

A SYSTEM *of* INJUSTICE

**The Displacement
and Impoverishment
of Pardhis in Multai,
Madhya Pradesh**

Peoples Union for Democratic Rights {PUDR}, Delhi 2013
Women against Sexual Violence and State Repression {WSS}
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Preface

On 9 September 2007, Pardhidhana, a locality in Chouthiya village in southern Madhya Pradesh was razed to the ground by hundreds of local farmers. Several members of the state machinery, including the police and higher administration, stood by as men rampaged through Pardhidhana setting fire to the shanties and demolishing the pucca houses after looting them. Several politicians, including the sitting MLA of the region took an active part in the proceedings, and justified the mob action, citing how the former inhabitants of Pardhidhana, a group of Pardhis, deserved this fate. Central to this justification was the recent rape and murder of a local peasant woman, allegedly committed by some Pardhi men from Maharashtra. Assumptions about the 'criminal' nature of the Pardhis, a denotified tribe, seemed reason enough to displace hundreds of Pardhidhana inhabitants and demolish their homes.

The inhabitants of Pardhidhana had been forcibly removed from their homes by the police a day before the demolition of Pardhidhana, and six years down the line have not been able to go back to Chouthiya village. The government has provided only minimum benefits to the displaced population, first in Bhopal and then in two groups, at a patch of land in the forest and at a rarely-used sports facility in Betul. After their rations were stopped in October 2010, the group from the forest came to Betul and are now living in shanties. The other group was finally thrown out of the sports facility and they too now live in shanties in Betul. All the displaced Pardhis have lost everything that they owned in Pardhidhana and many of them now make a living begging on trains or at Betul railway station.

The displacement and demolitions are however only one side of this story. Within hours of the demolition, two sets of heinous crimes had occurred: in one, two people, Bhondru and Dodelbai of Pardhidhana were found murdered in cold blood, and eyewitnesses alleged the gang rape

of Dodelbai as well; in another, ten women alleged that they had been held back when the police forcibly evacuated Pardhidhana before the demolition, and had consequently been gang raped. While the murders of Dodelbai and Bhondru have been investigated, only one person has been charged with both the crimes!

The fact that Pardhis, despite being Internally-displaced Persons, continue to suffer poverty means that the administration has simply turned a blind eye to their fate. Even worse is the case of local politicians, who, in some cases, seem to have garnered votes after creating an anti-Pardhi sentiment in this region. Over the last two assembly elections, denotified tribes have been fashioned as the local 'minority' community which eats into the majority community's resources, and between 2003 and 2007, eleven people, all members of denotified tribes were stoned to death or lynched in this region.

While the administration seems to have actively engineered the conditions for the demolition, the police remained steadfastly inactive. Only the judiciary came to the rescue of the displaced Pardhis following sustained follow ups by local activists, lawyers and journalists. In August 2009, the Madhya Pradesh High Court ordered a CBI enquiry into the demolition. However, the CBI's investigation report, filed in mid-2012 deftly reduced charges against the accused in the demolitions and murders cases, and simply ignored the rape charges. It was in this apparent context of the pauperization and denial of justice that the Pardhis were experiencing that two organizations, Women against Sexual Violence and State Repression (WSS) and Peoples Union for Democratic Rights (PUDR) decided to visit the displaced Pardhis in Betul. This report is a result of the fact finding. Though the team was unable to visit the demolished Pardhidhana and could not speak to the peasants who were involved in the demolition, the team met with the administration, the police and civil society members in Betul.

Based on the fact finding and a close analysis of the CBI charge sheets, what emerges is a systematic mis-carriage of justice. Despite fair judgements by the High Court, the displaced Pardhis have been systematically impoverished. This report details the many ways in which this has occurred.

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Chapter One

The Politics Of Caste Assertion

The demolition of Pardhidhana at Chouthiya village in Multai tehsil, southern MP, in September 2007 reveals the manner in which violence against denotified tribes results not just from cultural notions of inequality, but from the very real politics of middle caste assertion in this region that uses lower caste and tribe prejudices for its own ends (see Annexure 3 'Denotified Tribes' for more information).

Before their displacement, the Pardhis of Pardhidhana, Chouthiya village, were not as dreadfully poor. They practiced their traditional vocation of hunting birds in the neighbouring forests, despite the continuous fear of the Forest Department, and also reared poultry and goats. Most Pardhidhana inhabitants found agricultural wage work in the fields and some even leased agricultural land to grow cash crops, with soyabean being a common choice of crop (See Annexure 4, 'Pardhi' for more information on the Pardhi ethnic group).

Some of the displaced Pardhis had been living in Chouthiya village for decades before 2007. Eleven families in Pardhidhana had pattas and pucca houses, while three families claim that they paid property tax for their pucca houses without getting any papers for them. Members of the eleven families who had pattas and pucca houses said that their grandparents had settled in Chouthiya when land there belonged to a baildaar from Multai town¹. This land was then sold to a farmer who still lives in Chouthiya, with

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¹ Multai tehsil is one of the many tehsils in Betul district and consists of a majority peasant OBC population. The administrative headquarters of Multai is Multai town, which is a place with Hindu religious significance for being the origin of the major central Indian river, Tapti. Chouthiya village is in Multai tehsil. The majority Marathi-speaking peasantry were

whom the Pardhis had a cordial relationship. Some of them spoke of how, earlier, they never faced such intense hostility from farmers if they set up shacks on private farmland.

The Pardhis continued living on the land and finally received ration cards, pattas and money under the Indira Awas Yojana to build pucca houses in 1995-96. Over time, the settlement grew through marriage and Pardhidhana came to be acknowledged as a section of Chouthiya village and even had a representative panch. A primary school was set up in Chouthiya that most Pardhi children attended.

Ironically, even after the destruction of Pardhidhana, a panch from this section of the village continues to be part of the gram panchayat! Right now, Ratnabai is a panch, but we were informed that the gram panchayat makes sure that the displaced Pardhis never know of panchayat meetings and are never included in any decision-making.

Despite their pattas and involvement in settled agriculture, the inhabitants of Pardhidhana found it hard to shake off the criminal tag. When the fact finding team visited the displaced Pardhis in Betul in late 2012, we heard of numerous references to Pardhis' involvement in selling fake gold and organising gambling dens from non-Pardhi sources. At a much lower economic level, they were also accused of spreading 'terror' amongst the farmers by indulging in such activities as stealing vegetables from fields. An oft-quoted example by the administration was one where a farmer allegedly found Pardhis cutting his standing crop and walking away with it.

settled here during the colonial period as part of the attempt by the colonialists to 'settle' populations in agriculture, even as large swathes of forest were cleared to feed the colonial economy. The forest cover in Multai tehsil is only about 11 per cent (2001 Census). This is in stark contrast to the neighbouring Bhainsdehi tehsil of Betul district, which has a very high forest cover, higher and uneven altitudes and a correspondingly high scheduled tribe population. In both tehsils, Pardhis have no special category status.

However, no police complaints or details for such incidents exist. While the involvement of some Pardhidhana residents in these activities may be true, the fact is that in this region—southern Madhya Pradesh and the northern Maharashtra district of Amravati— gambling remains a major business activity, not only as it is alleged among the Pardhis, but among all sections of the population. Because of the illegality associated with gambling, however, nothing more than unsubstantiated information was found on its extent.

Why, then, did the alleged existence of a gambling den in Pardhidhana and the alleged 'criminal' character of its inhabitants become reason enough to demolish an entire locality, displace hundreds and rape and murder people?

The answer seems to lie in the fact that the popular notion of the nomadic Pardhis and other denotified tribes as thieves has been reiterated and used by majoritarian political parties over the last few years to win elections. Political leaders and the peasants of southern Madhya Pradesh make repeated references to the terror caused by the Pardhis and their alleged 'low' morals. An economically and politically marginalized community is also now firmly socially marginalized through the reinvention of caste biases against 'lower' communities. This modern interpretation of caste biases against the Pardhis specifically, and denotified communities in general in this region may have several historical causes, which this report does not investigate. However, what is clear is that this modern form of caste bias has been used by contemporary politicians in this region to create identity-based vote banks where the Pardhis and denotified tribes are projected as 'outsiders' to this region whose very presence is morally deficient, and of course, a drain on local resources.

Consider the example of Sukhdeo Panse, Congress MLA from the constituency that includes Chouthiya village. Panse was one of the leaders of the demolition of Pardhidhana in 2007. For years, he had been using

an anti-Pardhi agenda and about four years before the demolition of Pardhidhana, on 30 August 2003, Panse led a mob in a village named Ghat Amravati in Masod constituency, which burnt down 10 houses and *stoned* three Pardhis to death. In 2004, Panse became an MLA for the first time from the Masod constituency.

A police investigation in the Ghat Amravati case led to the arrests of three people, but Panse escaped being implicated in this case. However, following close on the acquittal of those arrested in the Ghat Amravati case, another incident of violence against denotified tribes occurred when on 24 September 2004, when three women of the Hangri Lohar community were burnt to death in Khapa Khetda village in neighbouring Amla district. No one has been arrested in this case.

Sporadic incidents of deadly violence against tribals continued in this region: on 13 June 2006, two Hangri Lohar men were killed, and on 9 September 2006, exactly one year before Pardhidhana's destruction, two Hangri Lohar men and one woman from an unknown tribal community were killed. In all, 11 tribal people were killed in this region in a short span of 4 years between 2003 and 2007, but no one was arrested in any of these cases. Even if one remains vigilant against conspiracy theories, it is hard not to notice how the police, administration and politicians seem to have colluded in maintaining silence when it comes to atrocities against scheduled and denotified tribes in this region.

The destruction of Pardhidhana in 2007 directly helped further Panse's career. Much like in 2003, when he won the 2004 state elections from Masod on an anti-outsider/Pardhi platform, in 2007 as well, Panse was awaiting the elections in 2008. The situation, however, had been complicated by the recent delimitation of constituencies. Panse, who was MLA from Masod, now had to compete for the seat from a newly redrawn constituency, which included Chouthiya village where Pardhidhana was

situated. His rival for the seat was a strong candidate, Dr. Sunilam of the Samajwadi Party. With a history of involvement in the farmer's struggle, Sunilam obviously posed a serious challenge to Panse's chances of being an MLA.

In these circumstances, Panse replayed his anti-Pardhi agenda which had worked for him in Masod in the last election. It appears that Panse's gamble paid off because he won the next election on a Congress (I) ticket using the anti-Pardhi agenda.

