

Agro-Climatic Zones of Chhattisgarh

The Chhattisgarh State divided into 3 Agro-Climatic Zones based on the different³. Agro Climatic factors that is, rainfall and soil available of irrigation.

1. The Chhattisgarh Plains is an increase in soil depth, water holding capacity, Cation exchange capacity (CEC) and preponderance of calcium and magnesium ions. The covered area about 50 per cent in this zone. The soil so developed have been classified in to four soil orders that widely differ in their production potential and physical characteristics. They are locally called, bhata (Entisols), matasi (Inceptisols), dorsa (alfisols) and kanhar (vertisols).
2. The Bastar Plateau the land is undulating and hence the soils vary considerably from top of the hillock to the valley. They covered was 29 per cent area by this zone. The soil type in Bastar vary from Marhan (Entisols) to Gabhar (Vertisols). Gabhar is the valley portion of the undulating terrain. In between these two Tikra (Inceptisols) and Mal (Alfisols) soil exist.⁴



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³ <https://www.scribd.com/document/426586472/chhatisgarh-pdf>

⁴ <http://jnkvv.org/PDF/AERC/Study-113.pdf>

3. The Northern Hills most common soils are described locally on account of their occurrence, management and physical properties. These region covered are 21 per cent of the total geographical area. These are eroded hilly soils which are covered mostly by forest, Goda/Tikra (light soils), Goda Chawar (Medium), Chawar and Bahra soils.⁵ Chawar soils are found in low land bunded fields where rice is grown. In bahra soils (extreme lowlands) water flows continuously till January.⁶

Agro-Climatic Zone and Districts /Tehsils covered in Chhattisgarh (lakh hectare)

Agro Climatic Zone	Districts Covered	Total Geographical Area
Chhattisgarh Plains	Raipur, Gariyaband, Balodabazar, Mahasamund, Dhamtari, Durg, Balod, Bemetara, Rajnandgaon, Kabirdham, Bilaspur, Mungeli, Korba, Janjgeer, Raigarh & a part of Kanker Districts (Narharpur & Kanker Block)	69.49 (50%)
Bastar Plateau	Jagdapur, Narayanpur, Beejapur, Kondagaon, Dantewada, Sukma and the remaining part of Kanker Districts	39.94 (29%)
Northern Hills	Sarguja, Surajpur, Balrampur, Korja, Jashpur & Dharamjaigarh Tehsil of Raigarh Districts	28.47 (21%)
	Total	137.90 (100)

II

Adivasis of Chhattisgarh

About 34% of the population in Chhattisgarh are of Adivasis. Most of the resources, particularly the iron-ore, are on Adivasi land, so inevitably the tribal people are being displaced. They live primarily in the dense forests that cover nearly half of the state, and the trees too are very valuable. Private corporations such as Jindal Steel, BALCO Aluminium, TATA and ESSAR are already based in Chhattisgarh, and are keen to expand.⁷

⁵ <https://docplayer.net/64254628-State-of-agriculture-in-chhattisgarh.html>

⁶ <https://docplayer.net/64254628-State-of-agriculture-in-chhattisgarh.html>

⁷ <https://lucycalder.com/india/the-ativasis-of-chhattisgarh/>

The Adivasi population in Chhattisgarh is mostly concentrated in Bastar, Raigarh, Jashpur, Surguja, Koreya, Balrampur, Korba, Kanker, Dhamtari, Janjgir-Champa, Bilaspur, Mungeli, Kabirdham, Mahasamund districts. The Adivasis live mostly in hills and dense forest area, which are not easily accessible. They are mostly backward, poor, illiterate and indebted. The Adivasis possess their own culture, way of life, source of livelihood, religious beliefs, which are quite different from other sections of the Indian communities.

Nine adivasi communities have below 1000 population. Of them, five adivasi communities, namely, Sonr, Damor, Karku, Andh and Bhil Meena are very small having population less than 100. At the district level, Gonds have registered their high population in Bastar, Dantewada, Kanker, Surguja and Raipur districts⁸.

Chhattisgarh's Particularly Vulnerable Tribal Groups (PVTG) comprises Baiga, Kamar, Pahari Korwa, Abhujhmaria Pardhi and Birhor adivasi communities. These are the most vulnerable among India's adivasi communities.

Hinduization of Adivasi Communities in Chhattisgarh

Vinayak Damodar Savarkar, popularly known as Veer Savarkar, Hindutva icon, who in his book, Essentials of Hindutva, claimed that the "aboriginal or hill tribes also are Hindu because India is their Fatherland as well as their Holy Land".

Historically, the segregated and hierarchical Adivasis have been marginalized from the mainstream of Indian society through hierarchical caste system. Adivasis have been traditionally treated as outside the caste structure and are seen as entirely impure from within the Brahminical caste order. Adivasi societies, in turn, consider themselves distinct from the majority Hindu population of India, as well as from most other organized forms of religion⁹. In post-independence India, the State has further marginalized adivasi communities through a systematic process of alienating them from their lands and resources in the name of "progress" and "development." The dominant development paradigm is itself antagonistic to the survival of the Adivasis, whose world views are compatible with the emancipation of toiling masses. All structures which are proponents of the development model, whether it is the established big political parties, the state-funded NGOs, rightist reactionary

8 https://www.censusindia.gov.in/Tables_Published/SCST/dh_st_chhattisgarh.pdf

9 <https://www.outlookindia.com/website/story/adivasi-vs-vanvasi-the-hinduization-of-tribals-in-india/217974>

organisations or extremist groups are being increasingly perceived as enemies of the Adivasis.

However, most persuasive argument for including Adivasis as Hindus had come from the British anthropologist Verrier Elwin, who had conducted a study on the Madias of Bastar and found traces of Shaivism in their mythology as written in 'Loss of Nerves'. The religion of the Indian Adivasis outside Assam should be regarded as a religion of the Hindu family, with a special relation to the exciting, dangerous, catastrophic, Shivaite type, but as having a distinct existence of its own. Sociologist GS Ghurye, felt that "tribals' were the imperfectly integrated classes of Hindu society", that in matters of faith and livelihood, "the so-called aboriginals had lived in fairly intimate contact with Hindus over a long time".¹⁰

It seems that Elwin and Ghurye's ideas went to inspire the Sangh Parivar to make inroads into Adivasi communities, or vanvasis as they called them, by making a pitch for a return to the "original Hindu fold", through their adivasi outreach organisation the Vanvasi Kalyan Ashram.

As sociologist Archana Prasad said, "Oral evidence suggests the economy of the Gonds was largely in flux and they were displaced to the plains from the hills and foothills as also from the plains to the forests during and after the Maratha conquests". She argues that caste Hindu peasants, brought into the region by the Maratha rulers, "slowly edged out adivasi cultivators from all fertile agricultural tracts, and converted them from permanent cultivators to hunter-gatherers".¹¹

She claims that in the face of increasing proselytization of the Adivasis by Christian missionaries around the time of independence, Elwin aligned with the Hindu nationalists and paved the way for the Hinduization of the tribal identity.

Today, Hindu observances have silently crept into Madia customs on the back of popular culture like TV serials. The mangalsutra, which had no basis in Madia culture, has become a sought-after accessory among married Madia women.

Women have always enjoyed a higher status in the Madia tribe. Pre-marital sex is not taboo, and it's common and acceptable for a married woman to get divorced and remarry. The custom for Madia men is to live in their wife's house

¹⁰ <https://karbi.wordpress.com/2008/02/26/understanding-the-karbi-folk-religion/>

¹¹ <https://www.firstpost.com/india/adivasis-and-the-indian-state-caught-between-hinduisation-and-indifferent-govt-madias-of-maharashtra-struggle-to-make-ends-meet-7242111.html>

after marriage. But this practice is changing, with many women today moving into their husband's house after marriage.

However, indigenous people all over the world, the India's Adivasis too have been savaged and ravaged by later people claiming to be more "civilized". They still account for almost 8% of India's population and are easily its most deprived and oppressed section. Though this is the home of many tribal groups, the largest tribal group, the Gonds, dominated the region. The earliest Gond kingdom appears to date from the 10th century and the Gond Rajas were able to maintain a relatively independent existence until the 18th century, although they were compelled to offer nominal allegiance to the Mughal Empire.¹²

The real enemy of the Adivasi is the creeping Hinduization with all its attendant values and exclusionary practices, seems to a good start to the process of saving its Adivasi society from extinction. All over the rest of India's central highlands the policies by forcing the Adivasis to merge their identities with that of the encroaching culture have crushed them into a becoming a feeble and self-pitying underclass.

There are two distinct reasons for the present unrest in the Adivasi homelands of India. The first and probably the more important one is the struggle for identity against the creeping Hinduization or de-culturization of Adivasi society. Adivasi society was built on a foundation of equality. People were given respect and status according to their contribution to social needs but only while they were performing that particular function. Such a value-system was sustainable as long as the Adivasi community was non-acquisitive and all the products of society were shared. Adivasi society has been under constant pressure as the money economy grew and made traditional forms of barter less difficult to sustain. The RSS and its Hindutva ideology had vested interests in starting to work with the Adivasi communities¹³.

However the work of Christian missionaries among the Adivasis in remote areas was a sufficient ground for the organisation to place themselves as the saviours of the Adivasi communities and their culture from the advent of the Christian "foreigners". The RSS discourse of the Adivasi communities being Hindus who were being converted to Christianity, became a base on which they started working with the tribal communities. As a mark of countering the work of Christian missionaries, the RSS adopted "seva" or "service"— the vision of the

¹² <https://www.outlookindia.com/website/story/adivasi-vs-vanvasi-the-hinduization-of-tribals-in-india/217974>

¹³ <https://www.slideshare.net/avidas/indias-adivasi-problem>

Christian missionaries— to reach out to the communities and demonise the missionaries, thereby communalising the communities¹⁴.

The Sangh Parivar’s efforts to recast Adivasis as vanvasi’s is a critical component of their ideological project. Their “Hindu Rashtra” rests on a claim of Hindus being indigenous to India and any other claimants to that slot, as Adivasis are, fundamentally challenges their project of a Hindu Nation¹⁵.

The reason why the Sangh denies Adivasis the status of the original dwellers is that it runs counter to its own claim that the Aryans, who brought Vedic civilization to the country, are the original inhabitants of the land. Adivasi communities have been especially weakened in the last century through imposed religious divisions, first by large scale Christian missionary activity— mostly peaceful and welfare based though often also patronizing; and more recently by the Sangh Parivar which has arrogated to itself the authority to control the lives of the Adivasis and is engaged in a massive drive to ‘bring back’ the Adivasis into the fold of Hinduism—using everything from vicious attacks by thugs under the name of protecting Hinduism to setting up organizations that purport to work for tribal welfare and education¹⁶.

