

OF RIGHTS AND WRONGS

Bela Bhatia

All are shedding tears for the tribals. And yet the tribals do not get justice from any agency in any part of the country. Even the National Human Rights Commission seems disinterested in taking trouble to go through a complaint regarding police atrocities on Madia (gond) adivasi women of Lohandiguda in the Bastar District of Chattisgarh state as the Commission directed that 'the complaint be transmitted to the concerned authority for such action as is deemed appropriate, and accordingly a copy of the complaint was being forwarded to the DGP, Chattisgarh for necessary action'.

Surprisingly the Commission instead of launching an independent enquiry asked the very authority, a large number of whose constituents had been implicated in different cases of atrocities against adivasi women to investigate into the matter.

The atrocities in question included rape of one woman of Takraguda village on 27 February 2007 by a policeman; molestation of 10 other women of Kankipada, Sirisguda village on 26 February 2007 by policemen (approximately 24-30 in number going by women's testimonies); and harassment with possible intention of molestation or rape of one woman on 21 February 2007 by 3 policemen. It should be noted that 6 of the women molested are less than 16 years old, the youngest being only 12.

Not only were a large number of policemen involved, there was a distinct pre-planned element, especially in the instances of molestations on the 26th February morning, as the following facts would suggest :

(i) according to local information, the policemen were not only from the Lohandiguda police station but from other police stations as well;

(ii) they came in large numbers, around 60 or so and seeing them coming the men of the hamlet ran away to the nearby hill, a predictable response in these regions, leaving the women alone in their homes. Half the policemen are said to have gone after the men; one wonders whether this was to ensure that there was no danger of them returning to the hamlet while the other half carried on with the molestations ;

(iii) as the testimonies of the women reveal the policemen went to each household in twos or threes, with one of them keeping guard while the others carried on with the molestation. This pre-mediated quality of the excesses adds to the seriousness of the crime.

Besides these instances of violence on women were the latest manifestation of ongoing state repression in the 10 panchayats of Lohandiguda block (of which these two villages are a part). Since mid-2006, the tribal citizens of these panchayats have been obstructed in diverse ways from exercising their legitimate right accorded to them under the Vth Schedule of the Constitution of India and the PESA Act, 1996 (the context is recapitulated below). Also, in spite of the fact that the local media appropriately highlighted these repeated instances of human rights excesses including the violence on women there was no response from the government, including the Director General of Police's office.

It may not be out of place here to outline the political-economic context in which these excesses have occurred since they pertain to circumstances that affect the entire tribal belt. People are witnessing in these states an inroad of private companies which are being brought in tune with the Government policy of economic liberalisation but where not enough attention is accorded to an even older Government policy of safeguarding the rights of the tribals through the Vth and VIth Schedules of the Constitution as well as subsequently the PESA Act, 1996. In Chhattisgarh, 42 MoUs have been signed in the steel sector alone, of which the MoU with the Tata Steel Company

proposed to be set up in Lohandiguda is one. The villages in question, Takraguda and Sirisguda, are part of the 10 panchayats of Lohandiguda whose 6000 hectares of land are slated to be acquired by the government in order to set up the Steel Factory. The land cannot be acquired until the tribal residents of these panchayats give their agreement, as per the PESA Act, through the Gram Sabhas.

It is these agreements and the land that are the bone of contention. The tribals are unhappy about the proposed plan and unwilling to part with their land. They have tried expressing their unwillingness through the Gram Sabhas but instead of respecting their decision, the district government has attempted to get their forced consent with the help of the police. Diverse forms of intimidation have been used prior to, during and following each Gram Sabha. A large number of tribals have been illegally arrested, jailed for long periods, implicated under false charges including of murder and looting. Beatings and harassment of tribal villagers has become common as has destruction of property of leaders, amongst similar other abuses. Sexual violence on women is yet another form of intimidation used by the State to bend the people to the will of the administration. This method has often been used as an attack on the honour of the entire community and as a means to subjugate them. Thus one can see how in the Lohandiguda police force has willingly become a coercive instrument for the implementation of the pro-corporate government policy instead of protecting the legitimate rights of the people as was expected of them in a Democracy.

Even though the happenings in Lohandiguda are public knowledge and have invited sufficient public outrage to merit urgent official inquiry and action, especially from the office of the DGP, no such response has been forthcoming so far. It makes little sense to now make the very office whose personnel at one level are responsible for the human rights excesses and whose officials at the higher levels have chosen to remain silent thereby furthering the culture of impunity - the sole agents to restore justice.

It is important that justice be achieved in Lohandiguda not only for its own sake but also because these are the stories that are happening or likely to happen in the tribal belt in this phase of economic globalisation. It is thus imperative to underline that the agenda of economic growth or 'development' cannot be done at the cost of the lives, livelihoods, self-respect, dignity and futures of tribal citizens. □□□