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ANNUAL REPORT

2023

ON INDIGENOUS PEOPLES OF INDIA



Annual Report 2023
on
Indigenous Peoples in India



Situation of the Indigenous Peoples in India

Annual Report 2021

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ABBREVIATIONS

ASI	Assistant Sub Inspector	NCRB	National Crime Records Bureau
ATR	Action taken report	NCST	National Commission for Scheduled Tribes
CB-CID	Crime Branch-Criminal Investigation Department	NCW	National Commission for Women
CID	Criminal Investigation Department	NHRC	National Human Rights Commission
CM	Chief Minister	NIA	National Investigation Agency
DGP	Director General of Police	PAFs	Project Affected Families
DLC	District Level Committee	PESA Act	Provisions of the Panchayat (Extension to Scheduled Areas) Act, 1996
DRG	District Reserve Guard	PEW	Prohibition Enforcement Wing
FIR	First Information Report	PIL	Public Interest Litigation
FRA	Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006	POCSO Act	Protection of Children from Sexual Offences Act, 2012
GRP	Government Railway Police	PVTG	Particularly Vulnerable Tribal Group
IFR	Individual Forest Rights	RFO	Range Forest Officer
IPC	Indian Penal Code	RTI Act	Right to Information Act, 2005
IPHRD	Indigenous Peoples human rights defender	SC	Supreme Court
IRAC	Indigenous Rights Advocacy Centre	SC/ST Act	Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989
IRB	India Reserve Battalion	SI	Sub Inspector
JIADA	Jharkhand Industrial Area Development Authority	S/o	Son of
JUSL	JSW Utkal Steel Ltd	SOG	Special Operations Group
LARR Act	Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013	UAPA	Unlawful Activities (Prevention) Act, 1967
LCW	Land Conflict Watch	UNDRIP	United Nations Declaration on the Rights of the Indigenous Peoples
MoEFCC	Ministry of Environment, Forest and Climate Change	UNGP	United Nations Guiding Principles on Business and Human Rights
MLA	Member of Legislative Assembly	U/S	Under Section
MW	Megawatt	VSS	Vana Surakshya Samiti
NAP	National Action Plan on Business and Human Rights		

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1. EXECUTIVE SUMMARY

The Indian Parliament passed the Forest (Conservation) Amendment Act, 2023 on July 26, 2023 and the law came into effect from December 1, 2023. ¹The amendments to the Forest (Conservation) Act, 1980 have been widely criticised for diluting the legal safeguards applicable to forest lands. One of the major concerns is that the amended law has excluded the category of “deemed forests” from its ambit, allowing the government to use “deemed forest land” to be diverted for development projects without any requirement of forest clearance. Further, the Forest (Conservation) Amendment Act, 2023 allows the government to approve projects or industries that had begun functioning without obtaining prior environment clearance and disclosing their environmental impact. In December 2023, ex-post facto approval was granted for construction of a private university namely Manav Rachna International Institute of Research and Studies, built on Aravalli forestland. ²The third concern mainly came from the Northeastern states, home to indigenous peoples. The Forest (Conservation) Amendment Act, 2023 allows diversion of forests for construction of roads, railway lines or “strategic linear projects of national importance and concerning national security” within 100 km of India’s international borders without the need for forest clearance. In effect, it has been pointed out that given the peculiar geographical location of the North East, except Assam, nearly all States would become excluded from the purview of the Forest (Conservation) Amendment Act 2023. The construction of several dams in Arunachal Pradesh has faced opposition

from local indigenous communities, and there are fears that the Forest (Conservation) Amendment Act, 2023, could be used to bypass the requirement for forest clearances for these dams.

Criminalization, killings and evictions in the name of conservation

India’s conservation policy continued to be detrimental to indigenous peoples, as it promoted the establishment of protected areas and eviction/relocation of the people from those protected areas such as National Parks, tiger reserves etc. The Indian Forest Act of 1927 and the Wildlife (Protection) Act of 1972 have effectively criminalized the presence of indigenous peoples in forested regions which has been their traditional/ancestral territories. Activities like gathering firewood, honey, tendu leaves, or fishing or carrying traditional bows and arrows or daos inside the forests can lead to accusations of poaching or smuggling, resulting in severe consequences such as violence, death, torture, or arrest. During 2023, IRAC has documented custodial death/extrajudicial killing of four indigenous persons by the forest guards/officials. At least three of those killed were falsely branded as poacher/timber smuggler.

In one hand, the slow progress of settlement and recognition of forest rights under the Forest Rights Act has made the tribals and other traditional forest dwellers vulnerable to eviction and harassment by the forest department. As per official data, as on December 31, 2023, 42.77% of the claims have been rejected under the FRA. ³On the other hand, during 2023 the

1. The Forest Conservation (Amendment) Act, 2023 is available at <https://egazette.gov.in/WriteReadData/2023/247866.pdf>

2. “University on Aravali forest land gets post-facto nod, first in Haryana after Forest Act amended”, The Times of India, December 28, 2023, <https://timesofindia.indiatimes.com/city/gurgaon/university-on-aravali-forest-land-gets-post-facto-nod-first-in-haryana-after-forest-act-amended/articleshowprint/106333839.cms>

3. Ministry of Tribal Affairs, “Status report on implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 [for the period ending 31.12.2023]”, available at: [https://tribal.nic.in/downloads/FRA/MPR/2023/\(A\)%20MPR%20Dec%202023.pdf](https://tribal.nic.in/downloads/FRA/MPR/2023/(A)%20MPR%20Dec%202023.pdf)

National Tiger Conservation Authority (NTCA) approved Dibang Wildlife Sanctuary (DWLS) in Arunachal Pradesh⁴ and the Kumbhalgarh Wildlife Sanctuary (KWS) in Rajasthan as Tiger Reserves.⁵ The year 2023 marked 50 years of tiger conservation in India. But the success story of tiger conservation has come at the cost of displacement of Adivasis and other villagers.⁶ As per data placed before the Indian Parliament on December 14, 2023, during the period 2010-11 to 2023-24, a total of 1,207 families have been relocated from various National Parks and sanctuaries in three states namely Kerala, Mizoram and Madhya Pradesh. Further, a total of 20,857 families have been relocated from 231 villages within the core areas of the Tiger Reserves (as on December 31, 2021) across the country since the inception of the Project Tiger.⁷

Killings, torture by the security forces and the Armed Opposition Groups

During 2023, IRAC has documented two cases of alleged fake encounter killings involving three tribals: one was the killing of Dimbeswar Musahari by the Assam Police, while the other involved the killing of Rava Deva and Sodhi Kosa by a joint force of District Reserve Guard (DRG) and Central Reserve Police Force (CRPF) in Sukma district of Chhattisgarh. Further, tribals have been criminalized, implicated in false cases, and subjected to torture, inhuman and degrading treatment in police custody.

The armed opposition groups, particularly the Communist Party of India (Maoists), have

been responsible for gross violation of human rights and international humanitarian law as they resorted to mindless killings, abduction and torture of innocent tribal civilians. In the ongoing armed conflict, the tribals have been sandwiched between the security forces and the Maoists. While the security forces accused the tribal villagers of helping/supporting the Maoists, the Maoists on the other hand targeted the innocent villagers as “police informers”. During 2023, IRAC has documented several cases of abduction and killing of tribals by the Maoists on the suspicion of being “police informers”.

Business and human rights

The indigenous peoples, environment activists and anti-mining activists have faced criminalization and violence at the hands of the State and corporates for defending “jal jameen jungle” (water, land and forests) in many parts of the country. Hasdeo Aranya (which are known as the “lungs of Chhattisgarh”) is a biodiversity-rich forest which also happens to be a rich source of coal. The tribals and activists have been protesting against the operation of three coal mines in the region: the Parsa East Kente Basan (PEKB), Parsa, and Kente extension.⁸ On December 21, 2023, the state government of Chhattisgarh started felling trees for PEBK phase-2 in Surguja district under heavy security cover. When the tribals protested the police reportedly arrested members of Hasdeo Aranya Bachao Sangharsh Samiti, including sarpanch of Ghatbarra Jainandan Porte and Thakur Ram. Alok Shukla, Convener of Chhattisgarh Bachao Andolan (CBA) and his friend were

4. Nabarun Guha, “Why are Idu Mishmis resisting a proposed tiger reserve in Dibang Valley?”, Mongabay-India, May 12, 2023, <https://india.mongabay.com/2023/05/why-are-idu-mishmis-resisting-a-proposed-tiger-reserve-in-dibang-valley/>

5. Jitendra Choubey, “Tiger conservation pitted against tribals in Rajasthan’s Kumbhalgarh”, The New Indian Express, September 25, 2023, <https://www.newindianexpress.com/xplore/2023/Sep/01/tiger-conservation-pitted-against-tribals-in-rajasthans-kumbhalgarh-2618096.html>

6. Sushmita, IndiaSpend.com, “The contradictions of the increase in India’s tiger population”, Scroll.in, May 15, 2024, <https://scroll.in/article/1067780/the-contradictions-of-the-increase-in-indias-tiger-population>

7. Reply of Shri Ashwini Kumar Choubey, Minister of State in the Ministry of Environment, Forest and Climate Change in Rajya Sabha, Unstarred Question No. 1325 to be answered on December 14, 2023

8. “Tax notice to CPR mentions ‘involvement’ in Hasdeo movement: What is this anti-mining protest”, The Indian Express, March 7, 2023, <https://indianexpress.com/article/explained/tax-notice-to-cpr-hasdeo-movement-what-is-it-8484718/>

allegedly abducted by some persons who were clad in civilian clothes in Katghora (Korba district) when the two were heading towards Hasdeo on December 21. They were released in the evening but were prevented from going to Hasdeo area.⁹ However, Chief Minister Vishnu Deo Sai defended the deforestation stating that the tree felling or any other work related to the Hasdeo Aranya were granted by the previous Congress regime.¹⁰

During 2023, the Government of India continued execution of a mega development project namely “Holistic Development of Great Nicobar Islands in Andaman and Nicobar Islands” without consultation with the affected indigenous communities. Serious concerns have been raised about destruction of the environment and ecology as well as the adverse impacts on the indigenous Shompen and Nicobarese who are notified as “aboriginal tribes”. Even the National Commission for Scheduled Tribes (NCST) raised red flags.¹¹ In April 2023, the National Green Tribunal (NGT), India’s apex green court, stayed for two months the environment clearance (EC) granted to the project but refused to interfere with the forest clearance. The NGT constituted a High-Powered Committee (HPC) to “revisit” the EC to address some “unanswered deficiencies” with the project (pertaining to threats to corals, incomplete impact assessment undertaken for the project and its location in a prohibited area as per the Coastal Regulation Zone rules). However, conservationists criticised the green court’s stand for several reasons, including the fact

that the NGT’s proposed HPC comprises government and other representatives that have already offered support to the project.¹²

2. VIOLATIONS BY SECURITY FORCES

The security forces were responsible for numerous violations of human rights of the indigenous peoples during 2023. IRAC has documented many cases of custodial deaths, alleged extrajudicial killings, custodial torture, and implication of indigenous peoples in false cases.

a. Custodial deaths

According to the latest annual report “Crime in India 2022” of the National Crime Records Bureau (NCRB) under Ministry of Home Affairs, during 2022 a total of 75 persons died in police custody/lock up including 41 persons who were not on remand (i.e. they died before being produced before the magistrate) and 34 persons who were on remand (i.e. they died after they were sent to police custody by the magistrate).¹³ Official reasons recorded for these custodial deaths are “death due to illness/ death in Hospitals during treatment” (32 cases), suicide (31 cases), injuries sustained prior to police custody (1 case), injuries sustained during the police custody due to physical assault by police (1 case), while escaping from Custody (7 cases) and others (3 cases).¹⁴ How many of these victims during the year 2022 belonged to Scheduled Tribe (ST) is not known since the NCRB did not maintain or provide disaggregated data concerning ST.

