

Cleaning Up Operation after a Fake Encounter

Background

An All-India Fact Finding team of women, visited South Chhatisgarh between 29th to 31st October 2015 to look into the status of women in conflict areas. According to reports on the internet¹, we had come to know about an encounter that had taken place in Village Nilawaya, Kuakonda Tehsil in District Dantewara on the 6th of October 2015 and the body had been cremated under pressure from security forces instead of a post mortem being done.

On the 29th of October the team went to Village Nilawaya, Kuakonda Tehsil in District Dantewara to meet with the family of the deceased and the people of the village to inquire into the incident. We met with Bheema's wife, Poje and 40-50 people from the village and spoke to them. The following is the report of the same.

About Nilawaya

Nilawaya is a village that lies a few kilometers off the main road running between Dantewara and Konta. A kuchcha road leads into the village. (See Annexure 1 – Map of Kuakonda Tehsil with Nilawaya Village marked) There are 2 villages in Panchayat Nilawaya – Nilawaya and Arbe. Nilawaya has 4 paras (hamlets) with about 130-150 adivasi households and a population of about 700-750 people. There is one primary school in the area. The village has no electricity. There are handpumps for drinking water, but the one in Patelpara is not working anymore. In spite of giving several requests for repair, the handpump has not been attended to. Villagers have dug a water well close by from which they get their drinking water. Nilawaya falls under the purview of the Arampur Thana.

Details of the Incident

Bhima Madvi, a gond adivasi resided in Patel para of Village Nilawaya. On 6th October, he went from Patelpara to meet his sister who lives in Milkanpara. In the evening, when he was on his way back home, he was shot by security forces in a maidan. A spurt of firing was heard by people in the nearby school and hamlet in the evening (at around 4.00pm). When they heard the firing, people were very scared and didn't come out of their houses. The shots were also heard in Patelpara and Poje, Bheema's wife heard them too but they didn't think much of it at the time as they seemed to be coming from a distance and it was very brief.

The next morning, on 7th October, when one of the people from the village was out grazing his cattle in the area, he found a body lying in the maidan. He rushed to the village to inform others about the body. Other villagers went with him and identified the body as Bheema's and took it back to Patel para. When Bheema had not returned home even in the morning, his wife Poje was also looking for him and asking around in Patelpara, when she saw them bringing the body.

1 <http://www.indiaresists.com/in-the-meanwhile-state-killing-continues-in-chhatisgarh-with-impunity/>

Bheema had been shot in the back. A single bullet that passed through his back, exiting from his chest, close to his heart, had killed him. There were no other signs or marks on his person except for the bullet wound. Bullet marks were also seen on the tree that was in the vicinity where the body was found. The villagers were not sure exactly how many bullets may have been fired but they did say that the firing was continuous like that from a machine gun and maybe one round had been fired from a single weapon. It lasted for a few moments from one direction.

When Poje got back her husband's body on the 7th of October, she and the other people decided to call AAP leader, Soni Sori to come to the village. Soni Sori and Lingaram reached the village in the afternoon. There they were told what had happened. They convinced the villagers to take the body for post mortem. As it was late that day, it was decided that the body would be taken the next day in the morning on the 8th of October for post mortem. According to the adivasi customs bodies are never cremated in the morning, always after noon. In keeping with this, it was decided that the body would be taken in the morning for the post mortem after which they would ask for the body back and then cremate it at 3-4pm in the afternoon. Soni Sori assured the villagers that she too would come the next day and help them with the process and in getting the body back.

On the 8th morning, the police and security forces once again came to Nilawaya fully armed at about 8:00am. They were about 250-300 of them. They were carrying guns and many had covered their faces with with cloth. The villagers were able to identify Bhudru a surrendered Naxalite who now works for the police among them. They went to Bheema's house and asked the family to hand over the body to them. The people told them that they wanted a post mortem of the body to be done. The police and security forces told them to give them the body and they would do whatever needed to be done. The villagers were reluctant to hand over the body to them, as they knew they would not get the body back. They told them to wait as Soni Sori was on her way and they would go with her for the post mortem after which they would get the body back.