Another major politician implicated in the Pardhidhana destruction case is Raja Pawar. With his wife in MP Police, Pawar, a local businessman, is president of the BJP-led local block government, the janpad. Following his actions in Pardhidhana in 2007, where he has been found guilty of illegally demolishing Alsia Pardhi's home, he has risen to the level of vice chairman of the BJP-led district or zilla panchayat, and is a potential BJP candidate from this constituency for the 2013 elections.

But, obviously, it makes no sense to blame politicians only because the peasantry of this region clearly voted for them. However, the fact that Multai tehsil has a very small Pardhi population and that Pardhidhana, the focus of the peasantry's ire, housed barely 200 to 300 people, clearly points to the possibility to several reasons in the emergence of hatred towards Pardhis.

Some of these reasons include caste assertion by local OBC middle peasantry consisting of Kunbis and Kirads who seek to claim this region and its resources, the growing consciousness of private property in an inflated real estate market and resentment towards a formerly 'lower' community growing in economic power and confidence. This report simply attempts to document the injustices faced by the inhabitants of Pardhidhana and bring to public knowledge their continued mistreatment.

Chapter Two

Displacement and Poverty

Over five years after the 2007 incidents, when the fact finding team visited the displaced Pardhis, what it found was a continuing story of administrative and political apathy. Before laying out the many ways in which the Pardhis displaced from Chouthiya village's Pardhidhana have been made victims of caste assertion and majoritarian politics by administrative officials, presented below is a recounting of the events of the demolition of Pardhidhana and the displacement of its inhabitants.

DEMOLITION, DISPLACEMENT, RAPE AND MURDER

On 9 September 2007, news of the rape and murder of local Kunbi woman named Anasuyabai from Sandia village, allegedly by men whose ethnicity was identified as Pardhi, began trickling in. Local peasants began agitating and the issue of the alleged perpetrators being Pardhis was taken for granted. On the same day, the Additional Collector Masood Akhtar assured the protestors that Pardhidhana would be demolished within three days, on 11 September. The fact that 11 houses in the settlement had pattas was not mentioned at all, and by all reports, the intention was to demolish all of Pardhidhana and conclusively displace the Pardhis who lived there.

The next day, on 10 September, police descended on Pardhidhana in the morning so violently that people sensed something was wrong and began running helter-skelter in fear. Eventually, all Pardhidhana inhabitants were rounded up by the police who claimed that in fact, they were there to protect the inhabitants because the settlement was to be attacked by the majority peasantry in retaliation for Anasuyabai's rape and murder. Except for the very old and the very young, all Pardhidhana inhabitants were taken to the Multai police station under the pretext that Anasuyabai's son was

there to identify the alleged rapists and murderers. Though the son did not identify any Pardhidhana inhabitant as the rapist-murderer, all of them were detained. About eight to ten people, including Dodelbai, Bhondru, Langad, Rampyari and Soudagir, who were in the forest, saw the police round up all Pardhidhana inhabitants from afar and fearing the worst, stayed back in the forest.

The Pardhidhana inhabitants were held in the Multai police station till the evening, and at about 5:30 p.m., were taken back to Pardhidhana, where they were served eviction notices which said that their homes would be demolished the next morning, barely 12 hours later. Some of the displaced people reported that their names were written on the notice as it was being handed over to them. But, right after, without being given enough time to collect their belongings, the to-be-displaced people are loaded into police vans and sent to Multai railway station. From there, they were immediately sent to Bhopal by train, where they spent the night in the station. Oddly, before they could realize it, 10 women from the Pardhi settlement were held back without explanation. Since some Pardhidhana inhabitants were friends with the policemen, they did not suspect anything when they were told that the women would be sent by jeep later. The next morning, on 11 September, when the women reached Bhopal, they told their relatives that they were gang raped the previous evening by political leaders and gram panchayat functionaries (See Chapter 'Women's Bodies as Battlefields').

Meanwhile, back in Pardhidhana, demolition activity began at about 7:30-8:00 am. The mob demolishing and setting fire to the houses and jhonpdis, was led by political leaders from both the BJP and the Congress (I), and with men from neighbouring villages coming on tractors, swelled to hundreds. Later, a JCB demolition machine, brought there from Multai town, was used by Raja Pawar, then a BJP-affiliated janpad member, to demolish the pucca houses in Pardhidhana. By about 2:00 pm, several senior administrative officials such as the then Collector Arun Bhatt and

the then Superintendent of Police of Betul district Jagat Singh Sanswal were present at the scene of destruction, evidently doing nothing to stop it. The police later claimed that there were too many people for them to control.

The group of Pardhis who had stayed night in the forest were still in hiding and were slowly making their way back to the village through the fields. Two of them, Bhondru and Dodelbai, husband and wife, refused to hide and began walking with their flock of goats on the road. Soon, however, a passing tractor full of men destined for the demolition of Pardhidhana, stopped and attacked the couple. Bhondru was mercilessly beaten, while Dodelbai was allegedly gang-raped. Both were then murdered, though it is still unclear whether Dodelbai was alive when she was thrown into a nearby well. Several other Pardhis who were hiding in the fields saw this and have repeatedly presented their accounts to various authorities, where they named the accused (See chapter 'Analysing the CBI Charge Sheets' and 'Conclusion').

The work of Pardhidhana's demolition complete, local politicians all laid claim to making it happen. On 16 September, about five days after the demolition, a public meeting was called by the 'majority' community in Multai with several political leaders and administrators in attendance. This included BJP and Congress leaders, the then state revenue and 'guardian' minister affiliated to the BJP, Kamal Patel, as well as the then collector and the then superintendent of police. At this meeting, Patel justified the mob action in Pardhidhana and reiterated the need to keep the 'outsiders', i.e., a few hundred Pardhis, out of Multai.

While politicians and local administrators were justifying their actions in Multai, some state-level administrators in Bhopal began organizing rehabilitation for the displaced Pardhis there. The day after the demolitions, on 12 September, all the displaced villagers were put up with the Commissioner of Police's help in the Shastri Nagar community centre in

Bhopal. There, they were served bare rations of 2 rotis per head for each meal, and were under constant police surveillance. They were not allowed to leave the community centre for almost a month.

Differences within the displaced Pardhis, however, had surfaced soon enough. On 28 September, a couple of weeks after living in Bhopal, about 100 displaced Pardhidhana people, hearing of compensation being awarded, headed to Betul from Bhopal. Headed by Ratnabai, this group consisted of the families who held pattas to land and had received Indira Awas Yojana grants to build pucca houses in Pardhidhana.

However, in keeping with the anti-minority sentiment, Multai townspeople, led by Betul BJP MLA, Shivprasad Rathore, protested the possibility that the displaced Pardhis would be housed in the Multai Polytechnic College. They blocked the highway and sat on dharna, where Rathore, also incidentally the head of the Multai Polytechnic Students' Parents' Association, told the press: 'They [the displaced Pardhis] should go back to Maharashtra from where they came years ago and settled illegally' (The Sunday Express, 30 September 2007).

The group headed by Ratnabai received no compensation and stopped short of Multai at Betul, where they were allowed to live in Shahid Bhawan, a sports facility in the centre of Betul town. They lived here till 2010, when they were thrown out. This group, known as the 'Ratna camp' has maintained a distance from the legal proceedings in relation to their displacement in the hope of receiving their pattas back. However, this decision has had scant effect on their living conditions as they live barely 100 metres away from the other displaced Pardhidhana inhabitants in similar poverty.

The other group without pattas, known as the 'Alsia camp' after their leader Alsia Pardhi, too ended up in Betul in slums, but took a slightly different

route. Short of a month of the demolition of Pardhidhana, on 6 October, they were without warning taken to Shahpur tehsil in Betul district. There, they were left in a maidan on the highway late at night, where they realized that they were at the Baretha Forest Department cottage. They remained here for about three years. Being on the highway, they could barely interact with neighbouring villagers and were continuously watched by policemen on duty. Though they received rations, on 21 October 2010, rations were suddenly stopped. The next day, the displaced people reached Betul and settled in jhonpdis on the land near the old bus stand. Till date, they all remain in this spot. This is now called the Pardhi camp, Excellence School campus.

People in both camps live in ramshackle huts and both camps reported the deaths of elderly people and new-born infants during the winter. The administration provides tanker water, but no sanitation facilities. While girls are now not sent to school at all, only a few boys go to school, but spoke of how teachers disallowed them from sitting in class if they could not pay the fees.

A major factor in the continued homelessness of the displaced Pardhidhana inhabitants has been the opposition of the local political establishment to administrative efforts to repatriate them. Despite the direction of the Madhya Pradesh state Human Rights Commission (MPHRC), no effort has been made to settle them, and the MPHRC has now filed a writ petition at Jabalpur High Court for the implementation of their settlement order. In a positive move, after the fact finding team's meeting with the then collector in November 2012, pattas and loans were sanctioned for the displaced people under the Chief Minister's Awas Yojna. But, due to the opposition posed by all the major political parties to their resettlement, the displaced Pardhidhana inhabitants continue to live in shanties in Betul town.

Despite the continuing impoverishment of the displaced Pardhidhana inhabitants, not one mainstream politician has taken up this issue, and none of the sitting MLAs, either of Multai or of Betul, have raised this issue in the Madhya Pradesh legislative assembly. Even as all the major national parties have been more interested in milking the majority vote bank based on this issue, one group, the Shramik Adivasi Sangathan, affiliated to a state-level political party, Samajvadi Jan Parishad, has been working with the Alsia group to secure justice and rehabilitation. Only through the efforts of this group has the Pardhidhana displacement issue managed to reach the courts and be subjected to a CBI investigation. This raises a rather uncomfortable question: is it all too easy for such vote bank politics to remain majoritarian?

NATIONAL COMMISSION FOR DENOTIFIED, NOMADIC AND SEMI-NOMADIC TRIBES

No discussion of the displaced Pardhis, however, is complete without a mention of the report by the National Commission for Denotified, Nomadic and Semi-nomadic Tribes, comprising Balkrishna Renke, Laxmibai Patni and Meena Radhakrishna. Also called the Renke Commission, the report by this Commission, along with the progressive attitude taken by the MP HC in 2009, have been essential to the continuation of the struggle by the displaced Pardhis to gain justice.

Members of the Renke Commission had lost no time in recognising the enormity of the crime against the displaced Pardhis and conducted a fact finding between 29 and 30 September 2007. It was, in fact, the intervention by Balkrishna Renke which led to the Ratna camp being given accommodation in Betul.

The Commission released its report on 19 October 2007, and in an admirable move, indicted the administration and the police for having

been hand in glove with majoritarian vote bank politics in this region. The report argued passionately for the rights of the displaced Pardhis, and listed, by name and political and professional affiliations, people in the administration and elected government, who had allegedly committed the crime of displacing people, destroying property, raping women and murder. The Commission could do this because of the oral testimonies and video recordings of the events of 9 September 2007 presented to them by a group of local journalists from Betul.

