

INDIGENOUS RIGHTS ADVOCACY CENTRE



Situation of the
Indigenous Peoples
in India 2022

**SITUATION OF
THE
INDIGENOUS
PEOPLES
IN
INDIA 2022**

Situation of the Indigenous Peoples in India 2022

© Indigenous Rights Advocacy Centre, 2023

Reproduction and distribution of information contained in Situation of the Indigenous Peoples in India 2022 is welcome as long as the source is cited.

Cover Photograph: Adivasi women in Mikir Bamuni Grant cluster village, Nagaon district, Assam. Credit: IRAC

Edited by : Dilip Chakma



**INDIGENOUS RIGHTS ADVOCACY CENTRE
(IRAC)**

New Delhi, India Phone: +91-9311604403

Email: irac@irac.in Website: www.irac.in

CONTENTS

1. Executive Summary	01
2. Violations by the security forces	05
a. Custodial deaths	05
b. Alleged extrajudicial killings	13
c. Deaths (non-custodial) due to alleged torture by police	15
d. Implication in false cases and custodial torture	17
3. Violations by the Armed Opposition Groups	23
4. Violations by the forest officials	26
a. Custodial deaths/Extrajudicial killings	26
b. Torture and cruel, inhuman or degrading treatment or punishment	29
c. Denial of forest rights under Forest Rights Act and forced evictions	32
5. Violence against indigenous women	41
6. Violence against indigenous children	44
7. Repression against indigenous human rights defenders	47
8. Condition of the indigenous IDPs	53
9. Business and Human Rights	57

ABBREVIATIONS

ASI	Assistant Sub Inspector
ATR	Action taken report
CB-CID	Crime Branch-Criminal Investigation Department
CID	Criminal Investigation Department
CM	Chief Minister
DGP	Director General of Police
DLC	District Level Committee
DRG	District Reserve Guard
FIR	First Information Report
FRA	Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006
GRP	Government Railway Police
IFR	Individual Forest Rights
IPC	Indian Penal Code
IPHRD	Indigenous peoples human rights defender
IRAC	Indigenous Rights Advocacy Centre
IRB	India Reserve Battalion
JIADA	Jharkhand Industrial Area Development Authority
JUSL	JSW Utkal Steel Ltd
LARR Act	Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013
LCW	Land Conflict Watch
MoEFCC	Ministry of Environment, Forest and Climate Change
MLA	Member of Legislative Assembly
MW	Megawatt
NAP	National Action Plan on Business and Human Rights
NCRB	National Crime Records Bureau
NCST	National Commission for Scheduled Tribes
NCW	National Commission for Women
NHRC	National Human Rights Commission
NIA	National Investigation Agency

PAFs	Project Affected Families
PESA Act	Provisions of the Panchayat (Extension to Scheduled Areas) Act, 1996
PEW	Prohibition Enforcement Wing
PIL	Public Interest Litigation
POCSO Act	Protection of Children from Sexual Offences Act, 2012
PVTG	Particularly Vulnerable Tribal Group
RFO	Range Forest Officer
RTI Act	Right to Information Act, 2005
SC	Supreme Court
SC/ST Act	Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989
SI	Sub Inspector
S/o	Son of
SOG	Special Operations Group
UAPA	Unlawful Activities (Prevention) Act, 1967
UNDRIP	United Nations Declaration on the Rights of the Indigenous Peoples
UNGP	United Nations Guiding Principles on Business and Human Rights
u/s	Under Section
VSS	Vana Surakshya Samiti



EXECUTIVE SUMMARY

In July 2022, Droupadi Murmu was elected as India's 15th President and she became the first tribal person to occupy the highest office of the country. The elevation of Mrs. Murmu, a Santhal tribal, to the Rashtrapati Bhawan raised expectations that it would lead to more attention on the rights of the marginalized sections of the society, particularly the tribals/Adivasis, the indigenous peoples. But the rights of the indigenous peoples continued to be violated with great impunity.

This report covers the situation of the indigenous peoples in India during the year 2022. During this year, the indigenous peoples faced multiple forms of human rights violations and abuses including alleged fake encounter killing, custodial death/torture, arbitrary arrest, implication in false cases, displacement/eviction etc. The Indigenous Rights Advocacy Centre (IRAC) has documented two cases of alleged fake encounter killings involving three tribals as reported in the media: one was the killing of Manu Ram Nureti by the District Reserve Guard (DRG) in Chhattisgarh while the other case was the killing of Dhana Khamar and Jaya Kumar Nag by the Special Operations Group (SOG) in Odisha. Further, IRAC also documented custodial death of 10 indigenous persons including eight in police custody and two in judicial custody during the year 2022. In most cases, the police claimed that the victims committed suicide in custody but the family members of the victims alleged torture/foul play.

The forest department was responsible for violation of human rights of the indigenous peoples who continued to be criminalized as encroachers of forest or as smugglers/poachers of wildlife and forest resources and false/fabricated cases were lodged against them. Tribals were tortured for fishing in tiger reserve while women were also tortured and stripped by forest guards for collecting firewood for cooking. Tribals also faced arrest in fabricated cases including of smuggling of wildlife and subjected to custodial torture.

During 2022, IRAC has documented custodial death/extrajudicial killing of three indigenous persons at the hands of the forest guards. Two of the killings took place when the indigenous persons reportedly went to collect firewood for cooking while the third was tortured to death in custody after he was arrested in an alleged false case of poaching.

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (FRA) completed 15 years of operation (FRA came into force in January 2008) but hundreds of thousand tribal people across the country have been fighting to settle their claims under the Act. As per the official data obtained from the Ministry of Tribal Affairs, as of November 30, 2022, only 50.36% claimants have received their forest rights titles since 2008 and out of the total disposed of cases, 43.46% have been rejected.¹ Activists have claimed that most of the rejections were done without following the due process. On the other hand, the sword of Damocles kept hanging over 1.6 million rights holders whose claims under the FRA were rejected because the challenge to the constitutional validity of the FRA in *Wildlife First v Ministry of Forest and Environment* was pending before the Supreme Court by the end of 2022.²

In the meanwhile, the Government of India took actions to dilute the legal safeguards enjoyed by the indigenous peoples with respect to forest land and resources. On June 28, 2022, the Ministry of Environment, Forest and Climate Change (MoEFCC) notified the Forest (Conservation) Rules, 2022 which ran afoul of the FRA. The National Commission for Scheduled Tribes (NCST), a constitutional body, also stated that the Forest (Conservation) Rules, 2022 will “essentially eliminate the requirement of consent of local tribespeople and forest dwellers for diversion of forest land for other purposes” and therefore infringed upon the land rights of tribals under the FRA.³ The NCST asked the