Bheema's brother and his son were forced to give their thumb prints on a blank paper. When they were initially refused, they were surrounded by the forces with guns and threatened. 'They put a gun to our heads and made us do it'.

The security forces started threatening the villagers saying that if the body was not taken to the cremation ground immediately, they'd forcibly take the body and dump it somewhere. They started pressurising the villagers to cremate the body as soon as possible. Left with no choice, the villagers took the body to the cremation ground. They were closely followed by the police and security forces who then surrounded the ground taking photographs. They were there the entire time and stood watching as the body was being laid out to be cremated and then was burned. They left the grounds only after the villagers had left.

At about 11:30am Soni Sori, Sukulprasad Nag and Bela Bhatia also arrived in the village. Finding no one at Bheema's house they started looking for other villagers. They were told about the cremation and they too rushed to the cremation ground. When they reached the body was had already been laid out on the pyre and preparations to burn it were under way. They saw the police and security forces surrounding the area. They too took photographs of the security forces and police who were closely watching the preparations for the cremation. They could not intervene at this point as the people from the village were feeling very intimidated and afraid with so much of Police presence.

After speaking to the family and getting to know what had happened, they decided to file a complaint at Aranpur Thana.

On the 9th of October, some of the police again returned to Nilawaya to see if the body was fully burned and to collect ashes and bones from the cremation ground. They also started blaming the villagers saying that it was they who had killed Bheema and were falsely blaming the security forces.

The people from the security force came again around the 16th of October and kept pointing to Bheema's house. This has left the Bheema's family and the villagers feeling threatened and intimidated.

On the 19th of October when the people tried to go for a rally to protest against Police excesses and Bheema's encounter, they were stopped near the camp of the security forces and forced to return.

Other Details and Discussion

Bheema is survived by his wife, Poje and four children. The eldest son Ravi, who is around 14-15 years and studies at a pota cabin in Palnar. He stays in the hostel there. The second child is Samri, who is around 12-13 years old and works at a construction site near the main road. The third child, a daughter, goes to the village school. The youngest child stays with the mother.

Around two years back, Bheema's youngest daughter was very ill. In the house across the road was a local healer, who he wanted to call for help. This was at around 9.00pm. The police picked him up when he was on this way there and took him to the Aranpur Thana and beat him up for being out that late in the night. The then Sarpanch went to the Thana and got him released the next day. Such incidents have become common in the area. Picking up and beating up of villagers by the Police and security forces has increased tremendously. No reason is given by the security forces when they pick up people. They just take them to the thana and beat them up.

Often, when camps of the CRPF and other security forces have to be set up, they take people from the villages to clear the jungle. When these same villagers are returning from their work in fields, they pick and beat them saying they are carrying weapons. If they go to the jungle to collect wood or other produce, they are accused of being Naxalites. Owing to this, men from the village have stopped going to the market and even their fields for fear of being picked up and beaten. When the men are picked up, the women have to mobilise support and go to the thanas to get them released. The entire burden of tending to the fields, cattle and the household is now on the women. They have to do everything.

Other than this when the security forces pass through the villages, they take away the harvest, chickens, utensils etc.; kill, cook and eat the pigs and chickens from the village and go leaving everything scattered, broken and dirty.

There is no place that the people can go to get their grievances addressed. The moment they try to raise their voice, they run the risk of being marked out by the security forces, who they know will later harass them or beat them up.