9. “Amid protests tree felling begins to expand mine in Chhattisgarh’s biodiversity-rich Hasdeo Arand”, The Week, December 22, 2023, <https://www.theweek.in/wire-updates/national/2023/12/22/bom2-cg-coal-mine-trees-protests.html>

10. “Congress gave nod for coal mining in Hasdeo Aranya, says Chhattisgarh CM Vishnudeo Sai, tribals continue protest”, The Times of India, December 25, 2023, <https://timesofindia.indiatimes.com/city/raipur/congress-gave-nod-for-coal-mining-in-hasdeo-aranya-says-chhattisgarh-cm-vishnudeo-sai-tribals-continue-protest/articleshowprint/106273450.cms>

11. “National Commission for Scheduled Tribes flags alleged discrepancies in Forest Rights Act compliance for Great Nicobar Project”, The Hindu, April 30, 2023, <https://www.thehindu.com/sci-tech/energy-and-environment/ncst-flags-alleged-discrepancies-in-fra-compliance-for-great-nicobar-project/article66793329.ece>

12. Aathira Perinchery, “NGT’s Stand on Nicobar Mega Project Disappointing, Say Conservationists”, The Wire, April 8, 2023, <https://thewire.in/environment/ngt-great-nicobar-project-disappointing>

14. NCRB, Crime in India 2022, pp. 1033-34

15. NCRB, Crime in India 2022, p. 1035

Case 1: Illegal arrest and custodial death of Emmanuel (41), a Kuki tribal of Manipur, in police custody at Venkatachala Satram police station in Nellore district of Andhra Pradesh on July 16, 2023

As per information received by IRAC, Mr Emmanuel (41-year-old Kuki tribal from Manipur) was travelling by train from Assam to Ernakulam (Kerala) when he had a quarrel with co-passengers at the Vedayapalem railway station in Andhra Pradesh on July 16, 2023. The police were called and Emmanuel was taken into custody. He was brought to the Venkatachala Satram police station around 4 pm and was allegedly kept in chains up to 9 pm on 16 July, 2023. The police did not enter his detention in the general diary. He died in mysterious circumstances in police custody that night.¹⁵

The Nellore district police ordered a departmental inquiry against seven policemen, including a Circle Inspector and an Assistant Sub-Inspector (ASI). Three of them were suspended and four were placed in Vacancy Reserve (VR) to facilitate an investigation.¹⁶

IRAC submitted a complaint before the National Human Rights Commission (NHRC) seeking proper investigation and action against the custodial death. The same was registered as Case No 1322/1/15/2023-PCD. On August 7, 2023, the NHRC directed the Director General of Police (DGP) of Andhra Pradesh and the Superintendent of Police, Nellore district, to send the detailed report, covering all the aspects leading to death (including time, place and reason for arrest/detention), copy of complaint and FIR registered against the deceased, copy of

arrest memo and inspection memo, whether information of arrest was given to family/relative, copy of Seizure Memo and Recovery Memo, copy of Medical Legal Certificate of the deceased, copies of all relevant GD extracts (all must be legible and transcribed in English/Hindi), the Inquest Report, Post Mortem Report, Video Cassette/ CD of post mortem examination, Magisterial Enquiry Report, etc.¹⁷

The NHRC called for submission of additional information/reports from the authorities on November 20, 2023 and January 9, 2024 and at the time of writing this report the NHRC vide order dated March 26, 2024 stated that “almost all the reports have been received” and asked its Investigation Division to examine the records/reports available on file and submit the findings to the Commission within four weeks.¹⁸

Case 2: Tortured to death of Khem Singh (23) by police and forest personnel in Uttarakhand

On March 20, 2023, a tribal identified as Kheem Singh (23 years) was allegedly beaten to death by two policemen and two forest department personnel at Munsiyari, Pithoragarh district of Uttarakhand. According to Dharmendra Singh, the complainant and employer of Kheem Singh, they were on their way to Munsiyari when the four accused personnel stopped their vehicle and started harassing them. They started abusing the driver and beating him. They were in an intoxicated state and physically assaulted Kheem Singh so much that he died on the spot. However, the police claimed that they stopped the vehicle after they received information about timber

15. . “Three policemen suspended after Kuki tribal man of Manipur dies in custody”, The Hindu, July 23, 2023, <https://www.thehindu.com/news/national/andhra-pradesh/vijayawada-custodial-death-of-a-kuki-tribe-of-manipur-creates-tension-in-police-station-three-policemen-suspended-four-sent-to-vr/article67112356.ece>

16. “Three policemen suspended after Kuki tribal man of Manipur dies in custody”, The Hindu, July 23, 2023, <https://www.thehindu.com/news/national/andhra-pradesh/vijayawada-custodial-death-of-a-kuki-tribe-of-manipur-creates-tension-in-police-station-three-policemen-suspended-four-sent-to-vr/article67112356.ece>

17. Proceedings of the NHRC dated August 7, 2023 in Case No. 1322/1/15/2023-PCD

18. Proceedings of the NHRC dated March 26, 2024 in Case No. 1322/1/15/2023-PCD

smuggling and began the procedure to seize it. The driver (Kheem Singh) did not hand over the keys of the vehicle and started running away. The police further alleged that Kheem Singh subsequently fell into a ditch and was taken to a nearby health centre where he was declared dead.¹⁹

A case was registered against Trilok Singh Rana, Ramesh Rana (forest personnel) and Sunil Kumar and Manoj Bhatt (policemen) under Indian Penal Code's Section 302 (murder) and the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act. They were arrested.²⁰

b. Alleged extrajudicial killings

During 2023, IRAC has documented two cases of alleged fake encounter killings involving three tribals as reported in the media: one was the killing of Dimbeswar Musahari by the Assam Police while the another was the killing of Rava Deva and Sodhi Kosa by a joint force of District Reserve Guard (DRG) and Central Reserve Police Force (CRPF) in Sukma district of Chhattisgarh.

Case 1: Killing of Dimbeswar Musahari in alleged fake encounter in Assam

On January 24, 2023, the police allegedly shot dead an innocent Bodo tribal identified as Dimbeswar Musahari in an alleged fake encounter in the Daifang area near Rowta in Udalguri district, Assam. The deceased was attending a friend's wedding when he was killed.²¹

The Assam Police had initially identified the deceased to be one Kenaram Boro, a dreaded dacoit. The Superintendent of Police, Udalguri, Supriya Das told the media, "On February 24, a dacoity was intercepted by the Rowta Police. The main dacoit open fired on the police where a constable was also injured. A 7.65 mm bullet was recovered. ..Upon retaliation by the police, one of the dacoits was taken down, who was later identified as Kenaram Boro by his wife. His body was handed over to his mother and the cremation took place today itself. He has a huge history of dacoity. He was involved in several other robberies in Ri Bhoi district, East Khasi hills, Jaintia hills, Petrol Pump robberies. We also found an AK-47 in Kenaram's possession. He was also arrested in an armed bank robbery in Nalbari."²²

An inquiry by the Criminal Investigation Department (CID) found that the deceased was not dacoit Kenaram Boro alias Kenaram Basumatary but one Dimbeswar Muchahary, son of late Guniram Machahary of Jengrengpara village under Gobardhana police station of Baska district, and the deceased was a small-time farmer.²³

Case 2: Killing of Rava Deva (39) and Sodhi Kosa (35) in alleged fake encounter in Chhattisgarh

The Police claimed to have killed two "Maoists" in an encounter in the morning of September 5, 2023 in Sukma district, Chhattisgarh.

19. "Uttarakhand: Cops among 4 held over suspicion of beating tribal man to death", The Hindustan Times, March 22, 2023, <https://www.hindustantimes.com/cities/dehradun-news/uttarakhand-cops-among-4-held-over-suspicion-of-beating-tribal-man-to-death-101679482099740.html>

20. "Uttarakhand: Cops among 4 held over suspicion of beating tribal man to death", The Hindustan Times, March 22, 2023, <https://www.hindustantimes.com/cities/dehradun-news/uttarakhand-cops-among-4-held-over-suspicion-of-beating-tribal-man-to-death-101679482099740.html>

21. Assam: Police mistakenly kill innocent man in Udalguri, raises concern of yet another fake encounter, India TodayNE, February 25, 2023, <https://www.indiatodayne.in/assam/story/assam-police-mistakenly-kill-innocent-man-in-udalguri-raises-concern-of-yet-another-fake-encounter-518456-2023-02-25>

22. Assam Police Rubbishes Reports Of 'Mistaken Identity' Encounter, G Plus News, February 25, 2023, <https://seotest.guwahatipius.com/assam/assam-police-rubbishes-reports-of-mistaken-identity-encounter>

23. Man killed by Assam cops wasn't a dacoit, but a farmer, The Times of India, March 12, 2023, <https://timesofindia.indiatimes.com/city/guwahati/man-killed-by-assam-cops-wasnt-a-dacoit-but-a-farmer/articleshowprint/98571498.cms>

The Superintendent of Police of Sukma, Kiran Chavan told the media, “Based on the intelligence report of the presence of 10 to 12 naxalites of Jagargunda Area Committee in the forests of Tadmetla and Duled under Chintagufa police station, District Sukma, a joint force of DRG [District Reserve Guard] and CRPF [Central Reserve Police Force] was dispatched to the said places as part of the anti-Naxal operation.” He further stated that during the operation, the police party was ambushed by the Maoists (also called Naxalites) between Tadmetla-Duled forests and two Maoists were killed in the encounter which took place on September 5, 2023, at around 6 a.m.²⁴

The Police also claimed that “The Maoists were identified as Jan militia cadres (foot soldiers) Sodhi Deva and Rava Deva, who were active in the Jagargunda area committee of CPI (Maoist) and carried a reward of ₹1 lakh each on their heads.”²⁵

However, the family members of the deceased²⁶ and the villagers²⁷ alleged that the deceased were common villagers and not Maoists. The family members identified the deceased as Rava Deva (39) and Sodhi Kosa (35).²⁸

On September 12, 2023, Rava Soni, widow of Rava Deva, submitted a complaint to the

Superintendent of Police, Sukma and the Officer-in-Charge of Chintagufa police station. On the same day, Rava Soni and Sodhi Kosa’s widow Sodhi Nande held a press conference in Sukma to state that their husbands were falsely branded as Maoists and killed in fake encounter.²⁹

In her complaint, Rava Soni claimed that her husband Rava Deva and Sodhi Kosa had left home on September 4 together to go to Timmapuram village to collect some payment from one Muchaki Maana. (Mr. Maana, who was present at the press conference confirmed that the two men had visited him and left his home on his two-wheeler). As per the complaint, the duo was returning home when they were stopped by policemen and taken to the Chintalnar Police Station and later shot dead in a fake encounter between Burkapal and Tadmetla under Chintagufa police station, at around 8 p.m., that is, nearly 10 hours before the time mentioned in the police statement.³⁰

The complaint further alleged that the police brought the dead bodies to Tadmetla village and forcibly cremated the bodies without the consent of the family members.

Sukma Superintendent of Police Kiran Chavan, however, dismissed all these

24. “Chhattisgarh: Two Naxalites killed in encounter with police in Sukma”, Organiser, September 5, 2023, <https://organiser.org/2023/09/05/194026/bharat/chhattisgarh-two-naxalites-killed-in-encounter-with-police-in-sukma/>

25. Ritesh Mishra, Vikas Tiwari, “Chhattisgarh villagers protest death of 2 in Tadmetla, say they weren’t Maoists”, The Hindustan Times, September 11, 2023, <https://www.hindustantimes.com/india-news/chhattisgarh-villagers-protest-death-of-2-in-tadmetla-say-they-weren-t-maoists-101694446947398.html>

26. “Families of killed ‘Maoists’ say Chhattisgarh Police staged encounter”, The Hindu, September 13, 2023, <https://www.thehindu.com/news/national/families-of-alleged-maoists-question-police-claims-in-sukma-encounter-killings/article67299793.ece/amp/>

27. Ritesh Mishra, Vikas Tiwari, “Chhattisgarh villagers protest death of 2 in Tadmetla, say they weren’t Maoists”, The Hindustan Times, September 11, 2023, <https://www.hindustantimes.com/india-news/chhattisgarh-villagers-protest-death-of-2-in-tadmetla-say-they-weren-t-maoists-101694446947398.html>

28. “Chhattisgarh: Families of two ‘Maoists’ killed allege police staged ‘fake encounter’”, Scroll.in, September 13, 2023, <https://scroll.in/latest/1055910/chhattisgarh-families-of-two-maoists-killed-allege-police-staged-fake-encounter>

29. “Families of killed ‘Maoists’ say Chhattisgarh Police staged encounter”, The Hindu, September 13, 2023, <https://www.thehindu.com/news/national/families-of-alleged-maoists-question-police-claims-in-sukma-encounter-killings/article67299793.ece/amp/>

30. “Chhattisgarh: Families of two ‘Maoists’ killed allege police staged ‘fake encounter’”, Scroll.in, September 13, 2023, <https://scroll.in/latest/1055910/chhattisgarh-families-of-two-maoists-killed-allege-police-staged-fake-encounter>

allegations levelled by the family members. “We reiterate that the firing was done in self-defence and the duo had five criminal cases between them,” Mr. Chavan said.³¹

c. Deaths (non-custodial) due to alleged torture by police

In many cases, torture of victims did not result in death in custody but they died after their release from custody.

On August 23, 2023, a tribal identified as Sriram Adivasi (28 years), s/o Jagmohan Adivasi died at his home a few hours after he was released from the police custody at Silvani village under Jaithari police station in Raisen district of Madhya Pradesh. The victim was reportedly detained by the police for creating a ruckus in an inebriated state during a religious event in the locality on August 22 around 4 p.m., and he was reportedly released around 9 p.m. on the same day. In the morning the next day, he was found lying unconscious at his home and declared death on arrival at the local hospital. His family alleged that he was beaten up by police which led to his death.³² Some villagers also claimed that they saw police assaulting Sriram while being taken to the police vehicle.³³

Upon a complaint filed by IRAC, the NHRC registered a Case No. 2159/12/33/2023-AD and on August 31, 2023 the Commission issued notice to the Superintendent of Police (SP), Raisen, calling for an action taken report within a period of four weeks. The SP was further directed to preserve/secure and forward copy CCTV footage of the date and time of incident along with action taken

report.³⁴

Pursuant to the above direction, the SP of Raisen submitted a report dated October 20, 2023 containing the Naksha Panchayatnama, post mortem report and copy of DD entries/Rojnamacha. On January 19, 2024, the NHRC directed the SP of Raisen to submit inquest report, viscera report, final cause of death, CD/Memory Card of post mortem examination and copy of CCTV footage of PS/PP etc. within six weeks.³⁵

d. Implication in false cases and custodial torture

The tribals have been implicated in false cases and subjected to torture, inhuman and degrading treatment in police custody. During 2023, IRAC has documented several cases of custodial torture of tribals. Some of the emblematic cases are given below.

