

Indigenous Rights Monitor

A Quarterly Newsletter of
Indigenous Rights Advocacy Centre

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Message from the Executive Director

Dear friends and colleagues,

The Indigenous Rights Advocacy Centre (IRAC) has been on the forefront of fighting criminalization and violence against the indigenous peoples in India. During the reporting period, that is, between December 1, 2021 and February 28, 2022, we have intervened in 37 cases of human rights violation of the Scheduled Tribes/indigenous peoples with the National Human Rights Commission (NHRC) of India. These included 6 cases of violence against women, 5 cases of violence against children, 3 cases of alleged extrajudicial killing by security forces/forest guards, 3 cases of torture by security forces/police/forest officials, 3 cases of filing of false charges, 3 cases of forced eviction, 2 cases of mob violence (killings), 3 cases of denial of medical treatment, 2 cases of denial of ration, 2 cases related to denial of education, 1 case of custodial death in police lock-up, 1 case of injury in police firing, 1 case of killing by Maoists, 1 case of threat to eviction, and 1 case related to other violations (deletion from voter list and denial of welfare facilities).

IRAC works towards eradication of criminalization and violence against the tribals, and establishing accountability for all human rights violations against them. In this regard, IRAC has successfully engaged with the NHRC of India which has taken up our cases and sought investigations into them by the concerned authorities. Further, our engagement with the media has been quite fruitful to highlight the issues and seek further answers from the public servants through follow up by the journalists.

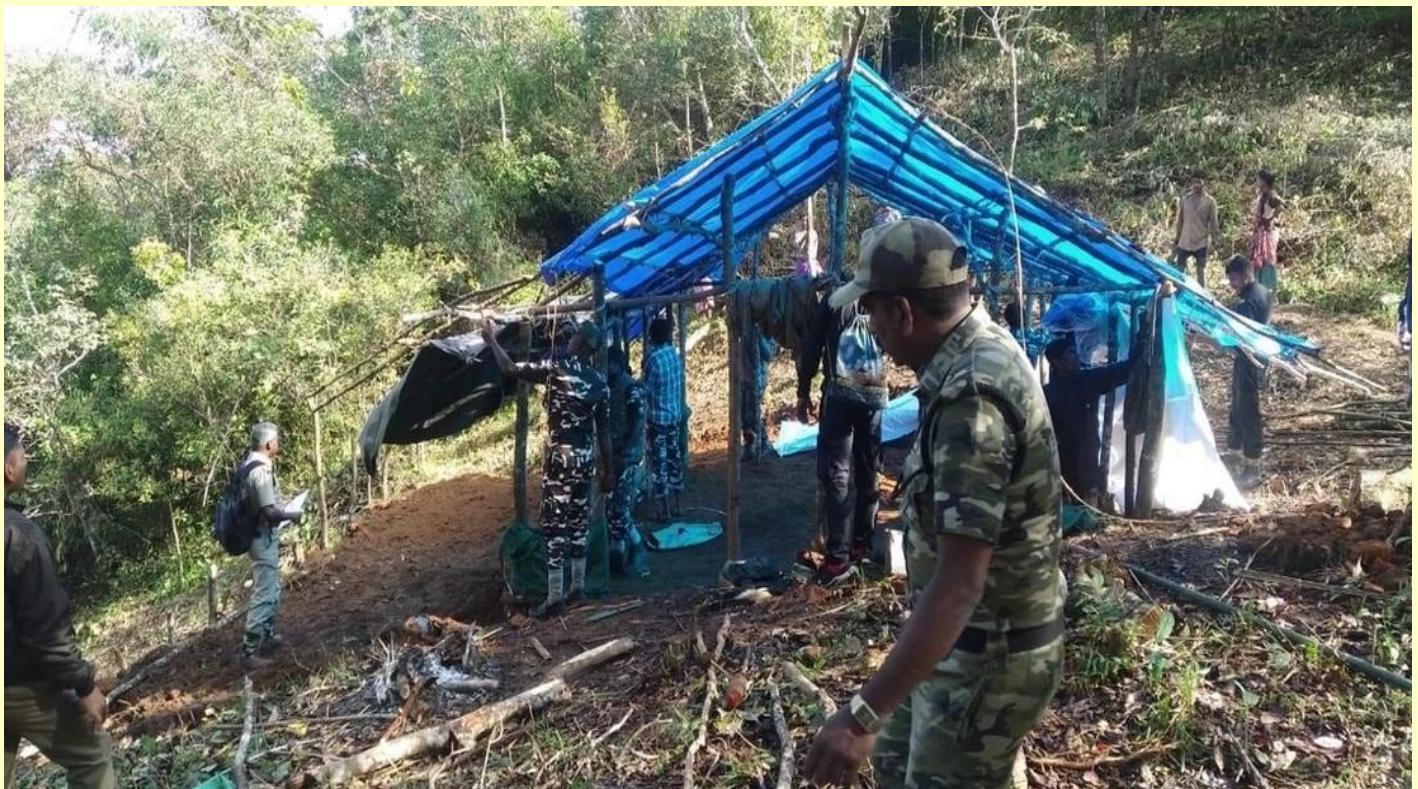
In this latest issue of *Indigenous Rights Monitor*, we have endeavored to provide a glimpse of some of our latest works. We hope you will connect to us. Let's make the human rights journey together.