The Sangh Parivar has set up a plethora of organizations that focus on tribal areas. Prominent among them are Vanvasi Kalyan Ashram, Ekal Vidyalaya, Sewa Bharati, Vivekananda Kendra, Bharat Kalyan Pratisthan and Friends of Tribal Society. The basic strategies deployed by the Sangh organizations has been on primary focus on Hinduizing Adivasis as necessary for national integration, using its influence in Adivasi areas to secure electoral gains and Activities geared towards creating communal tensions and violence.

The objectives of the Sangh organizations working among the Adivasis has two-fold objectives of ‘bringing them back’ to Hindu faith and to ‘check’ the conversions to Christianity. This vision is laid out clearly in many RSS texts. The systematic alienation of the Adivasis...who form an inseparable part of the Hindu society through proselytization was another grave challenge that demanded immediate corrective measures.... They had all along been a most exploited lot and an easy prey for unscrupulous conversion by Christian missionaries. It is to counter this twin menace of British legacy, that the Bharatiya Vanvasi Kalyan Ashram (BKVA) was founded in early fifties. ...Over the decades, the Ashram has succeeded not only in putting a stop to conversions

14 <https://www.newsclick.in/hinduisation-and-social-work-rss-glimpse-akhil-bharatiya-vanvasi-kalyan-ashram>

15 <https://www.outlookindia.com/website/story/adivasi-vs-vanvasi-the-hinduization-of-tribals-in-india/217974>

16 <https://www.facebook.com/pg/Adivasi-Against-Conversion-107188653999211/posts/>

in all its areas of operation, but also in bringing the converts back to the Hindu fold.¹⁷

In a report published by the Outlook on 1st July 2002 "Poisoned Edge: The Sangh exploits Dalit and tribal frustration to recruit soldiers for Hindutva's 'war' " rightly raises the question: Of all the disturbing facts that emerged from the post-mortem of the communal carnage in Gujarat, the most baffling and alarming is the large-scale participation of Adivasis and Dalits in the rioting. Independent observers, researchers and social activists are agreed that their involvement was unprecedented. Never before was the divide between the Dalits and Muslims so pronounced and so violent¹⁸. Even more shocking: Adivasis, who have little in common with mainstream Hinduism, brandished weapons, looted and killed as they violently avenged the 'attack on Hindus'."

However, Adivasis and Dalits were used as foot-soldiers in the 2002 Gujarat Genocide shows the successful experiment led and conducted by the Sangh Parivar and with the growing communalisation of the civil society serving as a backdrop and the limitations of the secular intervention already visible neither can it be said to be the last 'experiment' of its kind.¹⁹

Post 2002 in well-organized violence against the minorities by and large, the police, para military forces and State Government had connived and colluded with the marauders.

III

Salwa Judum

Salwa Judum meaning "Peace March" or "Purification Hunt" in Gondi language was launched in June 2005 by BJP-led Chhattisgarh State Government with support of Central Government's Home Ministry. It was a militia that was mobilised and deployed as part of anti-insurgency operations in Chhattisgarh aimed at countering Naxalite violence in the region. The militia, consisting of local Adivasi youth, received support and training from the state government²⁰. It has been outlawed and banned by a Supreme Court order in 2011 but continues to exist in the form of Armed Auxiliary Forces, District Reserve Group and other vigilante groups.

¹⁷ <https://www.newslick.in/hinduisation-and-social-work-rss-glimpse-akhil-bharatiya-vanvasi-kalyan-ashram>

¹⁸ <https://magazine.outlookindia.com/story/poisoned-edge/216292>

¹⁹ <http://www.sacw.net/article544.html>

²⁰ https://www.reddit.com/r/indianews/comments/36utea/wikipedia_page_of_the_day_salwa_judum/

However, it was a counter-insurgency operation against the Naxalites in the guise of a 'spontaneous', 'self-initiated', 'peaceful', 'people's movement' launched in Dantewada district of Chhattisgarh. The district administration claimed that was capable in upsetting the Maoist strike call on collecting tendu leaves and opposition to development works like road construction and grain levies. Villagers in some 200 villages began mobilizing against the Maoists, going on processions and holding meetings.

The fact that the Salwa Judum was actively supported by the Chhattisgarh Government. Far from being a peaceful campaign, Salwa Judum 'activists' were armed with guns, lathis, axes, bows and arrows. Over 5000 Special Police Officers (SPOs) were appointed by the Government under the Chhattisgarh Police Regulations. They actively participated in the Salwa Judum and were given military and weapons training by the security forces as part of an official plan to create a civil vigilante structure parallel to that of the Naxalites.

Over at least 1, 00,000 people were displaced and the lives at least 3, 00,000 people from the 644 "liberated villages" were completely disrupted, because of Salwa Judum. People were forcibly picked up from their villages and are confined into 'relief camps', where they faced acute shortage of food, water and other basic amenities. The condition of several thousands were forced to migrate to neighbouring states and districts was even worse. All those villages which have not come into camps were deemed "Maoists" villages and denied all health, education and other facilities, including access to markets²¹. A large number of people have thus been denied their fundamental rights

There has been a complete breakdown of civil administration and the rule of law in Dantewada district and Salwa Judum 'activists' became vigilantes who asserted the right to control, intimidate and punish anyone they considered to be a suspected Naxalite. Cases of murder, loot, arson, rape and other violence and atrocities by Salwa Judum went unreported. The Government did not accept responsibility for the actions of the Salwa Judum 'activists', it sponsored, encouraged, promoted and assured them full state protection and granted them impunity to operate as an extra-legal authority within the district. The Maoists also retaliated with attacks on camps, SPOs and police. According to State government's own figures, Salwa Judum had only intensified the violence from both sides.

The Government's only response to Maoist insurgency had been to militarise; step up police operations and to pit civilians, in the name of Salwa Judum,

²¹ <https://cpjc.wordpress.com/what-is-salwa-judum/>

against Maoists and against each other. By resorting to such measures, the government had seriously challenged the efficacy of democratic and constitutional means of finding solutions to people's problems. It has completely failed to address the root of the discontent, the deprivation and alienation of Adivasis, which formed basis of the Maoist foothold in Dantewada.

As Prof Nandini Sundar of Delhi University wrote in The Wire titled Salwa Judum 2.0? What a Disaster That Will Be' dated 22nd May 2015, "Quite apart from being a humanitarian disaster, Salwa Judum was a counter-insurgency catastrophe. Even the IB admitted that it had increased support for the Maoists – cadre recruitment went up by some 20%. When Sukma Collector Alex Paul Menon was kidnapped, his guards were all people affected by Salwa Judum. The Maoists stepped up their retaliation, killing off Salwa Judum leaders, culminating in the massive bloodbath at Jeeram Ghati in 2013, when Mahendra Karma and other Congress leaders were killed while returning from a political rally. Salwa Judum was followed in 2009 by Operation Green Hunt – which was actually just a more organised version of the Judum, minus the mass rallies and the forcible regrouping. SPOs and security forces continued to attack and burn villages, like the 300 homes burnt in Tadmetla and neighbouring villages in March 2011."²²

Supreme Court Ruling on Salwa Judum

On 5 July 2011, the Supreme Court of India in a case filed by Prof. Nandini Sundar and others declared the deployment of Adivasi youths as Special Police officers- either as 'Koya Commandos' as illegal and unconstitutional, and ordered it's disbanding. The Court directed the Chhattisgarh government to recover all the firearms, ammunition and accessories.

In the Supreme Court's ruling issued by Justice B. Sudershan Reddy and Justice S.S. Nijjar on the writ petition strongly indicted the State for violating Constitutional principles in arming youth who had passed only fifth standard and conferring on them the powers of police²³.

The Bench said "the State of Chhattisgarh shall forthwith make every effort to recall all firearms issued to any of the SPOs, whether current or former, along with any and all accoutrements and accessories issued to use such firearms. The

²² <https://thewire.in/law/salwa-judum-ii-what-a-disaster-that-will-be>

²³ <https://www.thehindu.com/news/national/Salwa-Judum-is-illegal-says-Supreme-Court/article13639702.ece>

word firearm as used shall include any and all forms of guns, rifles, launchers etc., of whatever calibre.”

Writing the order, Justice Reddy directed the State of Chhattisgarh to immediately cease and desist from using SPOs in any manner or form in any activities, directly or indirectly, aimed at controlling, countering, mitigating or otherwise eliminating Maoist/Naxalite activities in the State of Chhattisgarh²⁴.

The court directed the Centre and the State of Chhattisgarh to provide appropriate security forthwith, and undertake such measures “as are necessary, and within bounds of constitutional permissibility, to protect the lives of those who had been employed as SPOs previously, or who had been given any initial orders of selection or appointment, from any and all forces, including but not limited to Maoists/Naxalites.”

The Bench made it clear that the State of Chhattisgarh should take all appropriate measures to prevent the operation of any group, including but not limited to Salwa Judum and Koya commandos, that in any manner or form seek to take law into private hands, act unconstitutionally or otherwise violate the human rights of any person.

The Bench said “the measures to be taken by the State of Chhattisgarh shall include, but not be limited to, investigation of all previously inappropriately or incompletely investigated instances of alleged criminal activities of Salwa Judum, or those popularly known as Koya Commandos.”²⁵

The Bench held that the policy of the State violated the rights under Articles 14 and 21 of the Constitution of those being employed as SPOs in Chhattisgarh and used in counter-insurgency measures against Maoists/Naxalites, as well as of citizens living in those areas.

The Bench was of the view that effectiveness of the force "ought not to be, and cannot be, the sole yardstick to judge constitutional permissibility. Whether SPOs have been effective against Maoist/Naxalite activities in Chhattisgarh would seem to be a dubious, if not a debunked, proposition given the state of affairs in Chhattisgarh. Even if we were to grant, for the sake of argument, that indeed the SPOs were effective against Maoists/Naxalites, the doubtful gains are accruing only by the incurrence of a massive loss of fealty to the Constitution, and damage to the social order."

24 <https://www.thehindu.com/news/national/Salwa-Judum-is-illegal-says-Supreme-Court/article13639702.ece>

25 <https://www.thehindu.com/news/national/Salwa-Judum-is-illegal-says-Supreme-Court/article13639702.ece>

The Bench said "The primordial value is that it is the responsibility of every organ of the State to function within the four corners of constitutional responsibility. That is the ultimate rule of law."

It said "Indeed, we recognise that the State faces many serious problems on account of Maoist/Naxalite violence. Notwithstanding the fact that there may be social and economic circumstances, and certain policies followed by the State itself, leading to emergence of extremist violence, we cannot condone it."