Case 1: Alleged custodial torture of seven Irular tribals including two minors by police in Puducherry

As per media reports, seven Irular tribals including two minors were arrested in false cases of theft and allegedly tortured in police custody for four days at the Katterikuppam police station in Puducherry from February 25-28, 2023. On February 25, 2023, the Katterikuppam police from Puducherry along with the Tamil Nadu police picked up the seven tribals on charges of theft and allegedly compelled them to confess the crime. The minors have been identified as K Appu (18 years), who has a partial visual impairment, and his brother Kattapan (17 years).³⁶ Appu was quoted by the media as saying,

31. “Families of killed ‘Maoists’ say Chhattisgarh Police staged encounter”, The Hindu, September 13, 2023, <https://www.thehindu.com/news/national/families-of-alleged-maoists-question-police-claims-in-sukma-encounter-killings/article67299793.ece/amp/>

32. “MP: Tribal Man Detained By Police Found Dead At Home In Raisen”, Free Press Journal, August 25, 2023, <https://www.freepressjournal.in/bhopal/mp-tribal-man-detained-by-police-found-dead-at-home-in-raisen>

33. Dainik Bhaskar (Hindi newspaper), August 25, 2023, <https://www.bhaskar.com/local/mp/raisen/news/tribal-youth-died-in-suspicious-condition-in-raisen-131737239.html>

34. Direction issued by NHRC to the Superintendent of Police, Raisen, on August 31, 2023 in case No. 2159/12/33/2023-AD

35. Proceedings of the NHRC dated January 19, 2024 in Case No. 2159/12/33/2023-AD

“My father-in-law and myself were arrested by Katterikuppam police while we were returning from fishing on the night of February 25. We were taken to the station and beaten up. The police forced us to confess to thefts that we did not commit”.³⁷

Both Appu and Kattapan alleged they were stripped and assaulted. Police records, however, showed they were in judicial custody only on March 1, 2023 and sent to a juvenile observation home in Ariyankuppam, in Puducherry. Both were released on conditional bail on March 8. The police have denied the allegations.³⁸

Based on a complaint filed by IRAC, the NHRC registered a case (Case No. 46/32/3/2023) and sought an action taken report from the Director General of Police, Puducherry on May 9, 2023. In response to this direction, a report dated August 14, 2023 was submitted to the NHRC by the Senior Superintendent of Police, Puducherry. It is reported that none of the accused persons was assaulted by Police and their eyes were not rubbed with chilies. The police also denied the allegations of custodial torture and implicating false cases against the accused persons. The police claimed that the accused were found to be involved in burglary cases. Unfortunately, the NHRC on August 22, 2023 decided to close the case after considering the police report without seeking comments from the complainant (IRAC).³⁹

Case 2: Illegal detention and torture of two Adivasi villagers in Jharkhand

On May 13, 2023, The Telegraph newspaper reported that two tribal youths in West Singhbhum district of Jharkhand petitioned the Director General of Police (DGP), Jharkhand, the National Human Rights Commission (NHRC) and the Deputy Commissioner of West Singhbhum, accusing the Central Reserve Police Force (CRPF) and state police of illegal detention, assault and torture. Turam Bahanda and Vijay Bahanda, natives of Patatorob village under Tonto police station, accused the CRPF of picking them up and illegally detaining them in the police station for 12 days without registering any case. They alleged that they were falsely accused of planting IEDs (improvised explosive devices) for Maoists, physically and mentally tortured and not presented in Court.

The letter dated April 25, 2023 written by Turam stated that both the youths were picked up from their houses by a posse of CRPF personnel around 7 pm on February 6, 2023 and taken to the nearby CRPF camp. The CRPF personnel accused them of being Maoist supporters and planting bombs.

“When the villagers reached the camp the next day and sought information about our detention, the CRPF assured them of releasing us after interrogation at night. But we were not released. They took us to Mufassil thana and to the West Singhbhum

36. Krithika Srinivasan, “Irular youths claim assault in police custody, incident comes to light in Ambasamudram row aftermath,” The New Indian Express, April 27, 2023, <https://www.newindianexpress.com/states/tamil-nadu/2023/Apr/27/irular-youths-claim-assault-in-police-custody-incident-comes-to-light-in-ambasamudram-row-aftermath-2569728.html#:~:text=He%20further%20alleged%20that%20the,men%2C%20was%20the%20breaking%20point>

37. Krithika Srinivasan, “Irular youths claim assault in police custody, incident comes to light in Ambasamudram row aftermath,” The New Indian Express, April 27, 2023, <https://www.newindianexpress.com/states/tamil-nadu/2023/Apr/27/irular-youths-claim-assault-in-police-custody-incident-comes-to-light-in-ambasamudram-row-aftermath-2569728.html#:~:text=He%20further%20alleged%20that%20the,men%2C%20was%20the%20breaking%20point>

38. Krithika Srinivasan, “Irular youths claim assault in police custody, incident comes to light in Ambasamudram row aftermath,” The New Indian Express, April 27, 2023, <https://www.newindianexpress.com/states/tamil-nadu/2023/Apr/27/irular-youths-claim-assault-in-police-custody-incident-comes-to-light-in-ambasamudram-row-aftermath-2569728.html#:~:text=He%20further%20alleged%20that%20the,men%2C%20was%20the%20breaking%20point>

39. Communication dated August 22, 2023 from the NHRC to IRAC in Case No. 46/32/3/2023

superintendent of police's (SP) office at 9 pm, all the while accusing me of planting bombs. When I said I didn't know anything about the bombs, they started beating me with lathis on my right hand and left knee (at the SP's office). They handcuffed me and again took me to Chaibasa Mufassil thana. I was given food once in the morning and once at night and kept there for 12 days. They released me on February 18 at around 3pm after making me sign an application," the letter stated.⁴⁰

The two tribals were not produced before any magistrate as required under the law. The Indian law requires that detainees must be produced before the nearest magistrate/court within 24 hours.

Acting on a complaint filed by IRAC, the NHRC registered Case No. 615/34/18/2023 and sought an action taken report from the Superintendent of Police, West Singhbhum on May 19. In response, the Superintendent of Police, West Singhbhum submitted an action taken report dated June 28, 2023, wherein it was submitted that both victims (Turam Bahanda and Vijay) were contacted on their mobile phones. They stated that though they were taken to the CRPF camp, they were released after being told to provide information in connection with the bomb explosion in Golaikara and another incident of bomb explosion in Mufassil police station. It was further submitted that the statement of concerned Commandant of CRPF 197 Battalion was also recorded but he denied committing any such alleged offence by the CRPF. After recording of statement of both victims and CRPF official, no evidence regarding illegal confinement and torture

came into light. Unfortunately, the NHRC closed the case on July 25, 2023 solely based on the police report but without seeking any comment from the complainant (IRAC).⁴¹

Case 3: Custodial torture of seven Kuravan tribals, including four women and a minor by the police in Andhra Pradesh

On June 11-12, 2023, seven tribals, including four women and one minor belonging to Kuravan tribe, were allegedly illegally detained and tortured by the police of the Chittoor District in Andhra Pradesh. The victims were residents of Puliandapatti junction road under Mathur police station in Krishnagiri district, Tamil Nadu.⁴²

According to 19-year-old complainant Radha, at around 8 pm on June 11, 2023, six police personnel came in two cars and barged into her house stating they have a warrant. The police personnel allegedly assaulted Radha's father S Iyappan (45 years), stepmother Aruna (30 years), brother Sridhar (a minor of 7 years) and grandmother S Kannammal (65 years) and picked them up. On June 12, 2023, Radha's aunt R Sathya (48 years) lodged an online complaint with Tamil Nadu police. Following this, around 8.30 pm on June 12, over 15 police personnel including two women, barged into their house and allegedly assaulted Sathya for lodging the complaint. Then they took away Sathya, her husband Ramesh (55 years), and their daughter-in-law Poomathi (30 years).⁴³

The police did not inform the reason for the arrest, nor the place of detention as required

40. Animesh Bisoe, "Tribal youths accuse local police and CRPF of illegal detention, assault and torture", The Telegraph, May 13, 2023, <https://www.telegraphindia.com/jharkhand/tribal-youths-accuse-local-police-and-crpf-of-illegal-detention-assault-and-torture/cid/1936421>

41. Communication of NHRC to IRAC dated July 25, 2023 in Case No. 615/34/18/2023

42. "Andhra cops arrest seven Kuravan people from Krishnagiri", The New Indian Express, June 14, 2023, <https://www.newindianexpress.com/states/tamil-nadu/2023/jun/14/andhra-cops-arrest-sevenkuravan-people-from-krishnagiri-2584747.html>

43. "Andhra cops arrest seven Kuravan people from Krishnagiri", The New Indian Express, June 14, 2023, <https://www.newindianexpress.com/states/tamil-nadu/2023/jun/14/andhra-cops-arrest-sevenkuravan-people-from-krishnagiri-2584747.html>

by law. When members of the local NGO, Tamizh Pazhangudi Kuravan Sangam went to the Krishnagiri Collectorate (Tamil Nadu) on June 13, they were informed that the police personnel were from Chittoor district (Andhra Pradesh) and seven persons were picked up for investigation into a case.⁴⁴

Pursuant to the direction of the NHRC in Case No. 1013/1/3/2023, the Superintendent of Police (SP), Chittoor, Andhra Pradesh submitted a report dated November 11, 2023 stating that in regard to the alleged incident FIR has been launched vide Chittoor II Town PS Case No. 180/2023 and Additional SP Chittoor has been nominated as Investigation Officer of the said case. The matter is being heard by Additional Judicial First Class Magistrate, Chittoor.⁴⁵

Case 4: Custodial torture of Badri Mehta by police officer in Madhya Pradesh

On July 7, 2023, a tribal identified as Badri Mehta (40 years) was allegedly tortured by assistant sub inspector of police (ASI) Akhilesh Mandloi who was also the officer-in-charge of Mortakka police outpost in Khandwa district of Madhya Pradesh. The victim who was a resident of Dukiya village in Mortakka under Khandwa district, was arrested for allegedly selling country-made liquor. He alleged that after he was taken to the police station, Akhilesh Mandloi demanded a bribe of Rs 1 lakh to settle the case. Badri was reported as saying “I was caught with some countrymade liquor. I accepted it before the police. ASI Mandloi demanded Rs 1 lakh from me. When

I said that I did not have that much money, he beat me with sticks. I was bleeding and suffered bruises and injuries on my limbs and torso. It was only after we paid Rs 80,000 that he allowed me to leave.”⁴⁶

Badri was released on bail by the magistrate the same day (July 7). Following the allegations of torture, ASI Akhilesh Mandloi was suspended.⁴⁷

Case 5: Custodial torture of Ms Laxmi Vadyta in Telangana

On the night of August 15, 2023, Laxmi Vadyta, a tribal woman belonging to Lambada tribe, was arrested by the police and allegedly subjected to custodial torture at the LB Nagar police station under Rachakonda Police Commissionerate in Hyderabad in Telangana. The victim, a resident of Nandi Hills in the Rangareddy district, stated that she had gone to visit her relatives in LB Nagar to borrow money for her daughter’s wedding. While waiting for an auto-rickshaw around 11.30 pm on LB Nagar Road the police approached her and questioned her, and later she was forcibly taken to the LB Nagar police station. The police snatched her mobile phone and started to abusing her and assaulted her. She alleged that she was beaten on the legs and elsewhere with leather straps by a group of police personnel, leaving her injured on her thighs, knee, and other body parts.⁴⁸

The police lodged a false complaint against the victim. The police claimed that three women including the victim were soliciting

44. “Association demands intervention after Chittoor police pick up seven persons belonging Kuravar tribe from Krishnagiri”, The Hindu, June 16, 2023, <https://www.thehindu.com/news/cities/Coimbatore/association-demands-intervention-after-chittoor-police-pick-up-seven-persons-belonging-kuravar-tribe-from-krishnagiri/article66976426.ece>

45. Proceedings of NHRC dated December 27, 2023 in Case No. 1013/1/3/2023

46. “Cop suspended for thrashing tribal, extorting Bribe” The Times of India, July 13, 2023, <https://timesofindia.indiatimes.com/city/indore/cop-suspended-for-thrashing-tribal-extorting-bribe/articleshow/101711135.cms?from=mdr>

47. “Cop suspended for thrashing tribal, extorting Bribe” The Times of India, July 13, 2023, <https://timesofindia.indiatimes.com/city/indore/cop-suspended-for-thrashing-tribal-extorting-bribe/articleshow/101711135.cms?from=mdr>

48. Ajay Tomar, “2 Hyderabad cops suspended, booked for assaulting tribal woman; daughter alleges ₹3 lakh cash, gold earrings missing”, South First, August 18, 2023, <https://thesouthfirst.com/telangana/hold-after-suspension-2-hyderabad-cops-booked-for-assaulting-a-tribal-woman-daughter-alleges-%E2%82%B93lakh-gold-earrings-missing/>

prostitution standing on the highway, due to which they were picked up at around 2.30 am. A case was registered against them under section 290 IPC for creating “public nuisance” and they were presented before the court on August 16.⁴⁹

Following the allegation of torture, the LB Nagar police station registered a case against a male head constable named Shiva Shanker and a woman constable named Sumalatha under Sections 354 (assaults or uses criminal force to any woman), 324 (causing hurt), 379 (punishment for theft) of the IPC and relevant sections of the Scheduled Tribes (Prevention of Atrocities) Act and both have been suspended.⁵⁰

Upon a complaint filed by IRAC, the NHRC registered a case (No. 1182/36/2/2023) but despite the serious allegations, the Commission closed the case on August 24, 2023 by issuing direction to the Commissioner of Police, Hyderabad to take “such action as deemed appropriate”.⁵¹

Case 6: Torture of Naga community leader Wanglar Thirthung by Assam Rifles in Manipur

On September 7, 2023 at around 7:30 pm, Wanglar Thirthung, former president of the All Naga Students’ Association, Manipur (ANSAM) was allegedly beaten by Assam Rifles personnel at Bijoypur, Kakching district of Manipur. A local newspaper The Ukhrul Times reported that Wanglar Thirthung was returning home from Imphal after work when he was assaulted by the Assam Rifles personnel

at a check post without any reason.⁵²

Upon a complaint filed by IRAC, the NHRC registered a case (Case No. 69/14/22/2023). On September 25, 2023, the NHRC transferred the case to the Manipur State Human Rights Commission (SHRC).

