February, 2016 – a tribal woman who had previously been brutally tortured by the Police in custody for her alleged connections to Maoist insurgents – occurred when she was about to file a complaint against the Inspector General of Police, Bastar Range – viz. - SRP Kalluri – for atrocities committed by this person and his forces against indigenous people.

<http://indianexpress.com/article/india/india-news-india/chhattisgarh-police-direct-owners-to-evict-jagdarpur-legal-aid-group-journalist-of-accommodation/>

The attack on her lawyers – Adv. Shalini Gera and Adv. Isha Khandelwal – who, together, were members of the Jagdarpur Legal Aid – a group established to represent indigenous people adversely impacted by the Common Law-oriented criminal justice system which offer scant space for indigenous voices to be heard before the Law – had occurred parallel to the attacks of Soni Sori – and, after a series of harassments including passing a Resolution through the Bar Associations at the trial courts by the other lawyers in the trial courts at Bastar, most of whom neither belong to indigenous group, nor have any whiff of sympathy for the indigenous people when faced with such an alien criminal justice system, followed by calling these two lawyers to police stations to show their credentials as advocates, and followed by a series of harassments perpetrated by the police to the owner of the accommodation that these two lawyers had rented – which led to these lawyers being left with no choice but to leave Bastar and the numerous cases they had to defend numerous tribal – those who are facing grave criminal charges of sedition – of the region. They were thus forced to leave Bastar on 19<sup>th</sup> February, 2016.

These two lawyers who were representing the countless indigenous people of the Bastar region detained by the Unlawful Activities (Prevention) Act, 1967, the National Investigation Agency Act, 2008, the Arms Act, 1959 and the much-abused ‘sedition’ Sections of the Indian Penal Code, 1861. These indigenous people have thus been left with no lawyer to represent them before courts of law despite having been charged with such grave offences as sedition.

Hostility against this human rights advocates’ group has been on the rise from several quarters – the police, the Bar Associations of the trial courts at Bastar et al. Ever since SRP

Kalluri was posted as IG of Bastar Range, he has been hounding them out. From giving thinly veiled threats at press conferences that he is closely monitoring NGOs providing "legal aid to Naxalites", to informing their clients that they are about to arrest these two advocates for their alleged 'Maoist' activities, to claiming before visiting journalists and researchers that they are merely a "Maoist front", he has been out to get them.

Other than the Bar Associations of the trial courts at Bastar where they had been practicing since 2013 and the Police, certain non-state vigilante groups, especially a group called "Naxal Peedit Sangharsh Samiti" led by one Mr. Madhukar Rao – an ex-Salwa Judum leader Mr. Madhukar Rao and another group – “Samajik Ekta Manch”, who had been harassing them and other human rights activists of the region.

Similar fate has also befallen on writer-journalist-activists Bela Bhatia and Malini Subramaniam – who have also been forced to leave Bastar around the same time, i.e., between 17<sup>th</sup> and 19<sup>th</sup> February, 2016.

In this regard I would also like to refer to the Report on Indigenous Issues from your esteemed office dated 26<sup>th</sup> January 2004, indexed E/CN.4/2004/80. In Part B of the Report, at paragraphs 24, you had stated that:

***“Entrenched habits of discrimination against indigenous peoples weigh heavily on the justice system in some countries, such as India. During discussions about justice reform, it was observed that plea bargaining is used as a way of making indigenous and vulnerable persons accept charges for crimes they have not committed; laws protecting vulnerable groups are not enforced, because of the negative attitude of law enforcement agencies towards these persons; and a survey indicates that the prosecution system does not appear to work properly”***

Again, in Paragraph 30 of the same Report, you had stated thus:

***“The overrepresentation of indigenous people in corrective institutions is often linked to overpolicing in areas where indigenous persons live and to the intense focus by enforcement bodies on indigenous activities, which leads to higher levels of arrests. Studies show that indigenous people are overrepresented in court, are charged with more offences than non-indigenous, are more likely to be denied bail, spend less time with their lawyers and receive higher sentences when pleading guilty”***

Once again, in Paragraph 32, you had stated that

***“violence against tribal groups, especially women and youth are common and numerous complaints of such violence and physical abuse***

***perpetrated by local authorities, law enforcement agencies, military units, vigilante groups and paramilitaries and private armed squads had been received by the Rapporteur from several countries.”***

Part B of your aforesaid Report also alludes to the plight of indigenous people held in detention in overcrowded prisons where the conditions of living are mostly much below internationally mandated norms.

In Part C paragraph 45, you had made the following observation regarding India:

***“In India, the adoption of the Prevention of Terrorism Act, 2002, has lead to the detention of many Adivasis from Jharkhand, including indigenous activists, children and elderly. Until March 2003, when the Madras High Court upheld the supremacy of the Juvenile Justice Act over anti-terrorism laws, several indigenous children had been arrested as terrorists”***

We would like to bring to your notice that, since the publication of your Report in December 2004, the attack on indigenous people in the guise of ‘counter-insurgency’ operations has risen. The Salwa Judum – which was a State-mandated operation where underage adolescents from the indigenous families from Bastar were used as a ‘crack-force’ and commanded to burn, loot, rape, ransack and murder at will – was formed in 2006. This had wrecked havoc in the area till 2011 when the Supreme Court of the country declared it illegal.

However, as the following newspaper report proves, a force akin to the Salwa-Judum has once again be brought up, this time under the direct commandership of SRP Kalluri, the Inspector General of Police for Bastar.

<http://indianexpress.com/article/india/india-others/chhattisgarh-salwa-judum-redux/>

Yet another media report highlights an instance of a series of gangrapes committed by the state security forces in Bastar, Chhattisgarh, where the victims are all women from indigenous families living in the forest-villages of the region.

<http://scroll.in/article/770330/chilling-rape-allegations-force-police-to-conduct-rare-investigation-of-security-forces-in-chhattisgarh>

It is pertinent to mention that Ms. Malini Subramaniam, the journalist who had written this on November 2015 has been subjected to numerous assaults and harassments – both by private vigilante groups such as the abovenamed “Samajik Ekta Manch” and by the police. In the face of such assaults launched her and her entire family, she and her entire family were forced to relocate from Bastar by 19<sup>th</sup> February 2016.

Yet another indigenous rights’ activist and writer, Ms. Bela Bhatia, had also been forced to leave Bastar on the same date in face of mounting harassments by the police and by private vigilante groups.

In this context, we would like to place the following pleas before you:

1) Please help us in realising these basic human rights of the indigenous people and the rights of the human rights workers, lawyers, journalists and others are upheld by the Government of India and the Chhattisgarh State Government by bringing these perpetrators to justice and ensuring that a systematic approach is adopted by the government to the benefit of all human rights workers, lawyers and journalists especially those who are in volatile regions like Bastar for the indigenous communities.

2) Please notify the other appropriate and relevant good offices of the United Nations including those under the United Nations Human Rights Council and the ECOSOC regarding the escalating violence on the indigenous communities of Bastar – constitutive of 42 ‘Gondi’ tribal groups of the region – so as to make ameliorative measures possible.

Thanking You,

<Name(s) of Complainant(s)/Sender(s)>

<Address(es) of Complainant(s)/Sender(s)>