

# MORE ON NANDIGRAM

*[Following is a slightly abridged version of the Executive Summary of the Report of the People's Tribunal on Nandigram, 26-28 May 2007]*

The people's Tribunal on Nandigram probing the violent events of 14 March 2007 in Nandigram, West Bengal has produced a final report with its findings and recommendations for presentation to concerned authorities as well as the general public.

The Tribunal, organised by a network of concerned citizens across India heard depositions from victims, witnesses, social activists, intellectuals, doctors, human rights groups and other concerned organisations. The hearings were held in both Nandigram and Kolkata from 26-28 May and headed by Justice S.N.Bhargava, former Chief Justice of the Sikkim High Court.

Tribunal members, which included Prabhaskar Joshi (Founder Editor, Jansatta), Lalita Ramdas (Social Activist), John Dayal (Journalist and Human Rights Activist) and Jyotirmoy Samajder (Psychiatrist), visited the site of police firing and other places in the Nandigram area relevant to understanding the circumstances and nature of the violence.

The Tribunal received 39 oral and 135 written depositions at the hearings held at primary schools in Gokulnagar and Sonachura and 20 depositions in Kolkata at University Institute Library Hall. In its final report the Tribunal has the following observations to make, based on prima facie evidence as well as a total of 194 depositions made before it:

## **THE CONTEXT**

Nandigram is a rural area in East Midnapur district of the Indian state of West Bengal which has been the centre of peasant resistance against an attempt by the government to acquire agricultural land for setting up a Special Economic Zone. It is located around 150 km from Kolkata, on the south bank of the Haldi River, opposite the industrial city of Haldia. The area falls under Haldia Development Authority.

There are three Blocks in Nandigram—Block 1, Block 2, Block 3 of which Nandigram Block 1 is the one most affected by the West Bengal government's proposed SEZ to set up a chemical industrial hub with investment from the Salim Group, an Indonesian multinational.

More than anything else the area is famous for its historical role in the struggle against British colonial rule and during the Tebagha movement in the mid-forties when peasants in many parts of pre-Partition Bengal captured vast quantities of land demanding it their right as tillers of the soil.

The population is predominantly a mix of Muslim and lower caste Hindus, who have lived harmoniously together for a long time. The area has been till recently a political stronghold of the CPI and the CPI (M).

## **ROAD TO 14 MARCH 2007**

The problems in Nandigram started with the Haldia Development Authority (HDA), headed by Laxman Seth, the CPI (M) MP from Tamruk, issuing a notice

on 28 December 2006 identifying 27 mouzas of land in Nandigram and 2 mouzas of land in Khejuri. comprising about 25,000 acres of land for acquisition (measure of the land was not specifically mentioned in the notification). The land was to be acquired for setting up a chemical industrial complex, as part of a Special Economic Zone (SEZ), with investment from the Indonesian multinational Salim Group.

While there were many rumours circulating about the impending land acquisition in Nandigram there was no attempt by the West Bengal government or local administration to organise any consultation with the local people who would be affected by such a move. The local people, who had been following the unsuccessful agitation by farmers against land acquisition in Singur- where the government took over 947 acres of land for a car factory to be set up by the Tata group were already quite apprehensive about being ousted from their land.

In the weeks preceding the HDA notification there is evidence to show that apart from the local people and opposition parties there were constituents of the ruling Left Front, like the Communist Party of India, also which were opposed to the proposed SEZ project.

The violence in Nandigram started on 3 January 2007 itself when Anti-Land Acquisition Protestors demanded clarifications regarding the SEZ project from the Kalicharanpur Panchayat Samity office and the police were called in. Several people were injured in the police lathi charge that followed and a police jeep caught fire due to either an accident or was set on fire by the mob.

Tensions escalated over the couple of days as the people of Nandigram put up roadblocks and cut off access to their area for the local administration and police. There were clashes between pro-government and anti-land acquisition groups and several supporters of the CPI (M) and their families left the area to take refuge in camps in neighbouring Khejuri which was still a ruling party stronghold.

On 5 January 2007 several opposition groups like the Trinamool Congress, Congress and Socialist Unity Center of India (SUCI) got together to form the Bhumi Uchched Pratirodh Committee (BUPC).