The Judges said "The attempt to overthrow the State itself and kill its agents, and perpetrate violence against innocent civilians, is destructive of an ordered life. The State necessarily has the obligation, moral and constitutional, to combat such extremism, and provide security to the people of the country."²⁶

III

Grabbing of Adivasi land by Private Companies continues...

The processes of loss of Adivasi land, involved a combination of factors, including large influx of migrants or and the large acquisitions for projects in the area, also creating a general condition inimical to Adivasi interests – powerful people, including the Administration, often acting on behalf of corporates, to persuade and where needed, forced Adivasis to give up their land. Together, these conditions helped create a market for land, where none existed before, and a strong 'push' for alienation²⁷. The Adivasis own hapless condition – poverty, indebtedness - and the rise of consumerism, were the other 'pull conditions', resulting in the widespread loss of tribal land.²⁸ The law is not helping – Chhattisgarh has no law specifically to prevent land alienation. But Section 170-B of Chhattisgarh Panchayati Raj Evam Gram Swaraj Adhinyam 1993 (amended in 1997) empowers Gram Sabha to act to restore alienated land, with the final responsibility, in this matter, resting with the Revenue Administration. But poor awareness, empowerment and accountability, mean Gram Sabhas, have not taken this up proactively. And although relevant laws, such as Chhattisgarh Panchayati Raj Adhinyam, 1993 (CPRA), have been amended to apply PESA 1996, and thus empower Gram Sabhas in this matter, absence of rules and guidelines, means their application has been a nonstarter²⁹. The little traction that in the move towards Adivasis gaining control over their land and resources

²⁶ <https://www.casemine.com/judgement/in/5609af01e4b0149711415539>

²⁷ <https://1library.net/document/q201erz-extent-nature-individual-tribal-alienation-schedule-states-india.html>

²⁸ <https://1library.net/document/q201erz-extent-nature-individual-tribal-alienation-schedule-states-india.html>

²⁹ <http://centreforequitystudies.org/wp-content/uploads/2020/05/TribalLandAlienation.pdf>

with increasing push back by Adivasis and their organisations against mostly land acquisition, thanks to the work of campaigns.

However the BJP coming into power at the Centre in 2014, successive laws and policies are introduced that reverses existing constitutional and statutory guarantees of self-governance and tenure rights of Adivasis. These include exemptions from seeking free, prior and informed consent of project-affected persons in case of diversion of forest land for 'linear' projects and mineral prospecting, expanding eminent domain and police powers of the State and administrative machinery to centralize control over land, increased mechanisms for land grab through land banks, forced plantations under Compensatory Afforestation Fund (CAF) Act, land swaps, as well as forced evictions through illegal declarations of protected areas without due process and Free, Prior and Informed Consent (FPIC).

Chhattisgarh has abundant mineral wealth, with 17.4% of total coal reserves in India, 18.7% of iron ore (hematite) reserves, 37.7% of tin ore reserves and 28.3% of diamond reserves of India³⁰. At 16599.59 crores, the value of minerals produced in Chhattisgarh in the year 2012-13 accounted for almost 13% of India's total mineral production value for the year¹⁵. Mining and quarrying activities have steadily contributed to roughly 10% of the state's GDP over the past 10 years, and over 50% of its non-tax revenue stream.

In Chhattisgarh there has been a massive illegal loot of forest and mineral resources. The state ranks second in the nation in terms of total forest land diverted for mining purposes – accounting for 15%. The brunt of this diversion is being faced by the Adivasi communities in the area. The Adivasis have been agitating against displacement on an unprecedented scale - for mining, setting up of industries, dams, sanctuaries, four laning of highways, the posh capital region, and even army and air bases. Whether it be the sponge-iron belt of Raipur, the cement belt between Raipur and Bilaspur, the coal mines of Koriya, bauxite mines of Sarguja, the power plants of Korba³¹ and above all Jindal-land – Raigarh - where the writ of the Jindal company ran Raigarh, as they enjoy significant de facto police and administrative powers, all these areas have been witness to widespread displacement, inadequate rehabilitation and compensation, and devastation of the environment particularly the clearing of

30 https://www.ohchr.org/Documents/Issues/Housing/IndigenousPeoples/CSO/HRDefendersAlert_India.pdf

31 <https://counterview1.files.wordpress.com/2018/02/legal-face-of-the-land-grab.pdf>

pristine forests, toxic air pollution, turning up waters red with sludge and drying up of water sources and dumping of ash.

The pace and extent of the land grab increased vastly, with not an inch of largely Adivasi Jashpur left unaffected by prospecting and mining licenses, 34 power plants in the Janjgir district and 7 cement plants in the Baloda Bazar district where units of multinationals Holcim and Lafarge and of the Birla group – Ultratech, Grasim and Century were already there³².

The Land Acquisition Act 2013 was brought ostensibly because of the fierce countrywide resistance of the peasantry and Adivasis against land acquisition, far from addressing any of the serious legal issues, it appears that the Act actually facilitated corporate land grab.

There has been violation of established procedures for settlement of individual and community claims as it happened for the mining project in Hasdeo Arang forest region, in a complaint sent to an Experts Appraisal Committee it was alleged that the Gram Sabhas were forged.

There was no consensus and forceful means were adopted as there were complaints regarding the illegal swapping of land, the Sub Divisional Officer threatened the families to give consent for such illegal transfers.

The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 provides for enhanced rates of compensation to be given to those whose lands have been acquired for developmental projects. However, there has been an ongoing attempt at diluting the same.

Attacks on human rights defenders who oppose the violations of laws committed by the State and corporate entities have intensified. Sudha Bharadwaj, a lawyer and activist in Chhattisgarh, who vociferously criticized the state's collusion in corporate land grab and violence on Adivasis, was arrested on 28 August 2018³³ and charged under the country's anti-terror legislation known as the Unlawful Activities Prevention Act- an extraordinary legislation that overrides the provisions under the country's criminal procedural laws and the Constitution. There have been similar attacks in the past as well on Adivasi leader, Jailal Rathia, challenged the irregular acquisition and grabbing of Adivasi land. He

³² <http://www.indiaenvironmentportal.org.in/files/file/legal-face-of-the-land-grab.pdf>

³³ https://www.ohchr.org/Documents/Issues/Housing/IndigenousPeoples/CSO/HRDefendersAlert_India.pdf

died in March 2017 as a result of what his family suspected was a deliberate poisoning. He had been threatened on several occasions and told by local land mafia and the state police to withdraw the petitions he had filed³⁴.

IV

Ramesh Aggarwal who challenged Jindals in Raigarh

Ramesh Agarwal, an environmental activist and cyber café owner's confrontation with Jindal began in 2010, over the new power plant under construction in Tamnar. Starting his activism in 2005 and won his first legal battle in 2010 when he managed to prevent the expansion of the mining company Scania Steel & Power Ltd. in Chhattisgarh.

In March 2010, Agarwal sent a letter to the then Union Minister Forest & Environment Jairam Ramesh, that Naveen Jindal, the then Congress MP had begun building the plant without securing an environmental clearance. The then Union Minister Ramesh dispatched a team of investigators to Tamnar, where they confirmed Agarwal's allegations. In June 2010, the environment ministry directed the Chhattisgarh government to withdraw its approval for the power project³⁵. Jindal appealed to the environmental ministry and managed to get the decision reversed, but his fight with Agarwal was just getting started.

In May 2011, the police arrested Agarwal at his home, on the basis of a criminal defamation complaint Jindal had filed in June 2010, over remarks Agarwal had made at a public meeting on the power plant expansion. Agarwal spent about 60 days in jail, while the district court and high court refused him bail, which was finally granted by the Supreme Court.

In April 2012, the National Green Tribunal took up a complaint that Agarwal had filed three years earlier, challenging Jindal's environmental clearance for a mining project and coal washery in Tamnar. The crux of Agarwal's complaint was that the required public hearing had been conducted improperly: after the meeting was dispersed by police who had arrived to break up angry protests, the district magistrate continued the hearing, recording the remarks of a tiny number who supported the project. The tribunal's decision was unusually harsh; after reviewing video evidence, the bench of two judges declared the hearing "a farce" and "a mockery of the entire process of public hearing". The

³⁴ <http://www.ramanmedianetwork.com/attacks-on-human-rights-defenders-increasing-in-india-amnesty/>

³⁵ <https://caravanmagazine.in/vantage/man-who-dared>

tribunal cancelled the environmental clearance, and Jindal suffered another setback at the hands of Agarwal's activism.

On 7 July 2012, Agarwal was at the cyber café he owns a hundred metres from his home, assailants broke into and aimed guns at his chest. A mobile phone he hurled knocked the men off balance before they fired. The shattered thigh bone he suffered was the price Agrawal paid for helping block a coal mine by the powerful Jindal Steel and Power Limited. Gunmen were sent by Jindal plotted the attack and hired the shooters.

Jindal's business interests in the state have led him to forge an alliance with the then BJP chief minister, Raman Singh. Naveen Jindal paid the dividends for continuing his relationship with the then Chhattisgarh Chief Minister.

On 29th April 2014 with great difficulty Ramesh Agrawal limped to the podium in San Francisco to receive the prestigious Goldman Prize for grassroots environmental activism with a prize money of \$1, 75,000. Still recovering from gunshot injuries inflicted by goons on the payroll of a steel and power giant, Naveen Jindal, Agrawal had to be helped up by his son Raman.

Agrawal's grit and determination have become an inspiration for environmental activists across India who have been fighting a losing battle against forces unleashed by the steady privatization of the country's vast mineral resources. That includes coal—India's most abundant energy resource, responsible for 68 percent of its electricity generation. India's inefficient coal-fired power plants are notorious smoke and pollution belchers³⁶. Coal mining is even dirtier.

Agrawal's campaign—called Jan Chetna is a loose coalition of hundreds of activists who help villagers and tribal people across Chhattisgarh with legal disputes over land. The fight “is not just about coal,” he said in his Goldman acceptance speech, “but about governance, ethics and respect for human beings and nature.”³⁷

36 <https://insideclimatenews.org/news/22052014/jailed-shot-fighting-coal-qa-ramesh-agrawal-goldman-prize-winner/>

37 <https://insideclimatenews.org/news/22052014/jailed-shot-fighting-coal-qa-ramesh-agrawal-goldman-prize-winner/>

V

Sudha Bharadwaj fought for the marginalized and now arrested under UAPA...

Sudha Bharadwaj, considered as the pivot of civil society in Chhattisgarh was arrested on 28th August 2020, when the Pune Police raided her house, she was charged under provisions of the Unlawful Activities Prevention Act (UAPA) and Sections 153A, 505(1) (b), 117, 120(b) and 34 of the Indian Penal Code. Chhattisgarh has one of the worst human rights records in India and has seen huge displacement of Adivasis due to exploitation of natural resources by corporates.³⁸

Since 2016, Bharadwaj has been fighting a legal battle for the villagers of Ghatbarra and adjacent areas in Ambikapur. The Chhattisgarh government had summarily cancelled the community rights of Adivasis living in the area. The forest rights of Adivasi dwellers were taken away by the state government to facilitate coal mining for the Adani Group in the Parsa East and Kete Besan coal block.