¹Ministry 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 30.11.2022]”, available at: [https://tribal.nic.in/downloads/FRA/MPR/2022/\(A\)%20MPR%20Nov%202022.pdf](https://tribal.nic.in/downloads/FRA/MPR/2022/(A)%20MPR%20Nov%202022.pdf)

²Shuchita Jha, “IFR review: Here are some possible repercussions of rejecting reviewed forest right claims”, *Down To Earth*, February 28, 2023, <https://www.downtoearth.org.in/news/forests/ifr-review-here-are-some-possible-repercussions-of-rejecting-reviewed-forest-right-claims-87960>

Government of India to put the new rules on hold but the Government refused to listen.⁴

India has no formal mechanism to fully comply with the United Nations Guiding Principles on Business and Human Rights (UNGPs). In December 2018, India had released a 'Zero Draft' of National Action Plan (NAP) on Business and Human Rights but as per response received by IRAC from the Ministry of Corporate Affairs under the Right to Information Act, 2005 (RTI Act), the draft NAP was still under process by the end of 2022.⁵ 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 corporations for defending "jal jameen jungle" (water, land and forests) in many parts of the country. 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 for in the Panchayat (Extension to Scheduled Areas) Act, 1996 (PESA Act) which is applicable in the Fifth Schedule Area, the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (LARR Act), the FRA, the United Nations Declaration on the Rights of the Indigenous Peoples (UNDRIP) and the UNGP. Throughout the year 2022, the indigenous peoples have held peaceful protests against forced acquisition of land and forests for mining, dam and various other projects in different parts of the country but in most cases, their voices have fell upon deaf ears of the authorities.

During 2022, the Government of India took measures towards 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. Serious concerns have been raised about destruction of the environment and ecology as well as the adverse impacts on the indigenous

³"Forest Conservation Rules infringe upon land rights of tribespeople: ST panel chief", *The Hindu*, October 20, 2022

⁴"Government rebuffs call to suspend Forest Conservation Rules 2022", *The Times of India*, January 2, 2023, <https://timesofindia.indiatimes.com/india/government-rebuffs-call-to-suspend-forest-conservation-rules-2022/articleshow/96670861.cms>

⁵Response dated March 21, 2023 received from the Ministry of Corporate Affairs, Government of India by Dilip Chakma under the RTI Act 2005.

Shompen and Nicobarese who are notified as “aboriginal tribes”. Clearly the mega development project is in violation of the Andaman and Nicobar Islands (Protection of Aboriginal Tribes) Regulation, 1956 and the Andaman and Nicobar Islands Shompen Policy, 2015 but the government did not consult with the National Commission for Scheduled Tribes (NCST).

In the ongoing armed conflict with the Maoists (also known as Naxals), the Adivasis have been sandwiched between the security forces and the Maoists. The Adivasis were often accused of helping the Maoists, detained and tortured by the security forces. For an example, in the midnight of February 23, 2022, Anil Kumar Singh (42 years) was picked up from his house and allegedly subjected to third degree torture at the Garu police station in the Latehar district of Jharkhand on the mere suspicion of helping the Maoists.⁶ On the other hand, the Maoists also targeted the innocent Adivasis by abducting and killing them after branding them as “police informers”. During 2022, the Maoists killed several Adivasis on the suspicion of being “police informers”.

⁶Jharkhand Janadhikar Mahasabha, Tweet dated February 27, 2022, <https://twitter.com/JharkhandJanad1/status/1497918186401894403>

VIOLATIONS BY THE SECURITY FORCES

The security forces were responsible for violation of human rights of The indigenous peoples during 2022. IRAC has documented many cases of custodial death in police custody, alleged extrajudicial killing, custodial torture, and implication of indigenous peoples in false cases.

a. Custodial Deaths

The official data on custodial deaths during 2022 is not yet available at the time of writing this report. As per information placed in the Parliament on February 8, 2023, the National Human Rights Commission (NHRC) has registered a total of 175 custodial deaths in police stations during 2021-22 (upto March 31, 2022).⁷ How many of the victims belonged to Scheduled Tribes/indigenous communities is unknown since the NHRC does not maintain disaggregated data of custodial deaths based on caste. However, the IRAC has documented death of 10 indigenous persons including 8 in police custody and 2 in judicial custody during the year 2022. In most cases, the police claimed that the victims committed suicide at the police stations but the family members of the victims expressed disbelief.

Table 1: Custodial deaths of Scheduled Tribes in police custody during 2022

Sl No.	Name of victim	Age, sex	Police station where the victim died	Date of custodial death (in 2022)	Cause of death	
					Police version	Relatives' claim
1	Chinkhanlian Guite, Son of Tualkhum	50, Male	Churachandpur police station, Manipur	February 11	Committed suicide by hanging	Died under suspicious circumstances

⁷Reply of Minister of State in the Ministry of Home Affairs, Mr Nityananda Rai, in the Rajya Sabha, Unstarred Question No. 708, answered on February 8, 2023

2	Ravindra Waghmare	35 years, Male	Roha police station in Raigad district, Maharashtra	April 14	Committed suicide in the bathroom of the Roha police lock-up	Died under suspicious circumstance
3-4	Chakma tribal minor girl (17 years) and Ananda Chakma (21 years)	17 years Female, 21 years male	Silacherra police station in Gomati district, Tripura	April 24 & 25 respectively	Victims consumed poison	Died under suspicious circumstance
5	Nagesh Ramdas Pawar	29, Male	Police Station, Pune, Maharashtra	August 24	Died in hospital due to Pneumonia,	Victim was tortured
6	Arjun Singare S/o Devkaran Singare	19, Male	Manpur police station in Indore district, Madhya Pradesh	September 3	Victim complained of uneasiness during interrogation and died during treatment	Victim was tortured
7	Mibom Pertin S/o Onam Pertin	35, Male	Roing police station in Lower Dibang Valley district, Arunachal Pradesh	September 17	Committed suicide	Died under suspicious circumstance
8	Mohan Mardi (Murmu) S/o Duboi Mardi	18, Male	Bal Mitra thanawithin the campus of Seraikela police station in Seraikela-Kharswan district, Jharkhand	November 2	Committed suicide	Died under suspicious circumstance

Table 2: Custodial deaths of Scheduled Tribes in judicial custody due to alleged torture during 2022

Sl No.	Name of victim	Age, sex	Jail where the victim died	Date of custodial death (in 2022)	Cause of death	
					Police version	Relatives' claim
1	K. Thangamani	47 years, Male	Thiruvannamalai sub-jail, Tiruvannamalai district, Tamil Nadu	April 27	Victim died after suffering seizure (fits)	Victim was tortured by police
2	E. Henvieh Phom, S/o L. Eshak Phom	35 years, Male	Sivasagar District Jail, Assam	April 21	Died in hospital during treatment	Victim was tortured by Police prior to judicial remand