### **VIOLENCE OF 7 JANUARY 2007**

In the early hours of the morning of 7th January at least five persons from Nandigram were killed as armed CPI (M) cadres allegedly hurled bombs and fired bullets. The five dead were Biswajit Maity, Bharat Mondal, Sk. Salim, Badal Mondal and Anukul Patra.

In retaliation the villagers set fire to a CPI (M) camp at Baratole in Khejuri and the house of Shankar Samanta, who was burnt to death in the incident. According to the deposition made by the mother of slain Bharat Mondal the bombs and bullets were fired from the house of Shankar Samanta, a local CPI (M) leader.

The police and the administrative officials were nowhere on the scene when this violence was taking place and confined themselves to the Nandigram Police Station.

Chief Minister of West Bengal, Mr Buddhadeb Bhattacharyya, held Jamait Ulema-i-Hind, a Muslim cultural organisation and one of the constituents of the BUPC responsible by saying " Jamait, in particular, started an ugly communal

campaign. This is an unfortunate incident, no matter activists of which party perished in the clashes. “

However Mr. Benoy Konar, State Secretariat Member, CPI (M) said: “...But if they want to make things difficult for us, we are prepared to make life hell for them.”

Following the incidents of 7 January the local administration held a peace meeting between representatives of both the ruling Left Front and the Opposition. In the meeting it was unanimously resolved that all parties must cooperate with the administration to restore peace to the affected areas, damaged roads and bridges should be repaired and police camps set up wherever required.

The Chief Minister, Mr Buddhadeb Bhattacharyya, conceded that “It was a mistake” on the part of HDA to have issued notice for the acquisition of land at Nandigram for the chemical hub project and instructed the District Magistrate to “tear it up “.

Mr Bhattacharyya said that the HDA notice “created all confusions “ even before land acquisition could start at Nandigram. “Our first task is to restore normalcy in the area. Villagers have already started cooperating with the administration. ...Nothing will be done in haste. A micro study of land available would be undertaken keeping in mind the interest of all concerned”.

The violence between CPI (M) supporters and the BUPC continued nevertheless on a regular basis, mostly at night when CPI (M) cadre would use the cover of darkness to attack Nandigram residents and the BUPC would strike back in retaliation.

On 7 February 2007 a sub-inspector of police Sri Sadhu Chatterjee was waylaid by an unruly mob, dragged away, assaulted and killed. His dead body was recovered subsequently on 10 February 07 after dredging parts of the adjoining river.

Following this West Bengal Home secretary, Mr Prasad Ranjan Roy said, “Till now the police were instructed not to enter the villages at Nandigram, but in view of the prevailing situation, we have to think of taking different measures.”

On 12 February 2007 the Chief Minister, West Bengal, addressed a public meeting at Haldia, a place adjacent to Nandigram, and stated that no land would be taken from those unwilling to give it. However the very next day at a Press Conference in Tamruk Mr. Lakshman Seth, CPI(M) MP, said that the land mentioned in the “notice” issued by the Haldia Development Authority “would be acquired”.

On 10 March 2007 the District Magistrate, East Midnapur, convened a meeting of all political parties to take up the issue of repairing roads that had been dug up. The opposition parties boycotted the meeting on the basis that no steps were taken on the previous resolutions.

It was decided in the same meeting that the roads will be repaired and if any individual or any group of people or any organisation created any disturbance steps would be taken against such persons according to law.

On 13 March 2007 Mr Subhendu Adhikari, MLA, TMC sent a fax message to the Chief Minister of West Bengal that the “Police authorities have created panic among the common people of Nandigram. “

People in Nandigram knew police would enter their area on 14 March. According to several depositions before the Tribunal, the BUPC met on the night of 13 March and decided:

- (1) To mobilise people to come for a Puja and Koran reading session at the two sites where the police would have to cross the cut in the roads or 'bund' made by protesting villagers;
- (2) To use women and children as a shield, under the assumption that the police would not fire on women and children.

### **WHAT HAPPENED ON 14 MARCH?**

On 14 March 2007 around 9.30 a.m. hundreds of policemen gathered at two entry points into Nandigram- one from the Tekhali Bridge, Gokulnagar, Adhikaripara and the other from the side of Bhangabera Bridge, near Sonachura. Apart from policemen local leaders and cadres of Communist Party of India (Marxist) were also present.