The block was originally allocated to Rajasthan Vidyut Utpadan Nigam Limited (RVUNL), a Rajasthan government subsidiary. The Rajasthan government gave the rights of coal mining to Adani Minerals Private Limited. The Adani-operated Parsa East and Kanta Basan open cast is being developed at a cost of Rs 2,369 crore. The mines are likely to adversely impact 1,871 hectares of forest land and an elephant corridor in Sarguja.

Bharadwaj through Janhit—a lawyers collective that fights cases pro bono, especially for workers—is fighting on behalf of the Adivasis of Ambikapur in the High Court of Chhattisgarh at Bilaspur. The PIL on the issue is considered to be a major threat to the coal mining interests of the Adani Group.

Almost every second case Bharadwaj fought in the High Court of Chhattisgarh was against some corporate house. She stood with those marginalised communities for whom she fought on the ground between 1986 and 2006 as an activist. Bharadwaj has been a deterrent against powerful lobbies standing in their way to exploit Adivasi habitats.

59 year old Bharadwaj was born in the US, but renounced American citizenship when she turned 19. She is an IIT Kanpur alumnus. With her early schooling in Cambridge, UK, Bharadwaj was born in a family of academics. Leaving her

³⁸ <https://www.theweek.in/news/india/2018/09/07/sudha-bharadwaj-arrested-activist-legal-adani-mines.html>

teaching job in Delhi Public School, New Delhi, Bharadwaj came to Chhattisgarh in 1986 to work with legendary labour leader Shankar Guha Niyogi, who was murdered at the behest of a local industrialist³⁹.

Niyogi ran a movement of labourers in Chhattisgarh, which was called Chhattisgarh Mukti Morcha (CMM). The work of CMM and Niyogi was legendary during Niyogi's lifetime, but the movement shattered after his death.

It was Bharadwaj who continued to work in the set-up of a splintered CMM and cobbled together the activists of various factions without becoming its official leader. She moved to Jamul labour camp during the years of the Bhilai Andolan as part of the Chhattisgarh Mukti Morcha. Bharadwaj lived and worked among the workers of Bhilai for over a decade.

In 2005, Bharadwaj started practising in High Court of Chhattisgarh, where her fights against corporate groups like Jindal, Birla, Adani and Vedanta became iconic in the pro-people struggle. There, she formed Janhit, a lawyers group to fight the pro-people cases in courts⁴⁰.

Sudha Bharadwaj believes in a parallel fight on ground and in courts then only, they could get relief for the poor and marginalised. Even the draft proposal for the act for protection of journalists for Chhattisgarh was prepared by Bharadwaj.

Sudha Bharadwaj filed nearly three dozen PILs in High Courts; most of them related to oppression by state, failure of government services, land acquisition, forest rights, education and labour distress.

Admiration for Bharadwaj among legal luminaries and top High Court judges has been such that she was even offered judgeship in the state High Court by a Chief Justice few years back.

Owing to Bharadwaj's standing in the legal profession, the National Law University appointed her as a visiting faculty. She also served as member of the Chhattisgarh state legal services authority and she holds the post of Vice President of the Indian Association for People's Lawyers (IAPL).

When Bharadwaj was arrested from her rented home in Sector-29 of Faridabad, she was getting ready to go to college. When police took away her laptop and mobile phone and produced them before court, she told media persons,

39 <https://www.theweek.in/news/india/2018/09/07/sudha-bharadwaj-arrested-activist-legal-adani-mines.html>

40 <https://www.theweek.in/news/india/2018/09/07/sudha-bharadwaj-arrested-activist-legal-adani-mines.html>

“Everybody knows about my credentials. I am a public figure for last 30 years. I have nothing to do with the incident in the FIR. My email password and Twitter passwords have been taken. I don’t know what they are going to do with it. It is data on air that you cannot seal by sticking a sellotape.”

Before five prominent intellectuals went to the Supreme Court, Bharadwaj's case was taken up by eminent lawyer Vrinda Grover. On August 28, when the Pune Police raided her house, she was charged under provisions of the Unlawful Activities Prevention Act (UAPA) and Sections 153A, 505(1)(b), 117, 120(b) and 34 of the Indian Penal Code.

The most burning issue that is agitating the farmers and Adivasis in Chhattisgarh is their displacement for mining and setting up of industries, dams, sanctuaries and four-laning of highways and setting up new towns.”

The sponge-iron belt of Raipur, the cement belt between Raipur and Bilaspur, the coal mines of Koriya, bauxite mines of Sarguja, the power plants of Korba and industries of the Jindal Group of Raigarh have witnessed large-scale displacement and destruction of environment. Incidentally, footprints of Bharadwaj or her team can be witnessed everywhere. The 34 power plants coming up in Jangjir district and seven cement plants in the district of Baloda Bazar were questioned by her.

Sudha Bhardawaj has indelible faith in the Indian system despite that system often failing to deliver for the marginalised and poor. Her understanding of Indian Constitution is incredible. She would always say she originally came to Chhattisgarh and to the sangathan (organisation) with the intention of teaching at the worker-run schools in Dalli Rajhara, but that all the Sangathan leaders and labourers convinced her to study law and fight their cases instead—that is what they needed. But somehow, there was never a hint of condescension or anything patronising about her tone. On the contrary, even when who looked to her as a senior mentor and guide, Sudha is someone who would somehow always make sure they walked beside her, and never behind.

The arrest of human rights activists has not served any purpose of the government. In fact, human rights activists have won the first round as this has given them the opportunity to unite. The civil society movement needed this moment and Sudha Bharadwaj's arrest gave that chance⁴¹.

41 <https://www.theweek.in/news/india/2018/09/07/sudha-bharadwaj-arrested-activist-legal-adani-mines.html>

VI

Soni Sori, a fearless Adivasi activist...

The 46-year-old Adivasi rights activist has been an outspoken critic of police violence towards adivasis in Chhattisgarh, while confronting the Maoist in the state. An Adivasi school teacher, who lives in Sameli village of Dantewada district was arrested by the Delhi Police's Crime Branch for Chhattisgarh Police on 4th October 2011 on charges of acting as a conduit for Maoists. A month after the Chhattisgarh police allegedly caught Essar contractor B K Lala trying to pay protection money to Maoists through Lingaram Kodapi, a Maoist conduit and Sori's nephew. Soni Sori was tortured, she had been subjected to in police custody and the then Superintendent of Police, Ankit Garg stripped her and forcibly inserted stones into her body.

During her time in a Dantewada jail between 2011 and 2013, grave tortures were committed on Soni Sori by the jail authorities including sexual assault, physical abuse and mental harassment. In the jail, Sori was given electric shocks, stones were shoved in her vagina and anus, and she was stripped naked and sexually assaulted several times, she revealed. Her gynaecological examination disclosed that two stones were found in her vagina and rectum. These assaults, she asserts time and again, are quite common in Indian prisons⁴².

On several accounts, Sori recounted the conversation she had with these women when she asked them what they would do after their jail term ends. She says, the women told her if they survived the jails, they would not go back to their villages but run away and join the Maoists because who would marry them. This is how the state creates Maoists, explained Sori. She goes on to say that it's not accurate when the state says that the Maoists forcibly recruit people⁴³. Instead the government prepares Maoists by putting them through this abuse in jails. Prolonged prosecution and detention leads to these Adivasis losing their families, their land and property. Resonating the voice of the larger Adivasi rights activism, she stated that the aggression that the state displays in the name of combating the Maoists is an excuse to eliminate and evict Adivasis who live on these lands, forests, rivers⁴⁴.

⁴² <http://archive.indianexpress.com/news/soni-s-story/983928/0>

⁴³ <https://www.thenewleam.com/2020/10/the-life-of-soni-sori-fierce-human-rights-defender-and-an-enemy-of-the-indian-state/>

Her torture in the jail triggered global outrage. Her lawyers filed an additional petition in the Supreme Court, which then directed that she be taken to AIIMS for a check-up.⁴⁵ By April 2013, the Supreme Court acquitted her in six of the eight cases filed against her due to lack of evidence. After release from prison, Sori began campaigning for the rights of those caught up in the conflict between Maoists and the government, in particular criticising police violence against adivasis in the region.

On 21st February 2016, at about 10 pm in the night, three unidentified men on a motorcycle stopped Soni Sori and her friend as they were returning to their village. One of them smeared a chemical on her face which caused it to swell and caused the outer layer of her skin to burn and peel off. It was dark and Soni Sori couldn't see their faces and all she heard were threats that if she didn't stop raising her voice against police atrocities, she feared that her daughter could be attacked. Even now, when Soni Sori sees her picture from that time, she wonders how she endured that horrific attack.

Speaking about Soni Sori, author and activist Arundhati Roy had said, "Soni Sori is absolutely extraordinary, fearless and tremendously articulate. She speaks up for those who are being crushed. She tries to create a space in that conflict for ordinary people who are not armed Maoist guerrillas but who are fighting for their rights in other ways."

On 18 May 2018, Soni Sori won the Front Line Defenders Award for Human Rights Defenders at Risk. She was among five winners who won awards from their regions. Sori won this award for her on-going work towards justice for justice for the Adivasi community in the Bastar region of Chhattisgarh⁴⁶.

VII

Unbounded Savagery on the Adivasis by the State continues unabated...

Dr Goldy George, a Raipur-based Dalit Activist, who edits Forward Press, wrote on February 13th 2020, "Nearly eight years ago, in 2012, in an alleged encounter between security forces and Maoists, 17 villagers, including seven minors, were killed. The incident occurred between the villages of Sarkeguda, Kothaguda and Rajpenta on the night of 28 June 2012. This operation was hailed as a major success by both the then Bharatiya Janata Party (BJP) state government, as well as the Congress-led Centre. Then Union Home Minister P. Chidambaram went

⁴⁵ <http://archive.indianexpress.com/news/soni-s-story/983928/0>

⁴⁶ <https://www.bbc.com/news/world-asia-india-35811608>

on to describe it as one of the “biggest offensives against Maoists”, in which three important leaders of the movement were killed, namely Somulu, Nagesh and Mahesh.⁴⁷

However villagers dismissed the fake news of the encounter, claiming that the police and security forces had engaged in one-sided firing. It was an incident of coldblooded murder of Adivasis on the pretext of an operation against Maoists. A judicial inquiry was ordered by then chief minister Raman Singh in the face of mounting pressure from human rights groups and members of political parties and the wide media coverage the incident received.