Also, the Commission's report noted the alleged rape and murder of Dodelbai, the murder of Bhondru and the rapes of the women in Pardhidhana. Along with this report, the forensic report of the director of the State Forensic Institute was instrumental in the registering of an FIR in the cases of Dodelbai's rape and murder and Bhondru's murder. The deaths of Bhondru and Dodelbai had been termed 'natural' by a local doctor, but the forensic report refuted this and pointed to severe injuries on Bhondru's body of the deceased. While Dodelbai's rape could not be investigated because of the condition of her body, the report concluded that the timing of both the deaths were similar.

The Commission's report named several elected representatives and police and administrative personnel as inciting the destruction of Pardhidhana, and also noted a) the allegation by 10 women that they were gang raped in Alsia Pardhi's house on the evening of 10 September, and b) the allegation of the murder of Bhondru and the rape and murder of Dodelbai. The report in no uncertain terms rejected the rehabilitation package by the Betul administration for the displaced people as casteist, unconstitutional and a throwback to the colonial Commission of Criminal Tribes settlements (see Annexure 2 for extract from the Commission's report).

Following this report's release, the women who alleged rape went through a medical exam—over a month after the incident. The medical reports,

however, find no mention in either of the two charge sheets filed by the CBI, which ignores the issue of rape. In other words, no one knows the results of the medical investigation of the women. Finally, the Commission's report made many recommendations for rehabilitating the displaced Pardhis, but the government has not shown any intention of implementing them.

ADMINISTERING INEQUALITY

Making matters worse, the Pardhis are especially marginal in Betul district (see Annexure 5, 'The Categorization Muddle' for more details). Though they are scheduled tribes in Betul district, in its sub-division, Multai, where Chouthiya is located, they are neither scheduled tribe nor scheduled caste. This loophole has been successfully used in this case. Despite the Pardhis' marginality, because on paper they do not belong to any category in Multai, the Scheduled Caste and Tribe Prevention of Atrocities Act has not been applied to this case.

Second, the Pardhis are 'denotified' at the national level; however, in this district, they carry the unofficial tag of being 'nomadic' and 'criminal' and are therefore deemed not eligible by the administration for any benefits. According to the administrative officials we spoke to, even the Ministry of Social Justice of the central government rejected any funding for rehabilitating the displaced Pardhis.

Both the CBI charge sheets and administrative attitudes tend to presume the guilt of the Pardhis in creating conditions for the destruction of Pardhidhana. It is presumed that it is the Pardhis who 'terrorise' the majority community and that their displacement is a justified reaction by the majority.

We contend that the CBI, administration and police's attitude towards Pardhis draws squarely from this majoritarian anti-Pardhi view in this

region. For instance, the CBI charge sheet that lists 82 accused in the Pardhidhana destruction case, practically exonerates them in its investigation report. First, by claiming that the Pardhi families with pattas migrated from Maharashtra to Chouthiya only in 1995-96, it assumes the populist sentiment that the Pardhis are 'outsiders' with no real ownership of the land. Verbal testimonies by the Pardhis to the fact finding team, as well as their CBI witness statements note that Pardhi families had been living in Chouthiya for at least three generations. How else can the fact of Pardhidhana being a ward in Chouthiya Gram Panchayat be explained?

Second, following from this attitude, the CBI report assumes that 'resentment against Pardhis' emerged when Anasuyabai was raped and murdered (See chapter 'Analysing the CBI Charge Sheets'). This assumption is based on a fundamental error. Criminal law cannot be used against communities, only against individuals. In this case, the CBI and several of the witnesses keep talking of how 'some' Pardhis had raped and murdered Anasuyabai, creating an impression that the entire community was responsible for her death. They further assert that the local OBC peasantry was enraged by this act of the Pardhis-at-large. It helped that the administration shared these assumptions about the Pardhis.

AN APATHETIC ADMINISTRATION

An assessment of the displaced Pardhis will remain incomplete till the administration's role in their impoverishment is not considered.

On 9 September 2007, the day of Anasuyabai's alleged rape and murder, the Additional Collector Masood Akhtar felt it fit to assure protestors that Pardhidhana in Chouthiya would be demolished within three days given the involvement of 'some' Pardhis in the crime. However, it was then collector Arun Bhatt's 'rehabilitation package' for the Pardhis of Multai district that most clearly put on view the administration's caste bias. The

fact-finding team tried in vain to get a copy of this proposal from the state administration. However, the report of the Renke Commission put on record the problems with this report (See Annexure 2 for extract from the report of the National Commission on Denotified, Nomadic and Semi-nomadic Tribes). Not only did Bhatt's rehabilitation package propose to physically segregate the Pardhis from the local middle peasantry, it went so far as to suggest that, if followed, this proposal would solve the 'Pardhi problem' in Multai. Bhatt's plan assumed that Pardhis, individuals and the community, were pathologically criminal and needing 'reform'. All this despite the fact that a) the Pardhis are nationally recognized as marginal and denotified, and b) in Multai, they have no status as SC, ST or OBC!

The current collector the fact finding team spoke to categorically rejected the Bhatt rehabilitation package and spoke to the fact finding team about the need to 'mainstream' the displaced Pardhis. However, as in all administrative exercises, the Pardhis have themselves had no say in how they are to be developed or mainstreamed.

As a result, administrative officials spoke of how the displaced people had rejected all the land for rehabilitation that they had been shown. However, the fact is that the displaced have been shown extremely low quality land. Despite the division within the Pardhis, both groups spoke about how unsuitable the three pieces of land they were shown were. According to the displaced people, the land in Gaothana was completely disconnected from any road head. In Chakka Road, Maramjiri, the land was on an incline above railway tracks, with no water supply and poor road access. In Temni, they were shown the worst land, which was by a stream. The land itself was moist, and according to one informant, the other side of the stream was the site of a Gond burial ground.

Administrators' individual biases were also on display during the fact finding team's discussions with them. Stressing the need to remove the

Pardhis from the centre of Betul town, one administrator spoke of how the displaced people themselves wanted to now live in Betul because begging here was easier compared to the hard labour required in the village. Comments about their lack of hygiene were used to describe just how much more the administration needed to do to 'develop' the Pardhis. Making matters worse were comments about how the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act was prone to misuse.

Finally, notions of Pardhis' community habits were never far from the discussion. The fact-finding team was told of how despite being given day jobs, the people had not maintained them. In fact, people in the camp informed the team that they had been given jobs in a tyre factory that paid them Rs 80 per day. Quite apart from the fact that the administration felt it acceptable to get people jobs that pay below minimum wage, the work itself was strenuous and required travelling by bus, which cost close to Rs 20, one way. Further, workers were not given any food, so needed to spend money to buy food as well. In short, the job did not offer them any advantage and currently, only one woman from among the two camps still works there. Unfortunately, she is a single woman and the mother of one of the two children who went missing from the charitable hostel.

THE POLICE AND THE 'CRIMINAL' TAG

Finally, the police's attitude remains obviously biased. Even as late as November 2012, when the fact finding team visited Betul town, the constables we spoke to referred to Pardhis as habitual criminals and deserving continuous suspicion. We found no cases registered in Betul against the Pardhis there. Rather, when asked about the disappearances of a fourteen-year-old Pardhi girl, Rajnandini, and two young Pardhi children from Betul, the police spoke of how all three had not disappeared, but had left of their own accord. However, we found out, Rajnandini was abducted in full view of the public by Forest Department officials, while the two little

children, even if they did leave the hostel they lived in, were minors and surely deserved a police investigation to locate them. When asked why no case of abduction had been made against the Forest Department guards in Rajnandini's case, even when there were several eyewitnesses, the team was astounded to hear replies like, "Do you think we should register cases against honest public servants on the words of these criminals?" and "The women of these communities are like this, they run away".

In light of this attitude of the police, it came as no surprise when the female proprietor of the charitable educational hostel from where the children disappeared cast aspersions on the sexual character of the missing six-year-old girl simply because she was Pardhi. It became clear to the fact finding team that the populist need to throw out Pardhis from this region is nothing but a contemporary expression of inequality and disgust towards those considered economically, politically and socially 'lower'.

Chapter Three

Analysing the CBI Charge Sheets¹

For over five years now, the people displaced from Pardhidhana have been waiting for justice (see Annexure 1, 'Chronology...'). But, both the police and the CBI seem to have indulged in a cruel game where those who demolished an entire locality illegally remain unpunished, while the displaced people fall deeper into poverty.

INACTION BY THE POLICE

According to the CBI charge sheet filed on 29 March 2012, after the demolition of Pardhidhana, the thana-in-charge of Multai police station, Maujilal Verma, filed panchnamas for economic losses and the demolition. Verma, in his witness statement, says that he filed an economic loss panchnama, amounting to Rs 1,50,000, as well as an FIR (No. 495/07) at the Multai police station. The FIR was filed under sections 147, 148, 149, 186, 427 and 436 IPC against 2000 unknown persons².

Despite the Pardhis being a denotified tribe at the national level, the police did not invoke the Scheduled Castes and Tribes (Prevention of Atrocities) Act, 1989. Even if the justification is that the Pardhis have no

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¹ The quotations from the CBI report have been reproduced verbatim and the typos and errors in the quotations have not been corrected wherever quoted directly in English from the charge sheets.

² Section 147, Punishment for rioting, two years or fine or both; Section 148, Rioting, armed with deadly weapon, three years or fine or both; Section 149, Unlawful assembly committed in prosecution of common object; Section 186, obstructing public servant in discharge of public functions, three months or fine of Rupees five hundred or both; Section 427, mischief causing damage to the amount of fifty rupees, two years or fine or both; Section 436, mischief by fire or with explosive substance, with intent to destroy house, etc., imprisonment for life, or to a term extending to ten years with fine.

special administrative status in Multai, their national status should have been reason to invoke this act. More so because they were thrown out of Pardhidhana because of stigmas deriving from their denotified status. Further, not a single person was named in this FIR, even though in his witness statement to the CBI, Verma attests to having seen Sukhdeo Panse and the then sitting MLA of this region, Dr Sunilam, giving inflammatory speeches.

