

# HOW CHHATTISGARH HAS STALLED A HISTORIC JUDGMENT

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Ten years ago, on July 5, 2011, Justices B. Sudershan Reddy and S.S. Nijjar delivered a historic judgment banning Salwa Judum, a vigilante movement started in 2005 and sponsored by the Chhattisgarh and Central government, ostensibly to fight against the Maoists. The judges also ruled that the use of surrendered Maoists and untrained villagers in frontline counter-insurgency operations as Special Police Officers (SPOs) was unconstitutional. It directed that the existing SPOs be redeployed in traffic management or other such safe duties. Other matters, especially prosecution of security forces and others involved in human rights violations, and rehabilitation of villagers who had suffered violence, were left pending, since the State had been asked to submit comprehensive plans for this.

Ten years on, nothing has been done to implement the judgment. Instead, the State government has merely renamed the SPOs. They are now known as the District Reserve Guard (DRG). Conversations with DRG members have revealed that most of them are captured or surrendered Maoists and are given automatic weaponry as soon as they join the police force. Some of them get one-three months of training, and some not even that. They commit the most excesses against their former fellow villagers, suffer the most casualties in any operation, and are paid much less than the regular constabulary, all the reasons the judges had outlawed their use. A contempt petition filed in 2012 is still awaiting hearing. Although 'final hearings' commenced in December 2018 before another bench of Justice Madan Lokur and Justice Deepak Gupta, the judges retired soon thereafter and there has been no hearing since.

Much has happened on the ground since then. At its peak between 2005 and 2007, the Judum involved forcing villagers into government-controlled camps. Those who refused were punished by having their villages burnt. Hundreds of people were killed and their deaths were not even recorded as 'encounters'. Villagers fled to neighbouring States or into the forests around their villages. Sangham members — active but unarmed Maoist sympathisers — were either jailed or compelled to join the security forces as SPOs.

Today, the Judum camps are virtually empty with only the former SPOs and their families remaining, in now permanent houses. Villagers split between those who went to the camp and those who went to the forest are now reconciled. People have come back and started cultivation. An entire generation has grown up and, as we see in the movement against the Central Reserve Police Force (CRPF) camp in Silger, have embarked on new struggles.

Across the region, villagers are demanding schools and health centres. Instead, what they have got in abundance are CRPF camps. These have come up at intervals of less than 5 km, and roads are being bulldozed through what were once dense forests. The only Supreme Court direction to have been implemented since 2007, when the case began, was that security forces vacate the schools where they were camped. But that is because with its own larger takeover of public land and private fields, the CRPF no longer has any use for these ruined structures.

Villagers have tried out all the tools of getting justice but failed. The residents of Tadmetla, Timapuram and Morpalli, whose villages were burnt by the security forces in 2011, travelled hundreds of kilometres to give evidence before the Central Bureau of Investigation, which found in their favour, and filed a charge sheet against some SPOs. In a rare moment, the National

Human Rights Commission castigated the government for violations in village Kondasawli, in a case filed by lawyer Sudha Bharadwaj. The villagers of Sarkeguda, where 17 innocent people, including children, had been shot dead one night in June 2012, showed great courage and persistence in deposing before a judicial enquiry commission. But in all these cases, where the government and security forces have been indicted by independent inquiries, no steps have been taken to prosecute those responsible.

T.R. Andhyarujina and Ashok Desai, the lawyers who argued for the villagers pro bono in the Supreme Court, have passed away. And Justice Nijjar too. Ms. Bharadwaj has been in jail since 2018 on contested charges. Along with five others, I have survived a false charge of murder levelled by the police, and even been compensated by the NHRC for the mental trauma undergone, though our case is an exception. Podiyam Panda, former Communist Party of India (CPI) activist, who supported the Tadmetla villagers to demand justice, was arrested, allegedly tortured and is now a 'police informer'. The Maoists will not let him or his wife, the former sarpanch of Chintagufa, return to the village, even though all the people in Chintagufa and neighbouring villages want them back.

In 2014, a Bharatiya Janata Party (BJP) government replaced the 10-year-old Congress government at the Centre. In 2018, a Congress government replaced the 15-year-old BJP government in Chhattisgarh. Mahendra Karma, the Adivasi face of a violent movement jointly run by the BJP and Congress, was killed by the Maoists in 2013. The medical college hospital in Dimrapal is now named after him. S.R.P. Kalluri, as Bastar Inspector General of Police, was accused of many human rights violations. He was moved out of Bastar, but never prosecuted despite being named in an internal report by the CBI for burning Tadmetla.

When contesting the elections in 2018, the Congress promised to do something about the thousands of innocent villagers who are arrested en masse by the police as suspected Maoists and spend long years in jail before being acquitted. For these villagers, meeting their families is difficult and hiring lawyers drains their meagre resources. Even as a few dedicated human rights lawyers have tried to help, the scale of arrests is massive. Yet, the government's resolve in freeing prisoners – even during COVID-19 – is in stark contrast to its resolve in setting up security camps and arresting more people.

Deaths in encounters between jawans and Maoists periodically hit the national headlines. But extrajudicial killings of villagers and Maoists and killings of suspected informers by Maoists continue at a steady pace, rarely hitting any high publicity note. An estimate given to the press on June 28 at Sarkeguda claimed 187 deaths in fake encounters between 2015 and 2021.

Another promise made by the Congress — providing protection to journalists — also lies in shreds. The difficulties faced by activists of the Chhattisgarh Bachao Andolan and the CPI in reaching Silger and Sarkeguda show how the BJP's tactics continue. The villagers were told that COVID-19 restrictions meant they could not mourn the victims on the anniversary of the Sarkeguda massacre, but a day later, the administration laid out a red carpet and large crowds to welcome Congress MLA Kawasi Lakhma.

Unless both sides get serious about peace talks, another 10 years will pass. The 2011 Supreme Court judgment will be rendered even more meaningless, as will the idea of justice or the rule of law ever being possible in this land, in this time.

*Nandini Sundar, Professor of Sociology, Delhi School of Economics, is one of the petitioners in the Salwa Judum case*

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To reassure Indian Muslims, the PM needs to state that the govt. will not conduct an exercise like NRC

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