The deponents claim that the people were peaceful. Only one deponent said there was stone throwing by boys and girls. There is no evidence of the carriage of any arms by the villagers.

There was an announcement by the police party asking the villagers to allow them to repair the 'bund'. People replied that they would undertake this work themselves. There was very little dialogue over this issue and very soon the police went into the offensive.

Police fired tear gas and immediately followed with bullets & rubber bullets, chased the people, mostly women & children, hitting out with lathis and iron rods, and firing. They were chased, and many were caught and mercilessly beaten, with sexual assault, including rape.

The lack of parleying seems to suggest that the carnage caused by police firing on the retreating mass, mainly of women & children, was pre-planned.

The depositions before the Tribunal also clearly bring out that police went on firing after the people started to flee and that they were not firing towards the legs.

The police behaviour was brutal. According to one deposition Uttam Pal, after being shot down, was asking for water. Policemen spat in his face and beat up those trying to give him water.

Several depositions before the Tribunal accused policemen of rape. Apart from rape, many women have deposed about undressing, molestation (the breasts being frequent targets), indecent exposure, and filthy language.

One deponent accuses policemen of having slashed her breasts. Several accuse policemen of forcing rod/lathi/gunbarrel into sex organs.

The evidence definitely points towards serious sexual assault, including rape, by policemen.

### **CPI(M) CADRE ALLEGEDLY IN POLICE UNIFORM**

The deponents charge the presence among policemen of others in police dress but wearing slippers (*chappals*), black masks and red arm/wrist bands. There is also reference to others in white dress (*sari*) and 'ghomta' (*veil*) pointing out

people. These persons were also firing guns and assaulting people with iron rods. They were even more vicious than the policemen.

A large number of deponents agree that they were cadres of the CPI(M) and some of them identify and name the cadres too.

### **IMPACT ON WOMEN**

4 victims allege rape. 3 victims indicate rape. Their injuries are typical of rape. There are at least 5 cases of sadistic sexual assault on the private organs, leading to severe injuries.

A mother & daughter have deposed that they were raped, and have named the culprits as being CPI-M cadre. The mother and elder sister of a minor girl who was raped also deposed before the Tribunal.

The following deposition is typical : “Three policemen pulled me away, I then fell unconscious. Consciousness returned in Tamluk hospital, saline was running. My sex organ was intensely painful and was bleeding. There was pain in my breasts and scratch marks. There was pain in my abdomen, so much pain that I could not urinate. I heard from a neighbour that I was unconscious in the jungle, village people took me to the hospital.”

Smt Rajashri Dasgupta of the *Citizens Solidarity* organization who deposed as a witness before the Tribunal observed, “women were traumatized and unwilling to talk due to shame.”

Dr Debapriya Mallick while deposing before the Tribunal said that in the medical camps in the Nandigram area he found women victims with injuries in the pelvic region, the back, the breasts and the vaginal region.

### **IMPACT ON CHILDREN**

Children were not spared. Doctors have treated fracture cases due to police lathicharge. The rape of a 12-year old girl by a named CPI(M) cadre has the mother & sister as eyewitnesses. There are persistent reports of cruelty on very young children by the policemen. Eyewitness depositions accuse policemen of shooting and killing boys.

While no close relative of such victims deposed before the Tribunal, from the eyewitness accounts it is clear that further investigation of these charges must be undertaken by relevant authorities.

Dr Debapriya Mallick encountered many cases of injury among children of 9-12 years age. He found two cases of brutal injury infliction on children in the medical camps attended by him. The youngest was 11 years old.

### **ROLE OF CPI(M) CADRE AFTER VIOLENCE OF 14 MARCH**

There is a general complaint of open intimidation by CPI (M) cadres on the night of the 14 and on the morning of 15 March. According to deponents before the Tribunal CPI (M) cadres tried to threaten the people into submission and to make them join a CPI (M) organised ‘peace’ march. Police accompanied them in some cases. There was arson and general looting. One mother and her daughter complained of rape by cadres whom they named.

The intimidation continues outside the zone of influence of the BUPC. One deponent, Nilima Das, complained that her husband, who plies a van-rickshaw, is prevented from going to the market and their livelihood is threatened.