The single-member judicial commission of Justice Vijay Kumar Agrawal, a former Madhya Pradesh High Court judge, concurred with the villagers’ claims. The report said that the police’s claim of firing by the villagers was wrong and the security forces could not provide any proof that those they fired at were Maoists. The police and security personnel did in fact open fire on unarmed villagers. It even establishes that of the 17 people killed, one was murdered at his home the morning after the incident.

What the security forces told the commission was that on receiving intelligence inputs, CRPF and the state police, split into three groups, decided to leave for an operation on the night of June 28. When the police were fired upon in the dark, they were taken by surprise. This prompted the security forces to return fire. The inquiry commission report says it did not find any conclusive evidence that the villagers fired on the security forces or that the confrontation was with members of a Naxalite outfit.

The report notes: “It has not been proved that the persons killed and injured in the incident other than security personnel were Naxalites as there is no satisfactory evidence in that regard.” Moreover, the report states that the claim made by the security forces that they fired in response to villagers’ firing “does not stand the test of scrutiny.” The report submitted on 17 October 2019 was later presented before the Chhattisgarh Cabinet and tabled in the Assembly in December 2019. According to the report, only the personnel of the Central Reserve Police Force (CRPF) and the state police had fired their weapons.

“The conduct of Deputy Inspector General (DIG) S. Elango as well as Deputy Commander Manish Bamola [who were leading the operation] of not firing a single bullet shot during the incident, as per their own admission, clearly indicates that there was no firing by the members of the meeting; because had

47 <https://thewire.in/rights/bastar-fake-encounter-maoists-inquiry>

there been firing from the persons present at the meeting both the above senior officers would have certainly fired in retaliation and self-defence,” reads the paragraph 146 of the 76-page report⁴⁸.

Sarkeguda Massacre

The Sarkeguda massacre is not an isolated incident. Fake encounters continue to take lives of Adivasis in Bastar. Many similar incidents have been brought to light by rights groups and but many others continue to get buried in silence. Violation of the law under the guise of combatting Maoism has become commonplace in Bastar.

Human rights bodies say that fake encounters, forced surrenders and sexual violence perpetrated by the police and security forces have become the norm in combing operations. Media reports have highlighted the involvement of the police and security forces in gang rapes and mass sexual violence on the women of Peddagellur and Nendra. Recently the encounter killing of Lacchu Mandavi and Podiya Sodi had shocked the rights activists in Chhattisgarh. Both these youngsters were key organizers in the struggle against the allotment of iron-ore mine on Nandraj hills to Adani group in Bailadila. They were active in the movement in June 2019 to save the sacred land of the Nandraj hill and were killed in September 2019.

Researcher Bela Bhatia gives an account of another encounter of 2 February 2019 in which Podiyam Sukki of Godelguda village in Sukma’s Kanta tehsil died on the spot, while two others survived. In this encounter Kalmu Deve was hit on her leg while Podiyam Hungi escaped the gunshot by a close margin. The Superintendent of Police first claimed that CRPF forces from the Puswada camp and district police personnel had gone to Rangaiguda forests on an “area domination exercise”⁴⁹, and were returning from there when there was an encounter with Maoists close to Godelguda in which a Naxalite woman was killed and another Naxalite woman was injured and apprehended. In the face of allegations of a fake encounter, the SP modified his statement slightly, accepting that the women were civilians (“they were not in Maoist uniforms”) and claimed that they were killed in crossfire during an encounter with the Maoists.

However, the SP’s encounter and crossfire stories are at odds with what Deve, Hungi, and other villagers have maintained – that there were no Maoists around that day and there was no exchange of fire. On 8 February 2019, Kawasi

48 <https://www.forwardpress.in/2020/02/defeating-its-purpose-nhrc-camp-not-to-hear-out-chhattisgarh-advivasis-in-conflict-zones/>

49 <https://www.forwardpress.in/2020/02/defeating-its-purpose-nhrc-camp-not-to-hear-out-chhattisgarh-advivasis-in-conflict-zones/>

Lakhma, the Congress MLA of Konta constituency – in which Godelguda falls – and a minister in the state Cabinet wrote a letter to Chief Minister Bhupesh Baghel about this incident. He declared the entire episode as fake in these words: “... the real situation is that the CRPF and district police teams had left from the Puswada camp towards Rangaiguda for an operation. Near Godelguda, two women, Podiyam Sukki and Kalmu Deve, had gone out to cut wood⁵⁰. During their return on the Godelguda road, the CRPF and district police, holding that the two were suspected Maoists, opened fire in which one woman, Sukki, was killed and another⁵¹, Kalmu, was injured. Kalmu Deve’s foot was broken. From the Godelguda Marg or from the women victims, no Maoist material or weapons were recovered at all. It is clear the innocent Adivasi women were fired upon by jawans. The deceased Sukki has four children and the youngest is six months old.”

In 2016, an eight-member team of All India People’s Forum (AIPF) also conducted fact-finding in four districts of Bastar region in which the team found several cases of human rights⁵² violations on the pretext of anti-Maoist combing operation. Killings, rapes, beatings, arson and other criminal activities were regularly reported by newspapers. In November 2015, four women Rame, Pandi, Sunno and Mase were raped and killed in a fake encounter in Nagalguda village under Gadiras police station of Kuakonda Tehsil in Dantewada district.

In November 2015, three youths Dudhi Bhima, Sodhi Muya and Vetti Lacchu were killed in a fake encounter in Arlampallil village of Sukma district.

In January 2016, police claimed that two women Maoists Siriyam Pojje and Manjam Shanti were killed after an hour-long gun battle. They were from Palamgadu village of Sukma district. In February 2016, Soni Sori was attacked in Geedam with a tar-like substance that burnt her face, which took almost another year for her to recover from it.

In May 2016, two boys, Markam Manglu and Podiyam Vijja went to bathe in a nearby stream. The patrolling force found them all by themselves, shot them and announced to the press that they had killed two Maoists.

50 <https://thewire.in/rights/bastar-naxals-maoists-security-forces>

51 <https://indianexpress.com/article/india/chhattisgarh-in-letter-to-cm-bhupesh-baghel-minister-alleges-fake-encounter-5581048/>

52 <https://indianexpress.com/article/india/chhattisgarh-in-letter-to-cm-bhupesh-baghel-minister-alleges-fake-encounter-5581048/>

In May 2016, police claimed that an encounter took place with 30-35 armed Maoists, in which a husband and wife – Manoj Hapka and Pandi Hapka (also Tanti) – were killed.

In June 2016, Madkam Hidme was killed supposedly as part of an anti-Maoist operation in Gompad village of Sukma district of Chhattisgarh. Later her body was draped in a brand-new Maoist uniform.

In December 2016, Adivasi women in Bastar, Chhattisgarh, complained of sexual molestation and abuse by security forces.

In April 2017, Jailal Rathia, an Adivasi activist, died in Raigarh, Chhattisgarh, after allegedly being poisoned by members of a land mafia he was campaigning against⁵³.

In September 2017, Manish Kunjam was attacked in Bastar for his daring declaration, “Do not kill out ancestor Mahisasur and Ravana.”

In March 2018, Adivasi villagers in Sukma, accused security force personnel of gang-raping a 14-year-old Adivasi girl.

In April 2018, three leaders along with many followers of Pathalgadi movement have been arrested for sedition, war against the State and other criminal offences. Human rights groups and individuals who speak on these violations have been thrown out of the region consistently.

In November 2016, statistics were published stating that over 6,500 crimes were committed against Scheduled Tribes in that year alone. Nearly 3500 encounters (big, small and unreported) had taken place in the previous six years under the anti-Maoist operations in which over 1900 people lost their lives.

On 7 December 2019, Lingaram Kodopi, a journalist from Bastar, has uploaded a video on Basterkoya Times, which tells the story of Sannu Hemla – a mentally challenged person from Nahadi Marpara panchayat of Dantewada district. Police officials in the district had claimed that a former Maoist from Nahadi Marpara had surrendered at Patali camp. It is said that the surrendered Maoist carried a prize money of 1 lakh rupees on his head. According to family members, the “Maoist”, Sannu, was mentally challenged.

⁵³ <https://indianculturalforum.in/2020/03/03/defeating-its-purpose-nhrc-camp-not-to-hear-out-chhattisgarh-adivasis-in-conflict-zones/>

When the family went to meet the youth, the police allowed the family to meet him. Such things are rather unusual in cases where people are arrested in connection with Maoist activities. “When I met the family, Keshav Hemla, Sannu’s younger brother, told me that his brother would have manic episodes regularly, when he would go on speaking whatever came to his mind. When some people were around Sannu, he would say that people were coming to kill him,” writes Kodopi.

It was because of his mental condition that he told the police that he was the Nahadi president of Dandakaranya Mazdoor Kisan Sangathan one of the Maoist outfits. According to Keshav, the police told Sannu that he would get Rs 1 lakh if he would admit to being a prized Naxalite. “And perhaps this one lakh money has also been devoured by police,” writes Kodopi.

The family members said that the police kept Sannu in custody for three-four days. A few days later when the family members went to check on his wellbeing, the police told them that he had absconded. Sannu’s family is worried. They are still searching for him.

The fight for justice and the upholding of human rights and Constitutional values of Adivasis is far from over for the people of Bastar. The legal struggle of the villagers is testament to their faith in the judiciary and Constitution. They deserve the justice they have so fearlessly fought for, and it is the responsibility of the Chhattisgarh government to ensure that justice is served. The land and forests that sustain their lives should no longer be turned into battlegrounds for the corporates.⁵⁴

Hidme Markam, an Adivasi incarcerated for raising voice against Adivasi under trials and Adani Project

Hidme Markam, a former school cook before joining agitations to free Adivasi prisoners and stop a government-owned iron ore mine to be run by the Adani group on a sacred mountain in Congress-run Chhattisgarh. The arrest of a 28-year-old in Bastar, who the police call a ‘Maoist with Rs-1-lakh bounty’, is the latest front in a conflict that has raged over four decades⁵⁵.

⁵⁴ <https://www.forwardpress.in/2020/02/defeating-its-purpose-nhrc-camp-not-to-hear-out-chhattisgarh-adviasis-in-conflict-zones/>

⁵⁵ <https://www.kractivist.org/why-hidme-markam-a-voice-for-adviasis-is-in-prison/>

On 1 November 2020, in an online conference organised by women's groups Hidme Markam, an Adivasi activist from Chhattisgarh's Dantewada district narrated how armed conflict in the region was impacting women villagers.