RIGHTS VIOLATION UNDER THE LENSE OF IRAC

Evicted, resettled, then evicted again: The case of eviction of 23 Kadar tribal families in Tamil Nadu

It was in August 2019 when 23 Kadar tribal families, consisting of around 90 people, were first evicted by the Forest Department from their traditional dwellings at Kallarkudi settlement deep inside the Anamalai Tiger Reserve (ATR) in Coimbatore district of Tamil Nadu. Heavy monsoon rains had damaged their homes and therefore the Kadars constructed new makeshift huts at a nearby location from where they were evicted and shifted to vacant/unused quarters of Thaimudi tea estate near Valparai.

The displaced Kadar families demanded alternative land inside the Anamalai forests under provisions of the Forest Rights Act (FRA), 2006. Instead, the Kadars were offered rehabilitation outside the forests with cash incentive, provisions for housing, electricity and drinking water facilities etc. The Kadars were told that their ancient villages were located in a tiger reserve, hence, they cannot live there anymore. But the Kadars refused the rehabilitation outside the forests and demanded that they be resettled in Teppakulamedu where their ancestors had lived in the Anamalai forests. For this, the Kadars with the help of other Adivasis living in the Anamalai ranges started peaceful, democratic struggle.



Eviction after resettlement: The Forest Department officials allegedly destroying the homes of the Kadars. Photo credit: Adivasi Lives Matter, <https://www.adasilivesmatter.com/post/the-kadar-community-charts-an-inspirational-journey-of-resilience-as-they-take-back-their-forests>

Resettlement in tiger reserve

On November 7, 2021, the Minister for Electricity, Prohibition and Excise Mr V Senthil Balaji granted land pattas to 21 displaced Kadar families, with each family allocated 1.5 cents over 1.5 acres of total land at Theppakulamedu in the ATR. Subsequently the tribals constructed their huts there. But the forest department did not allow them to live peacefully for long.

Evicted for second time

On December 3, 2021, more than 40 personnel from the forest department came and dismantled their huts claiming that the tribals built their huts on forest lands! No prior notice was served to them. The Kadars lodged a complaint with the Valparai police station seeking to book the concerned forest officials under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. Later, the District Collector of Coimbatore, Mr. Sameeran, ordered a re-measuring of the location where pattas had been issued, on December 4. In a separate meeting held at the Collector's office on December 6 in the presence of all concerned department officials (forest, revenue, and police), the District Collector assured that Kadars will be provided with 12 acres of residential land at Kallarkudi-Teppakulamedu and their farm land will remain at the old Kallarkudi settlement.

Petition in NHRC

On behalf of the victims, the Indigenous Rights Advocacy Centre (IRAC) moved the NHRC against the forcible eviction and ill treatment of the Kadars in Tamil Nadu. In its proceedings on December 28, 2021, the Commission has stated:

“The Commission has considered the matter. Facts of the case are disturbing. The allegations made in the complaint are serious in nature involving forced eviction in violation of law by the public servants. The case therefore involves grave violation of Human Rights of the evicted tribal families. Such types of cases are viewed very seriously by the Commission. In these circumstances, let a Notice be sent to the Chief Secretary, Govt. of Tamil Nadu and Director General of Police, Tamil Nadu calling for a report within a period of four weeks.”

**“Facts of the case are disturbing. The case involves grave violation of Human Rights of the evicted tribal families.”
– NHRC, India**

RIGHTS VIOLATION UNDER THE LENSE OF IRAC

Jharkhand: Starvation of 33 PVTG families

On February 8, 2022, *The Telegraph* reported that 33 tribal families belonging to Particularly Vulnerable Tribal Group (PVTG) have been denied ration for the last 15 months at Hesatu village under Tehri panchayat of Bargarh block in Garhwa district of Jharkhand. As a result, the impoverished tribals have been on the verge of starvation. According to the report, these 33 PVTG families belonging to the Korwa community mostly depend on forest products and seasonal agriculture. They are extremely poor and heavily depended on ration under the Public Distribution System. But since they have been denied ration for the last 15 months, these families were pushed to the brink of starvation.