Case 1: Custodial death of Chinkhanlian Guite in police custody in Manipur

On February 11, 2022, Chinkhanlian Guite (50 years), Son of Tualkhum died at Churachandpur police station in Churachandpur district of Manipur. He was reportedly arrested by the police from his residence at New Lamka between 3 and 4 pm on February 10 for alleged molestation of a minor girl. The police claimed that he was found hanging in the police station lockup the next day, around 6 am.⁸

Acting on a complaint filed by IRAC, the NHRC registered a case (No. 4/14/3/2022-AD) and on July 21, 2022, it directed the District Magistrate, Churachandpur and the Senior Superintendent of Police (SSP), Churachandpur to submit the action taken report (ATR) within eight weeks. However, the authorities failed to submit the ATR. December 8, the NHRC issued final reminder to these authorities to submit all the requisite reports on or before January 20, 2023, failing which the Commission warned it would take coercive action under section 13 of the Protection of Human Rights Act, 1993.⁹

⁸“Man dies in police lock up, VA condemns”, *E-Pao*, February 11, 2022, <http://e-pao.net/GP.asp?src=33.120222.feb22>

⁹NHRC proceedings dated December 8, 2022 in Case No. 4/14/3/2022-AD

Case 2: Custodial death of Ravindra Waghmare in police custody in Maharashtra

On April 14, 2022, Ravindra Waghmare (35 years) died at the Roha police station in Raigad district in Maharashtra. A resident of Shenvai tribal hamlet in Roha, the deceased was arrested on April 9 for allegedly murdering his wife. He was produced before the court which sent him to police custody up to April 16. According to the police, he hanged himself using a shawl in the bathroom of the Roha police station.¹⁰

Acting on a complaint filed by IRAC, the NHRC registered a case (No. 1407/13/24/2022-AD) and on May 11, 2022, it directed the District Magistrate, Raigad, and the Superintendent of Police, Raigad to submit the relevant reports within six weeks. However, no report was submitted and hence, on September 27, the NHRC issued a final reminder to these authorities to submit the report within four weeks.¹¹

Case 3: Custodial death of two Chakma tribals in police custody in Tripura

On April 22, 2022, two tribals belonging to Chakma community allegedly consumed poison inside the police station at Silacherra in Gomati district of Tripura. While the minor Chakma girl (17 years) died in hospital on April 24, her alleged boyfriend Ananda Chakma (21 years) died the next day.¹² They had been taken into police custody based on a kidnapping complaint filed by the girl's family after the couple had reportedly eloped. The Tripura Rejyo Chakma Samajik Parishad, an apex customary body of the Chakmas, questioned as to how the tribal couple got the poison while in police custody and sought a judicial enquiry.¹³ The detention of the minor in police lock up was in violation

¹⁰"PI shifted; 2 cops suspended over custodial death", The Times of India, April 23, 2022, <https://timesofindia.indiatimes.com/city/navi-mumbai/pi-shifted-2-cops-suspended-over-custodial-death/articleshowprint/91015352.cms>

¹¹NHRC proceedings dated September 27, 2022 in Case No. 1407/13/24/2022-AD

¹²"Summoned by police, minor girl and boyfriend die consuming poison in Tripura: Cop," *The Times of India*, April 25, 2022, <https://timesofindia.indiatimes.com/city/agartala/summoned-by-police-minor-girl-and-boyfriend-die-consuming-poison-in-tripura-cop/articleshowprint/91081414.cms>

¹³ebraj Deb, "State or tribal laws? Chakma couple death in Tripura Police custody falls in grey zone," *The Indian Express*, May 2, 2022, <https://indianexpress.com/article/north-east-india/tripura/state-or-tribal-laws-chakma-couple-death-in-tripura-police-custody-falls-in-grey-zone-7896432/>

of section 10(1) of the Juvenile Justice (Care and Protection of Children) Act, 2015 which stated that in no case, a child alleged to be in conflict with law shall be placed in a police lockup or lodged in a jail.

Case 4: Custodial death of Nagesh Ramdas Pawar in police custody in Maharashtra

On August 24, 2022, Nagesh Ramdas Pawar (29 years) died at the Sassoon General Hospital while in police custody in Pune, Maharashtra. He was arrested by the Government Railway Police (GRP) on August 16 on the charges of theft and dacoity in trains. On August 17, he was produced before the court which remanded him to police custody till August 25. According to the family of the deceased (wife Tai Pawar and sister Rani Pawar), he was beaten up by the railway police and admitted to Sassoon hospital where he died on August 24.¹⁴

According to Nagesh's sister Rani Pawar, a resident of Vaiduwadi in Hadapsar area of Pune city, Nagesh came to her house for Raksha Bandhan (a Hindu festival that celebrates the bond between brother and sister) on August 13. On August 15 (India's Independence Day), he sold

Tricolour flags to earn some money.¹⁵ On August 16, the railway policemen, dressed in civilian clothes, raided Rani Pawar's home without warrant and took away Nagesh and his father-in-law. According to family members, they were both subjected to police brutalities and made to confess to a crime they didn't commit and Nagesh died due to alleged police torture. However, the police claimed that he died in hospital due to pneumonia.¹⁶

Sadanand Wayse Patil, Superintendent of Police with the Pune Unit of the railway police, told the media that Nagesh was wanted in eight cases of robbery committed in the trains over the last five years.¹⁷ Nagesh belonged to the Phase Pardhi tribe which was notified as a "criminal tribe" during the British rule.

¹⁴<https://thepipanews.com/index.php/2022/08/25/death-of-inmate-during-treatment-in-pune-kin-alleges-death-due-to-beating-by-railway-police-thepipanews/>

¹⁵"Pune: Pardhi youth dies in Railway Police custody, family alleges torture," *The Indian Express*, August 25, 2022, <https://indianexpress.com/article/cities/pune/pune-row-pardhi-man-dies-railway-police-custody-family-alleges-torture-8109928/lite/>

¹⁶Pooja Biraia Jaiswal, "Custodial death of tribal man sparks protests in Pune; cops claim he died due to illness," *The Week*, September 5, 2022, <https://www.theweek.in/news/india/2022/09/05/custodial-death-of-tribal-man-sparks-protests-in-pune-cops-claim-he-died-due-to-illness.html>

According to social activists, because of their “criminal” legacy, members of the Phase Pardhi community are always an easy target of the law enforcement agencies till today. The community members are frequently picked up, often on false charges and tortured by the police.¹⁸ The case of custodial death of Nagesh Ramdas Pawar was handed over to the Criminal Investigation Department (CID).¹⁹

Case 5: Custodial death of Arjun Singare in police custody in Madhya Pradesh

On September 3, 2022, Arjun Singare (19 years), S/o Devkaran Singare, belonging to Bhil tribe, died while he was in custody at the Manpur police station in Indore district of Madhya Pradesh. The deceased was a resident of Gittiphoda in Manpur, Indore district. He was reportedly arrested on the night of September 2 on the charges of dacoity and other crimes. According to the police, he complained of uneasiness during interrogation and was taken to the hospital where he died during treatment. But the relatives of the deceased alleged that he died due to custodial torture at the hands of the police.²⁰

