TOWERING RESISTANCE

A Report on the Bhangar Movement Against the Power Grid

WOMEN AGAINST SEXUAL VIOLENCE AND STATE REPRESSION (WSS)
Summary

A 12 member team of WSS visited Bhangar in early March, 2017, and met with affected villagers and concerned officials, in order to understand the origins and impetus behind the massive resistance movement against the power grid project being undertaken by Power Grid Corporation of India (PGCIL). This report is based on our visit to the area, public documents and media reports from the area.

The story of the Bhangar movement starts with the completely arbitrary and opaque manner by which 13 acres of fertile, triple crop land in village Khamarait was acquired for the substation. All processes of land acquisition were handled by Arabul Islam of the TMC, there was no process of consultation with the villagers, and they were even kept in the dark about the purpose of land acquisition. Initially they were made to believe it was for government housing, then that it was some building related to power and only finally, was it clear to them that this structure would also entail putting towers on farms and lands outside of the 13 acre plot as well. The PGCIL’s own guidelines for environment and social impact study as well as for transparent processes for public consultation were violated with impunity.

Even as the villagers continued to voice their concerns about the impact of these High Voltage Transmission Lines on their lives, livelihoods, health and environment, the government dispatched police to the village on 3 Nov 2016, who beat up people including many women and terrorized them by arresting 6 people, and occupied the village for 18 days. Since then, the police have been regularly harassing the local populations to the extent that several families have left their houses and are living with their relatives out of fear of the police.

The situation further worsened on 16th January, when police entered the villages and detained people, and on 17th January 2017, when the police engaged in wanton violence – assaulting people, ransacking shops, destroying homes. Twenty-two people severely injured by police that day, while 23 houses, 4 grocery shops, 4 tea stalls, and 6 other shops were ransacked. Eleven people including 2 juveniles were picked up and badly beaten up. In response, the villagers protested and blockaded the roads, demanding the authorities should conduct a dialogue with the people, release the detained villagers, and
withdraw the police encampments from the area. Eventually, after an extended stand-off, the civil and police authorities agreed to meet some of the demands, and the movement leadership called off the blockade. However, in separate instances, the retreating policemen or TMC persons accompanying them fired at the villagers, killing two of them, Alamgir Molla and Mofizul Khan, and injured another, Akbar.

Not only did the police and civil authorities go back on their promise of a dialogue with the movement, a week later, two leaders of the movement, Sharmistha Chowdhury (a WSS member) and Pradip Singh Thakur were arrested and charged under the draconian UAPA, of conducting or conspiring to conduct a “terrorist” act. Many others have been either arrested or named as an accused in the approximately 145 FIRs that have been filed against the movement, thus criminalizing a peaceful, popular mass movement. The imposition of UAPA is particularly alarming, as it erases the lines between democratic dissent and terrorist activity, and equates the opposition of government policy to an act of high treason.

While the police show remarkable alacrity in registering and following up on cases against the protestors, scant effort has been to apprehend the killers of Alamgir Molla and Mafizul Khan, or even register the over 100 complaints that the people have filed against the police for assault and loot on 17.1.2018.

The villages in Bhangar continue to be under siege. Every other day, there are raucous, provocative meetings and rallies held in the area by ruling party politicians, at which slogans are shouted against the protesting villagers of Khamarait, Machibhanga, Padmapukur, Tona, Ghazipur etc., bricks and incendiary material are hurled at them, and their huts. The villagers of have blocked the roads entering their village with trunks of trees and chunks of concrete, brick walls, to ensure their safety and security. Even so, they often get injured, and arrested/ detained by the police.

The strength of the movement lies in the remarkable resilience of the people, who had been fighting this battle long before the civil society groups got associated with it. Allegations that the movement is artificially sustained by factional political interests within TMC are disrespectful of the agency of the people and a remarkably vibrant and
energetic peoples’ movement. The vibrancy of the movement has drawn all left parties across the spectrum, as well as the Congress Party, to offer solidarity to the movement.

There is a bitter irony in the fact that the TMC which rode to power on a popular wave largely due to its support to Singur and Nandigram movements and its opposition to the repression unleashed on these movements, is now resorting to the same repressive tactics against a similar movement.

We call upon the authorities de-escalate the situation by holding immediate and unconditional talks with the protesting villagers and their leaders, and undertake confidence building measures to gain back the trust of the villages. The health and environment concerns raised must be addressed and a transparent and participative Environment and Social Impact Study must be conducted immediately.

The FIRs under which people have been imprisoned include dozens of other names, including those of many WSS members (Nisha Bishwas, Swapna Bannerjee, Anuradha Talwar, Rangta Munshi, Krishna Bannerjee), and 500-2000 others who are unnamed, which has given the police a virtual license to arrest and harass a large number of villagers. Confidence building measures should include the quashing of such vindictive FIRs. Immediate action must be taken against police personnel and goons involved in the violence. Attempts to paint the legitimate and peaceful protest as unconstitutional or “terrorist” must stop.
Introduction

Women against Sexual Violence and State Repression (W.S.S) is a countrywide network of women who are committed to the defence of democratic values, and oppose all forms of structural and systemic violence against women.

In late December, we started hearing about the growing protests in Bhangar area (district South 24 Parganas, West Bengal) against a power grid project, as well as the growing repression of this movement. The matter took an urgent turn upon the arrest of WSS member Sharmishta Chowdhury, President of the All India Revolutionary Women’s Organisation and an activist of the CPI (ML) Red Star, which has been centrally involved in the movement against the project. It subsequently emerged that criminal cases on false charges had been fabricated against at least 5 other WSS members as well. It was decided that the WSS constitute a fact-finding team to visit the area and bring to light the various events and perspectives in this matter.

Accordingly, a team of 12 WSS members (names included at the end) visited the affected villages in Bhangar area from 3rd to 5th March 2017, and met the administration on the 6.3.2017. An interim report was also released at a press conference at Kolkata on the 6th of March. The following report is based on this visit and other documents accessed subsequently.

The Project

The project that is being undertaken by Power Grid Corporation of India Ltd.(PGCIL) is the Rajarhat 400/220 KV power grid with SF6 gas-insulated sub-station; a length of 400KV double circuit, and 450 MW transmission lines. There are 16 radiating transmission lines from the sub-station at Khamarait, one of which is already operational. One PGCIL notice seen by us stated that electricity is proposed to be transmitted over 953 km to Purnea in Bihar where it will connect up with the national
power grid, while 480 km of the transmission lines are in West Bengal. The PGCIL’s website, however, describes the project as follows –

“Rajarhat 400/220kV substation, being established by Power Grid Corporation of India Limited with 1000MVA capacity, is critical to supply of power in Kolkata and surrounding areas.”

The project affects the villages of Machibhanga, Khamarait, Padmapukur, Tona, Ghazipur Odiapara, Midhyapara, Munshipara, Kamarpara etc of Polarhat 2 panchayat

The area where this substation has been set up, and the transmission towers are sought to be erected, is extremely fertile land, yielding three crops annually, and producing rice, potato, capsicum, peas, beans, mustard, coriander, tomatoes etc. Fish rearing in field ponds (bherries) is an important occupation, and the village landscape is dotted with a large number of fishponds. A large proportion of the fish and vegetables supplied to Kolkata come from the Bhangar area.

One of the many fishponds in Khamarait

**Impact of High Voltage Transmission Lines**
We were told that in villages like Tona, through which the sole operational transmission line passes, the fish in the ponds (*bherries*) have started writhing and dying. It is difficult to work in the fields beneath the line. Wet clothes give off electric charge and holding a bulb under the line causes it to light up. The team also heard the constant, loud, high frequency humming that came from the transmission wires, which pass directly overhead some residential houses, making it difficult to live there. We were told that fish rearing was already suffering due to the clogging of the Bidyadhari river due to Kolkata pollution, and the transmission line has aggravated the situation.

We were shown a notice by PGCIL warning the public that buildings, metallic objects, bamboo poles etc. were prohibited within 100 meters of the transmission lines, failing which the Corporation would not responsible for damage caused.

**Health and Environmental Hazards:** The villagers have a lot of anxiety about the possible harmful health impacts of so many high voltage transmission lines, but have been unable to get any relevant information from any government authority or the PGCIL. People of the area have been complaining the effect of the power lines on farms and fish. Their fears regarding the impact of high-voltage transmission lines have been endorsed by Dr. Nisha Biswas, a retired CSIR scientist who reviewed the scientific research on this subject and concluded that the fears of leakage of sulphur hexafluoride, a potent greenhouse gas, are real, and the uneasiness of the villagers for living under electromagnetic fields is well-founded. There is sufficient research that points to a correlation between leukemia and power lines, and which has also documented the adverse impact of high voltage lines on crops, human and animal health.¹

 Possibly it is for this reason that 63 year old Dr Biswas has now, quite absurdly, been named by the police as being part of “mob” that allegedly attacked the police on 17th January, and has several criminal cases against her including for “terrorist activity”.