Markam is from the Gond Adivasi, one of India's largest. She grew up in the heart of the State-Maoist armed conflict, in a village called Burgum in Dantewada. It is home to more than 1,000 people, where there are more women than men, and the female literacy rate, according to the latest census data available, was less than 7% in 2011.⁵⁶

The official literacy rate and Markam's own lack of formal schooling reflects the larger alienation in Adivasi lands, where the local languages of Dravidian origin, Koya and Gondi, are, usually, not used in schools and do not reflect in official data and policies. Schools do not run for years because of the conflict with security forces occupying schools and Maoists blowing them up.⁵⁷

Prior to her work as an activist, Markam was a mid-day meal cook in a government primary school near her village for a few years before she became a part of local protests against paramilitary camps in the villages and an iron-ore mine on traditional Adivasi land.

In the November conference, Markam, went on to speak about what is locally known as the Nandraj Pahad (mountain) agitation, underway since the last couple of years in the iron-ore rich Bailadila mountain of Dantewada district, a district where more than 76% of the population is Adivasi and an equal number live below the rural poverty line.

With over 1,300 million tonnes of iron ore deposits—among India's largest—the Bailadila mountain have been long sought after by mining companies. Adivasi villagers who live off the land and see it as a sacred site have protested the mining, and, in particular, fake resolutions submitted on behalf of Gram Sabhas, to allow permissions to clear forests for the Bailadila Deposit 13 mine, its official name⁵⁸.

“No matter which party is in power, they support big companies and do not care for us common Adivasis,” Markam told the conference. “Villagers who protest against the government handing over these lands to corporations are being

⁵⁶ <https://www.kractivist.org/why-hidme-markam-a-voice-for-adivasis-is-in-prison/>

⁵⁷ <https://www.article-14.com/post/why-hidme-markam-a-voice-for-adivasis-is-in-prison>

⁵⁸ <https://www.article-14.com/post/why-hidme-markam-a-voice-for-adivasis-is-in-prison>

jailed. We have lost faith in the government but will continue to fight to save our sacred lands and our forests.”⁵⁹

Three months after the conference, Markam, a member of the Chhattisgarh Mahila Adhikar Manch, a network of women’s groups in the state, is herself lodged in a prison in the town of Jagdalpur in the Chhattisgarh district of Bastar.

On the afternoon of 9 March 2021, while a two-day programme to mark International Women’s Day and discuss issues impacting the region’s women was underway in Dantewada’s Sameli village, police and paramilitary forces swept in on the open-air meeting, organisers.

Markam’s arrest is the latest episode in a long-running conflict in Chhattisgarh involving the state, a four-decade-long Maoist insurgency, and local Adivasi communities. The latter maintain that officials, no matter which party is in power, back mining corporations and bend laws meant to protect locals, dependent on land and forests for survival.

Chhattisgarh has been close to a fifth of India’s iron ore and coal deposits among other minerals. The conflict is particularly acute in the militarised and densely forested, iron ore-rich Bastar region—the size of Kerala with a per capita income a third of the national average—where marginalised communities like Markam’s struggle for constitutional rights.

While security forces, Maoists and police informers continue to lose lives in an endless war, there has also been sexual violence against women during security operations and forced surrenders of villagers falsely depicted as Maoists. The conflict has led to thousands of illiterate, impoverished Adivasi villagers, often accused of Naxal offences, spending years as under-trials in the state’s prisons.

In September 2019, responding to popular agitations against such incarceration, the present Congress chief minister Bhupesh Baghel had set up a special commission headed by former Supreme Court judge Justice A K Patnaik to review the cases of over 23,000 Adivasi under-trials, including over 6,000 in prison.

Markam, an advocate for Adivasi prisoners through a Bastar-based platform named ‘Jail Bandi Rihai Manch’ now joins the ranks of such under trials herself. Her lawyer, Gayatri Suman, who was present at the Sameli meeting, told that

⁵⁹ <https://in.makers.yahoo.com/what-you-need-to-know-about-ativasi-activist-hidme-markam-044804885.html>

Markam was taken away even as officials from the district were speaking to the organisers, with an audience of a couple of hundred women from villages around the region who had come for the programme.

According to a press release by the Dantewada police, a search unit had been deployed in parts of the district on 9 March after receiving information about Maoist rebels. On its return, the police said, “spotters present with the search party identified Hidme Markam as the head of the range Janatana Sarkar (literally people’s government, a reference to a parallel state of the Maoists), and she was taken into custody after questioning”.

In the 9th March 2021 release, the Dantewada district police called Markam a “Maoist with a 1 lakh rupee bounty” and listed four first information reports (FIRs) against her, including two from 2016 (FIR No. 7/2016 & 9/2016) and two from 2020 (FIR No. 3/2020 & 4/2020). The release was issued in the name of a “Kawasi Hidme”.

A second release from the same day by the police listed five FIRs against Markam, including from 2016 (FIR No. 7/2016 & 9/2016), 2017 (FIR No. 7/2017), 2019 (FIR No. 17/2019) and 2020 (FIR No. 3/2020). The cases relate to alleged Maoist violence including killings by the rebels, bomb blasts, and firing on security forces.

Charges in the FIRs include eight sections of the Indian Penal Code, 1860, three sections of the Arms Act, 1959, and three sections of the Explosives Act, 1884. The offences include rioting with deadly weapons, murder, and attempt to murder.

Suman pointed to the discrepancies in the names in the two releases and said that authorities were yet to provide “concrete evidence” to link Markam to these serious charges. For example, in the FIR of 2020, all the accused listed by the police are said to be men.

Markam’s lawyer said she broke down in court. Another of Markam’s lawyers, Xitij Dubey, who was present in the Dantewada court when Markam was presented to secure her judicial remand, told that proceedings “unfolded very quickly” and prosecutors provided no details⁶⁰.

⁶⁰ <https://www.article-14.com/post/why-hidme-markam-a-voice-for-advocacy-is-in-prison>

Suman, Markam's lawyer, said her client had attended public gatherings and programmes since 2017-18 at a time when the police alleged she was carrying out deadly attacks on security forces and civilians⁶¹.

In a June 2019 public rally attended by hundreds of villagers in Kuakonda, Dantewada, Markam and other activists raised the issue of the region's jails being packed with Adivasi villagers, and handed over representations on the issue to local politicians.

Soni Sori, who was accused of being a Maoist and spent over two years in jail from 2011-14, told a public gathering last week that Markam was being "framed" for her work on issues of excesses by security forces, mining and displacement. Sori told Article 14 that she knew Markam as a young resident of Burgum from when she was a government school teacher in the region.

Markam was keenly involved in the Nandraj Pahad anti-mining campaign in the Bailadila Mountains. In June 2019, thousands of Adivasis gathered over a week to oppose a proposed mine at a sacred site of the Nandraj Pahad (mountain), the cutting of trees and forged Gram Sabha resolutions around the mining project of Bailadila 'Deposit 13' in Dantewada. As per the Forest Rights Act, 2006 forest clearance proposals need to be placed before the Gram Sabha to discuss, and award or withhold consent.

The Bailadila project is a joint venture between two public sector companies, the National Mineral Development Corporation (NMDC) and the Chhattisgarh Mineral Development Corporation, and Adani Enterprises Limited, among India's most powerful corporations.

In June 2019, NMDC said that Adani was awarded a contract for the Bailadila project as the mine developer & operator. Responding to the June 2019 protests, chief minister Baghel had halted the project and announced an inquiry into complaints by Gram Sabhas of the takeover of their forests by fraud.

Women's groups have sent an open letter to Baghel asking him to intervene for Markam's release. "As convenor of the Jail Bandi Rihai Manch she has been vocal in the demand for release of thousands of innocent adivasis implicated and incarcerated in false cases," the release said.

⁶¹<https://www.article-14.com/post/why-hidme-markam-a-voice-for-adivasis-is-in-prison>

“Her sudden ‘arrest’ in ‘old cases’ raises many questions including why the State is going after her now, when she was all the time present in public and in fact met many important authorities including the Governor, Chief Minister, Superintendent of Police, Collector etc. demanding the release of arrested adivasis, an end to construction of paramilitary camps in the region and halt to mining,” said the letter.

In a statement issued by the Chhattisgarh chapter of the People’s Union for Civil Liberties, an advocacy group, called for Markam’s immediate release. “We demand an end to this endless saga of baseless arrests of tribal activists on charges of Naxalism,” said the release. International advocacy organisations, such as Survival International and Frontline Defenders have also raised the issue of Markam’s arrest.⁶²

A video released by Survival International, an advocacy group, on 16 March 2021 showed Markam at the Koraput programme, where she said: “The only way possible forward is for all women to be united for their water, forests and lands, to save them from mining.”⁶³

Hidme’s arrest and the manner in which it was done reiterates for Adivasis that governments cannot tolerate anyone Adivasis who speak up against the takeover of their resources. They silence emerging voices like Markam and urban Indians remain ignorant of the extent to which we they are exposed to such brutalities relentlessly.

VIII

Coal mining is making Adivasis suffer

Coal remains the centrepiece of India's energy policy. India is the world's third largest producer as well as consumer of coal, using the fossil fuel to generate nearly two-thirds of its electricity.

However, there is a darker side to the attempts being made to cast India's growth story in black gold⁶⁴. Neither the Central Government nor the State Governments are keen to take millions of people into confidence before digging up their land to extract coal. These are people who are at risk of losing their land, livelihoods and homes due to coal mining; around 90% of them are poor

⁶² <https://www.kractivist.org/why-hidme-markam-a-voice-for-adivasis-is-in-prison/>

⁶³ <https://www.facebook.com/ecologicalsociety/posts/1506737889660709>

⁶⁴ <http://www.catchnews.com/india-news/black-gold-white-lies-how-coal-mining-is-making-adivasis-suffer-1471010069.html>

Adivasis, who can't figure out whether to curse their destiny or the apathetic state.⁶⁵

Over 70% of India's coal reserves are in Chhattisgarh, Jharkhand and Odisha, which account for nearly 2.60 crores Adivasis, or 25% of the country's Adivasi population. Vast numbers of these adivasis are already under constant threat due to indiscriminate mining over the past six decades or so.

Coal India, the world's largest coal production company, has devised an aggressive policy to reach its annual production target of a billion tonnes. Three of Coal India's subsidiaries - South Eastern Coalfields Ltd (SECL), Central Coalfields Ltd (CCL) and Mahanadi Coalfields Limited (MCL) - are rapidly expanding their mining areas in Chhattisgarh, Jharkhand and Odisha. In the frenzy, the land acquisition laws and environmental guidelines are the first casualties.⁶⁶

SECL operates the Kasmunda mine in Chhattisgarh while CCL extracts coal from Jharkhand's Tetrikhar mines⁶⁷. MCL operates Odisha's Vasundhara West mine. A survey conducted between January 2014 and June 2016 by Amnesty International found that Adivasi populations at none of these places had been asked before the land was acquired for mining. And most of them had to wait for decades for compensation and rehabilitation.