An order dated September 3, 2022 issued by Bhagwat Singh Virde, Superintendent of Police, Indore (Rural) mentioned that Arjun Singare was an accused in two separate criminal cases registered under Indian Penal Code (IPC) section 399 (making preparation for committing dacoity), section 402 (assembling for purpose of committing dacoity) and sections 25, 27 of the Arms Act in Case No. 441/2022; and IPC section 394 (robbery) in Case No. 397 and he was arrested on September 2 and was being interrogated when his

¹⁷Pooja Biraia Jaiswal, “Custodial death of tribal man sparks protests in Pune; cops claim he died due to illness,” *The Week*, September 5, 2022, <https://www.theweek.in/news/india/2022/09/05/custodial-death-of-tribal-man-sparks-protests-in-pune-cops-claim-he-died-due-to-illness.html>

¹⁸“Man dies in police custody in Pune, family alleges foul play,” *The Hindustan Times*, August 25, 2022, <https://www.hindustantimes.com/cities/pune-news/man-dies-in-police-custody-in-pune-family-alleges-foul-play-101661366056311-amp.html>

¹⁹“CID starts alleged custodial death probe”, *The Times of India*, August 26, 2022, <https://timesofindia.indiatimes.com/city/pune/cid-starts-alleged-custodial-death-probe/articleshow/93789379.cms>

²⁰Sravani Sarkar, “Teenage accused dies in police custody in Indore; judicial probe recommended”, *The Week*, September 03, 2022, <https://www.theweek.in/news/india/2022/09/03/teenage-accused-dies-in-police-custody-in-indore-judicial-probe-recommended.html>

health deteriorated. He was immediately shifted to hospital and died during treatment. The said order further stated that a judicial enquiry was ordered by the Indore district sessions court and since the process of judicial inquiry was initiated, Sub Inspector (SI) Kamal Uike, Assistant SIs Devesh Verma and Nirbhay Singh and constables Gajraj and Sonbir were suspended and attached to Mhow police lines pending the investigation.²¹

Case 6: Custodial death of Mibom Pertin in police custody in Arunachal Pradesh

On September 17, 2022, 35-year-old Mibom Pertin S/o Onam Pertin died under mysterious circumstances in police custody at the Roing police station in Lower Dibang Valley district of Arunachal Pradesh. The deceased hailing from Bomjir village in Dambuk subdivision was arrested on September 16 in connection with alleged theft of Galvanized Iron (GI) pipes from Meka Gangging (Donyi Polo place of worship). Police claimed that he committed suicide in the police station lock up. But the family members of the deceased expressed doubts over the police claim.²²

Case 7: Custodial death of Mohan Mardi in police custody in Jharkhand

On November 2, 2022, a tribal teenager identified as Mohan Mardi (Murmu), aged 18 years, son of Duboi Mardi died at Bal Mitra thana (child-friendly police station) within the campus of Seraikela police station in Seraikela-Kharswan district of Jharkhand. The deceased teen was a resident of Junbani village under Dhalbhumgarh police station in East Singhbhum district, Jharkhand. He was taken into custody for interrogation after he allegedly eloped with a minor girl on October 26, 2022. He was reportedly detained at the police station on October 27, and kept in illegal detention since then. On November 2, family members of the deceased were informed over the phone to collect the dead

²¹Sravani Sarkar, "Teenage accused dies in police custody in Indore; judicial probe recommended", *The Week*, September 03, 2022, <https://www.theweek.in/news/india/2022/09/03/teenage-accused-dies-in-police-custody-in-indore-judicial-probe-recommended.html>

²²aryir Riba, "Two custodial deaths in Sept as one dies by suicide in Roing police station", *The Arunachal Times*, October 3, 2022, <https://arunachaltimes.in/index.php/2022/10/03/two-custodialdeaths-in-sept-as-one-dies-by-suicide-in-roingpolice-station/>

body from the hospital. Police claimed that the boy used his belt to hang himself inside a cell of the Bal Mitra thana.²³

Acting on a complaint filed by IRAC, the NHRC registered a case (No. 1802/34/20/2022-AD) and vide order dated November 14, 2022 issued notices to the Deputy Commissioner, Saraikela-Kharswan and the Superintendent of Police, Saraikela-Kharswan to submit detailed reports to the Commission within six weeks.

Case 8: Custodial death of K. Thangamani in judicial custody in Tamil Nadu

On April 27, 2022, K. Thangamani (47 years), a tribal belonging to the Kuravar community, died in judicial custody due to alleged police torture in Tiruvannamalai district, Tamil Nadu. A resident of Thattaranai village under Perunkolathur village panchayat in Thandarampattu block in Tiruvannamalai district, the victim, Thangamani was picked up from his house around 9.30 am on April 26 by the Prohibition Enforcement Wing (PEW) officials for questioning regarding the sale of spurious liquor (arrack). On the same day, he was remanded by the local court to judicial custody and lodged at the Thiruvannamalai sub-jail.²⁴

Thangamani died at Thiruvannamalai Government Medical College Hospital in the evening of April 27. Police claimed that he died after suffering seizure (fits) while being lodged at the sub-jail. However, family members and relatives of the deceased alleged that the police arrested him in a false case as he belonged to the Kuravar tribe and that the police had sought bribe to withdraw the case. The deceased's son, Dinakaran and wife T. Malar alleged that custodial death was due to torture by the police. They stated that Thangamani was watching TV at the time when the anti-narcotics wing i.e. PEW officials came and took him

²³"Teen Found Hanging In Jharkhand Police Station, Officer-In-Charge Suspended", *NDTV*, November 3, 2022, <https://www.ndtv.com/india-news/teen-found-hanging-in-jharkhand-police-station-officer-in-charge-suspended-3488456>

²⁴"Tribal man dies within a day of judicial custody in Tiruvannamalai", *The Hindu*, April 29, 2022, <https://www.thehindu.com/news/national/tamil-nadu/tribal-man-dies-within-a-day-in-judicial-custody-in-tiruvannamalai-family-alleges-torture/article65366325.ece>

for interrogation. They alleged that some police officials demanded Rs 100,000 in order to remove Thangamani's name from the spurious liquor case. Since the bribe was not paid, the police allegedly tortured the victim leading to his death.²⁵

The investigation of custodial death of K. Thangamani was transferred to the Crime Branch-Criminal Investigation Department (CB-CID).²⁶

Case 9: Custodial death of E. Henvieh Phom in judicial custody in Assam

On August 21, 2022, a Naga tribal man identified as E. Henvieh Phom (35 years), son of L. Eshak Phom, resident of Anaki-C village under Mokokchung district of Nagaland died while in judicial custody in Sivasagar, Assam. The deceased was arrested by the Assam Police on August 16, 2022 while he was going to Gelekey, Assam. He was allegedly tortured by the Assam Police and lodged in Sivasagar District Jail. His health was said to be absolutely fine at the time of arrest. However, he died in a very suspicious manner. The family of the victim was informed by the Assam Police only after his death.²⁷

b. Alleged extrajudicial killings

During 2022, IRAC has documented two such cases of alleged fake encounter killings involving three tribals as reported in the media: one was the killing of Manu Ram Nureti by the District Reserve Guard (DRG) in Chhattisgarh while the other case was the killing of Dhana Khamar and Jaya Kumar Nag by the Special Operations Group (SOG) in Odisha.