Having done his paperwork, Verma and his colleagues settled down into inaction on this case. The rape allegations made by some of the displaced women in Bhopal were ignored. When the bodies of Bhondru and Dodelbai were discovered two days later, all the police did was record a panchnama, and followed it up with a post mortem report that claimed that Bhondru died of alcoholism. However, it was the tenacity of the eyewitnesses, including Bhondru and Dodelbai's children, the obvious murder of Dodelbai, whose body was found floating in a well, and the Renke Commission's report that led to the cases being transferred to the SDoP of a neighbouring region, who registered an FIR in this case. The police in Multai did their best to cover up the case by burying Dodelbai's body two days after it was found, instead of handing it over to her relatives. Later, post mortems and tests conducted on the exhumed body of Dodelbai and Bhondru's preserved body in Bhopal revealed that both deaths were indeed unnatural. As mentioned in the previous chapter, it was only after the Renke Commission report the police and administration got down to getting a medical investigation of the women alleging rape done.

Almost two years later, on 9 August 2009, the Madhya Pradesh High Court, while responding to a PIL by Anurag Modi of Shramik Adivasi Sangathan and Sangeeta Pardhi, one of the displaced, questioning police laxity in this case, acknowledged the enormity of the crime against the Pardhis and directed the CBI to investigate the demolitions and the unnatural deaths of Bhondru and Dodelbai. In response, the CBI did file

charge sheets, but not before allegations of bribery, missing witness statements and threats to key Pardhi witnesses arose. The corruption and proximity to the accused of the first investigating officer (IO) led to his transfer out of the case. Following that, the second IO, who was close to framing a charge sheet, and who had revealed that several witness statements were missing, was taken off the case on a minor technicality. The IO who filed the charge sheets, N.K. Sharma, too has been accused by Alsia Pardhi of intimidation tactics. When Alsia and his fellow displaced persons did not relent, Sharma went ahead and filed the charge sheets any way, ignoring material on record and corroborating eyewitness statements and choosing statements to fit the CBI's charge sheet, rather than the other way around. As a result, despite eyewitness statements corroborating the administration's complicity in the demolition of Pardhidhana, Sharma's charge sheet places the blame entirely on politicians and villagers, thus exonerating the administration.

In the Bhondru and Dodelbai cases, to absolve the politician and police officer named by the Pardhi eyewitness, all Pardhi eyewitness statements were simply not included in the charge sheet. Finally, Sharma, in his report, ignored the rape cases of the displaced women, stating in court that since the Madhya Pradesh High Court had not ordered the specific inquiry of the alleged rapes, the CBI did not find it essential to investigate them or place charge sheets on that count. This was in spite of the fact that the testimonies of the women were taken, even by the CBI (see chapter 'Women's Bodies as Battlefields').

In the following paragraphs, we consider the many ways in which the CBI, police and administration colluded to write off their complicity in the demolition of Pardhidhana, and the rape and murder of Dodelbai and the murder of Bhondru.

CHARGE SHEET 1, FILED ON 29 MARCH 2012

This first charge sheet is an interesting study of how the CBI's investigation report and its eyewitness testimonies need not necessarily match. This is also the document that names 82 accused in the Pardhidhana demolition case.

In its investigation report, the CBI claims that the Pardhi families settled in Chouthiya as late as 1995-96, thus equating the date of patta allotment with settlement. It then claims that 'resentment' against the Pardhis of Chouthiya emerged after the rape and murder of Anasuyabai. It notes the administration and the police's complicity in preparing for the demolitions, but goes on to further claim that the villagers and politicians began the demolitions before the administration did. It chooses to remain silent on police and administration complicity and names 82 accused persons, charged under sections 147, 148, 149, to be read with sections 380, 426, 427, 436, 447 and 451 IPC³. Finally, the CBI claims in its charge sheet that it will not arrest the accused because of the grave nature of this matter asking the police to make the arrests. Since the police had been exonerated by the charge sheet, this was a neat way of tying up loose ends by asking the police to arrest those they had worked with to make the demolition happen.

An examination of the eyewitness testimonies, ostensibly selected for their applicability to this case by the CBI, however, still shows the manner

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³ Section 380, theft in dwelling house, etc., imprisonment extendable to seven years and also liable to fine; Section 426, punishment for mischief, three months or fine or both; Section 447, punishment for criminal trespass, three months or fine up to Rupees five hundred or both; Section 451, house-trespass in order to commit offence punishable with imprisonment extendable to seven years. Please see previous footnote for remaining sections.

in which the CBI has watered down the charges and cherry picked a list of accused.

The CBI report completely glosses over the context of the majoritarian and populist sentiment against the Pardhis by focusing only on the events of Anasuyabai's rape and murder and the demolition, painting the picture in black and white. It does this by claiming an incorrect history of the Pardhidhana settlement:

Investigation disclosed that during the year 1995-96 few Pardhi families migrated from Maharashtra and erected dwellings in Village Chouthiya. ... With passage of time, more Pardhis families migrated from different places started establishing their dwelling around the open leased area and their number gradually increased due to expansion of family.

This is contrary to Ratna Pardhi's statement to the CBI. She is one of those who had pattas. She categorically states that she is not from Maharashtra and says that her parents and in-laws both lived in Chouthiya. According to her, it was actually the Alsia camp group who moved in from Maharashtra.

The report further claims, "The investigation disclosed that the resentment against Pardhis R/o Pardhidhana prevailed when Smt. Anushua Bai R/o Village Sandia, Tehsil Multa [sic], belonging to Kunbi caste was raped and murdered by some Pardhis on 09/09/2007." In this manner, not only does it translate the crimes of one group of people onto a whole community, it also accepts at face value the 'resentment' of the local people against Pardhis. The charge sheet manages to elide the general sentiment of intolerance towards the Pardhis created as a result of majoritarian politics and makes the demolition seem like a justified act of revenge.

The CBI's investigation report itself implicates the police and administration. Yet, not one administrative or police official has been

charged in this case. The report claims, among other things,

The local administration announced that unauthorized inhabitants of Pardhi Basti would be removed on 11/09/2007 by local administration ... Due to this announcement and decision, everybody came to know that administration was going to remove the Pardhidhana. ... Considering the tense situation against the Pardhis they were brought to Multai Police Station on 09.09.2007 at around 09:00-10:00 AM. Since the involvements of pardhis were found in the case of rape and murder of Smt. Anusiya Bai, the Police did not allow the Pardhis to go back to Pardhidhana and they spent the night in the premises of PS Multai. On next day, in the afternoon, the Pardhis were taken back to Pardhi Dhaha and notices were served to 51 encroachers. ... they were assured by the police and administration that their belonging would be protected. ... they [the Pardhis served notices] were not provided sufficient time to be heard. ... Chief Municipal Officer, Nagar Palike, Multai deputed 10 male and 10 female 'Jansewak' alongwith driver ... Tesildar, Naib Tehsildar, Revenue Inspector, Patwari, Peon etc. of Tehsil Multai were directed by SDM, Multai to be present at Pardhidhana.

Quite apart from the fact that not one of the Pardhidhana inhabitants were involved in the rape and murder of Anasuyabai, the fact that the police and the administration also implicate themselves in the demolitions has been ignored by the CBI IO in his charge sheet. Dinesh Kumar Sakkale, the then SDoP, accepts that additional collector Masood Akhtar told agitating villagers on 09/09/2007 that Pardhidhana would be removed in 3 days, and that on 10/09/2007, the collector, additional collector, Superintendent of Police, sub-divisional magistrate and tehsildar met local politicians Hiren Lokhande and Raja Pawar and decided to demolish illegal parts of Pardhidhana the next day, less than 24 hours later! Based on this meeting, people for demolition were arranged by the nagar palika of Multai. To add to this, Sakkale, in his testimony accepts that he arranged the JCB demolition machine, a fact attested to by the contractor of the machine.

The SDM Vithalrao Ingale, in his testimony claims that he simply acted on the Additional Collector Masood Akhtar's verbal direction to demolish Pardhidhana on 11/09/2007. The tehsildar Shailendra Hanotia says that he and his staff helped Suresh Patekar, the sarpanch of Chouthiya to write the eviction notices in his office in the evening of 9/9/2007. In other words, this means that the demolition of Pardhidhana was not approved by the gram panchayat of Chouthiya, but had been administratively decreed and put into process. Hanotia also says that he verbally instructed the municipal corporation to provide 'jansewaks' and drivers for the demolition.

Hanotia's subordinate, patwari Surendra Kumar Gulatkar, however, disputes the date of the eviction notice. Gulatkar says that on 10/09/2007, he found the sarpanch and secretary of Chouthiya gram panchayat in the tehsildar Hanotia's office, who both said that no written or recorded resolution had been passed by the Chouthiya gram sabha to demolish the illegal structures in Pardhidhana. He further says that Hanotia had got the eviction notices ready through his patwaris and the sarpanch of Chouthiya, Suresh Patekar, was merely made to sign it. Patekar himself in his testimony says that he never issued any eviction notice and that all the notices were prepared at the tehsildar's office, where he signed them.

Hanotia has also accepted the fact that post-demolition, in order to legalise the act of demolition on 12/9/07, he was made to prepare a fake resolution by the District Collector. With the help of other senior officers, he prepared resolutions dated 15-08-2007, 25-08-2007, 31-08-2007, 09-09-2007 and 11-09-2007. This fact also calls into question the then collector Arun Bhatt's defence of his position. Bhatt in his testimony claims that administration had no say in decisions reached by the gram panchayat. Surely, when no such decision was taken at all, the administration had no business assisting in the demolition!

The patwari Gulatkar's testimony also says that the police and administration did nothing to stop the arson and demolition, and that he was called by the tehsildar Hanotia to prepare a panchnama of losses in the evening despite no one knowing how much of the displaced material had been lost because the area had been demolished and burnt to cinders as the police and administration stood watching. One of the signatories of the panchnama, Sheshrao Mahadevrao Anwane, also testifies that since he was not in the locality when the actual demolition and fire-setting took place, he signed the panchnama being unaware of the extent of damage, and also did not know what exactly the panchnama said. Meanwhile, in the evening of 10/09/2007, when the to-be-displaced Pardhis were back in Pardhidhana, the TI Maujilal Verma says that with his assistants, he had given the eviction notices signed by the sarpanch to 51 illegal Pardhidhana inhabitants. Verma also mentions how he did not know anybody's names when giving them the notices. Finally, all the witness testimonies of the police and the administration attest to the presence of politicians' involvement in the demolition. Then why was it that the police decided to frame an FIR against 2000 unknown persons?