A group of environmental and health experts called ‘Citizens Concerned Over Bhangar’ visited Bhangar in late January to review the ecological and safety concerns raised by

---

villagers and released a Bengali report called “High Voltage Bhangar”. They have concluded that the power substation should be moved, since the current site is part of productive wetland and the project will not only impact the ecosystem, but also will not be stable. They have also concluded that the location is not safe for a SF-6 gas-insulated project. This group has pointed out that PGCIL has not submitted any Environment Assessment Report in the public domain, and have called for an investigation by the National Green Tribunal.3

A view of the sub-station from the Khamarait village

Land Acquisition Process – Arbitrary, Opaque and Coercive

The first project related structure to come in the area was the Power Sub-Station, for which around 13 acres of agricultural land were acquired3. For erection of the transmission towers, 4-5 kaathas of land on which the tower is erected is all that was acquired, even though the towers and the transmission lines impact a larger area.

Land acquisition proceedings seem to have been completely opaque. It was quite clear to our team that local people had not been given any information about the about the

---


3 Some news reports have suggested that that 16 acres of land were acquired. But due to the total opacity of the proceedings, even this detail is not clear
Initially, even the purpose of the land acquisition was not made known to the villagers, who were told that that construction on the 13-acre plot was just for “a government building”. Then they were told it was a power sub-station that was being built. Only much later, when gigantic transmission towers started arriving in their fields, did they learn the project in their area was a power sub-station with radiating transmission lines.

Ironically, the PGCIL website mentions, with great pride that, “POWERGRID is the first company in Asia to have a comprehensive and written ‘Environmental and Social Policy & Procedures (ESPP)’ to manage environment & social issues of transmission projects,” and that, “We aim to ensure total transparency and accountability in dealing with our stakeholders and their involvement through well-defined procedures as well as dissemination of relevant information at every stage of project implementation.” Although the Sustainability Report 2011-2013 of the PGCIL claims that they carry out an Environment and Social Impact Assessment for all its projects (page 40 of the Sustainability Report, reproduced here as Annexure 1), they have not conducted any such study for this project, which is publicly available. This ‘ESSP’ has a section (annexure 6, reproduced at the end of this report at Annexure 2) on “Processes and Procedures for Community Engagement, Public Consultation and Disclosure” showing that their procedures and are in consonance with international standards and that there are definite procedures for extensive public dialogue!

None of the villagers with whom our team spoke had any definitive information regarding land acquisition proceedings. Hence, on 6th March 2017, we submitted a written request to the District Collector asking for a copy of the award as well as the Detailed Project Report. However, we have not received any response yet.

From the villagers, we learned that all proceedings for land acquisition were routed through Arabul Islam, a prominent local TMC leader, who coaxed or coerced farmers to give up their land. A total of 172 farmers had land-holdings in the area that was acquired for the sub-station. Initially, families affected by the grid were promised Rs 3 lakh per *kaatha* for land by the road and Rs 2.5 lakh per acre for land away from the road.
However they were paid much less, around Rs 50,000 to Rs one lakh per kaatha. For the 4-5 kaatha land under each tower, people were generally given around Rs 40,000/- but those who protested were paid a total of around Rs 1 lakh. Around 4 bighas of land taken for the grid allegedly belonged to the Wakf Board, which was not informed. Arabul Islam not only arbitrarily decided how much compensation was to be handed out to whom, but also took a hefty cut from all these compensations.

The State Government has been speaking in many voices on the issue of land acquisition. Initially, it was denied that forcible acquisition had taken place. State minister Partha Chatterjee was quoted in the media as saying: "Chief Minister has repeatedly said no land was acquired in Bhangar. Our state government policy is clear that there would be no forcible land acquisition. In the Bhangar project, the state government has no role as we did not acquire any land there."

However, we were told in the villages that following protests by opposition parties in the Vidhan Sabha during the Governor’s speech on the first day of the budget session, Chief Minister Mamata Bannerjee has stated that land had, in fact, been acquired while 11 persons were still to accept compensation.

We were told that land acquisition proceedings were rushed through in an attempt to pre-empt the application of the new act, the “Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act”, 2013 which came into force on 1.1.14. It also appears, however, that acquisition proceedings, if any, were still ongoing on that date. Unfortunately, it is the same party that once publicly opposed forcible acquisition under the old colonial Land Acquisition Act, that is now being accused of scuttling the application of the much more liberal and consultative new Act.

**Initial phase of the movement**

Towards the end of 2012, when there was talk of land being taken for a project, several people went to the District Collector’s office in Kolkata, and said they did not want to give their land. The Collector called a meeting with the villagers, but also informed

---

Arabul Islam, who in turn sent in the “Harmad Vahini”. At the meeting, the affected villagers were not allowed to speak, and instead “Harmad Vahini” TMC goons took over and announced that the villagers supported the project.

Affected villages started mobilising in 2014. People from Machibhanga and Khamarait took the lead. When after a week of preparations and after contacting all the nearby villages, a meeting was sought to be held in Khamarait. But at the last moment, the police arrived and said they could not hold any meeting since ‘due to the imminent Lok Sabha elections, section 144 CrPC was in force.’ The villagers were suspicious of this reason, and shrewdly asked the police that if this so, the police should announce that section 144 CrPC was in force. This the police did not do, but not wanting to take a confrontational stand, villagers said they would have their meeting at the nearby village of Tapovan. This also was not allowed, so they tried to meet at Bagdoba but the Rajarhat police station refused to allow this. Finally a prominent local TMC member, Jamir ul Islam, prevailed upon the police to allow at least a token meeting for about half an hour, fearing that otherwise the party’s image would suffer. Finally, a 15 minute meeting was permitted at Bagdoba, with police present! When some speakers started talking of a movement against the power plant, the police threatened to arrest them.

After the Lok Sabha elections were over (May 2014), work on the power grid began in earnest. There was some uneasiness and opposition in the affected villages, and but mostly it was believed that only a electricity sub-station was being constructed and the problem was confined to 13 acres of land. It was only when, in late 2016, the transmission towers started being brought in on giant carriers that people realised that this was not just simple substation. Villagers told us how the giant transmission towers were dragged through fields of standing crop, destroying it all the in process. A few, lucky villagers were able to obtain some compensation for the destruction of their crop, but many have received nothing.

The villagers have repeatedly tried to get information regarding the project, but have found it very difficult to do so. Finally, after protests at the BDO office, they were given a copy of a letter supplied by PGCIL to the BDO stating that the project was a “400 x
220 kv power station to supply power to Rajarhat and nearby areas.” Neither the Government, nor the company have attempted any dialogue with the people on any of the issues of concern regarding the project.

It should be noted that the villages of the Bhangur struggle adjoining the Rajarhat-New Town area, have been the arena of land speculation and land grab, with the involvement of the leadership of the TMC. There appear to be strong forces interested in converting this farmland into real estate, a threat which continues to loom large over the area.

**The Movement Escalates: Stone-Walling by the Authorities followed by Repression**

Once the transmission towers started being installed in 2106, alarm in the villages increased.

*On 3rd November 2016 in Khamarait village:* While some people were working in the fields, they saw a PGCIL team accompanied by police trying to install a tower. Several people then gathered, protesting that they did not want this project and had not consented to it. The police brutally beat up villagers, several women were beaten up by male police.

One woman Nilofer, told us she was returning from dropping her daughter at school and was beaten up, she remembers the humiliation of her clothes in disarray. Another woman, Noorjehan, had gone to give lunch to her husband working in the field. When she was returning, she was accosted in the village by the police, and chased into the kitchen of Nilofer Bi, where she saw that Nilofer was being beaten. When she protested against Nilofer’s beatings, she was told that she was indulging in ‘dadagiri’ and arrested there. No policewomen were present. We were informed that another woman, Chhapia bibi, was also arrested – her young son had been detained by the police, and Chhapia bibi had approached the police people to ask why they had taken the young boy. In the ensuing melee, the young boy ran away. Angered, the police arrested the mother, Chhapia Bibi instead. Three men- Jalaluddin Mondir, Mirzanur Molla and Azizul Molla – were also arrested that day. In all 3 men and 3 women were arrested, and released on bail only after 18 days of imprisonment. Chargesheets are still awaited.
Noorjehan Bi, one of the women leaders of the movement today, relating her story

Several women said that TMC leader, Arabul Islam, was present that day, and they appealed to him to help, but he refused.