3. Violations by the Armed Opposition Groups

The armed opposition groups, particularly the Communist Party of India (Maoists), have been responsible for gross violation of human rights and international humanitarian law as they resorted to mindless killings, abduction and torture of innocent tribal civilians.

According to the latest Annual Report 2022-2023 of the Ministry of Home Affairs, the geographical spread of Left Wing Extremism (LWE) violence has been shrinking considerably. In 2022, LWE related violence incidents were reported from 176 police stations in 45 districts spread across 8 States as compared to 328 police stations in 76 districts spread over 10 States in 2013. The CPI (Maoist) continues to be the most potent among the various LWE outfits in the country and accounted for more than 90% of total violent incidents and 95% of resultant deaths of LWE affected states.⁵³ The Government of India attributed the overall improvement in LWE scenario “to greater presence and increased capacity of the Security Forces across the LWE affected States, better operational strategy and better monitoring of development schemes in affected areas.”⁵⁴

In the ongoing armed conflict, the tribals have been caught between the security forces

49. “Hyderabad: Lambada woman confined, beaten up by LB Nagar cops at night”, Siasat.com, August 17, 2023, <https://www.siasat.com/hyderabad-lambada-women-confined-beaten-up-at-lb-nagar-police-station-2669792/>

50. Ajay Tomar, “2 Hyderabad cops suspended, booked for assaulting tribal woman; daughter alleges ₹3 lakh cash, gold earrings missing”, South First, August 18, 2023, <https://thesouthfirst.com/telangana/hold-after-suspension-2-hyderabad-cops-booked-for-assaulting-a-tribal-woman-daughter-alleges-%E2%82%B93lakh-gold-earrings-missing/>

51. Communication of NHRC dated August 24, 2023 to IRAC in Case No. 1182/36/2/2023

52. “ANSAM condemns Assam Rifles assault on former leader”, The Ukhrul Times, September 8, 2023, <https://ukhrultimes.com/ansam-condemns-assam-rifles-assault-on-former-leader/>

53. Ministry of Home Affairs, Annual Report 2022-2023, p. 9

54. Ministry of Home Affairs, Annual Report 2022-2023, p. 9

and the armed opposition groups. While the security forces accused the tribal villagers of helping or aiding the Maoists, the Maoists on the other hand targeted the innocent villagers, labelling them as “police informers”. During 2023, IRAC has documented several cases of abduction and killing of tribals by the Maoists on the suspicion of being “police informers”.

Case 1: Killing of Soyam Subbaiah by Maoists in Andhra Pradesh

On January 4, 2023, a tribal villager identified as Soyam Subbaiah was abducted and killed by the Maoists on the suspicion of being a police informer at Juvvugudem village in Chintur mandal in Alluri Sitarama Raju district of Andhra Pradesh. The Maoist cadres reportedly dragged him out of the house and thrashed him to death with sticks. According to the police, Maoists killed Subbaiah suspecting him as a police informer.⁵⁵ Acting on a complaint from IRAC, the NHRC registered a case (Case No. 27/1/29/2023) and called for action taken report from the DM, Alluri Sitarama Raju district. Pursuant to the direction of the NHRC, the State Government sanctioned compensation of Rs 12 lakh from State Scheme and Rs. 5 lakh from Central scheme to the deceased’s family.⁵⁶

Case 2: Killing of Sainath Narote by Maoists in Maharashtra

On March 9, 2023, a tribal identified as Sainath Narote (26 years) was killed by the Maoists at Marudhar village under Nargund police station limits in Gadchiroli district of Maharashtra. The victim was residing in

the district headquarters and preparing for competitive examinations but he returned to his village (Marudhar) for Holi festival when he was killed after abduction on the charges of being a police informer.⁵⁷ The IRAC filed a petition before the NHRC which registered a case (Case No. 606/13/11/2023) and called for action taken report from the DM and the SP of Gadchiroli. Pursuant to the direction of the NHRC, the SP, Gadchiroli, submitted a report stating that the deceased Sainath Chaitu Naroti was abducted by the Naxalites (i.e. Maoists) who took him to a forest of village Nainvadi where he was shot dead by the said naxalites branding him as police informer. A proposal has been submitted to the State Government to pay Rs. 10 lakh (i.e. 1 million rupees) to the next of kin of the deceased. The SP also mentioned that “In addition to this the legal heir of the deceased is going to be provided with job of class 3 or 4 as per Govt. resolution dt. 06.03.2018 of Govt. of Maharashtra.”⁵⁸

Case 3: Killing of Subal Kanhar by Maoists in Odisha

On the night of May 10, 2023, a tribal identified as Subal Kanhar, a former village head (Sarpanch), was killed by the Maoists on the suspicion of being a police informer at Saulipada village under Phiringia police station in Kandhamal district of Odisha. A group of Maoists reportedly barged into Kanhar’s house and took him to the outskirts of the village where they shot him dead.⁵⁹ IRAC took up the killings of the two tribal villagers with the NHRC (Case No. 1872/18/26/2023). On August 2, 2023, the NHRC directed the

55. Maoists brand tribal as police informer, kill him, The New Indian Express, January 6, 2023, <https://www.newindianexpress.com/states/telangana/2023/jan/06/maoists-brand-tribal-as-police-informer-kill-him-2535208.html>

56. Order of the NHRC dated August 14, 2023 in Case No. 27/1/29/2023

57. Maharashtra: Maoists killed a tribal student after branding him a police informer in Gadchiroli, Organiser, March 14, 2023, <https://organiser.org/2023/03/14/164839/bharat/maharashtra-maoist-killed-a-tribal-student-after-branding-him-a-police-informer-in-gadchiroli/>

58. Order of the NHRC dated May 25, 2023 in Case No. 606/13/11/2023

59. Group of armed maoist guns down tribal leader in Odisha’s Kandhamal district, The Telegraph, May 11, 2023, <https://www.telegraphindia.com/india/group-of-armed-maoist-guns-down-tribal-leader-in-odishas-kandhamal-district/cid/1936022>

SP, Kandhamal district to take such action as deemed appropriate. In a report dated August 25, 2023, the SP Khandhamal informed the Commission that Subal Kanhar S/o Late Parthe Kanhar was Sarpanch of Sumarbandh Gram Panchayat from 2017 to 2022. On May 10, 2023, around 9 PM, some Maoists cordoned the house of Subal Kanhar “with an intention to kill him as he was supportive of the developmental activities in the village during his time as Sarpanch.” Subal tried to flee from the house but he was caught and then shot dead. The State Government has sanctioned payment of Rs 4 lakh to the NoK of the deceased.⁶⁰

Case 4: Killing of Dinesh Gawde by Maoists in Maharashtra

On November 16, 2023, a tribal identified as Dinesh Gawde (32) was killed by Maoists on the suspicion of being a police informer at Morkhande village under Gadchiroli district of Maharashtra. He had gone to Morkhandi to play volleyball and was abducted while returning to his native village Aheri.⁶¹ Acting on a complaint filed by IRAC, the NHRC registered a case (Case No. 2584/13/11/2023) and on November 23 issued direction to the DM and the SP, Gadchiroli, to submit an action taken report to the Commission within four weeks. Pursuant to this direction, the SP, Gadchiroli reported vide letter dated December 18, 2023 that Dinesh Pushu Gawde was abducted and killed by the Maoists after branding him as a police informer. The State Government has initiated the process to make payment of total

Rs. 15 lakhs under various schemes related to killing in Maoists violence to the next of kin of the deceased.⁶²

Case 5: Killing of Ramsu Kachlam by Maoists in Chhattisgarh

On November 29, 2023, a deputy village head identified as Ramsu Kachlam was abducted and killed by the Maoists in Kanker district of Chhattisgarh. He was reportedly was dragged away from his home at Kandadi village in Kanker district on the night of 29 November 2023 and taken deep into the forest where he tried in a kangaroo court and sentenced to death on the charges of being a police informer.⁶³ Acting on a complaint filed by IRAC, the NHRC on December 26, 2023 issued notice to the District Magistrate, Kanker district and the Superintendent of Police, Kanker district, to submit ATR within 6 weeks (NHRC Case No. 634/33/8/2023).

Case 6: Killing of former MLA Yumsen Matey by NSCN-K in Arunachal Pradesh

In the North-eastern region of India, a former Member of Legislative Assembly (MLA) Yumsen Matey was shot dead at Raho village in Tirap district of Arunachal Pradesh on December 16, 2023.⁶⁴ The Yung Aung faction of banned militant outfit NSCN-K reportedly claimed responsibility for the murder. A statement issued by the outfit said Matey was killed due to his “active involvement in anti-NSCN activities”.⁶⁵

60. Report No. 5339 /DHRPC dt 25.08.2023 submitted by the Superintendent of Police, Kandhamal district, Odisha to the National Human Rights Commission in Case No. 1872/18/26/2023

61. Pradip Kumar Maitra, “Maoists kill 32-year-old tribal in Gadchiroli, claim he was a police informer: SP”, The Hindustan Times, November 16, 2023, <https://www.hindustantimes.com/cities/mumbai-news/maoists-kill-32-year-old-tribal-in-gadchiroli-claim-he-was-a-police-informersp-101700129781471.html>

62. Order of the NHRC dated January 04, 2024 in Case No. 2584/13/11/2023

63. “Maoists kidnap, kill deputy sarpanch in Chhattisgarh”, Times of India, December 2, 2023, <https://timesofindia.indiatimes.com/city/raipur/maoists-kidnap-murder-dy-sarpanch-in-kanker/articleshow/105669680.cms>

64. Bengia Ajum, “Former MLA Yumsen Matey shot dead”, The Arunachal Times, December 17, 2023, https://arunachaltimes.in/index.php/2023/12/17/former-mla-yumsen-matey-shot-dead/#google_vignette

65. “NSCN (K-YA) claims responsibility for killing former Arunachal MLA”, The Times of India, December 30, 2023, <https://timesofindia.indiatimes.com/city/itanagar/nscn-k-ya-claims-responsibility-for-killing-former-arunachal-mla/articleshowprint/106393299.cms>

4. Conservation and criminalization of indigenous peoples

India's conservation policy is detrimental to indigenous peoples, as it promotes the establishment of protected areas that exclude local communities, disregarding their human rights. The Indian Forest Act of 1927 and the Wildlife (Protection) Act of 1972 have effectively criminalized the presence of indigenous peoples in forested regions which has been their traditional habitat. Activities like gathering firewood, honey, tendu leaves, or fishing or carrying traditional bows and arrows or daos inside the forests can lead to accusations of poaching or smuggling, resulting in severe consequences such as violence, death, torture, or arrest. Indigenous women have faced sexual harassment in these contexts.

a. Legal development during 2023

The Parliament passed the Forest (Conservation) Amendment Act, 2023 on July 26, 2023 and the law became operational on December 1, 2023.⁶⁶ On November 29, 2023, the Ministry of Environment, Forest and Climate Change (MoEFCC) published the Van (Sanrakshan Evam Samvardhan) Rules, 2023 to implement the Forest (Conservation) Amendment Act, 2023.⁶⁷ The latest amendments to the Forest (Conservation) Act, 1980 have been widely criticised for diluting the legal safeguards applicable to forest lands.

One of the major concerns is that the amended law has excluded the category of “deemed forests” from its ambit, allowing the

government to use “deemed forest land” to be diverted for development projects without any requirement of forest clearance. This overturns a 1996 Supreme Court judgement [T.N. Godavarman Thirumulkpad vs Union of India & Ors, also known as the “Godavarman judgment”] which had ruled that any area that resembles the dictionary meaning of a forest would be protected under Forest (Conservation) Act of 1980.