Clearly, the administrative and police machinery swung into action to facilitate the demolitions. But the CBI investigation report, instead, turns all those who facilitated Pardhidhana's demolition, into witnesses of the incident. It completely ignores the contrary facts that while the police testimonies claim innocence as to how the Pardhidhana inhabitants reached Multai police station on the 9th, the displaced peoples' testimonies all claim how they were taken to the police station, back to Pardhidhana and then on to Multai railway station by police vehicles. The only reason the police and the administrators are let off is because a) they claim that the demolition began before they reached Pardhidhana, and b) that they attempted to pacify the crowd, but were outnumbered. On the other hand, eyewitnesses informed the fact finding team that not even minimum force was used to quell the mob, while the fire engine simply

stood by. This is also attested to by the video evidence of the demolition. The fact is that the police and administration actively contributed to the arrangement of the demolition, were in contact with those accused of the demolition and chose to remain silent is ignored in the charge sheet. Those who set the conditions for an illegal demolition and displacement to take place are thus exonerated and continue to be part of the bureaucracy that conducts governance in this region and around!

On the other hand, what the CBI effectively manages with this charge sheet to erase the losses of the displaced Pardhis and pretend as if the rape and murder of Dodelbai and the murder of Bhondru were unrelated to the frenzy that led to the demolition. As a result, all the charges against the accused relate to relatively tame rioting charges.

CHARGE SHEET 2, FILED ON 10 APRIL 2012

The CBI investigation report in this case managed to completely ignore the issue of the rape of Dodelbai by silencing all Pardhi eyewitnesses to Dodelbai's rape and murder and Bhondru's murder in the charge sheet. Eyewitness accounts of the deceased couple's daughter Rampyari and son Langad along with three other Pardhis, are missing. This was most blatant as these witnesses claim to have named the Congress Party MLA from Multai, Sukhdev Panse, Betul Zila Panchayat Vice Chairman and leader of BJP, Raja Pawar and an SDO of the police, Dinesh Sakkale, as the main culprits behind the crimes in their statements.

The eyewitnesses to this rape and murders spoke to the Renke Commission and to several investigative officers and police from the CBI. They were also taken to the spot where the bodies of Dodelbai and Bhondru were discovered.

According to the eyewitnesses, the CBI's investigating officer first threatened them and told them to alter their accounts so as to not mention the names of any local politicians. But, when the eyewitnesses refused to budge, the CBI simply ignored their testimonies. The charge sheet dates the CBI investigation to November 2012, thereby nullifying the investigation conducted from October 2009 onwards. By ignoring the rapes and deleting the statements of eyewitness, the CBI and the police have helped create an atmosphere of impunity for the powerful perpetrators.

The Pardhi testimonies were left out of the report because they would prove the rape and murder charges against several influential persons. Instead, in a cruel twist, those who should face prosecution--such as the doctor who first conducted Bhondru's post mortem and termed it a natural death and those who signed this forged panchnama--are used as witnesses! The dead couple Dodelbai and Bhondru's children, Rampyari and Langad, who have testified several times earlier before various commissions, police and CBI officers, and journalists and other individuals, reluctantly agreed to speak to the fact-finding team. They seemed unconvinced that they would ever get justice and were frustrated and angry at the fact that their eyewitness accounts of their parents' murders had been ignored. They had been made to recount the event repeatedly and face cross-questioning, almost as a form of torture by several investigating officials of the CBI.

According to Rampyari and Langad, the illegal demolition, arson and looting in the Pardhi settlement in Chouthiya started in the morning on 11 September 2007. One group of Pardhis had gone to the jungle on 10 September for grazing and hunting and was not present when the rest of the Pardhi community were targeted and sent off to Bhopal by the district administration. This group of Pardhis stayed in the jungle as they could sense some police action in the village. They were returning to their settlement, but stopped when they noticed smoke coming from

Pardhidhana, and they decided to walk towards Maharashtra. They also saw tractors full of men going towards their village. Dodelbai and her husband Bhondru were a little way ahead of the others. A group of men from one of the tractors spotted and caught them both. At this point all the others in this group of Pardhidhana residents hid in the tall grass in the surrounding fields. They all watched the horrific events unfold in front of them.

Men began to kick Bhondru and encouraging each other to continue, while others egged them on to throw stones at him. Bhondru fell down after this onslaught. The men hit him with lathis and the second post mortem report clearly mentions 'rail-like marks' on his back indicating that he had been beaten by a group of people with sticks. Rampyari said Sukhdev Panse, Raja Pawar and Vijay Doctor were the first one to attack Bhondru with lathis and then the SDoP arrived and asked them to stop as they would be implicated in his murder.

Then, 6-7 men who were holding Dodelbai threw her on the ground and raped her one by one. As a result of this attack, she either fell unconscious or died. The men then picked her up and threw her in a nearby well. Since they were hiding in the bushes, Rampyari and Langad said they were not sure if Dodelbai was alive when she was thrown into the well. Her post mortem report too is inconclusive about whether she died before drowning or as a result of it.

Some of the women at the Pardhi camp to whom the fact-finding team spoke alleged that Dodelbai was found with stones in her vagina. This has not been verified by the autopsy report. However, the veracity of the first report itself is questionable, as records such as Dodelbai's injury panchnama prepared by the station house in-charge of Multai police station and the Executive Magistrate, and the post mortem report prepared by the Medical Officer of Multai hospital do not mention rape and list the

cause of death as drowning just because her body was found in a well. The CBI pins the blame for the murders of Dodelbai and Bhondru on one 'main accused', Hiralal Lokande, sarpanch of nearby village Taikheda, while naming 16 other accused. This information that the CBI bases its investigation report on is founded on the eyewitness testimony of two people. Curiously, unlike the other charge sheet, none of the others involved in the unlawful assembly of persons who killed the two people, have been charge sheeted. In the meanwhile, Lokhande is out on bail.

Dodelbai's alleged rape is completely ignored in the charge sheet in a shameless attempt at buying time and obfuscating facts. Once the court notes that the CBI has carried out the investigation, a totally new case will be needed to question the elements that are missing in this charge sheet!

Chapter Four

Women's Bodies as Battlefields

The CBI charge sheets both completely ignored the rape allegations, and the results of the medical examinations of the women who alleged rape remain unknown. Sadly, despite the law that states that the onus of proof of innocence lies with the rape accused, it has been the women who have been seeking justice even as very few people believe them.

To recount, on 9 September 2007, when Anasuyabai, a Kunbi woman was murdered, the Pardhi community that lived on the outskirts of neighbouring Chouthiya village was blamed. On 10 September 2007, while others were being put into vans, ten of the Pardhi women were asked to stay back because there was no place in the vans. SDoP Sakkale said that they would be sent in the next van to leave Chouthiya. The women heard the men talking among themselves, 'Separate the good ones from the others' ('achhe achhe ko chhaant lo'). Since the SDoP was present, as was the tehsildar, the women were not suspicious about what would happen. The men then made them sit outside Alsia Pardhi's house. However, soon after the rest of the Pardhis were sent away from the village, the SDoP and the tehsildar left Chouthiya.

According to the women, the men left behind were some politicians, the then sarpanch and local men from the village. The women saw the men eating some kind of pills that seemed to make them intoxicated. They overheard the men talking amongst themselves, 'We will do the same thing to their women that their men did to the woman from Sandiya village'. The men then dragged the women into the house, into different rooms, and started raping them one by one. Each woman remembers being raped by at least 2-3 men. They also recalled hearing each other screaming from the other rooms. Once they were finished, the men left the house. The

women hurriedly dressed, wearing whatever saris they could find at the house since their own clothes were in no condition to be worn. They were then herded into vehicles, taken to Multai railway station and made to board a train to Bhopal. The women reached Bhopal station the same night and immediately told their families what had happened. Interestingly, the women stated that before this incident, the men of the village had never behaved 'wrongly' with them. They, therefore, had no reason to worry when they were kept back in their village.

The women gave their statements several times to different agencies. The first time was to the Renke Commission. The report by the Commission states, "11 women of the village were detained by the villagers, police and the politicians around 8 pm. These 11 women were raped. The women even named the rapists. Eight young women testified in front of the Commission that they had been raped in the evening before the houses were burnt, i.e. September 10, 2007. These women were allowed to join their families a few hours later." The Commission was told that of the eleven, one had been killed and thrown into a well, and the other two were not present and were in a different camp.

Thereafter, the local police took their statements, but the women were not informed if FIRs had been filed. They assumed that this had been done, but in fact, the police were derelict in their duty and did not register them at all. The third time, after the case was handed over to the CBI, the women's testimonies were once more recorded and video graphed. However, when the CBI filed their charge sheet, there was no mention of the rapes. One of the women further alleged that at one point, when she was recording her statement, the then investigating officer M.S. Khan asked the woman officer Renu to leave the room and then, asked the Pardhi woman degrading and demeaning questions such as 'How big were the men?', 'What was the length of their penis?' and so on. The women were so humiliated that they did not discuss this with anyone (even among themselves) till much later.

The rapes of women to avenge another rape (in this case, the perpetrators were unknown and in no way even connected to the Pardhis of Multai) exemplify how sexual violence is used as a tool of oppression to buy the silence of the community. By “dishonouring” the women, the majority community wanted to wreak its revenge on the minority community. But the Pardhi women proved their mettle by refusing to stay silent and accept the treatment meted out to them. They are still willing to talk about it; it is heartening to see that the violence could not silence them. However, the women’s cases have not been brought to a logical conclusion by any of the investigating agencies.

Women are doubly victimised and are often blamed for and looked upon as being the cause of their own violence--a point of view that the CBI seems to be banking on. In this case, not only were the 10 women gang-raped, but they had to also face the consequences of the heinous crime committed on them from within the Pardhi community. Besides, the CBI is also relying on the fact that for that in the public discourse too, the Pardhi women are not given respect and are seen as ‘loose’. The fact-finding team heard allegations about their lying and their attempts at extortion. No one respects anything they say, so why, in fact, would anyone rape them? The police has repeatedly used this line, even in the case of the fourteen-year-old Rajnandini, alleging that she went away of her own ‘free will’, or that the community has hidden her.

Patriarchal values are deeply rooted among the Pardhis, as in most communities in our society. The Pardhi women have had to face penalties even within their own community. After the Pardhis moved to Betul in 2010, a panchayat was called. After deliberations, the panchayat declared that the 10 women who had been raped would be ostracised from the community. Further, the all-male panchayat declared that the women would pay a fine of Rs 50000 each and hold a feast where they would serve meat and drinks; that they would continue to be isolated within the

community till they paid up the fine; that until such time, they could not cook and serve food to anyone in the community and would be disbarred from being a part of celebrations at weddings too. One of the women talked about being excluded from her own daughter's wedding celebrations. Her family had to order food for the marriage since she could not cook it herself. The injustice of the treatment meted out to the women is manifold. They are penalised over and over again for being raped. With limited or nonexistent literacy skills, the women find it difficult enough to articulate the violations they face, let alone seek justice for them. The injustices they endure manifest in several ways:

Firstly, the official silence and invisibility around the heinous crime of gang rape. Since 2007, the women's testimonies had been recorded several times (even video graphed) by various authorities, but appear nowhere in official documents. As a result, no effort is being made to nab the rapists. It is clear that there is an attempt to cover up the gang rape of the women.