According to the survey, information regarding claims, objections and public hearings either did not reach the affected people at all, or arrived too late. The authorities did not even try to disseminate the information by any means other than newspapers even though most Adivasis were illiterate⁶⁸.

The development of coal mines is chiefly governed by four laws - Coal Bearing Areas (Acquisition and Development) Act, 1957; Environment (Protection) Act, 1986; Panchayats (Extension to Scheduled Areas) Act, 1996; Forest Rights Act, 2006. Contrary to claims made by the respective governments, none of these laws has helped the Adivasis of Chhattisgarh, Jharkhand and Odisha affected by coal mining⁶⁹.

65 <http://www.catchnews.com/india-news/black-gold-white-lies-how-coal-mining-is-making-adivasis-suffer-1471010069.html>

66 <http://www.catchnews.com/india-news/black-gold-white-lies-how-coal-mining-is-making-adivasis-suffer-1471010069.html>

67 <http://www.catchnews.com/india-news/black-gold-white-lies-how-coal-mining-is-making-adivasis-suffer-1471010069.html>

68 <https://www.amnesty.org/download/Documents/ASA2043912016ENGLISH.PDF>

69 <https://www.amnesty.org/download/Documents/ASA2043912016ENGLISH.PDF>

Kusmunda mine expansion in 2009 affected 3,600 Adivasis, expansion in 2014 affected 13,000 people. Kusmunda coal mine in Korba, Chhattisgarh, is among the India's largest. One of the many villages affected by it is Amgaon, where an Adivasi villager pointed out, SECL officials just came and put up the notice for land acquisition at the panchayat office, giving them little chance to oppose the move. This mine is spread over 2,382 hectares. Its annual coal production target was raised from 10 million tonnes to 15 million tonnes in 2009 and further to 18.75 million tonnes in 2014. Now it has again been raised to 26 million tonnes⁷⁰.

The expansion of Kusmunda mine in 2009 affected some 3,600 Adivasis of Risdi, Sonpuri, Padonia, Pali and Jatraj villages. They were informed about the acquisition of their land through newspapers even though most of them are illiterate. Those affected by the expansion in 2014 were told about it by SECL only after 752 hectares of land had already been acquired⁷¹.

On 20 July 2014, the Coal Ministry announced acquisition of 1,051 hectares of land in five villages - Amgaon, Churail, Khodri, Khairbawna and Gevra -- for further expansion of Kusmunda. The nearly 13,000 adivasis affected by the move were asked to file their objections and claims within 30 days. While most villagers never got the information, some landowners did file objections to the SECL, but to no avail.

Despite such overwhelming evidence of apparent wrongdoing, the authorities remains in denial⁷². Chhattisgarh Mining Secretary Subodh Singh claimed that no case of flouting of land acquisition law were brought to his notice.

Gond's battle to save their forest home from mining at Hansdeo Arand forest

The Adani-managed Parsa East and Kanta Basan open cut coal mine, which has been operating since 2013. More mines of this type have been approved. A rash of newly approved mines could destroy swathes of the Hasdeo Arand forest – and with it the biodiversity local villagers depend on for survival⁷³. Gond adivasis living in Chhattisgarh's Hasdeo Arand forest, as they have been using the grass to make ropes, brooms and mats.

The Hasdeo Arand is one of the largest contiguous stretches of dense forest in covering about 170,000 hectares (420,080 acres) of Chhattisgarh. It is rich in

⁷⁰ <http://www.catchnews.com/india-news/black-gold-white-lies-how-coal-mining-is-making-ativasis-suffer-1471010069.html>

⁷¹ <http://www.catchnews.com/india-news/black-gold-white-lies-how-coal-mining-is-making-ativasis-suffer-1471010069.html>

⁷² <http://www.catchnews.com/india-news/black-gold-white-lies-how-coal-mining-is-making-ativasis-suffer-1471010069.html>

⁷³ <https://www.theguardian.com/environment/2020/feb/10/indias-ancient-tribes-battle-to-save-their-forest-home-from-mining>

biodiversity, contains many threatened species and is home to elephants, leopards and sloth bears.

It is also home to the Gond, and unfortunately for the Gond and other Adivasis forest dwellers, the Hasdeo Arand sits on top of more than a billion metric tonnes of coal reserves⁷⁴.

The Adivasi villagers in Ghatbarra fought a rear guard action against the mining giant Gautam Adani to protect their ancestral homelands and one of the India's richest and most diverse regions.

Despite at one time being declared off-limits to mining, BJP led Chhattisgarh Government in 2011 granted mining permission for the first coal blocks in Hasdeo Arand. By 2013 the Parsa East and Kante Basan open cast mine operated by Adani – and which adjoins Adivasi villages – was a reality. It currently produces 15m tons of coal per annum.

More open cast mines have been approved by the Narendra Modi- led BJP Government. An estimated 80% of the entire forest area – and 30 villages were to be lost. As well as relying on the forest's plants for food, medicine and construction materials, villagers use the forest floor for grazing cattle⁷⁵.

To the Gond every feature of the forest has a spiritual significance and they rely on products collected there to sustain life: flowers, fruits, grains, seeds, tubers and roots for food and medicines; timber, leaves and grasses for ropes, mats, brooms, baskets, fires and building⁷⁶.

Fearing their way of life is threatened by the mines, the Gond fought to stop them. Adani is one of India's largest and most influential companies, run by the country's second richest man, Gautam Adani,. The Adani group itself has an annual revenue of \$13bn and is currently making the headlines in Australia where environmentalists and residents are fighting plans for the Carmichael mine in Queensland.

The Parsa open cast mine operated by Adani Enterprises through its subsidiary Rajasthan Collieries – received approval and covered over 841 hectares of the forest next to the Parsa East and Kante Basan. The mine has a mineable reserve of 200m metric tons of coal and a lifespan of 42 years⁷⁷.

74 <https://www.hindustantimes.com/india-news/centre-s-nod-for-mining-in-170khectares-of-forest/story-F60Pb7W8ybegHntaQ9YBwK.html>

75 https://www.reddit.com/r/worldnews/comments/f1nrxv/indias_ancient_tribes_battle_to_save_their_forest/

76 <https://silkroadgallery.co.uk/blogs/news/the-gond-artists-face-the-destruction-of-their-forests>

77 <https://www.theguardian.com/environment/2020/feb/10/indias-ancient-tribes-battle-to-save-their-forest-home-from-mining>

Gond protested against further mining in the Hasdeo Arand. In October 2019, Adivasi villagers from 20 villages set up a large tent in Fathepur village as a centre for their protests. Men, women and children gathered to argue that their Gram Sabhas had never given permission for mining on their homelands – a right they say is enshrined in law. The protesters submitted a letter to Chhattisgarh state government authorities on October 21 demanding that land acquisition and clearance for mining be rescinded on that basis. Adani said that as these lands are “coal bearing”, permission was not needed⁷⁸.

Janabhivakti, a people’s organisation spearheading the struggle, its Chief Functionary Bipasha Paul argues that the Gond Adivasis would not be the only ones to suffer. The proposed mines and an associated 75km coal rail line impact elephant habitat and inhibit migration routes in the forest. There are already a growing number of reports of incidences of human-elephant conflict as the elephants’ habitat diminishes.

It is hard to see how the mines will not adversely affect elephants and other native wildlife. The Hasdeo Arand is home to 34 species of mammals, 14 species of reptiles, 111 species of birds and 29 species of fish; these live among the 86 species of trees, the 51 species of medicinal plants, 19 species of herbs and 12 species of grass⁷⁹.

But a plan for a proposed elephant reserve in a small remaining unmined area of the Hasdeo Arand forest will mean villagers will be forced to leave there too.

The Government promised compensation and resettlement to those Adivasis impacted by the mines and forced to leave their forest homes, but most of the Gonds know nothing of life outside the Hasdeo Arand. Many fear they will be forced to join the exodus to the suburbs and slums of India’s vast metropolises.

Adani argued that it is helping the community, rather than hindering it. “While achieving energy security for India remains our larger goal, the project has begun touching millions of lives. From employing more than 400 adivasis at Parsa East and Kanta Basan we have been working closely to improve education and healthcare facilities in India’s hinterlands,” the company said in its website.

Gond Adivasis, who chop wood collected from the forest outside Ghatbarra village, failed to see the upside. Most of them are of the opinion that Mining would bring us close to death. The Adani project is going to devastate everything

⁷⁸ <https://www.theguardian.com/environment/2020/feb/10/indias-ancient-tribes-battle-to-save-their-forest-home-from-mining>

⁷⁹ <https://twitter.com/pallaviti/status/1231548173740470274>

nature has given us. One-time compensation for the land is not enough – we need much more than money to survive. We need nature to be with us⁸⁰.

IX

Still poor implementation of Forest Rights Act 2006

Chhattisgarh is home to some of the most marginalized communities, whose traditional ways of living from forest products are under threat from encroachment by mining and other activities. Disha Samaj Sewa Sanstha and Parivartan Samaj Sevi Sanstha working in Kanker district of Bastar region are doing a commendable work.

In Chhattisgarh, the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006 (FRA, 2006) has the potential to secure rights and livelihoods of more than 7.4 million *adivasis* and other traditional forest dwellers, who constitute 32% of state population over at 3.02 million hectare in over 11,500 villages. Only 5% of the total SC/ST populations in Chhattisgarh claimed IFR rights out of which 56% claims have been rejected and 44% have been recognized.

Forest Rights Claim	Number of claims filed at Gram Sabha	Number of claim recommended to SDLC	Number of claim recommended to DLC	Number of claims approved by DLC	Total number of claims Rejected at various levels
Individual	8,56,150	5,14,401	4,43,993	3,98,896	4,55,131
Community	31,515	26,446	24,450	22,610	7,272
Total	8,87,665	8,87,665	4,68,443	4,21,506	4,62,403

Source: Union Ministry of Tribal Affairs

Status of implementation of FRA in Chhattisgarh

Chhattisgarh became the second state in the country after Odisha to recognise the forest rights claims as well as the forest lands acquired by Scheduled Tribes and other traditional forest dwellers.⁸¹

Almost a month after forming the government in Chhattisgarh, the Congress government under Bhupesh Baghel started to raise the prices of forest produce

⁸⁰ <https://www.kractivist.org/indias-ancient-tribes-battle-to-save-their-forest-home-from-mining/>

⁸¹ <https://www.firstpost.com/india/after-odisha-chhattisgarh-becomes-second-state-to-recognise-forest-rights-claims-lands-acquired-by-scheduled-tribes-7157191.html>

nd to implement the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act (FRA), 2006.