### **THE TOLL OF DEAD, MISSING AND INJURED**

#### **Dead**

1. Basanti Kar (F) of Kallicharanpur. Eyewitness saw her being shot.
2. Panchanan Das. He was shot in front of a close relative. Another deponent also witnessed his murder.
3. Imadul Khan (M) of Garchakra-beria shot down in front of eyewitnesses.
4. Badal Mondal (M) of No 7, Jalpai, killed by bullets, witnessed by his wife.
5. Shambhu (Uttam) Pal (M) of Keshabpur, Sonachura, shot down in front of close relative. She tried to save him but police assaulted her. Shooting witnessed by a neighbour. Shambhu died later.
6. Gobinda Das, (M) of No 7 Jalpai, Sonachura. One deponent described his death by bullets. He was her son's friend.

These are the 6 names one can gather from the depositions before the Tribunal.

The Association for Protection of Democratic Rights (APDR), which deposed before the Tribunal on 28.5.07 at Kolkata, had the following 7 names in addition among the list of dead persons:

Sakila Bibi (F) of Garchakraberia;

Imadul Khan (M) of Garchakra-beria; [*The name Imadul figures in both the lists*]

Sk Raja (M) of Garchakraberia;

Raja Ram Das (M) of Garchakra-beria;

Praloy Giri (M) of Soudhkhali;

Ratan Das (M) of Gangra; and

Supriya Jana (F) of Sonachura.

The West Bengal Education Network in its deposition on 28.5.07 at Kolkata cites Krishnendu Mandal, who informed them of the death of his brother Pushpendu Mandal of Gangrapara.

So, the total toll of dead goes up to 14 (13?).

#### **Missing**

Pushparani Mandal (F) of Village No.7, Jalpai who deposed before the Tribunal and another person tried to remove Subrato Samanta, who had been shot down in the firing on 14 March. But the police assaulted them and took him away. He is missing. His wife is in dire straits with a one-month old baby.

This is the only clear cut case of a missing person to emerge from the depositions though claims of several persons still missing need to be further investigated.

#### **Injured**

People of Nandigram had a wide variety of injuries following the violence of 14 March. From among the deponents at the Tribunal 17 persons suffered bullet injuries.

From the various types of injuries it is to be concluded that:

- There was firing on the upper part of the body either wantonly or with intention to wound and kill, not satisfied with one or two shots but pumping as many as seven bullets in one case;
- There was sexual assault;
- The tear gas had persistent effect well beyond normal limits; and
- There were severe trauma and panic among people due to the Nandigram massacre

### **THE MEDICAL RESPONSE**

The victims of the 14 March violence were taken to Nandigram hospital, Tamluk hospital and SSKM hospital, Kolkata, usually in that order. The medical attention was inadequate and there was a definite tendency of hiding facts and tampering with the records.

Two of the women Dr Subrata Sarkar (one of the deponents before the Tribunal) met at the Nandigram hospital, had told her that they had been raped. But for 72 to 80 hours they were not treated as rape victims, neither of them was examined for rape and nothing was recorded medically following accepted medical protocol.

Scores of dead bodies and injured persons were taken to the hospital, but the attending physicians were not recording the cause and nature of the injuries. It may be mentioned here that according to medico-legal viewpoint, the attending physicians are legally bound to record and to report the cause and nature of the injury to the police. The record keeping was not proper; rather it was illegal according to the law of the land.

The medical people told Dr Subrata Sarkar that they had not received any complaint of rape; hence no question of testing for rape arises. This is going to be their official response.

Dr Debapriya Mallick, who was active in medical camps at Nandi-gram, says, that, according to the statements of the patients of the hospitals, basic norms were violated everywhere. In Nandigram Hospital, basic facilities were absent. Operations were done under torchlight.

The Government has its own Hospital Establishment Act 2004. None of the clauses of the Act were in force there. No separate facilities for men and women exist. Nurse to doctor ratio is inadequate. Dr Mallick says that at SSKM, too, there was insufficient care and unethical medical response.

For instance, Haimabati Halder was forcibly discharged with two bullets still in her body. The patients were denied adequate food in the hospital. There were 6 patients in a room. The doctors and the administration refused to give any information and, on insistence, advised those who complained to go to court.