For the next 18 days, around 70 policemen (no policewomen) camped in the village near a bridge. They regularly terrorized the villagers, making tyrannical demands – give us eggs, give us fish, cook us food, we want to use your bathrooms, give us your unused rooms to stay in. Anasura bi told us her house is close to the road, and after 3rd November, the police assault, occupation of the village and arrests the family is too scared to stay in their own house and have shifted to relatives in the interior of the village.
Even after the police left the village, they were still present in the area, making the people fearful of their safety. Soon after this episode, villagers started doing night patrol duties to ensure that the police were not up to any mischief. But many women complained to us that due to their patrol duties, many men are not able to regularly go for their jobs as day labourers, and this impacts their livelihood.

The villagers continued to try and get information and get the administration to dialogue with them, but to no avail. On 2\textsuperscript{nd} December 2016 they went to the SDM’s office but could get no information. On 9\textsuperscript{th} December they went to the project office at Bishnupur to ask for project details and documents, but seeing them approach, the staff locked the office and left. In fact, those whom we spoke to were very bitter that despite the persistent protests and the several widely discussed fears regarding project hazards, not a single officer of the PGCIL has ever come forward to dialogue or attempt to allay their fears.

It was around this time that civil society groups from Kolkata and beyond started offering solidarity to the villagers, and the ‘Jami, Jibika Bastutantra O Poribesh Rakshya Committee’ was constituted and quickly spread to around 20 villages. In particular, comrades from CPI (ML) Red Star, Alikh Chakraborty and Sharmistha Chowdhury started getting involved with the movement against the power grid. With their extensive experience in trade unions, they were quickly accepted by the community and integrated into the struggle.

On 22\textsuperscript{nd} December, a protest demonstration of around 10,000 people was held in Kolkata. A delegation attempted to meet the Governor, but despite having been given a prior appointment, could not do so. They did however, submit a memorandum. We were told that memoranda have been submitted to the Chief Minister, District Magistrate, Power Minister of the state, as well as every concerned authority, but were met with a deafening silence.

Angry and frustrated at the lack of official response, on 11\textsuperscript{th} January 2017, a huge demonstration of an estimated 50,000 people was held in the area, blocking more than 7-8 kms of the Lauhati-Haroa road. Several other progressive organisations and
intellectuals also attended in solidarity. Though the protest was peaceful, criminal cases have been filed against several participants. The blockade was lifted after the District Magistrate’s assurance of a dialogue.

**Events of 16**<sup>th</sup>-17<sup>th</sup> **January, according to villagers and activists**

Possibly alarmed at the growing strength of the movement, a police crackdown was unleashed on the 16<sup>th</sup> and 17<sup>th</sup> of January, in which police entered houses and shops, beat up people and smashed their belongings.

On 16<sup>th</sup>, the local committee had called a meeting in the Idgah. People learned that one of the movement’s leaders, Kalu Sheikh had been picked up by the police. The microphones of the masjid were used to inform people of this development. People gathered in large numbers and surrounded the thana. Calls were made by the leadership to the SP and DC. Consequently, Kalu Sheikh was released. Later 6 others were also found to have been picked up, and after the protests, they too were released.

But the police went on the rampage on 17<sup>th</sup> early morning. 11 people including 2 juveniles, and one Higher Secondary student were beaten up and arrested. Later, one of the detainees was released. The finger of Zahir Hussain, one of the juveniles, was broken and he spent six days in police custody without treatment. It was only when he was produced in court and the magistrate ordered treatment, that he was finally treated. Around 22 people were severely injured, 23 houses, 4 grocery shops, 4 tea stalls, 3 blacksmith shops, and a jewellery store, a cycle shop and a hair saloon were ransacked and belongings like roof tiles, asbestos roofing, doors, windows, glass panes, fridge, TV, motor cycles, fans, cycles, plastic and wooden chairs and tables were smashed. The glass of a TATA Sumo and a truck were also smashed. A Masjid is said to been attacked and its glass windows broken.

**Violence on 17**<sup>th</sup> **January, according to the women**

Several women narrated how on 17<sup>th</sup> morning, a shop on the road belonging to Rabia Bi, a Panchayat member was ransacked, she was assaulted, her clothes disarrayed. The police had strewn around all the items in her shop, broken bottles, and a camera had been
taken. When the other women heard of this, 30-35 of them ran to her rescue. But the police tried to assault them also. The younger women managed to escape but the older women, who could no run fast enough were badly beaten up. Mayurjan Bibi was chased by the police when she ran. When she fell, she was brutally beaten up. Her arm was fractured in three places, and she was injured in the head and the back. The women told us that when the police assaulted them, they would say “we will break the hand that holds the flag and raises fists with slogans”.

The details of the assault are as follows:

1. Chhapiya Bibi, 60 yrs, w/o Hakim Mulla of Khamarait, PS Kashipur, beaten up, severely injured, arm fractured, plastered, treatment still going on. She was also hurt on waist and buttocks and her hand is still swollen. She still cannot walk properly, cannot work and cannot afford treatment.

2. Mayurjan Mulla, 50yrs, w/o Mohammed of Khamarait, severely injured, hospitalized, 5 stitches on head. She was beaten by the police when she fell while trying to run away from them. Her arm was fractured in three places, and she was injured in the head and the back.
3. Abeda Bibi, 35yrs, w/o Azizul Islam of Khamarait, hit by the brick thrown on her by the policemen, Azizul too was beaten up and arrested under UAPA. On hearing the commotion, Azizul went to find out what’s happening. When he didn’t return for a long time, Abeda went to look for him, and the police hit her with a brick. Her back was hurt and she has trouble walking. She found out only 2 days later that her husband had been arrested. She could not get any treatment.

4. Kadira Bibi w/o Abdus Samad of Uttar Gajipur, PS Kashipur was severely beaten up, two daughters saved themselves by hiding in the toilet, the house was ransacked. According to Kadira Bibi, her husband and older son hid in another house. Two daughters, one of whom had, just a month ago, had a cesarian delivery, hid in the bathroom. The police broke open the bathroom door and beat them up. Her son, Abdul bin Kasim who was preparing for his Higher Secondary exams was beaten up and arrested. Her husband and other son were also beaten up and arrested from where they were hiding, and she had no information regarding their whereabouts for two days. Her husband was hurt so badly, he couldn’t walk. The police smashed everything, including the TV, fans windows, the lock on the grill in the verandah etc. Her husband and sons have been charged under UAPA, in addition to other sections.

5. Mansura Bibi, w/o Sabirul Mulla of Uttar Gajipur was beaten up, husband Sabirul too was beaten and arrested, he has been charged UAPA too, in addition to other sections.

6. Manoara Bibi, 42 yrs, w/o Lukman Mulla of Tona Padmapukur, PS Kashipur was thrown on floor and was beaten up and assaulted sexually. Her husband, a physically disabled person, was thrown on floor and was beaten up. Police smashed everything including a motorcycle. As a result of his injuries, Lukman died a few weeks ago.

7. Lili Bibi, w/o Munshi Mayuddin of Uttar Gajipur was beaten up. Her minor son named Ramzan Munshi was picked up from his married elder sister Kashmira Bibi’s home and arrested. He was kept in police custody for six days and implicated under UAPA. He was later granted bail from the Juvenile court.
8. Chhapura Bibi, w/o Jabbar Ali of Uttar Gajipur. Her house was ransacked. Her husband Jabbar was severely beaten up and arrested under UAPA. Chhapura an asthma patient, was pulled by hair and beaten up badly. Her head still hurts.

9. Ajmera Bibi, w/o Zulfikar Mulla of Uttar Gajipur. Her house was ransacked. Her 14-year-old minor son, Zahir Hussain was severely beaten up and arrested. His hand was badly injured and his finger was broken. He was for 6 days in police custody without any treatment. When produced in Juvenile Court, the judge was shocked at his condition and ordered immediate treatment. He was only then taken to the hospital.

The villagers informed us that they have more than a 100 complaints of assault and loot by security forces, which they have attempted to file with the local thana. But given their precarious relation with the thanas, they have not been able to follow up on these, and to the best of their knowledge, not one of them has been converted into an FIR, nor has any inquiry/investigation commenced in any one of them.