The Forest (Conservation) Amendment Act, 2023 came to be misused as various states rushed to divert the “deemed forests” under the new law. In August 2023, the Odisha Forest Department issued an order declaring that the concept of deemed forest has been “cancelled” and certain forest areas could be diverted as needed. Following a controversy, the order was promptly withdrawn.⁶⁸ On January 3, 2024, The Hindustan Times reported that the MoEFCC allowed homestead owners in Mussoorie and Goa to construct residential buildings in private and deemed forests. The construction, previously not allowed, has been made possible because of the Forest (Conservation) Amendment Act, 2023 which exempts unrecorded deemed forests and private plantations from its purview.⁶⁹

Another major concern is that the FCAA allows the government to approve projects or industries that had begun functioning without obtaining prior environment clearance and disclosing their environmental impact. In December 2023, ex-post facto approval was granted for construction of a private university namely Manav Rachna International Institute of Research and Studies, built on Aravalli forestland. The project was built illegally by

66. The Forest Conservation (Amendment) Act, 2023 is available at <https://egazette.gov.in/WriteReadData/2023/247866.pdf>

67. Available at <https://forestsclearance.nic.in/writereaddata/Rules/VanSanrakshanEvamSamvardhanRules2023.pdf>

68. Vaishali Rawat, “Greenlight for destruction: Controversial forest Act opens door to unfettered deforestation”, Frontline, January 10, 2024, <https://frontline.thehindu.com/environment/the-forest-conservation-amendment-act-2023-dramatically-alters-forest-governance-in-india/article67726166.ece>

69. Jayashree Nandi, “Homestead owners in deemed forests of Goa, Mussoorie can build residential units”, The Hindustan Times, January 3, 2024, <https://www.hindustantimes.com/india-news/homestead-owners-in-deemed-forests-of-go-mussoorie-can-build-residential-units-101704219806789.html>

encroaching upon the Aravalli forests, in violation of the Forest (Conservation) Act of 1980, according to a report in The Times of India.⁷⁰

The third concern mainly came from the Northeastern states, home to indigenous peoples. The Forest (Conservation) Amendment Act, 2023 allows diversion of forests for construction of roads, railway lines or “strategic linear projects of national importance and concerning national security” within 100 km of India’s international borders without the need for forest clearance. In effect, it has been pointed out that given the peculiar shape of the North East, except Assam, nearly all States would become excluded from the purview of the Forest (Conservation) Amendment Act 2023. On August 22, 2023, the Mizoram Assembly passed a unanimous resolution opposing the law, arguing that the resolution was meant to “protect the rights and interests of the people of Mizoram”.⁷¹

b. Criminalization and killings

During 2023, IRAC has documented custodial death/extrajudicial killing of four indigenous persons by the forest guards/officials. At least three of those killed were falsely branded as poacher/timber smuggler.

Case 1: Alleged custodial death of Maasti in Karnataka

On April 18, 2023, a tribal identified as Maasti (30 years) was found death inside

the Nagarahole Tiger Reserve in Karnataka. The deceased was a resident of Hosahalli tribal hamlet in Mysuru district and belonged to Jenu Kuruba tribe. He reportedly went for fishing in the Nagarahole forest on 18 April 2023 and he was found dead near the Balle Haadi. The family members of the deceased alleged that he did not die of drowning, but was murdered by forest staff. However, the forest officials denied the allegation.⁷²

Case 2: Killing of Jagannath Hembram by forest officials as alleged poacher in Odisha

On the night of May 31, 2023, a tribal villager Jagannath Hembram (25 years) was allegedly shot dead by forest personnel suspecting him to be a poacher when he along with some other villagers went to the forest in search of a missing buffalo. His bullet ridden body was recovered from Talabandha range of Similipal National Park in Mayurbhanj district of Odisha the next day. The deceased belonged to Burudiha village under Bangriposhi police station area.⁷³

The forest officials claimed that an operation was carried out upon receiving of information about movement of poachers on the night of May 31, 2023 during which an encounter took place with a group of poachers. However, the villagers claimed that they were fired upon when they went to the forest area in search of a buffalo.⁷⁴

70. “University on Aravali forest land gets post-facto nod, first in Haryana after Forest Act amended”, The Times of India, December 28, 2023, <https://timesofindia.indiatimes.com/city/gurgaon/university-on-aravali-forest-land-gets-post-facto-nod-first-in-haryana-after-forest-act-amended/articleshowprint/106333839.cms>

71. Rokibuz Zaman, “Why states in the North East are opposing the new forest law”, Scroll.in, August 29, 2023, <https://scroll.in/article/1054882/why-states-in-the-north-east-are-opposing-the-new-forest-law>

72. “Tribal man found dead, kin point finger at Nagarahole forest guard,” The New Indian Express, April 21, 2023, <https://www.newindianexpress.com/states/karnataka/2023/apr/21/tribal-man-found-dead-kin-point-finger-at-nagarahole-forest-guard-2567937.html>

73. Man dies in forest dept ‘firing’ in Similipal, The Times of India, June 2, 2023, <https://timesofindia.indiatimes.com/city/bhubaneswar/man-dies-in-forest-dept-firing-in-similipal/articleshow/100692187.cms>

74. Man dies in forest dept ‘firing’ in Similipal, The Times of India, June 2, 2023, <https://timesofindia.indiatimes.com/city/bhubaneswar/man-dies-in-forest-dept-firing-in-similipal/articleshow/100692187.cms>

A Human Rights Defender Shri Radhakanta Tripathy filed a complaint before the NHRC against killing of Jagannath Hembram. In response to a direction from the NHRC, the Superintendent of Police, Mayurbhanj, submitted an action taken report dated August 19, 2023 wherein it was submitted that on reliable information that some poachers entered into Similipal Sanctuary being armed with fire arms and hunting dogs for poaching of wild animals, forest department officials left towards the alleged area in official vehicle. After covering some distance, some 25/30 poachers armed with country made guns, axes, bows and arrows were seen. Forest dept asked them to surrender, however, the poachers hurled with abusive words with threatening. In self-defence the forest officials fired to disperse the poachers. Following encounter by Forest personnel, one Jagannath Hembram was hit by the bullet of the firearm and succumbed to death inside the sanctuary.⁷⁵

Case 3: Killing of Lokhi Wangsu by Assam Forest Battalion personnel in Assam

On September 18, 2023, Lokhi Wangsu (24 years), a tribal from Arunachal Pradesh, was shot dead by Assam Forest Battalion personnel at Hukanjuri Range Forest in Dibrugarh district of Assam. The relatives of the victim alleged that he was fatally shot by the forest battalion of Assam when he was looking for his missing cow within the reserved forest area in the morning of September, 18, 2023 at around 7.30 AM.⁷⁶ The victim was reportedly shot dead by the foresters when he entered into the reserved forest area in search of his domestic cow near to the Assam-Arunachal Pradesh border. The

victim belonged to Naitong village in Borduria circle of Tirap district, Arunachal Pradesh. His bullet-ridden body was found near Hukanjuri forested area in Dibrugarh district (Assam).

The Assam Forest officials claimed that the deceased was a “timber smuggler”.⁷⁷

On October 12, 2023, the NHRC directed the Additional Chief Secretary, Department of Environment and Forest, Assam, the Principal Chief Conservator of Forest, Assam, and the SSP, Dibrugarh, Assam, to investigate the matter and submit an Action Taken Report within four weeks. In pursuance to the direction, the SP, Dibrugarh, Assam, vide report dated November 16, 2023 submitted that two cross FIRs were filed in the death of Lokhi Wangsu. While the Forest officials have reported that the deceased was “timber smuggler” and was killed in self-defense by the patrolling guards on duty, Sri Wangiem Wangsu, the father of the deceased alleged unlawful killing of his son by forest officials.⁷⁸

Case 4: Killing of a Bodo tribal man identified as Hemanta Narzary (45) by the forest guards in Assam

On September 17, 2023, a Bodo tribal man identified as Hemanta Narzary (45) was shot dead by the forest guards in the Jharbari forest area under Serfanguri police station in Kokrajhar district of Assam. The forest officials claimed that Hemanta Narzary of Gianipur village under Serfanguri police station, was a timber smuggler and died on the spot when the forest officials fired at timber smugglers carrying wood on bicycles. He received bullet injury on the head. However, family members alleged that Hemanta Narzary, a father of

75. Proceedings of NHRC dated October 27, 2023 in Case No. 1509/18/9/2023

76. “Youth fatally shot near reserved forest area; locals accuse Assam’s forest battalion”, The Arunachal Times, September 20, 2023, <https://arunachaltimes.in/index.php/2023/09/20/youth-fatally-shot-near-reserved-forest-area-locals-accuse-assams-forest-battalion/>

77. “Timber ‘smuggler’ injured in gunfight in Assam; Arunachal outfit claims man shot dead”, The Print, September, 21, 2023, <https://theprint.in/india/timber-smuggler-injured-in-gunfight-in-assam-arunachal-outfit-claims-man-shot-dead/1772241/>

78. Proceedings of the NHRC dated December 11, 2023 in Case No. 244/3/5/2023

two girls, was caught and shot at from point blank range by two forest officials. They said Hemanta was the sole bread earner of the poor family and there is no one to look after his two children and wife.⁷⁹

Acting on a complaint filed by IRAC, the NHRC registered a case (No. 248/3/11/2023) and on October 04, 2023 directed the District Magistrate, Kokrajhar, and the Superintendent of Police, Kokrajhar, to submit an action taken report (ATR) in the matter within four weeks. Pursuance to the Commission's direction, a report dated October 30, 2023 was submitted by the DM Kokrajhar enclosing copy of requisite reports including Magisterial Enquiry Report. On November 21, 2023 the NHRC stated, "It is evident from the reports that the victim was died due to bullet injury on the head of the victim. Hence, before proceeding further, Commission considers it appropriate that the reports received from the concerned authorities should be analyzed by its Investigation Division and after receipt of their opinion, the Commission will take final view in the matter. Accordingly, Registry is directed to transmit the records to the Investigation division for their analysis and report within four weeks."⁸⁰

c. Denial of forest rights and forced evictions

Tribals and other traditional forest dwellers have been subjected to violence, eviction and dispossession of their lands, territories and natural resources primarily due to lack of enforcement of the laws including the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (FRA), the Provisions of the Panchayats

(Extension to the Scheduled Areas) Act, 1996 (PESA), the Wild Life (Protection) Amendment Act of 2006, the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (LARR Act), the Forest (Conservation) Act, 1980 etc., and the non-recognition of the free, prior and informed consent of the indigenous peoples.

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (FRA) came into force in 2008. The Act recognizes and vests the forest rights and occupation in forest land in forest dwelling Scheduled Tribes and other traditional forest dwellers. It also empowers the forest dwellers to access and use the forest resources in the manner that they were traditionally accustomed to, to protect, conserve and manage forests, and protect forest dwellers from unlawful evictions. But even after 16 years of operation, hundreds of thousand tribal people across the country have been fighting to settle their claims under the Act.

This is evident from the latest official data on granting of rights under the FRA available with the Ministry of Tribal Affairs. As on December 31, 2023, a total of 45,76,333 claims have been filed and 23,49,174 titles have been distributed which means that only 51.33% claimants have received their forest rights titles since the enforcement of the FRA in 2008. Out of 41,05,296 claims disposed of, 17,56,122 claims i.e. 42.77% have been rejected as of December 31, 2023.⁸¹

Evictions from National Parks, sanctuaries and Tiger Reserves

79. "Assam: Timber smuggler shot dead in Jharbari; agitated villagers stage protest", The Sentinel, September 18, 2023, <https://www.sentinelassam.com/north-east-india-news/assam-news/assam-timber-smuggler-shot-dead-in-jharbari-agitated-villagers-stage-protest-667435>

80. Proceedings of the NHRC dated November 21, 2023 in Case No. 248/3/11/2023

81. Ministry of Tribal Affairs, "Status report on implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 [for the period ending 31.12.2023]", available at: [https://tribal.nic.in/downloads/FRA/MPR/2023/\(A\)%20MPR%20Dec%202023.pdf](https://tribal.nic.in/downloads/FRA/MPR/2023/(A)%20MPR%20Dec%202023.pdf)

The year 2023 marked 50 years of tiger conservation in India. The Project Tiger was launched in 1973 to establish tiger reserves across the country. “Over the past fifty years, Project Tiger has achieved commendable success, making significant strides in tiger conservation. Initially covering nine tiger reserves spanning 18,278 km², the project has flourished into a remarkable accomplishment with 53 reserves spread across 75,796 km², effectively covering 2.3% of India’s total land area”, Ministry of Environment, Forest and Climate Change stated in a press release on July 29, 2023. The upper limit of the tiger population is estimated to be 3925.⁸²

This success story has come at the cost of displacement of Adivasis and other villagers.⁸³

As per a statement placed by Ministry of Environment, Forests and Climate Change before the Rajya Sabha (upper house of Parliament) on December 14, 2023, during the period 2010-11 to 2023-24, a total of 1,207 families have been relocated from various National Parks and sanctuaries in three states namely Kerala, Mizoram and Madhya Pradesh. Further, a total of 20,857 families have been relocated from 231 villages within the core areas of the Tiger Reserves (as on December 31, 2021) across the country since the inception of the Project Tiger.⁸⁴

While the government calls them “voluntary relocation”, in practice they were evictions in many cases. A letter sent by the Tamil Nadu Tribal Peoples Association to the Ministry of Tribal Affairs on December 22, 2023 noted that 573 of 681 families were relocated, and

that 108 families refused to accept relocation “due to various reasons” from the Mudumalai tiger reserve. The letter also highlighted that the Mudumalai tiger reserve was notified without determining and recognizing the forest rights under Wildlife Protection Act and the Forest Rights Act. Many families who had been relocated were not provided with basic services and were living in rented houses.⁸⁵

During 2023, more areas have been given approval for declaration as tiger reserves which will lead to more displacement of tribals and other forest-dwellers. In April 2023, the National Tiger Conservation Authority (NTCA) approved the plan to notify Dibang Wildlife Sanctuary (DWLS) in Arunachal Pradesh as a tiger reserve. The Idu Mishmi tribe has strongly opposed this move stating that it was done without seeking their consent. According to the Idu Mishmi Cultural and Literary Society (IMCLS), the apex cultural body of the community, the Dibang Valley district has a total area of 9,129 square kilometre and half of it is used as a wildlife sanctuary. “Now, if a tiger reserve happens, they will use more land. We always had a very strong relationship with the jungle and if that becomes restricted, our survival will become difficult,” Ista Pulu, President of IMCLS told Mongabay-India.⁸⁶

On August 21, 2023, the National Tiger Conservation Authority (NTCA) gave in-principal approval to the Kumbhalgarh Wildlife Sanctuary (KWS) as a new tiger reserve in Rajasthan although there is no tiger documented in it. Two days after the announcement, hundreds of indigenous people, including the Bhil tribe, Garasia tribe

