

## ***Darbha – Someone Has to Pay for Jeeram Kand***

On the 29th of October, a fact-finding team visited the Darbha ghati area after receiving and reading news about the arrest of two local journalists in the area – Santosh Yadav and Somaru Nag. Santosh Yadav was picked up from a shop in Darbha on the 29th of September. He has been in police custody ever since. While the basis for his arrest is unsubstantiated, Santosh has been charged with various sections of the Chhattisgarh Public Security Act (CPSA) and the Unlawful Activities (Prevention) Act (UAPA). He has been accused of having close ties with the CPI (Maoist) and being involved in an ambush on the night of 21st August, 2015 in which one policeman was killed – allegations that his family, members of the local administration, villagers and fellow journalists know to be entirely false. Somaru Nag, a stringer for the Rajasthan Patrika, was picked up from his mobile shop in Tirathgarh on the 16th of July, 2015 for allegedly being involved in armed robbery and arson, among other offences. The team went to meet with the families of the young journalists and gather information about the arrests.

Santosh and Somaru are both 25 years old. Santosh seems to have gained popularity amongst the people in the area for his commitment to revealing the truth about the plight of adivasis in Bastar. Villagers affectionately called him 'Sattu'. He was known to be helpful – *Whenever he heard that something bad has happened in a village, he would land up. Whenever a villager called in with news or a problem, he would rush to see what could be done*, people who knew Santosh recalled. He was also instrumental in helping people get legal aid. Somaru Nag worked as a stringer for the Rajasthan Patrika, In addition to their journalism, both men had a visibly public life; Santosh, who's house is very close to the police station, was also the contractor for the POTA cabin in his neighbourhood. Somaru, on the other hand, ran a mobile shop in Tirathgarh. *He would work from 7 in the morning to 7 at night, he would be at the mobile shop everyday. He was a good, innocent boy*, said Somaru's neighbour. *“When we visited him in jail, his cheeks, neck, face were swollen. He could not speak.”* Santosh's family has a similar story to tell – *“His face was black with all the beating. He could not speak.”*

### ***Where Telling the Truth is a Crime, and Lies are Flashed as Headlines***

Exactly a month before our visit, Santosh was arrested. On the same day – the 29th of September, 2015 – villagers from Badrimahu (Kakalgur Panchayat, Darbha Tehsil and Bastar District) had gathered at Darbha thana. They had been summoned by the police to the thana, in order to secure the release of youth arrested from their village. When they arrived, they were welcomed with food under a tent laid out for them, and some senior police officials were also present. Alarmed by the warmth of the welcome, they sat and listened to speeches by the police. They were told that from now on, they need not run away when they saw the police, that they wouldn't be beaten. The infamous Inspector General of Police, SRP Kalluri was amongst those present. They were surprised by this uncharacteristic tone being used by those they fear most. They listened in silence. They were given food, *saris*, umbrellas, *gamchas*. Confused, but still silent, they took their rewards, were put into police vehicles and packed off to their village, wondering what had just happened.

The next morning, on the 30th of September, 2015, the local newspapers read [“Bhadrimahu ke saikron grameeno ne naxalpanth se kiya tauba”](#). Malini Subramanian, recalls that *'A murmur of amusement rippled through the corridor in Jagdalpur court on October 1, as Joga\*<sup>1</sup>, a panchayat member of Bhadrimahu village, read out the headlines in the previous day's newspapers to a group of his neighbours...Listening to the reports, the villagers could not suppress their laughter, despite the grim circumstances that had brought them to the region's administrative centre. The policemen*

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1 *Name changed to protect identity*

*were lying, they said.'*

As it turns out, villagers from Badrimahu had made their way to Darbha thana on the 29th after they were told by the police that if they showed up on that day, five of the men arrested from their village would be released. The police used different tactics to ensure that they would come, including threatening to tie them up and burn their houses down if they didn't. After a village meeting, despite their fear of the police, it was decided that the entire village would go, since it involved the release of five of their people. However, at the meeting, there was no mention of releasing those who had been arrested. Uncomfortable and afraid to broach the issue themselves, villagers requested Santosh, who was also present at Darbha thana to cover the event, to ask about the promised release. When Santosh broached the topic, he was threatened and silenced. Hours later, he was picked up by the police.