When news of this rampage spread, people started gathering on the road in front of their villages, and the Lauhati – Haroa Road was blocked. The police were gheraoed from Padmapukur to Notunhat. At around 12.00 pm, the administration appealed to the leadership to facilitate the safe passage of the police. The leadership responded that the people’s demands were that the administration should start a dialogue on the issue of the power grid, release those arrested, and that the police should be kept away from the area till the matter was resolved through talks. They also demanded that assurances on these should be given in writing. The administration said they would consult on this and call back. By around 3-3.30 pm the SDO, on behalf of the Collector, and the DSP, on behalf of the SP, sent SMSes saying that the Collector would call a meeting on the 19th, and that the police would not oppose bail of those arrested. Alik Chakraborty then used the mike at the Padmapukur Masjid to inform the crowd of these assurances and appealed to them to let the police pass. The crowd immediately parted and let the police pass. The police started moving towards Padmapukur.
**Murder of Alamgir Molla and Mofizul Khan**: We were told that as the police retreated, they started firing. The police deny this saying the firing was by “outsiders”. Two youths, Alamgir Molla and Mofizul Khan were killed and a third, Akbar Ali, was wounded.

It is believed that the police force was accompanied by several goondas, many of whom were in police dress. Some of the people we spoke to said that if not the police, then these people accompanying the police must have fired.

Alamgir (aged 21) was studying MSc. He was unmarried and lived with his parents and siblings. He was a member of the Masjid Committee of Shyamnagar. When he heard of the police party ransacking the masjid at Padmapukur, he was anxious and went, on his cycle, to see what had happened. He was at Tona Kamarbadi, when his chappal came off, and as he bent down to put it on again, he was shot in the arm. When he fell, he was kicked in the face by uniformed police and shot in the neck, apparently at point blank range.

Mofizul (@Majijul) Khan (aged 24) was married with 3 children, and worked at loading and unloading bricks. He was at work and was returning home with his truck. Near Shyamnagar, the police told him to park the truck and proceed on foot. He did this and was walking towards his home in Tona. He was shot in the abdomen and allegedly also kicked. Those who tried to take him to hospital said his intestines had spilled out.

At Shyamnagar crossing, Akbar Ali, a resident of Shyamnagar, was shot in the back. He survived. He said that when he went to register an FIR, he found that he himself had been made an accused.

The humanity underlying the mass movement is best illustrated in the following incident that was repeatedly told to us by many different people - When the policemen fled from the scene, they left 5 policewomen behind who were detained by the crowd of villagers. These women were scared, and at the mercy of an angry mob, who had lost two of their own villagers. However, the leadership of the movement, notably Alik Chakraborty intervened at this point, and reminded the villagers that these policewomen were not the
enemies of the movement, but also belonged to an exploited class. Consequently, the villagers ensured that the policewomen were treated with respect, they were given regular clothes to wear, and were let go in safety.

*The Police version*: According to the police version of events as related in FIR 31/17 of PS Kashipur, upon receiving information that “a group of outsiders are provocating the local inhabitants of Tona, Machibanga, Khamarait Swarupnagar, Uriyapara, Gazipur Anantapur to assemble and to organize violent protest against the administration for immediate removal of the Power Grid Station of the Govt. and to stop the Power Grid Station of Tona Mouza and other related issues,” a team led by Arijit Sinha Addl SP (East) South 24 Pgs, Sayad Mamadul Hasan DSP (Crime) South 24 Paraganas and Sisir Mitra DSP working as C.I. Bhangar reached the area around 9.15a.m. It is however also stated that DSP Sisir Mitra and others had been “performing night patrolling duty”.

The police found a mob of 1000-1500 people. The police “tried to negotiate with the local peoples and made appeal to them for maintaining peace and tranquillity in the area and also assured them to listen their grievances, if any, sitting in a peaceful atmosphere. But the aforesaid persons including one Alikh Chakraborty, an outsiders (sic) of that area and his team comprising 15-20 unknown face (sic) of the area vehemently rag (sic) objection to sit with the police or administration in this issue and started propaganda against the administration and the Govt. for installation of the said Power Grid Station claiming that the said project will cause serious adverse affect (sic) on the health and ecology of the area. The result of their provocation started creating a violent atmosphere and the people of the locality became violent.”

Upon the police announcing that this is “an unlawful assembly,” many dispersed but about 500-600 remained. The police first resorted to lathi charge, some people dispersed but others became more violent. Bombs were hurled at the police. The Additional SP ordered firing of gas guns and then rubber bullets. The mob then immediately dispersed and the police “was able to secure the arrests of 11 persons” (though in the FIR only 10 are shown as arrested.) They also recognised 36 other named “leaders”, who they can
identify when required. 24 police personnel were injured and police vehicles damaged. “The incident was controlled at 17.45 hours”.

“Local law abiding inhabitants” informed the police that “15-20 outsiders of the area under the leadership of Alikh Chakraborty and Ansar Ali Mullick” had started propaganda against Govt project; and that they were organising “an Anti-Govt movement by collecting local supporters.”

In all our discussions with villagers as well as the leadership of ‘Jami, Jibika Bastutantra O Poribesh Rakshya Committee’ as well as CPI (ML) Red Star activists, a constant refrain was the need for dialogue and the refusal of the Government and the PGCIL to dialogue or provide information. In fact, supporters of the movement also tried to dialogue with the administration and Kushal Debnath, Sankar Das and others met the District Magistrate on 17th January, at the D.M’s invitation. But when they tried to discuss concrete issues, they were told that this was just an informal meeting.

Therefore the police version that the “outsiders” were urged to engage in dialogue but they refused, does not seem very credible. Moreover, the repeated and graphic descriptions of police brutality on the morning of the 17th appear genuine and the injuries are of course very real.

The police have no explanation for the injuries suffered by the women, the vandalised houses, or shootings that resulted in the death of 2 youths and the injury of another. The police version is simply that Mofizul Khan and Alamgir Molla were shot at by “unknown miscreants.”

On the afternoon of 5th March, our team met the current ASP, Shoikat Ghosh as well as DSP Syed Mamadul Hasan who was part of the police force on 17th January. They refused to give us any replies on our queries in this matter, saying that the “matter was under investigation” and that police personnel were also injured. Shri Hasan said the firing was not by the police but by “outsiders”. When we said that whoever it was, why is no action being taken in the matter, he did not reply.
According to FIR 32/17 of PS Kashipur, allegedly registered at the instance of Mofizul Khan’s elder brother, the deceased Mofizul was killed in the brickfield at Shyamnagar. The FIR only registers that the shooting was done from a Tata Sumo, but the killers are unidentified. This is sharply different from the version provided to our team by the family.

The family of Mofizul Khan has filed a writ petition in the Kolkata High Court asking for proper investigation by the CBI into the firing and action against the perpetrators. The family has also refused the Rs 2 lakh compensation announced by the State Government. The team met the father of the Mofizul Khan who told us that the sacrifice of his son should not go in vain and the power grid must be stopped.

Hearing the writ petition in this matter on 8th February, the Court directed the CID to conduct an investigation in a prompt and effective manner with regard to forensic examination as to the cause of death including ballistic examination of ammunition recovered from the body of the victim in the course of the post mortem examination and/or recording the statements of the petitioners and/or other witnesses under section 164 CrPC and submit a further report on next date of hearing. To date, three months later, this has still has not been done.

During the hearing on March 8, the state counsel informed the court that ballistics tests carried out on a bullet extracted from one of the bodies revealed that it had been fired from an improvised firearm. Justice Bagchi had then wanted to know why the CID had not been able to find out who had fired the shot.

*Dead body of Alamgir Molla*
On April 26th, the judge slammed the CID for its failure in this matter, and summoned the ADG(CID) to personal appearance with the case diary on the next day of hearing on May 10th. The senior officer will also have to inform the court about concrete steps taken by the CID in the matter. According to press reports, Justice Bagchi observed:

"You say that the shot was fired from an improvised firearm but have not been able to identify the murderer as yet. This is the CID's failure. I want justice to be done to the victim's family and the murderer has to be brought to justice. The murder was committed in broad daylight and the person can't go unpunished."

After the state submitted that the deaths occurred in a disturbed area, the judge said:

"Show me a law which permits murder to take place in a disturbed area. You will have to bring out the murderer and ensure the protection of the witnesses. If the suspect is a powerful and influential person, it is quite normal that locals won't come out on their own to identify him. If you are unable to bring these people into your confidence, what is left of the administration?"