²⁵Akshaya Nath, "Police lied about my dad's death, says son of TN man who died in police custody in Tiruvannamalai", *India Today*, April 29, 2022, <https://www.indiatoday.in/india/story/police-lied-about-dads-death-says-son-tn-man-died-police-custody-tiruvannamalai-1943364-2022-04-29>

²⁶"Custodial death case of tribal in Tiruvannamalai transferred to CB-CID: DGP", *The New Indian Express*, May 1, 2022, <https://www.newindianexpress.com/states/tamil-nadu/2022/may/01/custodial-death-case-of-tribal-in-tiruvannamalai-transferred-to-cb-cid-dgp-2448423.html>

²⁷Medolenuo Ambrocia, "Nagaland: Thousands protest over 'custodial death' of Naga youth in Assam", *EastMojo*, August 27, 2022, <https://www.eastmojo.com/nagaland/2022/08/27/nagaland-thousands-protest-over-custodial-death-of-naga-youth-in-assam/>

The details of these two cases are given below.

Case 1: Killing of Manu Ram Nureti in alleged fake encounter in Chhattisgarh

On the intervening night of January 23-24, 2022, Manu Ram Nureti (23 years) was allegedly killed by the security forces near Bharanda village in Narayanpur district of Chhattisgarh. In the morning of January 24, Superintendent of Police, Narayanpur, Girja Shankar Jaiswal said that the encounter took place at around 1 am with a team of the District Reserve Guard (DRG) of Chhattisgarh Police and “the body of a Maoist and a muzzle loading gun were recovered from the spot”. But the family members of the deceased refuted the claim of the police. Wife of the deceased, Mrs Manvati, claimed that her husband went for hunting with some friends and he was carrying a slingshot for hunting birds and he was wearing a sweater and slippers but the body which the police showed was “with a uniform along with a muzzle rifle”. The deceased’s brother, Renu Ram, who himself is a policeman serving with the DRG, claimed that his brother was not a Maoist and had in fact applied for recruitment in the police force some days ago.²⁸

On January 31, Bastar’s Inspector-General of Police (I-G) Sunderaj P admitted that indeed Manu Ram Nureti was not a Maoist. He said that as per preliminary investigation, Nureti along with his three friends went into the forest for wildlife hunting on January 23 night when an encounter took place between the DRG and the Maoists and “Nureti was probably killed in cross-firing”.²⁹

On March 12, the deceased’s wife wrote to the Chief Minister of Chhattisgarh alleging that her FIR submitted on February 15 was not yet registered. She accused the police officials including the then Superintendent of Police, Narayanpur district, of pressurising her to change her statements and withdraw the complaint.³⁰

²⁸Ritesh Mishra, “Family members claim the deceased in Naryanpur encounter was not a Maoist”, *The Hindustan Times*, January 25, 2022, <https://www.hindustantimes.com/india-news/family-members-claim-the-deceased-in-naryanpur-encounter-was-not-a-maoist-101643089514673.html>

²⁹Ritesh Mishra, “Chhattisgarh tribal killed in encounter not linked to Maoists, says cop after probe”, *The Hindustan Times*, February 1, 2022, <https://www.hindustantimes.com/india-news/chhattisgarh-tribal-killed-in-encounter-not-linked-to-maoists-says-cop-after-probe-101643656953491.html>

Case 2: Killing of Dhana Khamar and Jaya Kumar Nag in alleged fake encounter in Odisha

On November 11, 2022, the police claimed to have killed two “Maoists” in an encounter with the Special Operations Group (SOG) in Malipadar forests under Boipariguda block in Koraput district of Odisha. The deceased persons were identified as Dhana Khamar (41 years), a native of Sargiguda village under Malkangiri police station and Jaya Kumar Nag of Nuagada village under Kosagumunda police station in Nabarangpur district of Odisha. However, family members of Nag and Khamar claimed that the encounter was fake and they were daily wage labourers having no links with the Maoists. Family members of Dhana

Khamar claimed that he was a daily labourer and was going to Kotpad through the forests when he was killed. Villagers protested claiming that the three weapons recovered from Khamar were planted by the police. On the other hand, Nag’s family members also claimed that he was a daily labourer and had left home 10 days back to earn his livelihood.³¹

In November 2022, the National Human Rights Commission (NHRC) sought an action taken report from the Director General of Police (DGP), Odisha following a complaint filed by human rights activist and lawyer Radhakanta Tripathy seeking a free, fair and impartial investigation of the alleged fake encounter killing.³²

a. 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. IRAC has documented two such cases during 2022.

³⁰Ritesh Mishra, “Narayanpur encounter: Family alleges police ‘pressurising’ to change statement”, *The Hindustan Times*, March 13, 2022, https://www.hindustantimes.com/india-news/narayanpur-encounter-family-alleges-police-pressurising-to-change-statement-101647141614601-amp.html?utm_source=twitter&utm_medium=social&utm_campaign=ht AMP

³¹“Odisha: Fake encounter slur on Koraput police, kin say innocents slain”, *The New Indian Express*, November 14, 2022, <https://www.newindianexpress.com/states/odisha/2022/nov/14/odisha-fake-encounter-slur-on-koraput-police-kin-say-innocents-slain-2518100.html>

Case 1: Alleged suicide of Madavi Nagaraju after he was tortured by police in Telangana

On March 10, 2022, a tribal youth identified as Madavi Nagaraju (19 years) was allegedly assaulted by a Sub-Inspector when he was returning home in Dasturabad mandal in Nirmal district, Telangana, after attending a function at his relative's home. The Sub-Inspector also allegedly seized the motorbike and booked Nagaraju in a case of drunken driving.