82. Ministry of Environment, Forest and Climate Change, “All India Tiger Estimation -2022: Release of the detailed Report”, July 29, 2023, <https://pib.gov.in/PressReleaseIframePage.aspx?PRID=1943922>

83. Sushmita, IndiaSpend.com, “The contradictions of the increase in India’s tiger population”, Scroll.in, May 15, 2024, <https://scroll.in/article/1067780/the-contradictions-of-the-increase-in-indias-tiger-population>

84. Reply of Shri Ashwini Kumar Choubey, Minister of State in the Ministry of Environment, Forest and Climate Change in Rajya Sabha, Unstarred Question No. 1325 to be answered on December 14, 2023

85. Sushmita, IndiaSpend.com, “The contradictions of the increase in India’s tiger population”, Scroll.in, May 15, 2024, <https://scroll.in/article/1067780/the-contradictions-of-the-increase-in-indias-tiger-population>

86. Nabarun Guha, “Why are Idu Mishmis resisting a proposed tiger reserve in Dibang Valley?”, Mongabay-India, May 12, 2023, <https://india.mongabay.com/2023/05/why-are-idu-mishmis-resisting-a-proposed-tiger-reserve-in-dibang-valley/>

and nomadic Raika pastoralists organised a protest march to the district collector demanding annulment of the tiger reserve approval. The proposed KWS tiger reserve comprises the KWS, Raoli-Todgarh Wild Sanctuary and adjoining forest areas. There are a total of 24 villages within the boundaries of the KWS and 27 villages inside the adjoining Todgarh-Raoli WS. Together, there are more than 250 villages around the periphery of the sanctuaries. These tribal communities depend on forests for their sustenance. Earlier the state government-appointed expert committee had recommended the relocation of 18 villages from the KWS and listed nearly 156 villages that will be affected by the proposed tiger reserve in Pali, Udaipur and Rajsamand districts.⁸⁷

Eviction of 25 tribal families in Khandwa district, Madhya Pradesh

On May 12, 2023, forest officials demolished 25 homes of Adivasi villagers (forest-dwellers) at Bhilaikheda village in Khandwa district of Madhya Pradesh, without any eviction notices being served. Five days later, on May 17, 14 houses of Adivasis were demolished, again without prior notice, at Tangiapat village in Burhanpur district, Madhya Pradesh. The Adivasi forest dwellers were unjustly branded as encroachers. One of the evicted persons, Jabar Singh (52) of Tangiapat village stated that they have been living in this area for generations but the demolition team demolished not only his mud-walled home but also destroyed the stored groceries including maize, tur (pigeon pea), rice and other staples meant to last the family the entire year. All those whose houses were

demolished had submitted their claim to the land under the Forest Rights Act, 2006 and any attempt to evict or remove claimants before the verification process is completed is strictly prohibited according to section 4(5) of the FRA.

Eviction of 20 tribal families in Morena district, Madhya Pradesh

On August 27, 2023, the forest department evicted 20 tribal families from Karahdham Ashram under the Dhanela Panchayat area in Morena district of Madhya Pradesh. The forest department reportedly used bulldozers to demolish the houses leaving nearly 100 people homeless. It is alleged that the authorities carried out the demolitions with such haste that the affected families were unable to salvage their belongings. No alternative arrangement has been made for their shelter, food, water and other basic facilities.⁸⁸

While the tribals claimed that they have been living there for three generations, the forest department justified the eviction stating that the affected families were encroachers who came from outside recently.⁸⁹

5. Violence against indigenous women

According to the latest report of the National Crime Records Bureau (NCRB) under the Ministry of Home Affairs, a total of 812 cases of rape of 820 indigenous women were registered in the country during 2022.⁹⁰ Interestingly the same number (812) of rape cases were registered during 2021.⁹¹

87. Jitendra Choubey, "Tiger conservation pitted against tribals in Rajasthan's Kumbhalgarh", The New Indian Express, September 25, 2023, <https://www.newindianexpress.com/xplore/2023/Sep/01/tiger-conservation-pitted-against-tribals-in-rajasthans-kumbhalgarh-2618096.html>

88. "Madhya Pradesh: Forest Dept Razes Homes Of Tribal Families In Morena, Leaves Nearly 100 Homeless", Free Press Journal, August 27, 2023, <https://www.freepressjournal.in/bhopal/madhya-pradesh-tribal-homes-demolished-by-forest-department-spark-concerns-over-government-commitment>

89. <https://groundreport.in/morena-tribal-home-demolished-by-forest-department-in-madhya-pradesh/>

90. National Crime Records Bureau, "Crime In India 2022", Vol. II, p. 647, <https://www.ncrb.gov.in/uploads/nationalcrimerecordsbureau/custom/1701608364CrimeinIndia2022Book2.pdf>

Sexual violence against indigenous women were regularly reported in the media during 2023. IRAC has intervened in several rape cases to secure justice for the rape survivors.

Emblematic case

Case 1:

On September 4, 2023, a 19-year-old tribal woman (a teacher by profession) was gang raped by two men near Dangari waterfall in Jashpur district of Chhattisgarh. One of the accused had befriended her over social media and invited her to meet him at the waterfall. As the woman arrived at the tourist spot, the duo took her to a secluded place and allegedly raped her.⁹²

Acting on a complaint filed by IRAC (Case No. 488/33/7/2023-WC), the NHRC September 12, 2023 directed the Superintendent of Police, Jashpur to submit an action taken report within four weeks. Pursuant to the direction, a report dated November 4, 2023 was submitted by Senior Superintendent of Police, Jashpur stating that FIR No.125/2023 was registered at Bagicha police and the investigation was ongoing. On November 29, the NHRC sought the current status report from the Senior Superintendent of Police, Jashpur as well as District Magistrate, Jashpur, within four weeks.⁹³ On January 31, 2024, the Commission issued summons to the District Magistrate and the Senior Superintendent of Police, Jashpur for appearance before the Commission at New Delhi on March 8, 2024 along with requisite status report of FIR No.125/2023 and details of compensation paid to the victim.⁹⁴

IRAC action led to payment of compensation to rape survivor

During 2023, IRAC was able to secure compensation for a rape survivor through its intervention with the NHRC. The case related to assault and gang-rape of a 26-year-old tribal woman (a software engineer by profession) by ten men at Tekrahatu area under Muffasil police station in Chaibasa in West Singhbhum district of Jharkhand in October 2022.⁹⁵ Acting on a complaint filed by IRAC, the NHRC registered a case (Case No. 1723/34/18/2022-WC) and directed the Superintendent of Police, West Singhbhum district “to get the allegations, made in the complaint, looked into and submit an Action Taken Report within four weeks, for perusal of the commission.”

Pursuant to the directions of the Commission, a report dated December 24, 2022 was submitted by the SP, West Singhbhum stating that the accused persons were arrested and the Police filed Charge Sheet against them. Pursuant to further direction of the Commission, the District Collector, West Singhbhum, submitted a report dated March 23, 2023 stating that a compensation of Rs. 4,00,000 has been paid to the victim.

6. Violence against indigenous children

Children in India are protected by at least two special domestic laws, namely the Juvenile Justice (Care and Protection of Children) Act, 2015 and the Protection of Children from Sexual Offences (POCSO) Act, 2012 while the indigenous children have additional protection under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (SC/ST Act). Yet, they have been

91. National Crime Records Bureau, “Crime In India 2021”, Vol. II, p. 647, <https://www.ncrb.gov.in/uploads/nationalcrimerecordsbureau/post/1679310741CII2021Volume2.pdf>

92. “Chhattisgarh: 19-Year-Old Teacher Gangraped In Jashpur, Accused On The Run”, Free Press Journal, September 06, 2023, <https://www.freepressjournal.in/india/chhattisgarh-19-year-old-teacher-gangraped-in-jashpur-accused-on-the-run>

93. Proceedings of the NHRC dated November 29, 2023 in Case No. 488/33/7/2023-WC

94. Proceedings of the NHRC dated January 31, 2024 in Case No. 488/33/7/2023-WC

95. Satyajee Kumar, “Software engineer beaten up, gang-raped in Jharkhand’s Chaibasa, 10 booked”, India Today, October 22, 2022, <https://www.indiatoday.in/india/story/software-engineer-beaten-up-gang-raped-in-jharkhand-chaibasa-10-booked-2288326-2022-10-22>

subjected to violence including sexual abuse.

According to the latest report of the National Crime Records Bureau (NCRB) of the Ministry of Home Affairs, a total of 535 cases of rape of indigenous children were registered in 2022⁹⁶ as against 512 cases in 2021.⁹⁷ Cases of rape of indigenous girls continued to be reported throughout 2023.

Emblematic Case:

On July 22, 2023, a six-year-old indigenous girl (a class I student) was raped by a 35-year-old man at a government residential school located under the jurisdiction of Errabor police station in Sukma district in Chhattisgarh. The accused was the husband of the school peon, so he had access to the girls hostel of the school. It was reported that the accused had been residing in the girls' hostel with his wife, despite it being against the rules, as he was not an employee of the school/hostel. While the alleged rape occurred on July 22, the hostel superintendent reported it to the police only on July 24.⁹⁸

In view of the seriousness of the incident, IRAC filed a complaint before the NHRC and a case was registered (Case No. 425/33/20/2023). On August 1, 2023, NHRC directed the District Magistrate and the Superintendent of Police of Sukma district to investigate the incident and submit an Action Taken Report within four weeks.

In response, SP, Sukma vide report dated August 21, 2023 stated that an enquiry in this case was done by a 8-member team headed by an Additional Superintendent of Police (ASP). The accused was identified as Madvi Hidma (35 years) who was arrested and sent to judicial custody. The report dated August 29, 2023 received from the District Magistrate, Sukma stated that the enquiry team “found several lapse and lacunas in the management and supervision of the Residential school ‘porta cabin’, PS Errabo, Sukma”. The enquiry team recommended disciplinary action against seven public servants for dereliction of duty including the Superintendent of the Residential school ‘porta cabin’. On consideration of the reports, the NHRC observed that “It was this failure on the part by the involved public servants that the resident students were always prone to becoming an easy prey into the clutches of any sordid person.” The Commission was of the view that “human and fundamental right of the minor victim student had been violated along with causing irreparable loss to the reputation, self-esteem and dignity of the victim and her family, due to apparent negligent conducts by the delinquent public servants.” Therefore, the Commission issued Show Cause Notice u/s 18 of Protection of Human Rights Act, 1993 to the Chief Secretary, Government of Chhattisgarh, as to why Commission should not recommend payment of monetary compensation of Rs. 1,00,000 (one lakh only) to the victim.⁹⁹

96. National Crime Records Bureau, “Crime In India 2022”, Vol. II, p. 648, <https://www.ncrb.gov.in/uploads/nationalcrimerecordsbureau/custom/1701608364CrimeinIndia2022Book2.pdf>

97. National Crime Records Bureau, “Crime In India 2021”, Vol. II, p. 648, <https://www.ncrb.gov.in/uploads/nationalcrimerecordsbureau/post/1679310741CII2021Volume2.pdf>

98. “Rape of tribal girl at Chhattisgarh ashram school: Peon’s husband, hostel superintendent arrested”, The Indian Express, July 27, 2023, <https://indianexpress.com/article/india/rape-of-tribal-girl-at-chhattisgarh-ashram-school-peons-husband-hostel-superintendent-arrested-8863110/>

99. Proceedings of the NHRC dated January 29, 2024 in Case No. 425/33/20/2023

7. Repression against indigenous human rights defenders

During 2023, Indigenous peoples human rights defenders (IPHRDs) faced harassment and arrest for their human rights works.

Case 1: Registration of FIR against 9 activists under UAPA for protesting against kidnapping of two activists in Odisha

On August 5, 2023, at around 9 A.M., two young activists of Niyamgiri Surakhya Samiti (NSS) namely Krushna Sikoka of village Patangpadar and Bari Sikoka of village Lakhpadar were kidnapped in a Bolero vehicle by alleged plainclothes policemen from Lanjigarh market in Kalahandi district of Odisha. The activists belonging to Dongria Kondh tribe had gone to the Lanjigarh haat (market) to hold a discussion regarding celebration of the International Day of the World's Indigenous Peoples which is observed on 9 August each year to raise awareness and protect the rights of the indigenous population.¹⁰⁰ Another tribal namely Pushpa Sikara managed to escape while being taken to the police station and informed his villagers.¹⁰¹ However, the police denied having detained them.