**Aftermath:** On the evening of the 17th, the Chief Minister Mamata Bannerjee is reported in the press to have tweeted "No land will be acquired if people don't want to give away land. The proposed power grid will be relocated if required," ("Manush na chaile jor kore jomi adhigrahan kora hobe na, darkar hole power grid anya kothao kora hobe"). However the tweet was recalled an hour later.5

TMC leader and MLA of the area, Rezzak Mollah was instructed by Mamata to visit the area, and submit a report. He, along with senior leader Mukul Roy, tried to do so on 18th January, but they were prevented by angry villagers. Rezzak Mollah has been quoted in the press as saying that he was not in favour of forcible acquisition, but it seemed that

---

he was not believed by the people. Another leader Sabyasachi Dutta also faced similar protests.⁶

Activists of the Jami, Jibika Bastutantra O Poribesh Rakshya Committee told us that on the 17th, the SDM on behalf of the DM had promised that talks will be held on the 19th. However, far from this being done, two important leaders of Sharmishta Chowdhury and Pradip Singh Thakur were arrested along with a local youth on the 25th of January.

**Crackdown on Red Star Activists: Sharmistha Chowdhury, Pradeep Singh Thakur and KN Ramchandran**

*Poster for release of Sharmistha Chowdhury on a wall in Khamarait*

Sharmistha Chowdhury and Pradeep Singh Thakur of CPI (ML) Red Star were arrested a week after the 17th January protests, on 25.1.2017, along with Shahnawaz Molla. Sharmistha and Shahnawaz were on a motorbike returning from Bhangur, when they were stopped by the police and taken into custody - this was witnessed by the riders on the following bike, who informed their colleagues. Were it not for the fact that the arrest had been witnessed, the family and colleagues of Sharmistha and Shahnawaz would not have gotten to know of her fate till much later, when the police would have bothered to inform them. Pradeep Singh Thakur was picked up from a train at the Sealdah station,

---

⁶ Protesters ring MLA in tense Bhangar, The Telegraph, Jan 26, 2017, [https://www.telegraphindia.com/1170127/jsp/bengal/story_132545.jsp#.WQwCx_mGPIU](https://www.telegraphindia.com/1170127/jsp/bengal/story_132545.jsp#.WQwCx_mGPIU)
which he had boarded to go to his house at the Garia station. All three of them were further kept in 8 days of police custody, and charged under several cases. On 3.2.2017, the CID applied to the magistrate’s court to add sections 16 and 18 of the draconian Unlawful Activities (Prevention) Act, 1967 (UAPA) aimed at “terrorists,” to Case no. 31/17 of PS Kashipur, and was granted leave. This impacts the 10 village people arrested on the 17th, Sharmistha Chowdhury and Pradip Singh Thakur arrested on the 25th, as well as others arrested later, and is currently being challenged in the High Court of Calcutta.

At around the same time (22nd January), KN Ramachandran, the General Secretary of Red Star, who was traveling from New Delhi to visit Bhangur and express his solidarity with the movement, was abducted by the West Bengal state CID when he reached the Kolkata station. He was blindfolded by his captors and taken to undisclosed places, and then finally put on a train back to New Delhi on 24th of January. In the meanwhile, many calls by concerned activists, party members and civil liberties groups had already been made to the top echelons of the West Bengal police, but they all denied any knowledge of the whereabouts of KN Ramachandran. This detention and forcible removal from the state is completely illegal and a flagrant violation of fundamental right to movement anywhere within the country. The fact that even senior police officials were unwilling to part with the knowledge of the whereabouts of KN Ramachandran only show the scant respect for DK Basu guidelines and the Code of Criminal Procedure at all levels of officialdom. This brazen abduction of a senior activist also illustrates the sheer arrogance of the state police when it comes to dealing with popular mass movements and their leadership.

**Is democratic protest by citizens on local issues “terrorism” that threatens national integrity and sovereignty?**

When the WSS team went to meet the District Magistrate on the 6th of March, we found a team from ‘Sanhati Committee’ a group of supporters of the movement already there. They pointed out to the DM that the administration should engage in dialogue with the movement rather than resort to repression. One member of the team, Kushal Debnath
pointed out that this was the first case in West Bengal in which members of a democratic movement have been arrested under UAPA. Despite the massive repression unleashed on the Singur and Nandigram movements, the protestors had not been branded as “terrorists”. Ironically, less than ten days later, Kushal Debnath himself was arrested and charges under UAPA slapped on him as well as on Shankar Das, another member of the team.

The most serious case against the movement is by far is FIR 31/17 of PS Kashipur, where the accused are not only held responsible for all the violence that occurred on 17.1.2017 (in terms of damage to six police vehicles and the personal belongings of policemen therein, and injuries to 24 policemen), but also has sections of the Unlawful Activities Prevention Act (UAPA) sections 16 and 18.

Ten people were arrested on the day of the incident itself, the 17.01.2017, and then further on 25.1.2017, Sharmistha Chowdhury and Pradip Singh Thakur were also arrested in this case. On 25.1.2017, the case was also transferred to the CID. Later on, Kushal Debnath and Sankar Das were also arrested under the same case, even though their name does not appear in the list of the accused in the FIR. On 3.2.2017, the CID made an application in court for adding UAPA sections 16 and 18, and WB MPO (sections 8 and 12) to the act. The application said,

“During investigation it has come to light that the aforesaid criminals have carried out such illegal activities of damaging and destroying government properties, attacking and causing injuries to the on duty police personnel after hatching up criminal conspiracy in that regard. They had struck terror in the area and had threatened the unity, integrity, security and sovereignty of the state”

It should be noted that sections 16 and 18 are respectively punishments for committing a “terrorist” act or conspiring to commit a “terrorist” act. While the punishment for committing such an act can even be a death penalty under section 16, the punishment for conspiracy for a terrorist act can go up to life punishment.

Is Bhangar movement a “terrorist” movement?
UAPA section 15 defines what comprises a “terrorist” act, and in its relatively lengthy exposition, it is clear that for an act to be “terrorist act,” it has, at the very least, to be an act

“with intent to threaten or likely to threaten the unity, integrity, security or sovereignty of India or with intent to strike terror or likely to strike terror in the people or any section of the people in India or in any foreign country”

There is no way by which the movement in Bhangar can be called a terrorist movement – and the very application of UAPA in this case sets a highly dangerous precedent. How a movement of people opposing a power grid threatens the “unity, integrity, security or sovereignty” of the country is beyond understanding, and the bland statement in the IO’s letter defies imagination. Even if we were to accept for a second the contention that the protest on 17.1.2017 “damaged and destroyed government activities”, it might make the movement “criminal” but not a “terrorist” one by any stretch.

**The Story told by Seizures**

The investigation into FIR 31/17 is accompanied by six seizure memos. Two of them dated 18.1.2017 (right after the incident) and 25.1.2017 (one week after the incident) related to seizure of damaged police vehicles from the incident sites. What is interesting is that between the two of them, there are **8 damaged police vehicles**, whereas the FIR only mentions six. Clearly, as time goes by, the case of the police starts to improve.

But more interesting is the seizure memo dated 1.2.2017, at the office of the CPI(ML) Red Star. In that there are three entries –

a) A set of 25 booklets, which are for all purposes, party literature for CPI (ML) Red Star. These are described in the seizure memo as having “propaganda of anti-state movement, creating terror etc,” and in support of some banned organizations, but the contents are not described beyond this.

b) A set of 22 leaflets in which “propaganda of anti-state movement, terror etc is published in Bengali” in the name of the organisation ‘Jami, Jibika Bastutantra
O Poribesh Rakshya Committee,’ and in the name of Abdul Ajij Mallick, Khamarait. The Seizure memo notes that “There is propaganda against the Power Grid construction at Polerhat area, Bhangore”

c) A set of 27 leaflets in which “propaganda of anti state movement, terror etc is published in Bengali language. There is propaganda against the Power Grid construction at Bhangore etc.”

It is important to note how easily literature which is “anti-Power Grid construction” is described as “anti-state propaganda” and “propaganda of terror.” Literature of over-ground, legal, revolutionary parties such as the CPI(ML) Red Star is written up with suspicious overtones and hints of intrigue, without any direct indication as to what literature is actually seized, the titles, names of authors etc. As a seizure memo in a criminal case, this document is completely inadequate, since the description of the material seized is so vague. However, the labelling of this literature as “propaganda of anti state movement, creating terror etc.” helps in fabricating the charges of “terrorism” and in presenting the “antinational” credentials of the accused.

There is an obvious difference between anti-government activity and anti-national or anti-constitutional activity. A particular government is not the nation. Moreover, there is no evidence that the leaflets were even critical of the current government of West Bengal, though all citizens enjoy a constitutional right of criticizing their government and this can hardly be termed anti-national “terrorist activity”.

**Continuing Arrests, Mounting Repression, Increasing Violence**

The affected villages continue to be in a state of siege. The villagers have put up road blocks at all entry roads, in order to ensure that they can control who does and does not enter the village. Local politicians associated with the ruling party act like henchmen of the PGCIL and hold rallies supporting the Corporation. These rallies pass provocatively close to the villages that are opposed to the project, shouting slogans, throwing stones, aggressively taunting the villagers. Frequent confrontation and pitched battles occur
between the two groups, at the end of which it is always villagers opposing the project who suffer injuries, and also find themselves named as accused in the FIRs.