Following the alleged torture and humiliation, the 19-year-old teenager allegedly committed suicide by consuming poison at home and was admitted to a hospital in Karimnagar where he died on 23 March 2022.³³

The police investigation report has, however, ruled out torture by police.³⁴

Case 2: Death of Ram Singh Sahariya after he was tortured by police in Baran district, Rajasthan

On May 29, 2022, a tribal identified as Ram Singh Sahariya (34 years) died due to alleged custodial torture by the police at Bhanwargarh police station in Baran district of Rajasthan. The deceased belonged to the Sahariya tribe which is recognized as a Particularly Vulnerable Tribal Group (PVTG) in Rajasthan. He was a resident of Ghatti village under Bhanwargarh police station in Baran district. In the morning of May 28, 2022, the police arrested him following a complaint filed by the village sarpanch (chief) for allegedly disturbing public peace. He was released in the evening on bail but his health condition began to deteriorate and he died at his home the next morning (May 29). Family members have alleged that Ram Singh Sahariya was subjected to custodial torture in the police station which led to his death.³⁵

³²"NHRC seeks report from Odisha DGP over alleged fake encounter", *The Times of India*, November 20, 2022, <https://timesofindia.indiatimes.com/city/bhubaneswar/nhrc-seeks-report-from-odisha-dgp-over-alleged-fake-encounter/articleshow/95643353.cms>

³³"Tribal youngster allegedly beaten by SI ends life in Nirmal", *Telangana Today*, March 24, 2022, <https://telanganatoday.com/tribal-youngster-allegedly-beaten-by-si-ends-life-in-nirmal>

³⁴NHRC proceedings dated January 16, 2023 in Case No. 589/36/23/2022

d. Implication in false cases and custodial torture

Custodial torture is routine in police stations. In December 2021, IRAC had filed a case of alleged attempt to rape a 28-year-old tribal woman and physical assault to her parents by a police constable at Panarwa police

station in Udaipur district of Rajasthan (Case No. 248/20/29/2022-WC). The matter was investigated by the police pursuant to a direction by the National Human Rights Commission (NHRC) and the investigation found the police constable guilty of physically assaulting the woman's father, although police denied that she was molested. Replying to a "show cause notice" from the Commission, the state government of Rajasthan argued that "there is no provision for providing of compensation to the victim in the case relating to simple hurt to the father of victim." The NHRC rejected the explanation and vide order dated October 28, 2022 recommended payment of a compensation of Rs. 3 lakh

(0.3 million) to be paid to the torture victim Shri Somaram. However, vide response dated November 14, 2022, the Deputy Secretary, Home Department, Rajasthan Government argued that payment of Rs.3 lakh on account of infliction of "simple injuries" was not justified. The NHRC has rejected this argument and reiterated its recommendation.

Many innocent tribals have been implicated in false/fake cases of being Maoist cadres. In July 2022, a National Investigation Agency (NIA) court in Chhattisgarh acquitted 121 tribals five years after they were arrested for alleged links to a Maoist attack in which 25 security personnel were killed in 2017. They were detained under the draconian Unlawful Activities (Prevention) Act, 1967 (UAPA) but the NIA court held that there was no evidence that the arrested tribals had any association with the Maoists.³⁶ Despite the acquittal, 13 out of 121 tribals continued to be in jail in other cases.³⁷ This acquittal from the Court is an example of how Adivasis are embroiled in fabricated cases and how the road to justice itself becomes a punishment.

³⁵"Man's death in Baran: Sahariya tribe people stage stir", The Times of India, May 30, 2022, <https://timesofindia.indiatimes.com/city/jaipur/mans-death-sahariya-tribe-people-stage-stir/articleshow/91879496.cms>

During 2022, IRAC has documented several cases of custodial torture of tribals. Some of the emblematic cases are given below.

Case 1: Custodial torture of two tribal students by police in Agartala, Tripura

On January 13, 2022, two tribal students identified as Angle Reang (20 years) and Abhijit Debbarma (21 years) were allegedly tortured first by constables of Agartala Traffic Police and thereafter at the New Capital Complex (NCC) police station in Agartala, Tripura. The victims were reportedly stopped by the traffic police constables near Circuit House on VIP Road ahead of the Chief Minister's convoy and allegedly tortured them in detention on the charge of obstruction of the movement of the Chief Minister. The victims alleged that after CM's cavalcade crossed the spot, they were taken to the traffic unit where they were allegedly beaten by three Traffic constables. The victims alleged that they were hit in their private parts and abused with slang words and detained for long with injuries and not provided medical attention. The two youths were later handed over to the police at the NCC Police Station where they were further allegedly tortured and abused although they were already injured. Their mobile phones were snatched away and they were not allowed to talk to their parents for a long time.³⁶

Case 2: False implication as alleged Maoist supporter and torture of Anil Kumar Singh in Jharkhand

On the intervening night of February 23-24, 2022, one tribal person namely Anil Kumar Singh (42 years), S/o Late Chaman Singh and two of his relatives Ajay Bhagat, S/o Late Sukra Bhagat and Ram Kishan Bhagat S/o Sadiya Bhagat were picked up on the charges of helping the Maoists in Latehar district,

³⁶Anurag Dwary, "121 Tribals, Charged With Helping Maoists, Acquitted After 5 Years In Jail", *NDTV*, July 18, 2022, <https://www.ndtv.com/india-news/121-tribals-charged-with-helping-maoists-acquitted-after-5-years-in-jail-3167687>

³⁷"13 of 121 Chhattisgarh tribals acquitted in 2017 Naxal attack still in jail", *The New Indian Express*, July 19, 2022, <https://www.newindianexpress.com/nation/2022/jul/19/13-of-121-chhattisgarh-tribals-acquitted-in-2017-naxal-attack-still-in-jail-2478045.html>

³⁸"Two tribal students allegedly assaulted by Tripura police for obstructing CM's carcade", *UNI*, January 14, 2022

Jharkhand.³⁹ Anil Kumar Singh was subjected to third degree torture in the police custody at Garu police station in Latehar district.⁴⁰

According to the victim Anil Kumar Singh, who is a resident of Kuku village, Barwadih Block in Latehar district,⁴¹ he was sleeping at his home when police knocked at the door and asked to open the door at around 1:00 am of February 24, 2022. The police officer identified himself as Garu police station in-charge Ranjit Kumar Yadav and took the victim to the police station on the charges of helping the Maoists/ Naxalites. When Anil Kumar Singh denied it, he was brutally beaten with a stick by Mr. Yadav and other two other policemen in the police station. Thereafter, they also poured petrol into his anus and he fell unconscious. In the morning at around 9 am of February 24, Mr. Yadav told the victim that he was picked up by mistake and let him go home.⁴² The victim was severely injured in his buttocks and was unable to walk. He was admitted to the local Sadar Hospital.⁴³ All the victims including Anil Kumar Singh were allegedly forced to sign on blank papers before being released from custody.⁴⁴

Despite Chief Minister Hemant Soren's clear instructions for action against the guilty police officials,⁴⁵ the police allegedly protected the accused brother police officers. Two police stations even refused to register an FIR. Since he was picked up from his house at Kuku village, Anil Singh went to register an FIR at his local police station (Chhipdohar) on March 2, 2022 but he was turned away on the ground that since the torture had taken place at Garu police station he should file the complaint there.⁴⁶ Then, on March 4,