Discharge certificates were incomplete. Type of injury (bullet injury, head injury, fracture etc) was not clearly mentioned. Police case number was not given. The aim was to underrate severity of the injury and obstruct legal action.

### **WHAT IS THE CURRENT MEDICAL SITUATION?**

There is only one block level Hospital at Nandigram and there is no other medical service provider in the area. Infrastructure of Nandigram Block Medical Hospital is also inadequate.

Except for the endeavours made by certain NGOs, the government has rendered no medical help to the villagers and the victims of the incident of 14 March 2007 in particular.

Due to lack of medical assistance the victims have been made to suffer serious consequences. Victims injured due to firing of tear gas shells indiscriminately are complaining of permanent irritation in their eyes, occasional blindness and various other visual disorders.

There are cases where the victims of burn injury required advanced medical treatment, but the government has not given/extended any medical assistance to the victims. Due to the situation prevalent in or around Nandigram it is not advisable for the villagers nor do they dare to go to Tamluk or to Kolkata for their treatment.

### **DEVELOPMENTS AFTER 14 MARCH**

Following the incidents of 14 March 2007 a statement was issued by His Excellency, the Governor of West Bengal in which he said, among other things, that “the news of deaths by police firing in Nandigram this morning has filled me with a sense of cold horror.”

In response the Hon’ble Calcutta High Court passed an order on its own motion to initiate Public Interest Litigation. The order said “Prima facie we are satisfied that this action of the police department is wholly unconstitutional and cannot be justified under any provision of law” and called for a special inquiry into the incident by the Central Bureau of Investigation (CBI).

### **CBI ENQUIRY INTO MARCH 14 INCIDENTS**

The Central Bureau of Investigation (CBI), started an enquiry into the matter in terms of the order passed by the Hon’ble High Court, Calcutta. On 17 March 2007, the CBI raided the Janani Brick Field under the leadership of Shri D K Thakur, SP, CBI, and their team recovered arms and ammunitions and other documentary evidences from the Office Room of the Janani Brick Field and arrested ten persons.

On the basis of the arrest made by the CBI, the local SI started a criminal case, being Khejuri Police Station Case 20/07, dated 17.3.2007, U/S 25/27/35 of the Arms Act and 120B of the Indian Penal Code against the said ten persons.

However the state police framed no chargesheet within 90 days as a result of which all ten persons were let off on bail.

The West Bengal State Assembly was in session when the incident was happened. Chief Minister Mr Buddhadeb Bhattacharya gave a statement in this regard on 15.3.07.

### **PEOPLE WHO FLED NANDIGRAM**

It is alleged that people who did not take part in the movement against land acquisition was forced to leave their villages in the Nandigram area and are now living in camps in the Khejuri side. None of the people who left their villages appeared before the Tribunal to narrate their plight and the Tribunal jury also

could not visit them due to lack of response from the administration or CPI (M) party officials for assistance.

However, Sri Kunal Chattopadhyay, Professor of Jadavpur University in a section of his written submission titled “How About the Several Thousand Ousted from Nandigram?” says the figure of such refugees being given by the CPI (M) and state government officials are contested and not very clear.

However, there was an acknowledgement that some people had left the area. Women in Sonachura remarked that the CPI (M) leader Joydeb Paik, who was once trusted by them, had assured them even on the evening of 6th January that there would be no violence, but had left the area. Such CPI (M) leaders were the ones who left. According to them, only five families of their locality had left.

Samad of Jamait Ulema-i-Hind (also Convenor of the BUPC) asserted that the total number of people who had left would be around 200-250. He challenged the CPI (M) to produce a list of names of those who had taken refuge in Khejuri.

Sri Chattopadhyay raises a question that needs to be clarified is, “what will be the situation of the people, whatever their exact number, who are in the camps at Khejuri. Given the threats uttered by some people at least, it seems to be a difficult proposition to enable these people to return to Nandigram. ...Accordingly, investigation is needed in Khejuri as well, instead of depending solely on information given in Nandigram”. □□□

*[The Report was submitted to Sri Gopal Krishna Gandhi, Governor, on 8th August, 2007]*