AAY ration cards of 33 families deleted:

Since 2015, these 33 tribal families had been getting 35 kg ration under Antyodaya Anna Yojana (AAY). But in November 2020, their AAY ration cards were arbitrarily deleted on the pretext that they were dead. But all these 33 families are alive. Hence, these 33 tribal families belonging to most vulnerable communities were denied ration under the National Food Security Act, 2013.

When the local right to food activists took up the matter, the district administration allegedly tried to cover up the matter by converting their (33 ration card holders) ration cards from Antyodaya Scheme to the Priority Households (PHH) Scheme in February 2022. Under PHH Scheme, the beneficiaries are entitled to only 5 kg of food grain per member of a family per month against 35kg of food grain per family per month under the Antyodaya Scheme.

In this regard, it is pertinent to mention that on June 3, 2021, the NHRC had issued “Advisory on protection of Human Rights of the Particularly Vulnerable Tribal Groups (PVTGs) amid Covid-19” which included ensuring food security of the PVTG by the respective state governments. Clearly, the State government of Jharkhand has violated the fundamental right to food, provisions of the NFSA, orders of the Supreme Court and the NHRC’s advisory to protect human rights of PVTGs during COVID-19.

Petition in NHRC

Moved by the plight of these tribal families, Indigenous Rights Advocacy Centre (IRAC) moved a petition before the NHRC, India (Case No. 251/34/7/2022). Acting on this petition, on February 28, 2022, the NHRC issued notice to the Deputy Commissioner, Garhwa district, calling for a report in the matter within 4 weeks. The Commission also said, it shall be constrained to invoke coercive process u/s 13 of the Protection of Human Rights Act, 1993 calling for a personal appearance of the authority concerned for submission of the report, in case the report is not received within the stipulated time.

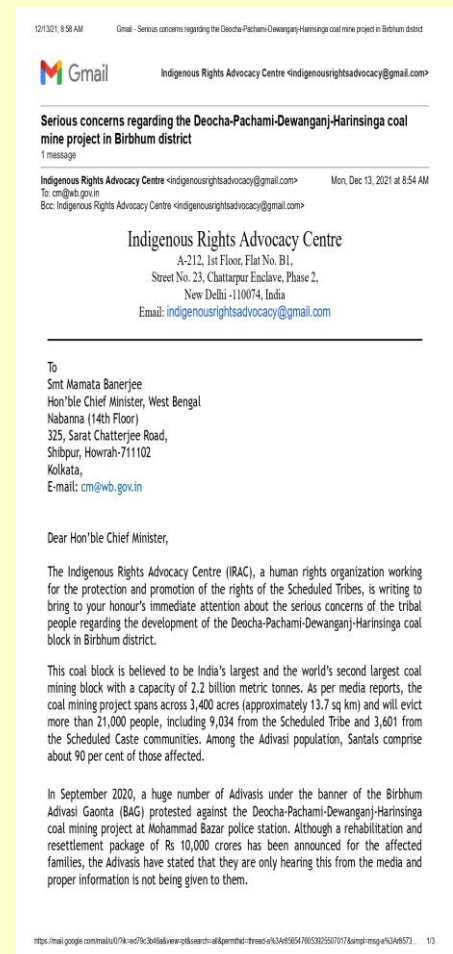
ADVOCACY

IRAC writes to West Bengal CM to respect FPIC of Adivasis in land acquisition

On December 13, 2021, Indigenous Rights Advocacy Centre (IRAC) wrote to West Bengal Chief Minister Mamata Banerjee expressing concerns about the land acquisition for the Deocha-Pachami-Dewanganj-Harinsinga coal block in Birbhum district without taking the consent of the affected Adivasis. This coal block is believed to be India's largest and the world's second largest coal mining block with a capacity of 2.2 billion metric tonnes. As per media reports, the coal mining project spans across 3,400 acres (approximately 13.7 sq km) and will evict more than 21,000 people, including 9,034 from the Scheduled Tribe (Adivasi) and 3,601 from the Scheduled Caste communities. Among the Adivasi population, Santals comprise about 90 per cent of those affected. There have been protest against alleged forced acquisition of land.