Second, the doublespeak of the administration. At each point, officials displayed were quick to point out that the Pardhi people were lying, as if they were habituated to doing so. Their attitude was to minimise the rapes of the Pardhi women, as if the crimes were of no consequence. The fact that they boldly spoke out about the rapes and continue to live their lives "normally" is being used against them. This is also evident in the case of the little girl, Rajnandini. Their blatant assumption that a "girl like her" must have run away is problematic. A case of abduction allegedly by forest guards is not even treated as such, but rather as a voluntary act on the part of the young girl.

Third, the sentence meted out by the women's own community. The Pardhi community accepted the women's stories, but punished them for being 'party' to the rapes. The penalties add to the injustice the women have to face. Take the fine of Rs. 50000 that has been imposed on the women.

The Pardhi community has no real means to earn money. The main profession of the women seems to be begging. They get food or money in charity and that is used to feed and buy essentials for the family. How long then, will it take for the women to pay up such a stiff fine? Do they have to undergo life-long punishment for crimes they did not commit? The women are not allowed to take part in community functions, presumably because they are 'tainted'. However, they continue to have children; obviously, there is no stigma in having sex with a 'tainted' woman. Some of the men show their anger against their wives; domestic violence seems to be a simmering problem in the Pardhi settlement.

It is important to reiterate how the women have come out boldly and publicly to speak about the rapes. Women always face questions of their own motives and behaviours whenever they face sexual violence; it needs to be asked why the Pardhi women would make "baseless" allegations of rape in the face of the suspicious attitudes of people both inside and outside the community. Another important aspect is that since they do not conform to many of the mainstream norms about "good" women, they become easy targets for slander and both society and administration are dismissive of their allegations. The caste-class dimension that colours the attitude of the administration was on display when the one person stated that the reason why SC/ST women are reporting rapes these days is for getting compensation.

However, the struggle of these brave women continues in the face of administration apathy and community exclusion. In fact, they have been at the forefront of the entire struggle for justice, not just against the rapes but also against the injustices meted out to the entire community.

Conclusion

This fact finding was undertaken to understand just why a group of displaced people were being denied rehabilitation despite a long legal battle and a CBI enquiry that accused several influential local politicians of complicity in the act of the demolition of their homes.

It was already known that the displaced people were Pardhis, a denotified community, who had been labeled 'outsiders' in this region over the last couple of elections. But surely, there had to be more than just social bias that had led to their displacement and continued penury. Even if CBI's reports were doctored as the displaced people were claiming in court, the administration would have stepped in to ensure the delivery of justice and provide rehabilitation.

The fact finding revealed just how the displaced Pardhis have become victims of an administrative, investigative, criminal and political system that ensures the continuation of the dominance of landed and moneyed communities. Southern Madhya Pradesh, an area entirely settled with peasants by the colonial rulers, is considered in administrative circles to be a 'peaceful' region due to this settlement and the homogeneity of the population. However, this region is now in the grip of a caste assertion by the local peasantry, largely belonging to OBC castes such as the Kunbis and Kirads, and the main group against which this caste assertion has set itself off has been denotified tribes such as Pardhis and Hangri Lohars. In very much the same manner as Muslims have been declared the 'outsiders' in the Indian nation-state, at a local level, the nomadic, denotified tribes have been declared 'outsiders' in this region by the petty vote bank politics of local politicians. Why, even the collector who met the fact finding team accepted that the Pardhis were victims of vote bank politics.

But, the analysis of the situation cannot stop there. The case of the displacement of the inhabitants of Pardhidhana, Chouthiya village, take a chilling turn when the complicity of the administration, police and investigative agencies in their impoverishment comes to the fore.

Not only was the administrative and police machinery responsible for organising the demolition of Pardhidhana, they also seem to have been party to the biases about Pardhis that abound in this region. A lower level administrative official confirmed these views by stating them vociferously to the fact finding team in the presence of the collector.

After a police investigation that aimed to cover up the demolition, the High Court of Madhya Pradesh ordered a CBI investigation into the incident nearly two years after it has occurred (see Chronology). The enquiry began two years after the incident, despite a report by the Commission on Denotified, Nomadic and Semi-nomadic Tribes which indicted state officials and politicians. This report had been released barely two months after the incident. The CBI's corruption and links with the power structure, however, ensured that the displaced Pardhidhana inhabitants were denied justice, let alone rehabilitation. Not only does the CBI argue that the displacement of the Pardhis was an act of justified retribution committed by the majority community to avenge the rape and murder of a local peasant woman, it also exonerates the entire administrative machinery.

The CBI enquiry charge sheet lists 82 accused, including several major politicians and gram panchayat officials of the area, but no administrative officials find mention. No one was booked under the Prevention of Atrocities against Scheduled Castes and Tribes Act. Instead, all the cases relate to rioting, 'mischief' and demolition. Finally, because the CBI refused to arrest any of the accused, the accused took this opportunity to 'surrender' themselves to the police. Politicians Sukhdeo Panse and Raja Pawar took out rallies claiming their commitment to the cause of ridding

Multai of the 'outsider' Pardhis, even as the police made their stay in the Multai police station comfortable.

What also came across starkly during the fact finding was the operation of patriarchy at various levels and which silences women whether they belong to the majority or the marginal community. While the heinous rape and murder of Anasuyabai is allowed to frame of the case of the demolition of Pardhidhana, the rape and murder of women of the Pardhi community has been systematically ignored. In its charge sheet, the CBI completely ignored Dodelbai's gang rape and the gang rapes of the ten displaced women simply by leaving out all Pardhi testimonies and by claiming that that the Court only asked for an investigation into the incident of demolition, not of rape. Worse still is the fact that the women of the displaced Pardhi community suffer doubly: not only were they gang raped, they have also been ostracized by the Pardhi panchayat for causing the community to lose its 'honour'.

As the administration throws up its hands in helplessness because they do not want to question the hegemony of the local dominant castes, and the police and investigative organs openly court the local politicians, only the legal process has provided any chance of justice. As this report goes to press, the CBI court will be re-looking at some of the Pardhi eyewitness accounts. How far this process will yield justice, rehabilitation and justice for the displaced Pardhidhana inhabitants is however anyone's guess.

Rampyari and Langad, the children of Dodelbai and Bhondru, and two of the many eyewitnesses to Dodelbai's rape and murder and Bhondru's murder, at first refused to speak to the fact finding team. This was because they had been made to repeat their agonizing testimonies several times and were taken repeatedly to the spots where the crimes took place. And yet, as they told us, their voices did not matter when the CBI framed its

charges. When the anguished gang raped women spoke to us, they too frequently referred to their knowledge that their voices mattered little in the world they lived in. And when we spoke to the displaced people in Betul, we were often reminded of how despite a long struggle, justice seemed inaccessible.

This report is an attempt to put the voices of the displaced Pardhidhana inhabitants on record.

WE DEMAND:

- * Correct assessment of the losses incurred by all the displaced Pardhis.
- * Rehabilitation and compensation for all the displaced Pardhis-- honoring of the pattas of the patta holders, as well as monetary assistance to rebuild their homes, and the provision of cultivable land and other skills to everyone for earning a dignified earning.
- * Indictment of the administrative and police officials who facilitated the demolition of Pardhidhana.
- * The inclusion of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act in the trials of the accused.
- * An unbiased investigation into the demolition of Pardhidhana and the displacement of its inhabitants.
- * An impartial investigation by the CBI under the High Court's mandate into the rape and murder of Dodelbai and murder of Bhondru and the gang rapes of ten displaced Pardhidhana women.
- * Proper education and other facility should be provided with immediate effect.

Annexure 1

Chronology of Legal Processes, Police and CBI Investigations and Missing Persons' Incidents

Late 2007: Activist Anurag Modi of Shramik Adivasi Sanghu files a PIL demanding a CBI enquiry, given the failure of the police to investigate the Pardhidhana incident.

7 August 2009: High Court of Madhya Pradesh acts on PIL. The Court bench comprising Chief Justice A.K. Patnayak and Justice Ajit Singh of the Madhya Pradesh High Court direct the CBI to investigate the demolition and arson incidents and Bhondru and Dodelbai's murders and take it to its 'logical conclusion'.

After taking charge of the investigation, Case no. RC00082009S0016 was registered by CBI in the matter of loot, arson and demolition of the Pardhi Dhana and Case no. RC00082009S0017 was registered by CBI in the matter of murder of Bhondru Pardhi and his wife Dodelbai. However no case was registered or investigated nor any report has been made by the CBI in the matter of the alleged rapes of Pardhi women which happened in the evening of 10 September 2007, prior to the incident of loot, arson and murder, despite the statement of the victim women being recorded twice both orally and on video as well.

21 August 2009: FIR lodged by the thana-in-charge of Multai police station with the CBI to investigate the destruction of Pardhidhana.

January 2010: Petition filed by displaced persons Sangeeta Pardhi and others demanding the expedition of the CBI enquiry.

10 February 2011: Rajnandini, a fourteen-year-old girl, is allegedly abducted by Forest Department officials from the Betul fish market. She remains untraceable till date.

15 April 2011: Two children of the displaced Pardhis go missing from Ayushree Seva Samiti, a charitable educational hostel near Betul town. The children remain missing; the police have made no headway in this case till date.

30 March 2012: First charge sheet filed by the CBI investigating officer (IO) N.K. Sharma in the court of the Special Judicial Magistrate at the Jabalpur District Court, in the matter of the loot, arson and demolition of Pardhidhana, with 82 accused being named, including politicians Raja Pawar, Sanjay Yadav, Sukhdeo Panse, Sunilam. The CBI asks for an arrest warrant by the police and argues that because this is a serious matter, the CBI felt it essential not to arrest the accused itself. 21 May 2012 set as date for the surrender of the accused.

The issues of the alleged rape and murder of Dodelbai, the alleged murder of Bhondru and the alleged gang rapes of 10 women are completely missing from this charge sheet. This is despite medical investigations and testimonies, including in-camera ones, of the women who alleged rape on the evening of 10 September 2007.

10 April 2012: Second and final charge sheet in the matter by the IO presented in the court of the Special Judicial Magistrate of CBI, Jabalpur. One accused named in the murders of Dodelbai and Bhondru. No mention of her rape, despite the testimonies of displaced Pardhi eye witnesses, which curiously, are missing from the final CBI report.