On the morning of August 6, the NSS held a protest demonstration before the Kalyansinghpur police station demanding release of the two activists. Instead of giving any satisfactory answer, the police allegedly tried to whisk away Drenju Krisika, a prominent leader of the NSS but was saved by the villagers. On the same day (August 6), an FIR was filed against nine activists at the Rayagada police station under sections 10, 11, and 13 of the UAPA. These sections amount to punishment for being part of an unlawful assembly, dealing with funds of an

unlawful association, and assisting activities of an unlawful organisation. Several sections of the Indian Penal Code (IPC) concerned with rioting, carrying deadly weapons, and bribing officials on public duty were also added to the FIR. As per the FIR, the protestors were armed with "lathi and deadly weapon i.e. (Axe)" and tried to murder police men. The FIR named Lada Sikaka, Drinju Krushka, Samba Huika, Manu Sikaka, Upendra @ Dravid Bag, Lenin Kumar, Lingaraj Azad, British Naik, and Govind Bag.¹⁰² They were booked under (1) Indian Penal Code, 1860 sections 147 (punishment for rioting), 148 (Rioting being armed with deadly weapon), 109 (offering bribe to a public servant), 294 (singing or uttering obscene song, ballad or words in public place), 188 (disobedience to an order lawfully promulgated by a public servant), 353 (assault upon a public servant by causing hurt or grievous hurt), 332 (voluntarily causing hurt to deter public servant from his duty), 307 (attempt to commit murder), 149 (unlawful assembly); (2) the Unlawful Activities (Prevention) Act, 1967 sections 10 (penalty for being member of an unlawful association), 11 (Penalty for dealing with funds of an unlawful association) and 13 (Punishment for unlawful activities); and (3) the Criminal Law Amendment Act, 1932 section 7 (Molesting a person to prejudice of employment or business).¹⁰³

The activists are associated with the Niyamgiri movement which is a people's movement against big corporations. It started after the Government of Odisha in 2003, signed a Memorandum of Understanding (MoU) with Vedanta Aluminium Limited (VAL) to set up an alumina refinery and a bauxite mining plant in the Niyamgiri mountains. This endangered the livelihood and habitat of the native Dongria Kondh tribe.

100. <https://countercurrents.org/2023/08/withdraw-uapa-cases-against-leaders-activists-and-supporters-of-the-movement-led-by-niyamgiri-surakhya-samiti/>

101. "Tribals Oppose 'Detention' Of 2 Youths, Gherao Police Station In Odisha's Rayagada", OdishBytes, August 6, 2023, <https://odishabytes.com/tribals-oppose-detention-of-2-youths-gherao-police-station-in-odishas-rayagada/amp/>

102. FIR No. 0087/2023

103. FIR No. 0087/2023

<https://en.themooknayak.com/tribal-news/outcry-against-states-actions-in-chhattisgarh-activist-arrest-and-alleged-fake-encounters-denounced>

Case 2: Arrest and harassment of Antram Awase in Madhya Pradesh

On April 30, 2023, Antram Awase (32), who was the incumbent secretary of the forest rights committee of Siwal village in Burhanpur district, Madhya Pradesh, was arrested in a case dating back to 2019. The case against him pertains to allegations that villagers in Siwal attacked forest department officials while they were planting trees. The villagers accused the forest department officials of attempting to destroy cultivated fields in the name of afforestation. The Burhanpur police arrested Awase and charged him under sections 307 (attempt to murder), 147 (punishment for rioting), 148 (rioting, armed with a deadly weapon), 149 (member of unlawful assembly), 186 (obstructing public servant in discharge of public functions), 353 (assault or criminal force to deter public servant from discharge of his duty), 427 (mischief causing damage), and 506 (criminal intimidation) of the Indian Penal Code (IPC), 1860. He was later released on bail. Awase has denied involvement in the 2019 incident, asserting that he was not even present at the location and had been falsely implicated in the case. His organization Jagrit Adivasi Dalit Sangathan (JADS) claimed that Awase has been targeted for his activism, particularly demand for the implementation of the FRA and opposition to administrative inaction regarding extensive deforestation in the area.¹⁰⁴

Antram Awase (32) was served externment

notice by the Burhanpur district administration, Madhya Pradesh allegedly “on false, baseless charges.” Awase has been on the forefront of the campaign for implementation of the Forest Rights Act (FRA) as well as the movement against mass illegal forest felling in Burhanpur. Earlier in April, he was arrested in an allegedly false case, JADS said in a statement.¹⁰⁵

Case 3: Arrest of Nitin Varghese in Madhya Pradesh

On August 28, 2023, Nitin Varghese, a 28-year-old rights activist, was arrested by the police in Burhanpur, Madhya Pradesh.¹⁰⁶ Nitin Varghese is a core member of the Jagrit Adivasi Dalit Sangathan (JADS), a collective which has been working for over 20 years to advocate for the rights of Dalit and Indigenous communities in rural areas of Madhya Pradesh. These communities face systemic violations of their right to land, livelihood and access to forest rights. Varghese is a vocal advocate on issues such as illegal deforestation, forced eviction of local communities, and the denial of access to land and forests.¹⁰⁷

On March 2, 2023, a dispute with forest department members resulted in a tussle between the villagers and the forest personnel following which 35 Adivasis were arrested from Guarkheda (Baladi) village. Although Nitin was not physically present at the place of incident the police booked him in the case under section 120 B (criminal conspiracy) IPC and accused him of “inciting the Adivasis” to attack forest personnel. On August 30, the JADS members staged a protest against the arrest of Varghese outside the Lal Bagh Police station in Burhanpur, alleging that “Nitin has been implicated in a false case” and demanded his immediate release. Madhuri,

104. Anil Kumar Tiwari, “A Battle For The Commons: Tribals Fight Illegal Deforestation, Government Inaction In Madhya Pradesh”, Article14.com, September 1, 2023, <https://article-14.com/post/a-battle-for-the-commons-tribals-fight-illegal-deforestation-government-inaction-in-madhya-pradesh-64f154713d330>

105. <https://www.counterview.net/2023/11/madhya-pradesh-activist-asked.html>

106. Ghazala Ahmad, “Arrest of tribal rights activist from Madhya Pradesh sparks outrage”, Maktoobmedia.com, August 31, 2023, <https://maktoobmedia.com/features/arrest-of-tribal-rights-activist-from-madhya-pradesh-sparks-outrage/>

107. <https://www.frontlinedefenders.org/en/profile/nitin-varghese>

president of JADS further stated, “Since the JADS publicly objected to the administration’s involvement in significant deforestation in the region, its activists have been consistently subjected to police and administrative scrutiny and prosecution.”¹⁰⁸

On September 12, 2023, Varghese was granted bail by the sessions court in Burhanpur and was released on bail from Khandwa Jail in Madhya Pradesh after spending approximately two weeks in judicial custody.¹⁰⁹

8. Condition of the indigenous IDPs

The Government of India does not maintain any data on the number of the Scheduled Tribes displaced as a result of various development projects or conflicts. On December 2023, while responding to an unstarred question as to whether the tribal community have been displaced due to developmental projects and mining activities, the Minister of State for Tribal Affairs, Shri Bishweswar Tudu stated that land and its management fall under the exclusive legislative and administrative jurisdiction of States and “Land acquisition, rehabilitation and resettlement are done by the State Governments.”¹¹⁰

i. Condition of conflict-induced IDPs

Serious ethnic conflict broke out between the Meitei and the Kuki tribe on May 3, 2023 and continued, in various scale, throughout the year. There were widespread violence and arson leading to partition like situation: Meiteis residing in Kuki-Zomi majority areas like Churachandpur, Kangpokpi, and Moreh fled to Meitei-majority valley, while Kuki-Zomis in Imphal and other Meitei-majority areas fled to Kuki-Zomi dominated areas of Manipur and to other neighbouring states like Mizoram and Assam.¹¹¹ The Internal Displacement Monitoring Centre (IDMC) reported that about 67,000 people were displaced in the Manipur conflict.¹¹² According to the Indigenous Tribal Leaders’ Forum (ITLF), as of August 10, 2023, a total of 41,425 tribals have been displaced within the first 3 months of the conflict.¹¹³ The Coordination Committee on Manipur Integrity (COCOMI) reported that nearly 30,000 people from the Meitei community have been displaced.¹¹⁴

Kuki-Zo people also fled to neighbouring states like Mizoram, Assam, Nagaland, and Meghalaya. According to the Home Department, Government of Mizoram, 9,196 individuals, including women and children, from Manipur have taken refuge in various parts of Mizoram. Of these, 1,340 were staying in 26 relief camps, while the remaining 7,856

108. Ghazala Ahmad, “Arrest of tribal rights activist from Madhya Pradesh sparks outrage”, Maktoobmedia.com, August 31, 2023, <https://maktoobmedia.com/features/arrest-of-tribal-rights-activist-from-madhya-pradesh-sparks-outrage/>

109. <https://www.frontlinedefenders.org/en/case/human-rights-defender-nitin-varghese-released-bail>

110. Lok Sabha, Unstarred Question No- 2504, answered on December 18, 2023

111. <https://indianexpress.com/article/india/manipur-marks-one-year-of-conflict-counting-the-cost-amid-tears-9304527>

112. Rajeev Bhattacharyya, “Of 69,000 South Asians Displaced Last Year, 67,000 Were From Manipur: IDMC Report”, The Diplomat, May 21, 2024, <https://thediplomat.com/2024/05/of-69000-south-asians-displaced-last-year-67000-were-from-manipur-idmc-report/>

113. Press release, Indigenous Tribal Leaders’ Forum (ITLF), August 10, 2023, accessible at: <https://www.itlfmediacell.com/itlfsite/uploads/2023/08/ITLF-Press-Release-10August2023.pdf>

114. <https://thediplomat.com/2024/05/of-69000-south-asians-displaced-last-year-67000-were-from-manipur-idmc-report/#:~:text=The%20report%20said%20that%20of,number%2C%20at%2069%2C000%20last%20year.>

115. “Mizoram: No Voting Plan for Displaced Kuki-Zo From Manipur”, The Sentinel, March 20, 2024, <https://www.sentinelassam.com/north-east-india-news/mizoram-news/mizoram-no-voting-plan-for-displaced-kuki-zo-from-manipur>

116. Anupam Mishra, “‘Barely surviving’: Over 5,000 displaced from Manipur took shelter in Nagaland”, India Today, July 29, 2023, <https://www.indiatoday.in/india/story/manipur-violence-nagaland-displaced-clash-kuki-meitei-community-houses-burnt-2413315-2023-07-29>

were residing outside the camps.¹¹⁵ About 5,000 people from the Kuki-Zo community took shelter in Nagaland.¹¹⁶

The condition of the IPDs was reported to be grim. The lack of sufficient food, basic amenities and medical care in these camps have been flagged off by various media reports. Acting on such information, in August 2023, the Indigenous Rights Advocacy Centre (IRAC) filed a complaint to the National Human Rights Commission (NHRC) against the deplorable situation of the relief camps. The Commission registered the complaint (Case No. 67/14/0/2023) and on September 13 issued notice to the Chief Secretary, Manipur and directed *“that rehabilitative measures initiated and to offer compensation to the victims or their families should be continued uninterruptedly and without any discrimination or arbitrariness. It is also observed that the process shall be expedited and the Commission may be intimated by a comprehensive action taken report, within two weeks including action taken to address the issue raised by the complainant regarding lack of basic amenities in the relief camps where the displaced persons are reportedly presently staying.”*¹¹⁷ The State government replied that as of July 4, 2023, 354 relief camps were operational in the affected areas with amenities and medical care made available for the convenience of the inmates. The State government has also informed that it started construction of prefabricated houses for early rehabilitation of the displaced person for which the Central Government has approved Rs.149.70 Crore. On October 9, 2023, the

NHRC directed the Ministry of Home Affairs (MHA), Government of India and the State of Manipur to ensure “Adequate food having proper nutritional values”, “Health and mental health services be properly maintained... it be ensured that there is no shortage of medicines”, “make adequate arrangements for schooling and educational services in the affected areas for the benefit of the children in the camps” etc.¹¹⁸

Denial of basic rights to displaced Gutti Koya tribals

An estimated 50,000 tribals who had been displaced from Chhattisgarh due to Maoist insurgency and counter-insurgency (Salwa Judum which was banned by Supreme Court in 2011) between 2005 and 2011, have continued to live in deplorable condition without basic facilities, mainly in states of Andhra Pradesh and Telangana. They faced a queer situation as the State governments of Andhra Pradesh and Telangana refused to recognize them as Scheduled Tribes.¹¹⁹ In Chhattisgarh, they are known as Muria, which is a sub-tribe of Gond, and but in Andhra Pradesh and Telangana they are known as Gutti Koya. In Andhra Pradesh and Telangana, the list of notified Scheduled Tribes included Gond, Gutta Koya and Kottu Koya and a difference in the manner of spelling has deprived rights to the displaced Gutti Koyas.¹²⁰ They have been unable to obtain Scheduled Tribe (ST) certificate in Andhra Pradesh and Telangana which in turn has deprived them of the benefits of welfare schemes, education, and employment in their host states.¹²¹ It has been

117. Proceeding of the NHRC dated September 13, 2023 in NHRC Case No. 67/14/0/2023

118. Proceeding of the NHRC dated October 09, 2023 in NHRC Case No. 67/14/0/2023

119. Dr Palla Trinadha Rao, “Tribals leading wretched lives in Telangana”, The Hans India, March 5, 2022, <https://www.thehansindia.com/hans/opinion/news-analysis/tribals-leading-wretched-lives-in-telangana-732053>

120. Prateek Goyal, “Strangers in a strange land: Chhattisgarh’s displaced Adivasis in Telangana have nowhere to go”, NewsLaundry, December 20, 2021, <https://www.newsLaundry.com/2021/12/20/strangers-in-a-strange-land-chhattisgarhs-displaced-advasis-in-telangana-have-nowhere-to-go>

121. Vivek Bhoomi, “A misspelt name left generations of Gutti Koyas struggling for basic rights”, The Siasat Daily, April 10, 2024, <https://www.siasat.com/a-misspelt-name-left-generations-of-gutti-koyas-struggling-for-basic-rights-3006403/>