³⁹NHRC Case No. 539/34/22/2022

⁴⁰Jharkhand Janadhikar Mahasabha, Tweet dated February 27, 2022, <https://twitter.com/JharkhandJanad1/status/1497918186401894403>

⁴¹Application of Anil Kumar Singh, torture victim, as per post uploaded by Jharkhand Janadhikar Mahasabha on Twitter dated March 3, 2022, available at <https://twitter.com/JharkhandJanad1/status/1499215438122651649>

⁴²Statement of Anil Kumar Singh, torture victim, as per video uploaded by Jharkhand Janadhikar Mahasabha on Twitter dated February 27, 2022, available at <https://twitter.com/JharkhandJanad1/status/1497918186401894403>

⁴³Jharkhand Janadhikar Mahasabha, Tweet dated February 27, 2022, <https://twitter.com/JharkhandJanad1/status/1497918186401894403>

⁴⁴NHRC Case No. 539/34/22/2022

Anil was turned away from SC/ST police station, Latehar. He filed a case at the Latehar district court on 25 March demanding registration of FIR against the accused police officials.⁴⁷ On August 22, 2022, the local court under section 156(3) CrPC directed the SC/ST police station at Latehar to register the complainant's FIR and initiate an investigation against the accused.⁴⁸ However, no action was taken against the accused police officials, forcing the victim to move the Jharkhand High Court for justice vide Writ Petition (Cr) No. 509/2022.

Case 3: Custodial torture of Tachuk Padu by the police in Shi-Yomi district, Arunachal Pradesh

On March 18, 2022, a tribal namely Tachuk Padu (33 years) was allegedly tortured at Mechukha police station in Shi-Yomi district of Arunachal Pradesh. He belongs to Padusa village in Shi-Yomi district. At around 8:15 pm on March 18, Padu went to the house of the Speaker of Arunachal Assembly cum local Member of Legislative Assembly (MLA) of Menchuka, Passang Dorjee Sona, to take medicine sent by the Speaker himself.⁴⁹ But the security guard did not allow him to enter and got him arrested by the local police. Tachuk Padu was arrested by the Mechukha police in connection with Case No (02/22) u/s 447/353/323/506 of the IPC on March 18. He was kept in handcuff in the lock up and allegedly tortured for the whole night. As a result of custodial torture, he suffered grievous injuries particularly in the buttocks and legs. The victim alleged that he was unconscious for two times but the beating continued. Following his release, the victim had to be admitted to Tomo Riba Institute of Health and Medical Sciences at Naharlagun town of Papum Pare district.⁵⁰

⁴⁵Animesh Bisoe, "Hemant Soren asks police to probe alleged torture on tribal youth", The Telegraph India, March 1, 2022, <https://www.telegraphindia.com/jharkhand/hemant-soren-asks-police-to-probe-and-take-stern-action-over-alleged-torture/cid/1853914>

⁴⁶Animesh Bisoe, Custodial 'torture' case: Police refuse to file FIR of tribal man, *The Telegraph*, March 4, 2022, <https://www.telegraphindia.com/jharkhand/custodial-torture-case-police-refuse-to-file-fir-of-42-year-old-tribal-man/cid/1854367>

⁴⁷Animesh Bisoe, Latehar: Tribal resident moves court against custodial torture, *The Telegraph*, March 26, 2022, <https://www.telegraphindia.com/jharkhand/latehar-tribal-resident-moves-court-against-custodial-torture/cid/1857577>

⁴⁸ress statement of Jharkhand Janadhikar Mahasabha dated 30.08.2022, available at <https://twitter.com/JharkhandJanad1/status/1564492675201798146>

Case 4: Custodial torture of Sunil Bhil alias Sanju in Dhar district, Madhya Pradesh

On March 28, 2022, a tribal namely Sunil Bhil alias Sanju was allegedly tortured at Nalchha police station in Dhar district of Madhya Pradesh. The victim is a resident of Vali village in Dhar district of Madhya Pradesh. According to the victim's wife, the police came to the village looking for one Sanjay who was wanted in a case, but failing to catch Sanjay the police picked up Sunil Bhil alias Sanju. Despite her protests, the police took Sanju to the police station and kept him in lock-up overnight. She further alleged that the policemen at the police station were in an inebriated state and they removed all his (Sanju's) clothes and beat him black and blue. The police also allegedly misbehaved with her and shoved her out of the police station. She claimed that no woman constable was present at the police station when policemen allegedly

misbehaved with her. Sanju was released in the wee hours of March 28, 2022 after villagers gathered at the police station and protested.⁵¹

Case 5: Custodial torture of Dharmendra Girwal in Madhya Pradesh

On June 6, 2022, a crime branch team detained Dharmendra Girwal, a resident of Kakalpura village under Nalcha police station in Dhar district of Madhya Pradesh, for allegedly operating betting activities. The crime branch team handed him over to Nalcha police station. Dharmendra and his family claimed that police beat him black and blue and he was later released after the police took bribe from the family.⁵² The police released him on June 6 at

⁴⁹"Man alleges police brutality in Arunachal's Mechukha; demands action against cop", India Today, March 21, 2022, <https://www.indiatoday.in/india/story/police-brutality-ihro-action-against-police-personnel-police-thrash-man-1927521-2022-03-21>

⁵⁰"Police brutality in Mechukha PS, IHRO demands suspension of erring police personnel", The Arunachal Times, March 21, 2022, <https://arunachaltimes.in/index.php/2022/03/21/police-brutality-in-mechukha-ps-ihro-demands-suspension-of-erring-police-personnel/>

⁵¹"Nalchha: Mistaken identity, Gone to arrest Sanjay, police return with Sanju," The Free Press Journal, March 28, 2022, <https://www.freepressjournal.in/indore/nalchha-mistaken-identity-gone-to-arrest-sanjay-police-return-with-sanju>

⁵²"Dhar: Nalcha TI, SI line attached for demanding bribe to release youth," The Free Press Journal, June 9, 2022, <https://www.freepressjournal.in/indore/dhar-nalcha-ti-si-line-attached-for-demanding-bribe-to-release-youth>

around 10 pm and threatened him not to tell anyone about the incident.⁵³ After the incident was reported by the media, Dhar Superintendent of Police ordered an investigation to be conducted by the Sub Divisional Police Officer.⁵⁴

Case 6: Police officer suspended for custodial torture of a tribal youth in Jharkhand

On June 6, 2022, Officer-in-Charge of Pandra police outpost, Sub Inspector Chintu Kumar was suspended for allegedly beating a tribal

youth in custody and releasing him after taking a bribe in Ranchi district of Jharkhand. The victim had gone to the police station to lodge a complaint related to a land dispute. The accused police officer was shifted following protests from the villagers.⁵⁵