18 June 2012: Petition filed by Sangeeta Pardhi and others in January 2010 rejected by the Jabalpur court which claims that the CBI has already released the report, thus making the plea irrelevant to the situation.

11 July 2012: Petition by Alsia Pardhi and activist Anurag Modi in Jabalpur High Court seeking further CBI enquiry into a) the alleged rapes, for which testimonies had been collected, and b) the rape and murder of Dodelbai and murder of Bhondru, for which the eye witness accounts of the displaced Pardhi had been collected.

28 August 2012: Petition by Alsia Pardhi and Anurag Modi in July 2012 dismissed by the court.

August 2012: Six persons named in the CBI challan of 30 March 2012 arrested by the police. Police states to journalists that some others are 'yet to be nabbed' (The Hindu, 9 October 2012).

1 October 2012: Alsia Pardhi with advocate Raghavendra Kumar files yet another writ petition in the Jabalpur High Court asking for CBI enquiry into the alleged rapes and pointing out the missing testimonies and obvious biases of the CBI final report.

8 October 2012: 65 persons, including political leaders Sukhdeo Panse and Raja Pawar, 'surrender' to the police in Multai, amidst a frenzied public meeting and rally. News media footage shows the leaders being seated on policemen's chairs and provided with refreshments in the police station.

23 October 2012: All surrendered persons released on bail by the Special Session Judge CBI, Jabalpur.

Current position: An application was moved under sections 190 / 173(8) / 156 (3) CrPC for taking cognizance of offence against the officers of the administration and police as well as against politicians for abetment, conspiracy, omission of duty and for active participation; for cognizance of offence of rape and murder of Dodelbai and the murder of her husband Bhondru against some politicians and the police officers and for investigation in the matter of the alleged gang rape of 10 Pardhi women. This application was rejected on 11 February 2013 and the matter was sent for committal to the Special Sessions Court of the CBI at Jabalpur. In both the matters, the accused have been granted bail by the Special Sessions Court, CBI, Jabalpur.

The matter of loot, arson and demolition is currently pending (Sessions Trial Number 617 / 2012, CBI Vs. Heeralal Lokhande and 89 Ors) before the Special CBI Court, 1st Additional Sessions Judge, Jabalpur for arguments before framing of charges.

In the above matter, an application was moved before the Special Sessions Court of the CBI at Jabalpur under sections 193 / 173(8) CrPC for taking cognizance of offences by the administrative and police officers and some politicians for abetment, conspiracy, omission of duty and for active participation as well and for further investigation thereafter. This application too has been rejected in view of the judgment of the Supreme Court in the matter of Ranjit Singh Vs. State of Punjab (AIR 1998 SC 318 = (1998) 7 SCC 149, wherein it was held that the sessions court had no power to take cognizance under section

193 of CrPC Criminal Revision has been filed against the above rejection order before the High Court of Madhya Pradesh at Jabalpur.

Final Report was also submitted in the Case no. RC00082009S0017 before the Special Magistrate, CBI at Jabalpur in the matter of the murder of Bhondru and Dodelbai and the case was renumbered as Case No. 3302 / 2012 (CBI, Bhopal versus Heeralal Lokhande and Ors). The matter was committed to the court of Special Sessions Judge, CBI, Jabalpur, where it is currently pending as Sessions Trial No. 486 / 2012, (CBI Vs. Namdeo Dhakad and Ors) and the Witness Examination is going on.

In the above matter, an application under S. 173(8) was moved before the Special Sessions Judge (CBI) to seek cognizance of offence by some politicians and police officers allegedly involved in the murder of Bhondru and his Dodelbai and to seek further investigation in the matter in view of the statements of the prime witness, the son, daughter and members of the Pardhi community who were eye witness to the murder and whose statements has not been brought on record in the final report by the CBI. The application for Further Investigation was rejected. However order was made to attach the Diary of the Investigation along with the Final Report. The matter is pending for perusal of the statement of the Pardhi eyewitnesses as filed in the Diary and for further action.

The issue of the alleged gang rapes has not been investigated, though statements of victims were recorded by the CBI twice orally and on video as well. The Final Report in the Bhondru murder case shows that one witness, the SDO Police Kamal Murya said of the rape incident being earlier investigated and report submitted to the then S.P. of Betul District. No cognizance has been taken of the report of the National Denotified Tribes Commission and no effort has been made to seek statement and bring evidence and witness on record from the commission.

Meanwhile, lawyers for Rajnandini's habeas corpus petition are waiting for it to be presented in the Supreme Court of India so that a hearing date is set for it.

Annexure 2

Extract from 'Report on the Incident involving Pardhis, Madhya Pradesh, 9-11 September 2007, National Commission for Denotified, Nomadic and Semi-nomadic Tribes' by Dr. Meena Radhakrishna (from pp. 1 and pp. 7-9)

The Commission represented by Sh. Balakrishna Renke (Chairman), Sh. Laxmibhai Patni (Member) and Dr. Meena Radhakrishna (Director Research) visited Betul district in Madhya Pradesh on September 29-30, 2007 to investigate an incident involving Pardhis on September 9-11, 2007, and its aftermath (pp. 1).

VI THE REHABILITATION PACKAGE PROPOSED BY BETUL ADMINISTRATION IS REJECTED BY THE COMMISSION

The Betul Collector handed over to the Commission a Rehabilitation Plan which is currently being discussed at a high level in the state according to latest news reports. This plan is to shift the entire Pardhi population of Multai Tehsil to another spot in the district, which has been already identified by the Collector. This proposal rests on the premises that the Pardhis are criminal 'outsiders', and that they need to be isolated from the rest of the population for their own safety as much as the villagers' protection. The Commission has serious objections to the entire proposal on many counts:

1. It is claimed by the villagers of Multai Tehsil in their petitions that the 'Maharashtrian Pardhis' from across the border are swelling the Chothia settlement and so they should be rehabilitated outside the district, even outside the state.
2. According to the information received by the Commission, the decline in percentage of tribal population in Betul district from 75% to 40% is the result of influx of more and more so called "outsiders", and because a substantial number of non-Pardhi, non-tribal Maharashtrians, have settled in Betul. A large number of government jobs have also been given to the "Maharshtrians" in this district by the Madhya Pradesh

government. In other words, the state of MP itself does not, constitutionally correctly, distinguish between the original inhabitants and the ones from Maharashtra and elsewhere. There seems to be no sanctity attached to being Madhya Pradeshis instead of being Maharashtrian in any way. Hence to repeatedly hear from the Multai villagers and elected representatives that the Pardhis in Chothia village were 'Maharashtrians' and so should not be allowed to come back to Chothia does not make sense to the Commission.

Moreover, the Collector of Betul district mentions the following fact in the Report submitted by him: "There was a rape and murder of a 'Mali' woman (allegedly) by Pardhis of the settlement in Amravati Ghat in Madhya Pradesh in November, 2003. As retaliation, three Pardhi men were killed by the villagers and two Pardhi women injured. After this incident, the entire population of this Pardhi village shifted permanently to Chothia Pardhidhana. "

In other words, the Pardhidhana in Chothia has been growing with Pardhis from Madhya Pradesh itself.

3. It is clear from the above point that even the authorities are aware that a number of Pardhis (who were not criminals but victims of collective violence) had taken shelter in the Chothia Pardhidhana. **They have already been victims of collective violence and uprooting once.** To shift them again, after they have been once again victims of mob violence, and especially when they have not even committed the crime for which the 'retaliation' is taking place, and just because they are Pardhis will be gross injustice.

4. A number of victim families had permanent pattas. 11 of the Pardhis had pattas given to them by the administration in the year 1995. They have the papers to prove this, though some of them might have lost these papers in the fire and arson which destroyed their houses. Some of the houses have been built by the state under the Indira Avas Yojana. **It will be unconstitutional to uproot them from their legitimate habitation.**

5. **The concerned communities cannot not be segregated from the mainstream society in this way.** As it is, they lead a marginalised existence

wherever they are settled, on the outskirts of villages. Even the pattas which the administration gives them are seldom in the mainstream villages. Rehabilitating them in a segregated spot will merely validate the existing thinking and practices of the state and mainstream society members.

6. The spot chosen by the Collector (as mentioned in his Rehabilitation Plan), is not just a segregated one but also where the Bangladeshi and Burmese refugees have been settled. **The concerned Pardhis are Indian citizens. It is highly objectionable that the administration should treat them on par with refugees.**

7. **This is caste based action on part of the administration.** The Collector is not lifting out criminal elements from various castes and villages and planning to settle them away from mainstream society so as to 'reform' them. This programme is only for the Pardhis of Multai.

8. Further, this programme involves not just the Pardhis of Chothia village but all the Pardhi settlements in Multai Tehsil. The Collector proposes that under the rehabilitation programme, apart from the Chothia village Pardhis, Pardhis from villages of Pisata, Datora, Sendurjana etc. will also be resettled. **This is proposed to be done so that the entire Multai Tehsil can be made 'free of the Pardhi problem'.** (Rehabilitation Plan, p.12). **This is a shocking statement and plan which the Commission rejects.**

9. It is proposed that there will be restriction on entry of outsiders, and exit of Pardhis from this settlement. (p.10) The settlement region itself which will be closed in (gherebandi ki jayegi), and posted with police and home guards. (p. 11). In other words, **this will be an open jail. This reminds the**

Commission of the Criminal tribes settlements which were set up by the British and abolished in 1952.

10. The Collector makes another atrocious proposal: **That in case this 'model' of rehabilitation is successful, than it can set an example for not just the rest of the state of Madhya Pradesh, but the entire country for 'all such communities'.** (pp. 7-9)

Annexure 3

Denotified Tribes

Denotified tribes are communities who were formerly labelled as 'criminal' under the colonial Criminal Tribes Act (CTA) of 1871. After independence, this act was repealed in 1951 and formerly 'criminal' tribes were defined as 'denotified'.

According to social scientist Meena Radhakrishna, this categorization of groups as 'criminal' by the Criminal Tribes Act allowed colonial authorities to forcibly sedentarize these communities, which meant that their traditional socio-economic and political structures were destroyed and many of those who belonged to 'criminal' tribes were simply transformed into wage labourers. Clearly, however, blaming colonial classifications of criminality are not enough to describe just why criminal or denotified 'tribes' were and continue to be marginalized. Nomadic and semi-nomadic communities would have been on the edges of caste society and certainly not in state power in a largely agrarian and feudal precolonial India. It is likely that caste disgust towards 'lower' nomadic communities predated colonialism, especially as evidenced by early colonial references to the 'criminal tribes' as 'lower castes'.