### ***A History of Harassment***

On the 26th of August, 2015, while villagers from Badrimahu were shopping at the weekly market at Darbha, the police arrived and rounded up all the men and beat them up severely. They made them crouch on the side of the road for hours, abusing them as they got drenched in the rain. The police threatened to choke and kill them, *they said they would shoot at us till we were blown to pieces*, one of the villagers confessed. 'We could not even protest. Who do we go to? The SP, the IG? They are the ones who did this. Who do we complain to?' he asked. Anyone with blistered hands (which is common to most who do manual work) was regarded with suspicion and accused of having dug up the road. That day, five boys were arrested and charged with criminal conspiracy and attempt to murder. Their names are Deva Kunjam, Boti Sori, Kumma Kawasi, Kamlu Madvi and Budhra Kawasi. Despite the fact that the injuries Budhra suffered at the hands of the police are on court records, no action has been taken. Others were also brutally beaten the same day, including a young boy studying in class 11. The police accused the five young men they arrested, of taking part in an ambush against Security personnel on the 21st of August, in which an assistant platoon commander was killed. This is the same case under which Santosh has been accused. It has locally come to be known as *Jeeram Kand III*.

Ever since *Jeeram Kand I* however (when Congress leader Mahendra Karma was killed among others in May 2013), there have been several arrests made, and a general wave of police terror has been unleashed in the area. The people of Badrimahu feel particularly targeted. Often, while travelling to the weekly market, they are asked to stand separately on bus and harassed. Children studying in schools outside the village are cornered whenever the name of the village comes up.

Santosh himself has been continuously harassed since the incident. He has received repeated death threats from the police. In June, earlier this year, he was also taken to the thana, stripped, hung upside down, and beaten severely. "However, Santosh was not scared as he had done nothing wrong. There is fear if one does something wrong. Santosh had done nothing wrong and so he was not afraid", said Santosh's brother, Jitendra Yadav. "Ever since the first *Jeeram* incident, violence in the area has increased. It seems the police is here to hurt, not help us", he said.

Once, Santosh's father, who had gone out to the fields to farm, was also caught by the police who were on a search operation, and detained in the forest. He was made to just sit there from 8 in the morning till 5 in the evening. Search operations such as this one are routine. Getting beaten and roughed up by the police is commonplace, he told us.

Poonam, Santosh's wife said that Santosh was concerned and disturbed by what he saw around him – the repeated injustice inflicted on villagers and the violence of their everyday life. Santosh's mother is a member of a self-help group that runs a snack-shop at the health centre near their house.

His sister told us that Santosh brought cheer to the house. With him gone, the children at home cry often. They refuse to eat or go to school, unable to make sense of where their father has gone.

The team also met with Ramnath Nag, who was the sarpanch of Darbha for 20 years – from 1994 all the way up to 2014. “In the recent past, the police has made my life hell” he sighs. Twice, they have attempted to arrest him, but Santosh it seems, helped prevent it. Right now, villagers are afraid to even talk freely, he told us. “We know that if we take a stance, they will threaten and round us up.” He went on to say “I have helped release several innocent people who are picked up by the police and branded as naxalites. The police does not like this, and so they threaten me.” Nag recalled his early days as sarpanch, a time at which there was much less violence. With the advent of the police in 2005 however, and the war that has ensued, living in these parts has become very difficult, he says. Nag also spoke strongly in defence of Santosh, who he has known since he was a little boy. “We all know him, we have seen him grow up” he said. “Everyone knows he is not a Naxalite. It is the job of journalists to bring out the truth, and this is what Santosh did.” He went on to talk of the importance of such work – “Restricting journalists is restricting the voice of the truth. There are very few such journalists here who are independent and actually write the truth for the public to see. Arresting those who are committed to bringing out the truth is simply unacceptable.”

As our conversation Santosh's family and Ramnath Nag continued, we were joined by Somaru Nag's father and a neighbour who has known them for years. Somnath's father has a silent demeanor and doesn't speak much Hindi. There is a sadness in his eyes as he talks of Somaru's arrest. Their neighbour vouches for Somaru's innocence and says that even the local panchayat have spoken out in defence of Somaru. For some days after Somaru was picked up, his family had no clue as to where he had disappeared. For four full days they searched for him everywhere. It was only once the *chalaan* was filed that they found out about his arrest. Some three – four weeks after Somaru's arrest, the police came and confiscated his bike, claiming it was part of the evidence that needed to be collected. Speaking of what it is like to live under constant fear, Somaru's neighbour said – “Once they leave in the morning, there is no guarantee that our people will return at night.” “The people we are supposed to turn to for help are the ones who are creating this atmosphere of pressure.” Search operations happen almost every day he tells us, sometimes even late at night. Increasing militarization in the area is a source of terrible fear. It threatens and unsettles, and to the people living in the area, represents the opposite of a sense of protection and security – words that are central to the State narrative justifying militarization. It makes one wonder who the State is really protecting. There are two camps in Jeeram Ghati, 1 which opened in the May 2013, days after the first Jeeram incident, and another, which opened in 2014. In Darbha, a camp is attached to the police thana. About a year and a half ago, another camp was proposed to be built in the area. “We protested and stopped them from taking permission for the camp” Somaru's neighbour said proudly. Women in the area he said, find it particularly difficult. They are harassed as well. Earlier, he says, they would go to the jungles to collect wood and other things. But with the looming presence of camps and armed forces, they are now too afraid. He too, recalled a time in the nineties when there was much less police presence, and also, much less violence.