IRAC asked the State Government to ensure respect for "Free, Prior, Informed Consent" of the local tribal communities as provided under the United Nations Declaration on the Rights of the Indigenous Peoples; make the Social Impact Assessment and Environmental Impact Assessment reports public; hold meaningful consultations with the affected people; and further respect the UN Guiding Principles on Business and Human Rights which is based on three pillars i.e. state responsibility to protect, business responsibility to respect and a robust redressal mechanism.

In Addition, IRAC has also written to the Director (Mining), the West Bengal Power Development Corporation Limited, Union Tribal Ministry and the Prime Minister's Office on similar lines.



A screenshot of IRAC's petition to West Bengal Chief Minister

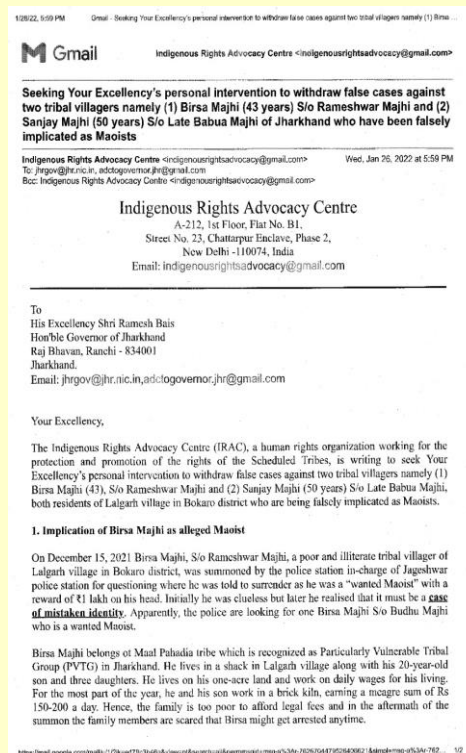
ADVOCACY

IRAC writes to Jharkhand CM, Governor to withdraw cases against two innocent tribals

On December 31, 2021, Indigenous Rights Advocacy Centre (IRAC) wrote to Shri Hemant Soren, Chief Minister, Jharkhand to withdraw false charges against innocent tribal namely Birsa Majhi, son of Rameshwar Majhi, resident of Lalgarh village in Bokaro district, who was wrongly booked as being a Maoist. Similarly, on January 20, 2022, IRAC also wrote to the CM to withdraw false charges against another tribal villager, Sanjay Majhi (50 years) S/o Late Babua Majhi of the same village who have been booked as a Maoist. On January 26, 2022, IRAC sought the personal interventions of Jharkhand Governor Shri Ramesh Bais against false Maoist cases filed against both Birsa and Sanjay.

Both Birsa and Sanjay are poor Adivasi villagers who have been wrongly accused of being Maoists. In the second week of November 2021, Birsa was summoned to the Jageswar Vihar police station where he was told that he was a wanted Maoist, an absconding criminal and carried a reward of ₹1 lakh (INR 100000) for his capture. Again on December 15 he was summoned and asked to surrender to avail benefits available under the surrender scheme.

Similarly, on December 27, 2021, Sanjay Majhi was summoned to the Jageswar Vihar police station where the police told that there was a warrant of *kurki-jabti* (property attachment) against him. The Station House Officer also told him that he was an accused under section 17 of the Indian Criminal Law (Amendment) Act for being associated with the Maoists. He was shown as an accused in a case of blowing up of a section of railway track by alleged Maoists in October 2014 in the Mahuatand area. The SHO allegedly asked him to either surrender and seek bail or face attachment of his house. Sanjay was already on bail in an old case of coal theft (Crime No. 26/13 at Gomia police station). So, he has been regularly attending the hearing in the Bermo Anumandal court and he last appeared in December 2021. But the police declared him absconding in Case No. 68/14 dated 21.10.2014 at Mahuatand PS relating to blowing off railway lines.



A screenshot of IRAC's email to Jharkhand Governor

IRAC's interventions with NHRC

During December 1, 2021 to February 28, 2022, the Indigenous Rights Advocacy Centre (IRAC) has intervened in a total of 37 cases of human rights violation of the Scheduled Tribes/indigenous peoples with the National Human Rights Commission (NHRC) of India. These included 6 cases of violence against women, 5 cases of violence against children, 3 cases of alleged extrajudicial killing by security forces/forest guards, 3 cases of torture by security forces/police/forest officials, 3 cases of filing of false charges, 3 cases of forced eviction, 2 cases of mob violence (killings), 3 cases of denial of medical treatment, 2 cases of denial of ration, 2 cases related to denial of education, 1 case of custodial death in police lock-up, 1 case of injury in police firing, 1 case of killing by Maoists, 1 case of threat to eviction, and 1 case related to other violations (deletion from voter list and denial of welfare facilities).