Road block put up by villagers on the village road

While our team was visiting the villages on 5.3.2017, we got to witness one such rally, which passed on the main road. The villagers quickly erected their roadblocks in order to ensure that such rallies do not enter their village, and are kept at a safe distance. Still, when the passing rally burst firecrackers, hurled bombs and threw stones, a young boy of Khamarait, Saiful Molla, was injured by a brick hitting his head. He was only able to get the wound bandaged the next day because of the tensions in the village.

Saiful Molla
We also met with Mirza Kassim, whose bandaged fingers had been broken when he put up his hand to ward off an attack by an unruly crowd of the so-called project supporters on 3.3.2017. He also complained to our team about how the local politicians of the ruling party make extremely offensive statements against the women of these villages, just in order to provoke a scuffle, and even though the villagers guard against these provocations, they still get directly targeted by violence.

_Mirza Kassim_

One young person, Ahad Molla, was picked up by the police while we were still in the village, and again the family members were provided no information, not even the name of the police station where he was brought. We have since learned that another villager, Habibul, a fish seller was picked up on his way to the market to sell his produce. Kalu Shiekh, a leader of JJBPRC was arrested on 03.04.2017, while he was going to his relative’s house and was severely beaten up in police custody. Further, we have been informed that police have not been arresting persons using arrest warrants; instead, they are simply kidnapping people on the road as they go about their daily work, and are then produced in court as arrested.

**Oppression with FIRs: Criminalizing a Popular Movement**
As the popular protest movement against the Power Grid has gained momentum, the state has responded viciously by filing a multitude of criminal cases against it. Every single protest organized by the village people has resulted in many FIRs, consequently, there are currently at least 145 FIRs against different people in the movement. The leaders of the movement, like Alikh Chakravorty (currently not under arrest), and Sharmistha Chowdhury and Pradip Singh Thakur (before they got arrested), get named in almost all the FIRs. Consequently, Sharmistha Chowdhury, is facing trial in at least 21 cases as of today, and there might be other FIRs in which she is yet to be arrested. With so many FIRs, it is safe to assume that almost everyone who has been part of some protest has an FIR against him or her, and this definitely holds for all office bearers of the JJBPRC.

Members of civil society groups, such as trade unions, NGOs, civil liberties groups who have offered solidarity with the peoples’ movement against the power grid have also been targeted with having their names as accused in many cases. Besides Sharmistha Chowdhury, five other members of WSS (Nisha Biswas, Anuradha Talwar, Swapa, Krishna Bannerjee, Rangta Munshi) have been made accused in 11 cases. Nisha Biswas, a retired scientist, is facing an additional case (FIR 31/17 PS Kashipur) which lists charges from the draconian UAPA as well.

The fact-finding team got an opportunity to examine 19 FIRs of the close to 40 FIRs that were registered against the movement in the month of January 2017 alone, and the following analysis is arrived from their study -

1. **Multiple FIRs filed for the same incident**

Each incident of protest has been made into many different FIRs with minimal changes across them. For instance, 9 different FIRs (FIR numbers 9 through 17 of 2017, PS Kashipur) have been filed regarding a peaceful road blockage that was organized by the movement on 11.01.2017. The sections are identical – regarding rioting and use of explosives, as are the descriptions of of the alleged offence – that the accused have blockaded roads, abused policemen that came to clear the blockages and accused them in filthy language, threatened them, and then hurled bombs at them.
There are only two variations among these FIRs-

- The actual location along the Haroa Lauhati Road where the particular incident is happening – whether it is on the Shyamnagar Turning, or next to the Palerhat II GP Office, or the Khamaraid Turning, and
- The names of the people who are identified in the mob – ranging from 5 to 21 in number, and the numbers of unnamed people constituting the mob, which varies from 500 to 2000. Each turning of the road has a new set of people, engaged in identical action

Each of these FIRs has an identical list of 24 people – whose names are preceded by -

“It is note[sic] here that the above noted names [of different villagers] were surfaced and identified from local enquiry and the below noted accused persons also joined the blockage program on motor bikes and instigated the mob to become more furious.”

The list of these “instigators” in each of the nine FIRs is identical including the leadership of the movement as well as the civil society supporters – Alik Chakravorty, Sk Nizamuddin, Anuradha Talwar, Nisha Biswas, Sharmistha Chowdhury, Pradip Singha Thakur, Maulana Asraf Nasreen, Deborshi, Raju Singh, Tapan Das, Saurav Ghosh, Ashim Sardar, Sujat Bhadra, Krishna Bannerjee, Jumman Molla, Prosenjit
Ghosh, Biplab Bhattacharua, Ranga Munshi, Sudipto Kundu, Animesh Majumdar, Swapna Bannerjee. Jaygopal Dey, Priyom Basu and Ratul Banerjee. These include people from CPI (ML) Red Star, WSS, APDR and many allied groups, and many of these people were not even present on the day of the incident. Apart from Sharmistha Chaudhdaary, the 5 members of WSS who are included amongst these “instigators” are Dr. Nisha Biswas, a retired scientist from of CSIR; Anuradha Talwar, previously Advisor to the Supreme Court in the Right to Food case; Swapna Banerjee, a school teacher; Rangta Munshi, a lawyer, and Krishna Banerjee, a writer who is very unwell, nearly 70 years old, and was ill on that day too.

This observation holds for the other FIRs that we examined as well – for instance, on the 17.1.2017, when the police went on rampage in the affected villages, the villagers too surrounded the police, and blocked their passage. There are at least 10 FIRs of these incidents, and about 6 of them are for various police vehicles that were damaged by the mob of villagers (FIR 36, 37, 38, 40, 43, 45 of 2017 PS Kashipur). Again, each of them is identically written, by the respective driver of the police vehicle on different days, describing a mob armed with brickbats and sticks attacking a vehicle and damaging it – torching it or shoving it into a pond – and then proceeds to give the names of people he “heard” during the commotion. On the basis of this “hearing”, many leaders of the movement, including “Alikh Da” and “Sharmistha Di” have been charged with serious offences of not only damaging the vehicles, but attempting to murder the vehicle occupants.

Similarly, the FIRs no 46, 47 of 2017, PS Kashipur are also identical, word for word, dealing with the road block on 26.1.2017, just with a different set of accused, at a different junction on the same Haroa Louhati Road.

2. **Illegality of multiple FIRs :-**

It is clear that the multiple FIRs are an illegal and a deliberate ploy by the state police for the explicit purpose of harassing people associated with the movement.
For instance, it is evident that all the 9 FIRs dated 11.1.2017 pertain to one incident, and not to 9 separate roadblocks. This is also borne out in the way the FIRs are written. Putting aside the absurdity of the FIRs in themselves, it is clear that all the people involved are involved together in the same road blockage for the same protest that lasts from 8:30 in the morning to 14:30 in the afternoon. If they are indeed separate incidents, reported by six different policemen, based on six different local inquiries, then how is the language identical between all of them? How is it that each inquiry came up with the exact same list of 24 instigators?

In the case of around 10 FIRs lodged relating the incident on 17.1.2017, it is even more apparent that multiple FIRs are an afterthought. For instance, the damage to six police vehicles by a restive crowd has already been covered in FIR 31/17 dated 18.1.2017 of PS Kashipur, where they are also shown as seized property. Yet, six separate FIRs have been registered over the next week, for damage to each individual police vehicle. This is clearly a devious attempt to multiply the FIRs under which to charge people for serious crimes.

It is the settled position of law, upheld many times by the apex court\(^7\), that there cannot be multiple FIRs for the same incident or series of incidents – except under special circumstances where there are substantially different narratives for the same thing. In this case, it is the same narrative being repeated by different people for the same incident. Hence, clearly the WB state police are deliberately creating multiple FIRs for the explicit purpose of harassing the people associated with the movement.

3. **Criminalizing popular protests**

The incidents that are being treated as crimes are simply expressions of a peaceful protest. For instance, the roadblock on 11.1.2017 was a large peaceful gathering of people that blocked the road, and was widely reported as such by media present at the site. The allegation that bombs were hurled at the police is something that has not been reported in any of the newspaper articles anywhere. The multiple FIRs show no seizures...

\(^7\) T.T. Antony Vs. State of Kerala & Ors. (2001) 6 SCC 181
of any explosive materials, or even of the spent bombs, and there are not even any allegations of property being damaged.