Somaru's father doesn't say much, except that he knows his son was innocent.

Both Santosh and Somaru have been beaten in custody. They have both also been made to sign on blank sheets of paper.

However, they were not the only ones to have been harassed by the police. In Badrimahu, the villagers told us that troops come in batches of 100 or so. Badrimahu is a small village of about 120 houses, 15 kilometers off the main Darbha road. Nestled in the heart of the breathtaking Kanger National Reserve Forest, the road to Badrimahu is rocky, but motorable. Troops usually stop their vehicles a few kilometers away from the village and then trek their way up. Over the past few years,

people from the village have been arrested at various times. In 2013, three people were arrested. This year after the 5 arrests made on the 26th of August, two others – Vijja Kawasi and Devai Muchaki – were arrested on the 10th of September. For five days, there was no sign of them, as they were kept in police custody without any information to family members. On the 15th of the same month, they were produced in court.

When troops arrive, beating, looting and abusing is so common, that it seems to hardly even deserve being mentioned. 'Earlier, it was the forest officials, and now it's the forces who abuse and harass us', said an elderly woman of the village. 'We are afraid for our young girls. The troops always look at them with *bad eyes*. We never know what they will do' said another.

It has been reported that troops are now usually accompanied by surrendered Naxals. One name that repeatedly came up was that of Budhru. 'He knows everything about the village, who lives in which house, who is related to whom...' said the former village *sarpanch*. 'He frequents the village with the police and constantly threatens us.'

Mangli, the wife of one of the men who was arrested earlier, says the forces arrived when she was making food. Her daughter was getting firewood when they took her father away. 'They said I could go along if I wanted. They told me to put on some nice clothes, and that they will keep me with them.' Mangli and her daughter now tend to the fields and take care of the home together. Every month, she visits him in prison.

Since their trip to the thana on the 29<sup>th</sup> of September, there have been no visits by forces in the area. The villagers say it's a relief, even if it's temporary. However, 'we still live in a state of constant fear' one of them said. They also spoke of being afraid of retaliatory violence from the Naxals, given the recent reports in the media that seem to indicate that people of the village have aligned themselves with the police. But, as one of them said 'We were always mainstream, so how does the police plan to *mainstream* us?'

### ***The Law and its Enemies***

As we enter Darbha thana, we hear a rough voice call out to us – looking up, a blackened face behind sand bags is pointing the tip of a large rifle at us, shouting *Who are you? What do you want?* Alarmed and a little unnerved, we say we are there to meet the thana-in-charge. Inside, a makeshift temple is blaring music, and jawans from the camp that is attached to the thana are walking in and out, saying their evening prayers.

Inside, under the glass of the table are mugshots of naxal leaders, beside a photograph of a police official holidaying near a waterfall – Tirathgarh perhaps, from where Somaru belongs. We wait for the thana-in-charge. When he arrives, he is too busy to speak to us. He gets a phone call – confidential information – and he has to leave on a search operation. We leave, filled with a sense of the futility of our visit. The thana, as we are told, is a public institution meant to address the grievances of people of a secular, democratic State. Nothing we've learnt in our civic lessons is mirrored in what we see here in Darbha. It makes one wonder what courage (or foolishness) it would take to register a complaint here – having walked through a maze with a rifle pointed at our heads.