As far as this incident is concerned, people feel that they are being falsely blamed in this incident and want justice. When they wanted to go and meet with the Chief Minister, then too they were stopped. According to one of the villagers, *"The Police are saying that we killed Bheema. If the police and security forces had not killed Bheema how would they have known that someone had died here in the village? How did they come to know about it? No one told them. Yet the forces came looking for the body and pressurised the villagers to burn it. They had guns. Who would have stopped them from taking the body? Still they used threats to ensure that the body was burned before them. Then the very next day, they returned to the cremation ground and cleaned everything and took away the remaining bones and ashes. How can they treat us like this?"*

Visit to Aranpur Thana

The fact finding team visited the Aranpur Thana. The officers at the thana said that Bela Bhatia had come to give a complaint and to get an FIR registered but they did not accept this. An FIR had already been registered from their end. They stated that Bheema Madvi was a declared Naxalite with a reward of Rs 5000/- and had been shot by the forces in an encounter. When asked for any list or documentation of the former claim, they were unable to provide it. They said that if the villagers thought he was not a naxalite, they should have got the body for post mortem. They also said that Soni Sori and Bela Bhatia had encouraged the villagers to burn the body instead of getting the body for a post mortem. When asked why the forces that were present at the village on the 8th did not stop the villagers, they said that the cremation was already in progress when the security personnel reached the village on the 8th. No forces were present at the time of cremation. When asked about what time the personnel had gone to the village of the 8th, they said they could not give that information.

Findings and Conclusions

From the information gathered and the account of the villagers and Police the following has been found

1. Killing of an innocent adivasi – Bheema had been a resident of Village Nilavaya. He was present in the village itself at all times and was easily accessible. According to Poje and other villagers, there was no reason for the security forces to have killed Bheema. He was not threat to anyone, neither had he owned or used a weapon of any kind before. He was about 50-55 years old and earned a living from agricultural activities and doing mazdoori (road construction work).

The only reason why he was shot was because he was out at the same time that the Police force was combing the area. On that day, the Forces were moving through Mallapara (of Village Nilawaya) on their operation. Bheema would have been returning home. They saw him and shot him without warning and without ascertaining whether he was a threat or not.

2. Bheema Madvi was not an armed cadre or a Naxalite : When the villagers found the body of Bheema, he was in the same clothes as he had worn when he had left his house on the 6th of October to visit his sister. He was not in uniform, nor was he armed.

If he was a declared naxalite with a price for his capture as the Police claim, they would have had many opportunities to take him into custody. Further, the villagers were clear that he was an ordinary citizen with no Naxalite linkages. They did not even know that there there was an award on

him. According to them, he was a farmer and the primary bread earner for his family and even worked as a manual labourer to meet the needs of the household.

3. False Encounter – There was no encounter as the police is claiming. A brief round of firing from a single weapon had been heard from one direction by the villagers that day. There was no return of fire. If there was an encounter, the Police and Security forces would have immediately retrieved the body and taken it into custody. Also a statement with regard to the same would have been released. Neither of this was done. In fact till the villagers and the local leaders started to raise the issue, no news about any encounter was released by the Police and Security Forces.

4. Attempt to Cover up and destroy evidence - The Police and security forces returned to the village and pressurised the villagers to cremate the body of Bheema Madvi. The villagers wanted to take the body for post mortem. They requested the forces to wait till their representative (Soni Sori) arrived at the village and they themselves would give the body up for post mortem. However the forces threatened that if the body was not cremated immediately, they would take the body forcibly and dump it. Even though it is not customary for the adivasis of the region to cremate the body before noon, they were forced to do so. The forces then returned the next day to recover the ashes and the bones of the burnt body, so no evidence would remain. By having done this the Police and security forces have actively destroyed evidence.

Recommendations

- An FIR should be registered against forces who were deployed in the area for combing operation on the 6th of October 2015 for having shot and killed an innocent adivasi, Bheema Madvi in Village Nilawaya.
- Action to be taken against security personnel for hampering the process of investigation and tampering with evidence by forcing villagers to cremate the body at gun point instead of taking the body for a post mortem on 8th october 2015.
- A free and independent enquiry be conducted into the incident and compensation for Bheema's family should be given at the earliest.
- The safety and security of the people of Village Nilawaya must be ensured so that no further intimidation or violence is inflicted on them.

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