Geographically, these cases are spread across the country. Out of the 37 complaints filed with the NHRC, 9 cases were from Jharkhand followed by 5 cases in Maharashtra, 3 cases from Telangana, 2 cases each from Assam, Chhattisgarh, Karnataka, Odisha and Rajasthan, 1 case each from Andhra Pradesh, Kerala, Madhya Pradesh, Manipur, Mizoram, Nagaland, Tamil Nadu, Tripura, Uttar Pradesh, and J&K (UT).

Nature of violations	Total number of Cases
Alleged extrajudicial killing by security forces/forest guards	3
Killing by Maoists	1
Custodial death in police station	1
Torture by SF/Police/Forest Officials	3
Violence against women	6
Violence against children	5
Forced Eviction	3
Threat of eviction	1
Mob violence	2
Denial of medical treatment	3
Filing of false FIR (not leading to arrest)	3
Education related	2
Denial of ration	2
Injury in police firing	1
Others (esp. ESCR)	1
TOTAL	37

State	Total No. of Cases
Jharkhand	9
Maharashtra	5
Telangana	3
Assam	2
Chhattisgarh	2
Karnataka	2
Odisha	2
Rajasthan	2
Andhra Pradesh	1
Kerala	1
Madhya Pradesh	1
Manipur	1
Mizoram	1
Nagaland	1
Tamil Nadu	1
Tripura	1
Uttar Pradesh	1
J&K (UT)	1
TOTAL	37

NHRC acts upon IRAC's complaints

Killing of a Karbi tribal: NHRC issues notice to Chief Conservator of Forests, Assam

On February 28, 2022, NHRC issued notices to the Chief Conservator of Forests, Government of Assam, and the Superintendent of Police, Morigaon seeking an action taken report within four weeks, in the incident of killing of Borsing Tiso, a Karbi tribal, by the forest guards inside the Sonaikuchi Reserve Forest in Morigaon district on 15 February 2022. Another person namely Rajib Singnar was injured in the firing by forest guards. NHRC took the action based on a complaint filed by IRAC (Case No. 61/3/23/2022).

Death of a 6-year-old tribal boy: NHRC seeks response from health department of Maharashtra

Based on IRAC's complaint (Case No. 327/13/37/2022), the NHRC on February 9, 2022 issued notices to the Principal Secretary, Health and Family Welfare Department, Govt. of Maharashtra and the District Magistrate, Plaghar to submit reports within 4 weeks time, in the case of death of Ajay, a 6-yr-old Pardhi tribal boy, due to alleged denial of treatment in three hospitals in Plaghar district on January 25.

FREE LEGAL HELPLINE:

IRAC runs a dedicated **free legal helpline** for victims. If you need help, please call **+91-9667279541** (10 AM-5 PM on Monday-Friday)

Reang tribals injured in police firing: NHRC seeks report from police chiefs of Mizoram and Tripura

Based on IRAC's complaint (Case No. 1/16/7/2022), the NHRC on January 27, 2022 issued notices to the Director General of Police of Mizoram and Tripura states into the injury sustained by Rathindra Reang (14 years) and his father Ramuhai Reang (40 years) in firing by Mizoram Police. The father-son are residents of Tripura and reportedly went in search of work in Mamit district of Mizoram when they were fired upon on December 30, 2021.

The NHRC asked the police chiefs of the two states to submit their reports within four weeks.

Custodial torture of Deepu in Kerala: NHRC seeks response from district police chief

Acting on a complaint filed by IRAC (Case No. 1204/11/14/2021), the NHRC on December 13, 2021 issued notice to the Superintendent of Police, Wayanad, calling an action taken report within four weeks in a custodial torture case.

The case related to custodial torture of one Deepu, 22-year-old tribal man, on November 12, 2021 after he was arrested in a false vehicle theft case at the Sultan Bathery police station in Wayanad district of Kerala. While the police claimed that he was caught fleeing with the stolen car on November 5, the family members of the victim claimed that he did not know to ride a bicycle, let alone drive a car.

This newsletter is published by *Indigenous Rights Advocacy Centre* to create awareness on human rights issues. IRAC may be reached by post at: A-212, 1st Floor, Street # 23, Chattarpur Enclave, Phase 2, New Delhi- 110074, India; or by email: indigenousrightsadvocacy@gmail.com

To know more about IRAC, do visit our website: www.irc.in Follow us  @irc_india