Through a circular dated January 22, 2019, the government started a process of reviewing rejected Community Forest Resources (CFR) rights claims under FRA. According to the Union Ministry of Tribal Affairs' data on the status of FRA implementation as on November 30, 2018, only 57 per cent of CFR claims have been approved in the state.⁸²

Moreover, on 23rd January 2019, Chief Minister Baghel called a meeting of the state's district collectors, divisional forest officers and civil society organisations to discuss issues related to the implementation of FRA.

Baghel has stressed on the importance of giving the forest dwelling communities their due. As he said, "People have been living in forest areas for thousands of years; they should not have to struggle to get their name registered in the revenue records.

While there is a lot of potential land area to be granted to these communities under FRA, the scale of implementation is very low. According to data compiled and analysed by Community Forest Rights-Learning and Advocacy (CFR-LA), to create awareness about FRA, land titles under the Act have been given for only 50 per cent of the potential area.

The State Government decided to organise Gram Sabhas to get applications for the review process as well as to get new claim applications filed. State Government has given more powers and responsibility to the Tribal Development Department, which is the nodal agency for implementing FRA.

DISHA and Forest Rights Act, 2006

Disha Samaj Sevi Sanstha, popular as DISHA, work focuses on building the capacities of tribal communities, to enable them to claim their basic rights through collective community action along with strategies to improve their livelihoods. Gradually, the organization's sphere of work has expanded to include issues such as livelihood promotion, health, education, civil rights and tribal cultural issues. It primarily works with *adivasis* and other marginalised sections of society in the Kanker, Sarguja and Dantewada districts of Chhattisgarh.

DISHA, scouts forests for Adivasi settlements to educate residents about the FRA and the need to file individual and community title claims. Keshav Shori,

⁸² <https://www.downtoearth.org.in/news/forests/chhattisgarh-govt-keeps-poll-promise-starts-review-of-rejected-fra-claims-62979>

Founder of DISHA said, “In the pursuit of forest land, officials frequently concoct rules, or bring in provisions of irrelevant legislation to lay claim to forest land.” Further he said, “The FRA says land cannot be taken away by the government until forest rights are recognised. Often, rules that apply to non-forest lands, such as the Land Acquisition Act or the Panchayat Act, are used to capture forest land.”

In the thirteen years that the FRA has been in existence, the Chhattisgarh government had done little to implement it. Over the past six years, DISHA took on the onus of helping villagers claim their rights under the Act.

After three years of work, DISHA managed to file Community Forest Resources (CFR) Rights document and out of which 20 villages in Antagarh block of Kanker district were accorded the CFR title in September 2019.

Parivartan and Forest Rights Act, 2006

Parivartan Samaj Sevi Sanstha, popular as Parivartan, was founded in 1980 and it was officially registered under Society of Registration Act in 1989. The organization is based in Bastar region of Chhattisgarh, where two-third of the population is of *adivasis*. It is strongly advocating *adivasis* rights in most peaceful manner, which stands as an alternative to the influence of Maoist guerrillas in the Bastar region

Parivartan has over 30,000 *adivasis* in its immediate sphere of influence and indirectly supporting almost 150,000 *adivasis*. It puts its endeavour in protecting the life, living conditions, culture, and dense forest of the *adivasis* in a revitalizing and regenerative way that *adivasis* understand. Parivartan is involved in organizing campaigns, public hearings, documentation, legal assistance, construction of water pools and herbal gardens, etc. In its project in collaboration with Siemenpoo Foundation of Finland it focussed on the protection of the Pardhi communities dependent on bamboo work.

Ensuring livelihood among the Pardhis

Parivartan is working among the Pardhis, the most marginalized tribal community in Chhattisgarh. Popularly known as ‘Narahar Pardhis’, are in minority as in comparison to the Gonds and Marias. The main source of livelihood of this tribe hinges on Bamboo work, referred as ‘Basod’, the tribe is occasionally nomadic in search of bamboo groves, which might fulfil their purpose and needs. Pardhis craft out of bamboos sieves, mats and storage containers, which are more in the nature of utility articles than anything fanciful with artistic engravings. It is becoming increasingly difficult for the Pardhis to

obtain its regular and free flowing supply of bamboo. Since the British rule in India, forests have been rigidly delineated putting restrictions on the accessibility of forest produce for the forest-dwelling communities. Forest bureaucracy has strengthened that by creating hindrances for the tribals and other traditional forest dwellers. In the Neo-liberal era, the Central Government in tandem with the State Governments have been trying to hand over the forest reserves in Chhattisgarh and Jharkhand through the 'back door' to the multinational companies for the purpose of mining. The tribal and forest dwelling communities facing displacement have been protesting against it but it is being crushed by deploying para military forces and police.

In the present scenario, the existing supply of bamboo is getting quickly depleted where the State Government is more interested in extracting bauxite and iron ore in a close nexus with the MNCs. This is even while forest policies require the department to make bamboo available to communities such as the Pardhis on subsidised rates. But since the Pardhis are very poor and command low levels of literacy they are either unaware or completely clueless as to how they may gain access of bamboo from such sources as a matter of right. In such conditions they invariably turn to the market. Though markets are local and underdeveloped the local traders usually fleece the Pardhis and charge them exorbitant rates for the bamboo logs they need for their work. Bamboo logs are usually sold for anything between INR 50 to 80 to them. When the Pardhis are done with crafting the bamboo logs into final products they end up selling their products at extremely low rates to middlemen. Finished products at the end of a week are sold for anything between INR 400 to 600. Under no conditions does a Pardhi household ever earn more than INR 1200 to 2500 rupees in a month in this way.

As Aganoo Ram Sahoo, Secretary, Parivatan said, "Parivatan has largely been able to guarantee that the livelihood of the Pardhis is protected. On a priority basis efforts have been made to create homestead plots of bamboo that the Pardhis may be able to access with greater ease. This work was initiated with greater focus since 2013. We have also committed ourselves in bringing about larger structural change by engaging actively with more than a 1000 Pardhi households in our area of activities. Precisely, the break up is 451 families in Kanker, 409 families in Kondagaon, 172 families in Narayanpur and 119 in Balodabazar blocks. Nearly 1195 Pardhi families have been mobilised to work under nomenclature of Pardhi Mahapanchayat. This mobilization of the Pardhis into a Mahapanchayat has taken place with a strong rights based perspective. The Mahapanchayat finds its true strength in a series of village level bodies located in the above mentioned blocks of Kanker district. The vibrancy of such bodies is particularly visible in the locations of Ghotiya and Dokranala where the Pardhis have also taken to cultivation by using ploughs. Pardhis

pushed to the margins of the society by the State and other dominant castes, it is not enough to simply enhance livelihood earnings, the Pardhis must influence decision making in the region then it can only be through the Mahapanchayat. One key impact of this process has been that 34 Pardhi people have got elected as ward panchayat members under the Panchayati Raj system adopted in India. Since Panchayats are formally recognized as important bodies of local self-governance as per the Constitution, the involvement of Pardhis as ward members is a significant landmark. One result of this is that 4 primary schools have been opened by the State Government in some of the remotest Pardhi villages.”

The activities of the Mahapanchayat finds added strength emanating out of FRA 2006. FRA ensures land ownership rights to forest communities and also provides a means for communities to establish their usufruct rights over forest produce such as bamboo. Under the FRA the Pardhis have been able to regularize their landholdings, meaning they are no longer treated as illegal encroachments. Out of a total of 384 IFR claims submitted, 138 IFR claims have been approved.. Parivartan has played the important role of building awareness on all such counts, and is currently channelling its efforts into securing not only IFRs but also CFRs based on historical patterns of access/use. This seems like the only means of protecting traditional livelihoods. Pardhis have already started acting like pressure groups which regularly insist that the forest department make bamboo logs available to them at subsidized rates as per the law of the land. A total of 450 families have been registered as bamboo workers or ‘Basod Pangiyen’ as they are referred in local parlance. Another 175 families have renewed their registration which was defunct and treated as namesake for long

Pardhis were obstructed through blatant denial of their identity. The Forest Department customarily rejects their claims to being a ‘Basod’ community whose traditional livelihood is based on bamboo work. It has not been an easy process to establish the identity of the Pardhis as a ‘Basod’ community, primarily for the fact that many Pardhis do not even as much as have a caste certificate. For this purpose Parivartan has actively striven to help such communities acquire identity proofs and cards that are issued by the government such as smart cards, Aadhar cards, ration cards and the like. Such identity cards which reflect its irrefutable status as a ‘Basod’ community can be held up against the forest administration. They also serve to mainstream the community into a series of governmental programmes and initiatives, the proper performance of which is in turn ensured by the right based mobilization of the community into a Mahapanchayat. To give a brief tally of such accomplishments 360 families have got new BPL or Below Poverty Line cards

allotted to their names. Wielding a BPL card makes it easier for the community to access other benefits and provisions. 67 families have got pucca 48 houses constructed for themselves under Indira Awas Yojana. The Pardhi Mahapanchayat in the time to come hopes to network with other associations of bamboo workers spread over India to create a stronger confederation. Parivartan on its part wishes to see the Pardhi Mahapanchayat organized into a robust institution which is able to represent interest of some of the poorest of the poor in the region in an independent, self-reliant and autonomous way.⁸³

However, during this pandemic COVID-19, Parivartan addressed the immediate need for protecting the social and economic security of Pardhis, who are out of reach of administration and migrants labour initiatives were taken. Physical demonstration were conducted on Hand Wash, physical distancing using the mask and how to protect others while sneezing & coughing through videos shared by State Government was done by Parivartan functionaries and community mobilisers and village leaders. Wall writing, pasting of posters and banners were installed to make the Pardhis aware. Parivartan volunteers distributed pamphlets, developed flex, pasted handmade posters and wall writing on Covid 19 at the villages populated by Pardhis. Distributed dry ration, mask and soap distribution in these villages.

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Way Forward

Chhattisgarh has fared poorly with the recognition of CFR rights. There appears to be lack of definite political will to facilitate recognition of CFR rights due to continued dominance of the forest department on the one hand and the continued expansion of industries and other developmental activities over forest rich areas of the state on the other. There is also a lack of understanding of the role and objective of SDLC, and participation of non-government representatives in decision making is abysmal. There is a need for the urgent

facilitation of processing claims pending at the SDLC level and a review of all the gross violations of forest rights which have taken place in the diversion of forest land in the state. All titles as community rights/ CFR need to be revisited and a revised list may be prepared to ascertain the actual status of CFR rights recognition in the State. Gram Sabha conducted on gun point by deployment of paramilitary forces in presence of SDM in Kalgaon village for extracting 'consent' shows how powerless the 'Gram Sabhas' are. It needs to be corrected and proper procedures need to be followed in cases where there have been lapses. The nodal agency must constitute a team including representatives of CSOs working on FRA in the respective areas, to review the process of CFR recognition.⁸⁴

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