Clearly, we are at the wrong place in search of justice. But justice, they tell us, is the domain of the law. So what does the law have to offer? The Chhattisgarh Public Security Act (CPSA) under which Santosh and other villagers from Badrimahu have been held, claims to be an “Act to provide for more effective prevention of certain unlawful activities of individuals and organisations”. The Act defines “Unlawful Activity” in broad, vague terms – any activity which may “constitute a danger or

menace to public order”, “which tends to interfere with the administration of law or its established institution and personnel”, any act “of encouraging or preaching disobedience to establish law and its institutions” among others. In other words, raising ones voice against the State and the atrocities it commits is a crime, and a non-bailable one at that. In fact, all offences under this act are non-bailable. So for people like Santosh, who tell the truth, they are free until the truth they tell pertains to the atrocities committed and the lies told by the administration, the State or any of its institutions and personnel. It also speaks of good faith, ironically. “No civil or criminal proceeding shall be instituted against any person for anything done in good faith or intended to be done under this Act.” What's more, no action shall be instituted against “the Government...or by the authority of the Government for any loss or damage caused to or in respect of any property, whereof possession has been taken by the Government under this act.” So if Somaru's bike is damaged or not returned, the police are not responsible. Worse, a home that is torched – in good faith, of course – cannot be reason for security personnel to be held accountable.

While little or no evidence is enough to arrest someone, presuming they have the *intent* to commit an 'unlawful' act, burnt homes and stolen possessions are not enough to challenge the definition of good faith. The CPSA, like its cousin UAPA, (sections of which have also been cited against Santosh and Badrimahu villagers) seems to have taught us another, longer way to spell the word impunity. Impunity with a capital I.

When asked about the legality of Santosh's arrest and his treatment in custody, IG, Bastar, SRP Kalluri is reported to have told Amnesty International India “If you have any more questions, you should go to the court.” With draconian legislations such as the CSPA and UAPA, that institutionalise violence and brutality, what does it actually mean to “go to court”? We are left asking who the law actually seeks to protect and from whom?

### ***Of Freedom and Fear***

Draconian legislations, militarized zones, repeated harassment, beating, threats and abuse fill the everyday of all those living in the magnificent Kanger valley. There is a hesitation to talk of the brutality they have seen and faced at the hands of the State – every word is measured, not knowing when, and for what they would be picked up. As Somaru's neighbour described, when people set out to work at dawn, their families don't know if they would return at night. It isn't safe to move in small numbers, some of them said, even if it meant going to the fields. They fear they would be harassed and accused of being Naxals. One of them remarked that if children in schools and journalists in contact with the larger world are not being spared, what would save us? The stifling fear of sheer existence makes it difficult to breathe – but it is necessary, we are told. In the name of national security, for democracy to function.

But also central to democracy, we are told, is the freedom of expression, of speech, of telling the truth. Freedoms that Santosh and Somaru were exercising as citizens of *the world's largest democracy*. But freedom and fear, as we all know, can never make for good friends. And to keep a people in fear is the greatest weapon of the State. And so, such freedoms too, must be revoked to maintain the reign of fear, or national security as some may choose to call it.

In uncannily truthful words, the Chhattisgarh Congress chief Bhupesh Baghel said “There is administrative terror in the state...People here have lost all sense of individual freedom.” From our conversations, we sensed a deep despair in those who have been working as panchayat functionaries for years. Mourning the grim future of their lands and lives, there are deep concerns for the younger generation - “*Where can we go? This is where our forefathers lived. This is the only place we have as home.*” one of them said.

As we write this report, Santosh, Somaru, 10 people of Badrimahu and close to 10 others from the neighbouring village of Chandameta continue to languish in jail. What forms of torture and abuse they are facing, we do not know. Loud voices have been raised against the arrests of Santosh and Somaru – from within the journalist community and without. In Jagdalpur and Raipur, journalist groups have held protests and released statements. In Delhi too, the Delhi Union of Journalists have condemned the arrests, expressing their solidarity with the people of their profession working in difficult areas. Civil liberties and Human Rights groups have released statements, other journalists have published detailed articles. But the State seems increasingly relentless in its desire to quell dissent.

But as history has taught us, the will of people to fight for justice and truth, to live freely and fearlessly, with dignity and respect is perhaps the most relentless will of them all. We call upon people to raise their voices at a time when many have been silenced.

We demand –

1. The immediate release of Santosh Yadav and Somaru Nag on bail.
2. Review and withdrawal of cases being imposed unnecessarily on people living in the vicinity, implicating them without any basis, after each incident of Maoist violence.
3. That the State stops treating every adivasi living in the interior villages as an enemy, unworthy of trust. The State needs to work towards building an environment where villagers are able to live their lives free from harassment from security forces and the police
4. That an independent high powered committee be set up to inquire into complaints of custodial violence, torture and fake encounters in the Bastar region.
5. Urgent Human Rights review of the application of the CSPA and its repeal.

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Report drafted by Women against Sexual Violence and State Repression (wssnet.org)  
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