On the other hand, all the 9 FIRs dated 11.1.2017 note that “all most [sic] all local people... took active role in mobilizing people,” which is a powerful testimony to the popularity of this anti power grid movement. When “all most all local people” are protesting something, it becomes a political movement, not a criminal one, and it can no longer be treated as a law and order problem only.

Village women gathered for a meeting at Khamarait

4. **Biased registration of FIRs** –

Similarly, the violence that did occur during the protests on 17.1.2017 were in response to the violence indulged in by the police – ransacking homes, shops, beating people, even killing two protestors in firing. However, the two FIRs relating to the murders of the two villagers (FIR 32 and 33 of 2017) do not even mention the role of the police in the deaths, and only note, for instance in FIR 32/17, that the shots came from a Tata Sumo. It is apparent that only the police were in vehicles that day, or other goons who were put in these vehicles with the connivance of the police, yet the police are not being
investigated for this murder. A 100 complaint cases have been filed by other villagers, whose houses were damaged, and who sustained injuries due to police beating – but no FIRs have been lodged regarding those.

Even when the team went to visit the area, we found that the wanton violence indulged in by rallies in favour of the power grid, such as throwing of bricks into people’s homes that caused the wound on Saiful Molla’s forehead, was left unaddressed by the police, but every single instance of an angry retaliation by the affected villagers resulted in multiple FIRs against them.

Such openly partisan behavior shows how deeply the WB Police have been politicized, and are functioning as a private army of the ruling party, as is believed by the villagers, or at least are being used by a State Government completely intolerant of citizens’ constitutional rights to democratic protests, to brutally suppress this dissent.

5. **Open ended FIRs meant to break the movement:**

The majority of the FIRs that were made available to the team listed a few names, and then added “and 1000 others.” Some had 500-600 unnamed individuals, others had even 2000 unidentified people. And all of them clarified that these unnamed people included “males and females.” Apart from once again showing the mass and inclusive nature of these protests, what such open-ended FIRs do is that they virtually give the police the license to pick up anyone from the area - named or not named in the FIRs – and proceed against him or her in these FIRs also. Such an example is presented with the case of Ahad Molla –

**The case of Ahad Molla:**

A young man named Ahad Molla from North Gazipur was picked up at the same time when the team was visiting the area. Despite multiple efforts to get any information regarding where he is being kept and what charges he has been arrested under, the team got no such information. Later on, we learnt that he has been arrested in FIR 101/17 under sections 323, 325, 307, 34 IPC and 3,4 of Explosive Substance Act, and 25, 27 of Arms Act. However, much to our
surprise, we learned that he was also being interrogated for his role in the protest of 11.1.2017, and is getting arrested even in those cases, even though his name did not appear in any such FIR. While in custody for FIR 101/17, the police have proceed to “interrogate” him with respect to these other cases, and on the basis of his “confession” that he was a participant in the protest on 11.1.2017, arrested him in these cases. How one person can possibly be at 9 different locations at the same time to indulge in throwing bombs is beyond one’s comprehension, and illustrates the shoddy, ham-handed and punitive nature of this investigation.

6. **Mechanical bail rejection:**

While many accused were able to avail of bail in cases with lighter charges, the arrested leaders of the movement – Sharmistha Chowdhury and Pradeep Singh Thakur – with the same charges and the same attributed roles in the offences, were denied bail. For instance, even though many of the 24 so-called “instigators” in FIR nos 9-17/ 17 got bail, the above duo were arrested in these cases after they had already been in custody for over a month, and when they moved for bail, they were denied bail as a mechanical rejection.

The team was astounded to note that the court of the Additional Chief Judicial Magistrate in 24 Parganas actually had a stamp for rejecting bail, which even listed out the reasons for such denial, illustrating the mechanical nature of this exercise. The Bail Stamp that appeared on the court documents for FIR 10/17 PS Kashipur is shown below.
The box above shows a stamp that reads –

*Ld Advocate on behalf of the accused prays for bail.*


*Considering the nature of the offence and the case still being in the stage of investigation the bail prayer of the accused stands rejected.*

*Call for CD on date fixed.*

*D/Corrected by me.*

**Conclusion**

Although there has still been no dialogue with the authorities, or any attempts by any of them to address the safety concerns raised by the movement, we were happy to note the
palpable and widespread support that the movement had amongst the villagers and the civil society groups in Bengal. Despite the strong repression and attempts to silence the villagers, the participation in the protests is still strong and vigorous, with a large and leading role being played by the women of the area. In a rare show of solidarity, all left parties have backed this movement, which has also drawn support from the Congress Party.

We heard some allegations from the press and other sources of the movement not being spontaneous, but deliberately propped up as part of the rivalry for TMC leadership of the area, between Arabul Islam (who after being suspended from the party due to his involvement in a murder case, has recently been reinstated and is trying to recover control) and current MLA, Rezzak Mollah (who has migrated to the TMC from the CPM after the collapse of the Left Front Government). However, what we witnessed was clearly a genuine and very vibrant and energetic peoples’ movement, and we denounce these attempts to portray the villagers as simple pawns in the power struggle of political leaders.

In large part, it is the State government itself that appears to be responsible for the strength of the movement, by responding with repression when dialogue was being demanded.

Finally, we would also like to draw attention to the bitter irony of this glaring fact: that Mamata Bannerjee and the Trianmool Congress party, who had come to power riding a popular wave caused largely by their support to the protests in Singur and Nandigram and opposition to the repression there, should now be unleashing the same repression in Bhangor, against a similar movement.

Demands:

While we met with both the District Collector and the Addl SP, we could not get any relevant information from them, nor could we enter into any meaningful dialogue with them. In these circumstances, we are constrained to make the following demands from the authorities –
a. Moratorium on the Power Grid project till discussions take place with villagers, and their free and willing consent to the project has been arranged.

b. Announcement of immediate talks with the JJBPRC in response to their long-standing request for discussions with the authorities, so that full information can be shared about the project, and transparency in its implementation can be ensured.

c. The health and environment concerns raised must be addressed and a transparent and participative Environment and Social Impact Study must be conducted immediately.

d. Withdrawal of prosecution of all cases against the movement arising out of protests against the power grid as a gesture of goodwill and sympathy,

e. Release of all information regarding the status of the unfinished power grid project, including the land acquisition award, the list of beneficiaries and the amount awarded to each, an enunciation of the role played by Arabul Islam, the Detailed Project Report, and the possibility of moving it to a different site. It is noted that most of the above information is actually public information and should have been readily accessible to the public in the first place.

WSS Fact Finding Team comprised of:

1. Madhuri (M.P.)
2. Adv. Shalini Gera (Chhatisgarh)
3. Promila (Odisha)
4. Swapna Bannerjee (West Bengal)
5. Urmila (MP)
6. Fatima Bibi (West Bengal)
7. Sanchita Mukherji (West Bengal)
8. Indrani Sen (West Bengal)
9. Shashwati Ghosh (West Bengal)
10. Sukanti (Odisha)
11. Deepa (Chhatisgarh)
12. Rajkali (M.P)
Ecology & Environment

2009, in line with international best practices, to preempt possible environmental and social issues. The ESPP is developed on three basic principles - Avoidance, Minimization and Mitigation, which provide us a framework for identification, assessment and management of environmental and social concerns at both organizational and project level and is applied uniformly for all the projects across the country. ESPP is consistent with the World Bank Social and Environmental Safeguard Policies and has been applauded by the multilateral funding agencies like the World Bank & ADB.

POWERGRID carries out an Environment and Social Assessment (ESA) for its projects, to gauge the associated risks and impacts. To mitigate the possible environment impact, due to our projects, our total expenditure on environmental protection during the reporting period was Rs 276 Crore. The ESA process is designed to ensure compliance with applicable laws including national laws and international environmental agreements ratified by the Government of India.

During the reporting period there are no actions related to non-compliance with environmental laws and regulations of India.