122. “Gutti Koyas ‘The Others’ in Telangana, denied caste certificate & a better life”, The Times of India, April 17, 2024, <https://timesofindia.indiatimes.com/city/hyderabad/gutti-koyas-the-others-in-telangana-denied-caste-certificate-a-better-life/articleshwprint/109361190.cms>

reported that thousands of students from Gutti Koya community have dropped out of schools and colleges because they did not have ST certificates.¹²²

ii. Condition of development-induced IDPs

In Andhra Pradesh, the government is constructing Polavaram Irrigation Project (PIP) over the Godavari river. On December 7, 2023, the Union Minister of State for Jal Shakti, Bishweswar Tudu, told the Lok Sabha that due to the construction of the PIP, 1,06,006 families are likely to be displaced, out of which 56,504 families belong to Scheduled Tribes (ST). Out of the 56,504 ST families, 43,689 families belong to Alluri Sita Rama Raju (ASR) district, and balance 12,815 families to Eluru district of Andhra Pradesh.¹²³

The Polavaram Project Authority in its Annual Report 2022-23 stated that there will be submergence of 371 habitations in 222 revenue villages in East Godavari and West Godavari districts of Andhra Pradesh. Out of 373 habitations, only 38 habitations have been rehabilitated so far.¹²⁴ Reports suggested that nearly 90% of the Polavaram-displaced are Koyas and Konda Reddis, a Particularly Vulnerable Tribal Group (PVTG).¹²⁵ These forest tribes in the Godavari region are deeply concerned about their survival after displacement.¹²⁶

In addition, the Polavaram Project Authority stated that there will be submergence of four villages displacing 11,766 persons (2,335 families) in Chhattisgarh and eight villages displacing 6,316 persons (1,002 families) in Odisha, if no mitigative measures are undertaken.¹²⁷ It is feared that the dam might lead to mass displacement of primitive tribals, flooding of fertile agricultural lands and submergence of large extent of forest areas in Odisha. In June 2023, the National Commission for Scheduled Tribes (NCST) sought a detailed report from the Chief Secretary of Odisha and the Jal Shakti Ministry over the exact situation, preparedness and process of rehabilitation and resettlement of tribals, facing displacement threat affected due to Polavaram Project.¹²⁸

9. Business and Human Rights

India has no formal mechanism to fully comply with the United Nations Guiding Principles (UNGPs) on Business and Human Rights.¹²⁹ In December 2018, India had released a 'Zero Draft' of National Action Plan (NAP) on Business and Human rights¹³⁰ but there has been no progress on this. On the other hand, the indigenous peoples, environment activists and anti-mining activists have faced criminalization and violence at the hands of the State and corporates for defending "jal jameen jungle" (water, land and forests) in many parts of the country.

123. Lok Sabha, Unstarred Question No- 842 answered on December 7, 2023

124. Polavaram Project Authority, Annual Report 2022-23

125. T Appala Naidu, "Displacement of Koyas, Konda Reddis is forcible partition of tribal family", The Hindu, February 11, 2024, <https://www.thehindu.com/news/national/andhra-pradesh/displacement-of-koyas-konda-reddis-is-forcible-partition-of-tribal-family/article67831710.ece>

126. T. Appala Naidu, "Whose Polavaram is it anyway?", The Hindu, July 06, 2023 (updated), <https://www.thehindu.com/news/cities/Visakhapatnam/andhra-pradesh-whose-polavaram-is-it-anyway/article67020164.ece>

127. Polavaram Project Authority, Annual Report 2022-23

128. "NCST seeks Centre, Odisha report on Polavaram displacement", The Statesman, June 14, 2023, <https://www.thestatesman.com/cities/bhubaneswar/ncst-seeks-centre-odisha-report-on-polavaram-displacement-1503190021.html>

129. In 2011, the Ministry of Corporate Affairs (MCA), Government of India, released a set of guidelines called the National Voluntary Guidelines on the Social, Environmental and Economic Responsibilities of Business (NVGs) which was expected to provide guidance to businesses on what constitutes responsible business conduct. This NVGs was upgraded into National Guidelines on Responsible Business Conduct (NGRBC) in December 2018.

130. India's National Action Plan on Business and Human Rights (Zero Draft) is available at https://www.mca.gov.in/Ministry/pdf/ZeroDraft_11032020.pdf

On the other hand, various State Governments have forcibly acquired land in the indigenous territories in blatant disregard for free, prior and informed consent of the indigenous peoples as provided in the Panchayat (Extension to Scheduled Areas) Act (or PESA), 1996 (which is applicable in Fifth Schedule Area), the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (LARR Act), Forest Rights Act, the United Nations Declaration on the Rights of the Indigenous Peoples (UNDRIP) and the United Nations Guiding Principles on Business and Human Rights (UNGPs). The indigenous peoples and other affected people provided stiff resistance and often faced repression.

Hasdeo Aranya (which are known as the “lungs of Chhattisgarh”) is a biodiversity-rich forest which also happens to be a rich source of coal. The tribals and activists have been protesting against the operation of three coal mines in the region: the Parsa East Kente Basan (PEKB), Parsa, and Kente extension.¹³¹

The Bharatiya Janata Party (BJP) won the Chhattisgarh assembly elections 2023 and Vishnu Deo Sai took oath as the Chief Minister of Chhattisgarh on December 13, 2023. On December 21, 2023, the state government started felling trees for PEBK phase-2 in Surguja district under heavy security cover. When the tribals protested the police

reportedly arrested members of Hasdeo Aranya Bachao Sangharsh Samiti, including sarpanch of Ghatbarra Jainandan Porte and Thakur Ram. Alok Shukla, Convener of Chhattisgarh Bachao Andolan (CBA) and his friend were allegedly abducted by some persons who were clad in civilian clothes in Katghora (Korba district) when the two were heading towards Hasdeo on December 21. They were released in the evening but were prevented from going to Hasdeo area.¹³² However, Chief Minister Vishnu Deo Sai defended the deforestation stating that the tree felling or any other work related to the Hasdeo Aranya were granted by the previous Congress regime.¹³³

Dams in Arunachal Pradesh

Many indigenous groups have been opposing construction of dams in Arunachal Pradesh. In April 2023, the Siang Indigenous Farmer’s Forum (SIFF) stated that the indigenous Adi community of Siang district would not accept the proposal of a 10,000 MW dam over the Siang River. The SIFF feared that the dam, once constructed, would submerge almost all areas and villages of the Adi community.¹³⁴

Despite the opposition, on August 12, 2023, the Arunachal Pradesh government signed Memorandum of Agreement (MoA) with Central Government Public Section Undertakings to develop 12 stalled hydroelectric projects (HEP)¹³⁵ in the state. Out of the 12 projects,

131. “Tax notice to CPR mentions ‘involvement’ in Hasdeo movement: What is this anti-mining protest”, The Indian Express, March 7, 2023, <https://indianexpress.com/article/explained/tax-notice-to-cpr-hasdeo-movement-what-is-it-8484718/>

132. “Amid protests tree felling begins to expand mine in Chhattisgarh’s biodiversity-rich Hasdeo Arand”, The Week, December 22, 2023, <https://www.theweek.in/wire-updates/national/2023/12/22/bom2-cg-coal-mine-trees-protests.html>

133. “Congress gave nod for coal mining in Hasdeo Aranya, says Chhattisgarh CM Vishnudeo Sai, tribals continue protest”, The Times of India, December 25, 2023, <https://timesofindia.indiatimes.com/city/raipur/congress-gave-nod-for-coal-mining-in-hasdeo-aranya-says-chhattisgarh-cm-vishnudeo-sai-tribals-continue-protest/articleshowprint/106273450.cms>

134. Damien Lepcha, “Arunachal: SIFF rejects proposal of 10,000 MW dam over Siang River”, EastMojo, April 27, 2023, <https://www.eastmojo.com/arunachal-pradesh/2023/04/27/arunachal-siff-rejects-proposal-of-10000-mw-dam-over-siang-river/>

135. These 12 hydroelectric projects (HEP) are: (1) Tato-II HEP (700 MW), (2) Tato-I HEP (186 MW), (3) Heo HEP (240 MW), (4) Naying HEP (1,000 MW), (5) Hirong HEP (500 MW) (6) Etalin HEP (3,097 MW), (7) Attunli HEP (680 MW), (8) Emini HEP (500 MW), (9) Amulin HEP (420 MW), (10) Mihumdon HEP (400 MW), (11) Subansiri Upper HEP (2,000 MW) and (12) Subansiri Middle (Kamala) HEP (1,800 MW)

five projects (2,626 MW) have been allocated by the state government to the North Eastern Electric Power Corporation Ltd (NEEPCO), five projects (5,097 MW) to the Satluj Jal Vidyut Nigam (SJVN), and the remaining two projects (3,800 MW) to the National Hydroelectric Power Corporation (NHPC).¹³⁶ During the signing of the MoA, the police detained human rights lawyer and environment activist Ebo Mili along with one Mejo Mihi for staging a peaceful protest outside the venue.¹³⁷

With the enactment of the Forest (Conservation) Amendment Act, 2023 which allows the Centre to divert forests for strategic projects within 100 km of India's international borders without the need for any forest clearance, indigenous peoples feared dilution of their consent.

Mega development project in Great Nicobar Islands

The Government of India is in the process of execution of a mega development project namely "Holistic Development of Great Nicobar Islands in Andaman and Nicobar Islands", with financial outlay of Rs 75,000 crore (Rs. 750 billion) without consultation with the affected indigenous communities. The mega project envisaged construction of several developmental projects of national importance including a transshipment terminal, a township and an airport. Serious

concerns have been raised about destruction of the environment and ecology as well as the adverse impacts on the indigenous Shompen and Nicobarese who are notified as "aboriginal tribes". Even the National Commission for Scheduled Tribes (NCST) raised red flags.¹³⁸ Although the Central government claimed that the project activities shall not disturb the Shompen tribe and their habitation,¹³⁹ it is feared that the project shall bring devastating impacts for the Shompen and Nicobarese tribes. As per media reports, the project envisaged 6,50,000 people to inhabit the Great Nicobar Island by 2050 from its current population which is just around 8,500. The current population of Shompens is around 240;¹⁴⁰ and the Nicobarese about 1,000. Together, these two vulnerable indigenous communities comprised 14.5% of Great Nicobar Island's population. Hence such population transfer of settlers from the mainland India is expected to overwhelm the already vulnerable Shompen and Nicobarese communities. Clearly the project is in violation of the Andaman and Nicobar Islands (Protection of Aboriginal Tribes) Regulation, 1956¹⁴¹ and the Andaman and Nicobar Islands Shompen Policy, 2015.¹⁴²

Notably, in November 2022, the Tribal Council of Little and Great Nicobar had withdrawn the no-objection certificate (NOC) given in August 2022 for diversion of land for the project.¹⁴³

136. "GoAP signs MoAs with PSUs to develop 12 stalled HEPs", The Arunachal Times, August 13, 2023, <https://arunachaltimes.in/index.php/2023/08/13/goap-signs-moas-with-psus-to-develop-12-stalled-heps/>

137. "Anti-dam activist Ebo Mili prevented from staging peaceful protest; forced to sign bond", Arunachal Times, 13 August 2023, <https://arunachaltimes.in/index.php/2023/08/13/anti-dam-activist-ebo-mili-prevented-from-staging-peaceful-protest-forced-to-sign-bond/>

138. "National Commission for Scheduled Tribes flags alleged discrepancies in Forest Rights Act compliance for Great Nicobar Project", The Hindu, April 30, 2023, <https://www.thehindu.com/sci-tech/energy-and-environment/ncst-flags-alleged-discrepancies-in-fra-compliance-for-great-nicobar-project/article66793329.ece>

139. Rajya Sabha, Unstarred Question No. 988 answered on December 15, 2022

140. <https://science.thewire.in/environment/niti-aayogs-vision-for-great-nicobar-is-at-great-odds-with-islanders-reality/>

141. https://www.andaman.gov.in/admin-pannel/pressupload/1-2-AN_Gazette_june_30_1956%20PAT%20Regulation.pdf

142. <https://tribal.nic.in/downloads/PVTG/The%20Andaman%20and%20Nicobar%20Gazette%20dated%202022-05-2015%20-%20Policy%20on%20Shompen%20Tribes%20of%20Great%20Nicobar%20Island.pdf>

143. Jayashree Nandi, "Tribal council withdrew NOC for contentious Nicobar plan", The Hindustan Times, April 14, 2023, <https://www.hindustantimes.com/india-news/controversy-surrounds-great-nicobar-township-project-as-tribal-council-withdraws-noc-for-land-diversion-documents-suggest-101681407749046.html>

In April 2023, the National Green Tribunal (NGT), India's apex green court, stayed for two months the environment clearance (EC) granted to the project but refused to interfere with the forest clearance. The NGT constituted a High-Powered Committee (HPC) to "revisit" the EC to address some "unanswered deficiencies" with the project (pertaining to threats to corals, incomplete

impact assessment undertaken for the project and its location in a prohibited area as per the Coastal Regulation Zone rules). However, conservationists criticised the green court's stand for several reasons, including the fact that the NGT's proposed HPC comprises government and other representatives that have already offered support to the project.¹⁴⁴

144. Aathira Perinchery, "NGT's Stand on Nicobar Mega Project Disappointing, Say Conservationists", The Wire, April 8, 2023, <https://thewire.in/environment/ngt-great-nicobar-project-disappointing>

The Indigenous Rights Advocacy Centre (IRAC) is a not-for-profit organization based in New Delhi. The vision of the organization is to promote, protect and defend the rights and interests of the tribal communities/Adivasis/Indigenous Peoples in India. As a means of achieving its objectives, IRAC seeks to combine practice, research, advocacy and collaboration as an effective method to promote, protect and defend the individual and collective rights of Indigenous Peoples.



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