Thus, while the colonial CTA allowed for the segregation of criminal tribes and their forcible sedentarization, the administrative process of segregation and sedentarization found echoes in former collector of Multai tehsil, Arun Bhatt's plan to segregate the displaced inhabitants of Pardhidhana (See chapter 'Displacement and Poverty').

Despite the administrative and social biases about denotified tribes being criticised both academically and in the wider media, little has changed in the living conditions of such communities. Denotified tribes have faced the brunt of forest degradation, as well as restrictions on forest access, not to mention the wide scale privatization of natural resources. As a result they have had to shift to alternate occupations, and being on the margins of the economy has meant that many practise petty criminal activities for survival.

In the face of the pauperization that nomadic communities face, over the past few decades, many have shifted to urban areas. Given their marginalization and poverty, this shift has meant further pauperization. Adding to this, the uneven categorization of denotified tribes as denotified, scheduled tribes, scheduled castes and other backward classes across the states of Rajasthan, Gujarat, Madhya Pradesh, Chhattisgarh, Andhra Pradesh and Karnataka, has meant that this marginal and nomadic community has found it hard to claim development benefits (see box 'Pardhis').

In a welcome move, a National Commission on De-notified, Nomadic and Semi-Nomadic Tribes, headed by Balkrishna Renke, was set up in 2005 to provide specific recommendations for the development of these communities. However, the recommendations were submitted to the union cabinet in 2008 and have been languishing since. The Commission estimated that the number of people belonging to these categories was about 11 crores.

Annexure 4

Pardhi

Pardhis are a community consisting of several nomadic and semi-nomadic groups of people who are scattered across the western and central portions of the Indian subcontinent from Rajasthan to Karnataka. The Raj Pardhi section claims their origins to Rajputana while the Phanse or Mahadeo Pardhis claim origin to Kutch. As a result of their geographical spread, sections of groups forming the Pardhis speak Gondi, Halbi, dialects combining Gujarati, Marathi and Hindi and most are conversant with at least one of these modern languages.

There are several sub-groups such as Gai Pardhis and Phanse Pardhis to name just two, and all these groups have their own panchayats. The panchayats are all-male and tend to a great deal of internal regulation along patriarchal lines. Heavy fines and excommunication are imposed as punishments.

The Pardhi sub-groups are often named according to their occupations and consist of several exogamous patrilineal lineages. The Pardhis are at the margins of the 'Hindu' caste order, but as with all nomadic communities, would have been part of the wider precolonial economy to which they would bring forest produce. For instance, among the Phanse Pardhi group displaced in Betul, while women are expected to perform the low status occupation of begging to bring in cash, men prefer to practise traditional occupations such as capturing titar or jungle fowl. However, the traditional occupations are considered underground activity because they face a tremendous amount of surveillance and harassment at the hands of the Forest Department officials and the police (see the case of Rajnandini in chapter 'Women's Bodies as Battlefields'. Rajnandini was allegedly picked up by Forest Department officials who raided the market where she was selling jungle fowl.)

After the dismantling of the Criminal Tribes Act in 1951, however, different groups of Pardhis have been unevenly categorised in some parts and not others. In other words, despite being a marginalized community who were actively pauperized by the colonizers, the post independence situation of the Pardhi community has

been marked not only by a continuation of social prejudices against them, but also by administrative apathy that marks all governance measures for the poor in this country.

For instance, the Pardhis are ST and denotified in Maharashtra, Gujarat and Karnataka. In some districts of Madhya Pradesh and Chhattisgarh, they are Scheduled Tribes, while in some districts of Madhya Pradesh, they are Scheduled Castes. In parts of Andhra Pradesh and Maharashtra, some sub-groups of Pardhis are OBCs. The voluminous People of India series, produced by the state-funded Anthropological Survey of India in the early 1990s, and intended as an aid to governance, thus includes Pardhis both in the Scheduled Tribes and Scheduled Castes volumes. In the Scheduled Tribes volume, while the Pardhis are located in Jalgaon and Dhule districts of Maharashtra and described as being totemic exogamous groups, in the Scheduled Castes volume, they are described as living in the districts of Madhya Pradesh where they are officially listed as scheduled castes, and described as being lower caste Hindus who worship Hindu deities, and from whom only Chamars and Bhangis accept food and water.

This confusion in their categorization post independence has meant two things. On the one hand, the cultural, political and socio-economic complexities of this marginalized group have been misrepresented. Take the case of the displaced inhabitants of Pardhidhana. This group had managed to adopt a fairly sedentary agrarian lifestyle and had even diversified into more modern occupations such as taxi operating and becoming stockists of consumer goods. Many of the displaced Pardhidhana inhabitants the fact finding team spoke to said that the majority community resented their claiming development benefits on their own terms. The fact that their displacement is actually an attempt at impoverishing them is clear from the following: after Pardhidhana became a constituency of the Chouthiya gram panchayat, the involvement of Pardhidhana inhabitants in administration had led to the setting up of a primary school in the locality, which both boys and girls attended. In a community where the post puberty marriage of girls is the norm, their education was for a change catered to. However, the displacement has resulted in a return to status quo, where only young boys whose parents have minimum resources can afford to send their children to school. The second problematic aspect of the confusion in categorization has been

that because the nomadism of this community is unaccounted for, in some parts of Madhya Pradesh, they simply do not have any administrative status. In Multai tehsil, they are part of no specific administrative category at all. However, other tehsils of Betul district list Pardhi sub-groups as scheduled tribes! This muddle has meant that both the state government and the central government's Ministry of Social Justice and Empowerment have washed their hands off the welfare of the displaced Pardhis citing shortage of funds because though they were in Betul after their displacement, their origin, i.e., location of displacement, was Multai. A 2010 study on Pardhi migrants in Mumbai city conducted by the Tata Institute of Social Sciences showed just how similar the state of the migrant Pardhis and the displaced Pardhidhana inhabitants in Betul is. In Mumbai, a survey revealed how the migrant Pardhis found it impossible to gain indicators of citizenship such as PAN cards, voter ids and caste certificates, were constantly under police surveillance and criminalized for 'begging' among other petty crimes, suffered from poor educational opportunities and were victims of an exclusionary slum rehabilitation policy that required proof of residence from 1995 onwards from a people who were migrant construction labour and largely illiterate.

The welfare of denotified groups such as Pardhis has been moving at a snail's pace. Administrative inertia towards the specific circumstances of the Pardhis has been appalling. While they continue to suffer the 'criminal' tag far in excess of their involvement in crime, the discriminations of caste hierarchies and poverty, the central government has been indifferent to their specific needs (see Annexure 'Denotified Tribes' for reference to the National Commission on Denotified, Nomadic and Semi-nomadic Tribes).

Annexure 5

The Pardhi Categorization Muddle

While the fuzzy categorization of Pardhis as a result of their being denotified tribes can be traced across Chhattisgarh, Maharashtra, Andhra Pradesh and Karnataka, for the purposes of this report, considering the categorization muddle in Madhya Pradesh's context is enlightening.

Pardhis are categorized in Madhya Pradesh as follows:

As Scheduled Castes: Bhind, Dhar, Guna, Devas, Gwalior, Indore, Jhabua, Khargain, Mandsaur, Morena, Rajgad, ratlam, Shajapur, Shivpuri, Ujjain and Vidisha districts

As Scheduled Tribes, only sub-groups of Pardhis: Chhindwara, Mandla, Shivni and Narsinghpur districts, Behar tehsil in Balaghat district, Betul and Bhainsdehi tehsils in Betul district, Gudwara, Patan and Sinhara tehsils in Jabalpur district, Hoshangabad and Sahangpur tehsils in Hoshangabad district, Harsud tehsil in Khandwa district

Quite apart from the fact that such an enumeration 'fixes' a nomadic community to particular areas without their knowledge, the general group 'Pardhi' were actually taken off as a beneficiary group from the Constitutional Scheduled Tribes list in 2002 along with Meena and Keer in the three districts of Bhopal, Raisen and Sehore.

While sub-groups of the Pardhis remained STs in some patches of Madhya Pradesh, the general category of Pardhi ceased to receive any administrative benefits for being marginalized in the districts of Bhopal, Raisen and Sehore. Effectively, this means that Pardhis will get benefits only if they can prove their sub-group affiliation and location in the districts where they are ST or SC. This was a tall order given that Pardhi community members are marginalized, nomadic until the previous generation in many cases, without landholdings and largely illiterate.

Adim Janjati Anusandhan Evam Vikas Sansthan, that is, the state Tribal Research Institute in Bhopal has continuously held the view that Pardhis should be given an ST status across the state for the simple reason that the community is supposed to have grown out of the Gond tribe and follows tribal customs.

In a positive step, the 2011-12 report of the Standing Committee on Social Justice and Empowerment of the Ministry of Tribal Affairs, presented in the Lok Sabha, reflects that the State Government has recommended the reinclusion of Meena, Keer and Pardhis in the scheduled tribes list. It remains unclear whether they are asking for Pardhis to be declared scheduled tribe all over Madhya Pradesh rather than only in Bhopal, Raisen and Sehore.

However, reinclusion remains a long administrative process.

Any group can only be included, excluded or status modified in the scheduled castes and tribes constitutional lists through an amending legislation passed by the union cabinet of ministers. For this to happen, the state governments, the Registrar General of India (RGI) and the National Commission for Scheduled Castes and Scheduled Tribes (NCSCST), all have to favour the inclusion, exclusion or modification. This process is to be followed even in the case of migrant castes and tribes as this may involve changes to be made in the list across different states' lists.

The NCSCST, in deliberating any modification is expected to use the services and knowledge of expert individuals, organizations and social scientists, in addition to the information provided by the RGI, state governments and the Anthropological Survey of India. The NCSCST is also expected to conduct public hearings. If the RGI rejects the state government's requests for inclusion, exclusion or modification, the central government will automatically reject it too. There is no time limit on this process, except if there is a court-mandated one on the NCSCST to approve any modification. Thus, the RGI and the state governments can take as long as they want to process any such modification.

In the case of the Pardhis', Meenas' and Keers' reinclusion, the Standing Committee referred to in the previous paragraph, referred the modification case to the RGI on 19 September 2011, where it has remained pending since.

(Administrative procedural details sourced from document 'Modalities for deciding claims for inclusion in, exclusion from and other modifications in the Orders specifying Scheduled Castes and Scheduled Tribes lists' which published what the Cabinet Committee on Scheduled Castes, Scheduled Tribes and Minorities had approved in its meeting held on 15 June 1999 and following an amendment by the same Committee on 25 June 2002.)

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