To ensure proper implementation of the above, POWERGRID has put in place an Environment and Social Management Department (ESMD) at the corporate level, comprising of a team of technical, social and environment experts headed by a General Manager who reports to Director [Projects]. A separate ESM Cell has been constituted in each region for managing environment and social activities under the supervision of Corporate ESMD.
<table>
<thead>
<tr>
<th>Key Element</th>
<th>Requirement per PS 1</th>
<th>POWERGRID ESPP</th>
<th>Significant Differences</th>
</tr>
</thead>
</table>
| Community Engagement | Community engagement is an on-going process involving the client’s disclosure of information. When local communities may be affected by risks or adverse impacts from a project, the engagement process will include consultation with them. The purpose of community engagement is to build and maintain over time a constructive relationship with these communities. The nature and frequency of community engagement will reflect the project’s risks to and adverse impacts on the affected communities. Community engagement will be free of external manipulation, interference, or coercion, and intimidation, and conducted on the basis of timely, relevant, understandable and accessible information | POWERGRID uses or more of the following techniques to engage PAPs and the general public at various stage of the project cycle:  
- Public Meetings at various locations along proposed TLs  
- Informal small group meetings along proposed TL routes  
- Information brochures and pamphlets  
- Public information offices at Operating field offices  
- Local planning and site visits by POWERGRID staff  
- Response to public inquiries  
- Press releases inviting comments  
- Project coordination and grievance committees (see below)  
- PAP appointed or elected ombudsman or representative  
- Public Displays | None |
| Disclosure        | Disclosure of relevant project information helps affected communities understand the risks, impacts and opportunities of the project. Where the client has undertaken a process of Social and Environmental Assessment, the client will publicly disclose the Assessment document. If communities may be affected by risks or adverse impacts from the project, the client will provide such communities with access to information on the purpose, nature and scale of the project, the duration of proposed project activities, and any risks to and potential impacts on such communities. For projects with adverse social or environmental impacts, disclosure should occur early in the Social and Environmental Assessment process and in any event before the project construction commences, and on an ongoing basis (see paragraph 26 below). | See above section on Community Engagement  
POWERGRID posts environmental impact assessments on its website during the project development process | None |
<p>| Consultation      | If affected communities may be subject to risks or adverse impacts from a project, the client will undertake a process of | Public consultation is an integral part of the process throughout the planning and execution of a project (ESPP p. 17). | None. |</p>
<table>
<thead>
<tr>
<th>Key Element</th>
<th>Requirement per PS 1</th>
<th>POWERGRID ESPP</th>
<th>Significant Differences</th>
</tr>
</thead>
<tbody>
<tr>
<td>consultation in a manner that provides the affected communities with opportunities to express their views on project risks, impacts, and mitigation measures, and allows the client to consider and respond to them. Effective consultation: (i) should be based on the prior disclosure of relevant and adequate information, including draft documents and plans; (ii) should begin early in the Social and Environmental Assessment process; (iii) will focus on the social and environmental risks and adverse impacts, and the proposed measures and actions to address these; and (iv) will be carried out on an ongoing basis as risks and impacts arise. The consultation process will be undertaken in a manner that is inclusive and culturally appropriate. The client will tailor its consultation process to the language preferences of the affected communities, their decision-making process, and the needs of disadvantaged or vulnerable groups.</td>
<td>The ESPP itself is a product of an extensive National Consultation Process including four regional workshops and a national workshop involving about 450 individual participants including PAPs, community representatives, social organizations government agencies, concerned citizens and international financial institutions. Notices were published in English and regional vernacular languages</td>
<td>None.</td>
<td></td>
</tr>
<tr>
<td>Grievance Mechanism</td>
<td>The client will respond to communities’ concerns related to the project. If the client anticipates ongoing risks to or adverse impacts on affected communities, the client will establish a grievance mechanism to receive and facilitate resolution of the affected communities’ concerns and grievances about the client’s environmental and social performance. The grievance mechanism should be scaled to the risks and adverse impacts of the project. It should address concerns promptly, using an understandable and transparent process that is culturally appropriate and readily accessible to all segments of the affected communities, and at no cost and without retribution. The mechanism should not impede access to judicial or administrative remedies. The client will inform the affected communities about the mechanism in the course of its community engagement process.</td>
<td>As part of POWERGRID’s Social Entitlement Framework (SEF) a Grievance Redressal Committee (GRC) is established comprising POWERGRID, representatives of local authorities, PAPs, Gram Panchayat or other well-reputed persons as agreed with the local authorities and PAPs to address any grievances of the PAPs. PAPs are informed about the existence of the GRC during the consultation process and are advised to approach the Chair or the site office of POWERGRID regarding any grievance regarding land acquisition or R &amp; R. The GRC shall be convened within 15 days of notification of any grievance.</td>
<td>None.</td>
</tr>
</tbody>
</table>

---

8 For projects with significant adverse impacts on affected communities, the consultation process will ensure their free, prior and informed consultation and facilitate their informed participation. Informed participation involves organized and iterative consultation, leading to the client’s incorporating into their decision-making process the views of the affected communities on matters that affect them directly, such as proposed mitigation measures, the sharing of development benefits and opportunities, and implementation issues. The client will document the process, in particular the measures taken to avoid or minimize risks to and adverse impacts on the affected communities.
<table>
<thead>
<tr>
<th>Key Element</th>
<th>Requirement per PS 1</th>
<th>POWERGRID ESPP</th>
<th>Significant Differences</th>
</tr>
</thead>
<tbody>
<tr>
<td>Monitoring</td>
<td>As an element of its Management System, the client will establish procedures to monitor and measure the effectiveness of the management program. In addition to recording information to track performance and establishing relevant operational controls, the client should use dynamic mechanisms, such as inspections and audits, where relevant, to verify compliance and progress toward the desired outcomes. For projects with significant impacts that are diverse, irreversible, or unprecedented, the client will retain qualified and experienced external experts to verify its monitoring information. The extent of monitoring should be commensurate with the project’s risks and impacts and with the project’s compliance requirements. Monitoring should be adjusted according to performance experience and feedback. The client will document monitoring results, and identify and reflect the necessary corrective and preventive actions in the amended management program. The client will implement these corrective and preventive actions, and follow up on these actions to ensure their effectiveness.</td>
<td>POWERGRID has established a Corporate Monitoring Group (CMG) dedicated to monitoring entire project activities and reporting to the Director of Projects. Regular monitoring of activities is carried out at RHQ and sites and reports are reviewed by the regional head on a monthly basis. CMG reviews activities in each region at a quarterly project review meeting. An Environmental and Social Monitoring Plan (ESMPO) is developed for each project based on baseline data and impacts predicted during the environmental and social impact assessment process. Concerned Forest Department staff monitor impacts on ecological resources surrounding TLs. Implementation of POWERGRID’s Social Entitlement Framework, including R &amp;R the RAP is monitored by a committee chaired by the concerned head of the region and including representatives of local authorities, Panchayat, PAPs and NGOs. Corrective measures, if required, will be incorporated into the RAP. Third party evaluation and assessment of the RAP may be undertaken by external agencies to assess RAP results and other R &amp; R measures. The ESMP is integrated with the construction, operation and maintenance and is monitored by ESMD on a monthly basis in association with the CMG.</td>
<td>None.</td>
</tr>
<tr>
<td>Reporting -Internal</td>
<td>Senior management in the client organization will receive periodic assessments of the effectiveness of the management program, based on systematic data collection and analysis. The scope and frequency of such reporting will depend upon the nature and scope of the activities identified and undertaken in accordance with the client’s management program and other applicable project requirements.</td>
<td>Senior management is apprised of the results on the EPMP and RAP monitoring for each project through a monthly report.</td>
<td>None.</td>
</tr>
<tr>
<td>External Reporting</td>
<td>The client will disclose the Action Plan to the affected communities. In addition, the client will provide periodic reports that describe progress with implementation of the Action Plan on issues that involve ongoing risk to or impacts on affected communities, and on issues that the consultation process or grievance mechanism has identified as of concern to those communities. If the management program results in material changes in, or additions to, the mitigation measures or actions described in the Action Plan on issues of concern to the</td>
<td>POWERGRID has established a Committee of External Experts to provide ongoing advice on its implementation of the ESPP on the corporate level and in specific projects.</td>
<td>POWERGRID does not publicly disclose the content of periodic reports prepared by its Committee of External Experts on individual projects.</td>
</tr>
<tr>
<td>Key Element</td>
<td>Requirement per PS 1</td>
<td>POWERGRID ESPP</td>
<td>Significant Differences</td>
</tr>
<tr>
<td>-------------</td>
<td>----------------------</td>
<td>----------------</td>
<td>-------------------------</td>
</tr>
<tr>
<td>affected communities, the updated mitigation measures or actions will also be disclosed. These reports will be in a format accessible to the affected communities. The frequency of these reports will be proportionate to the concerns of affected communities but not less than annually.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Documentation</td>
<td>The client should document specific actions, measures or other instances of decision-making that have been influenced by or resulted directly from the input of those who participated in the consultation.</td>
<td>POWERGRID requires that public consultations be documented with the date of each meeting, venue, number and possibly the names of attendees, the issues discussed and the outcomes of the meetings</td>
<td>POWERGRID does not systematically document specific actions taken in response to public consultations.</td>
</tr>
</tbody>
</table>