Case 7: Custodial torture of Sukanbhan Dhurve in Madhya Pradesh

On September 12, 2022, a tribal youth identified as Sukanbhan Dhurve (aged around 20 years) was allegedly tortured by the police during detention at Batkakhapa Police Station in Chhindwara district in Madhya Pradesh. The victim is an orphan and used to earn living as a daily wage labourer. His grandfather had lodged a complaint before the police about stealing of a household item but the police took him into custody and allegedly subjected him to brutal beating. As a result of alleged custodial torture, he suffered serious injuries particularly in the hands and toes.⁵⁶

⁵³“Dhar: Nalcha TI, SI line attached for demanding bribe to release youth,” The Free Press Journal, June 9, 2022, <https://www.freepressjournal.in/indore/dhar-nalcha-ti-si-line-attached-for-demanding-bribe-to-release-youth>

⁵⁴“Dhar: Nalcha TI, SI line attached for demanding bribe to release youth,” The Free Press Journal, June 9, 2022, <https://www.freepressjournal.in/indore/dhar-nalcha-ti-si-line-attached-for-demanding-bribe-to-release-youth>

⁵⁵“Pandra OC suspended for ‘beating’ tribal youth in custody”, The Times of India, June 7, 2022, <https://timesofindia.indiatimes.com/city/ranchi/pandra-oc-suspended-for-beating-tribal-in-custody/articleshow/92049517.cms>

⁵⁶<https://www.patrika.com/chhindwara-news/tribal-youth-was-brutally-beaten-up-by-the-police-then-read-this-news-7766548/>

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.

In the ongoing armed conflict, the tribals have been sandwiched between the police and the armed opposition groups. While the police accused the tribal villagers of helping the Maoists, the Maoists on the other hand targeted the innocent villagers as “police informers”. During 2022, IRAC has documented several cases of killing of tribals by the Maoists on the suspicion of being “police informers”.

On February 14, 2022, Kapil @ Akhil Majhi was kidnapped and killed by the Maoists on the suspicion of being a police informer at Upargumu village in Bhandrangi panchayat under Belghar police station limits of Kandhamal district, Odisha.⁵⁷ Acting on a complaint filed by IRAC (Case No. 489/18/26/2022), the NHRC issued a notice and in response, the Odisha police submitted that a group of Maoists armed with guns caught Akhil Majhi, tied him and strangulated him. They killed him alleging that he was police informer. The Government paid an ex-gratia payment of Rs. 9,00,000 to the next of kin of the deceased.⁵⁸

On the night of April 6, 2022, a tribal identified as Korra Lakshmana Rao (35 years) was abducted and killed by the Maoists in Pedabayalu mandal in Alluri Sitaramaraju district of Andhra Pradesh.⁵⁹

⁵⁷“Ultras kill youth in Kandhamal suspecting informer; Red menace clouds polls”, *Orissa Post*, February 16, 2022, <https://www.orissapost.com/ultras-kill-youth-in-kandhamal-suspecting-informer-red-menace-clouds-polls/>

⁵⁸Final order of NHRC dated 8 July 2022 in Case No. 489/18/26/2022

⁵⁹“Maoists kill tribal branding him as a police informer”, *The New Indian Express*, April 8, 2022, <https://www.newindianexpress.com/states/andhra-pradesh/2022/apr/08/maoists-kill-tribal-branding-him-as-a-police-informer-2439404.html>

On April 14, 2022, the Maoists abducted and killed two tribal villagers namely Dalsu Hichami and Ashok Naroti, both in their 20s, in Gadchiroli district of Maharashtra. Their bodies were found with several injuries. Alongside their bodies, Maoist pamphlet was reportedly found labelling the victims as “police informers”.⁶⁰ IRAC took up the killings of the two tribal villagers with the NHRC. On June 29, 2022, the NHRC directed the state government to pay ex gratia payment of Rs. 10 lakhs (i.e. one million rupees) to the next of kin of each of the victims as per the existing rules.⁶¹

On the night of April 17, 2022, a tribal headman identified as Dudhganga was killed by the Maoists on the suspicion of being a police informer in Bheji Police Station area in Sukma district of Chhattisgarh. Dudhganga was returning from his relative’s house when he was waylaid and stabbed to death by the Maoists.⁶²

On May 23, 2022, a tribal identified as Kulle Kowasi (42 year) was killed by Maoists near Doddur village under Etapalli Taluka (administrative division) in Gadchiroli district of Maharashtra. He was abducted and tortured before being killed.⁶³

On October 15, 2022, Raju Modiyam (27 years) and Dula Kodme (25 years) were killed by the Maoists on the charges of being “police informers” at Peddakorma village under Gangaloor police station limits in Bijapur district of Chhattisgarh.⁶⁴

On November 9, 2022, Subaka Gopal (55 years), a Gotti Koya tribal, was killed by the Maoists on the suspicion of being a ‘police informer’ at Kondapur village under Venkatapuram police station in Mulugu district of Telangana.

⁶⁰“Maoists kidnap, murder 2 tribals in Maharashtra”, *The Times of India*, April 15, 2022, <https://timesofindia.indiatimes.com/city/nagpur/maoists-kidnap-murder-2-tribals/articleshowprint/90853737.cms>

⁶¹Final order of NHRC dated June 29, 2022 in Case No. 1208/13/11/2022

⁶²“Maoists slay tribal leader in Chhattisgarh”, *United News of India (UNI)*, April 18, 2022

⁶³“Maoist gang throttles 42-year-old tribal to death”, *The Times of India*, May 25, 2022, <https://timesofindia.indiatimes.com/nagpur/maoist-gang-throttles-42-year-old-tribal-to-death/articleshow/91775524.cms>

⁶⁴Ritesh Mishra, “Chhattisgarh: Maoists kill two villagers in Bastar’s Bijapur”, *The Hindustan Times*, October 17, 2022, <https://www.hindustantimes.com/india-news/chhattisgarh-maoists-kill-two-villagers-in-bastar-s-bijapur-101665985796142.html>

According to reports, he was dragged out of his house and stabbed to death by the Maoists in front of the family members. A letter was reportedly left by the Maoists accusing the deceased of working as a police informer and hence he was punished.⁶⁵

On the night of December 31, 2022, the Maoists abducted and killed a tribal youth identified as Sanjay Tati, a resident of Tarem police station area in Bijapur district of Chhattisgarh. The police reportedly recovered a letter left by the Maoists.⁶⁶

In the North-eastern region of India, a tribal chief identified as Zehlem Khongsai (57 years) was shot dead on June 6, 2022 by suspected tribal insurgents at Naphai village under Saikul police station in Kangpokpi district of Manipur. Four gunmen reportedly dragged the tribal chief from his house at 11.30 pm and shot him dead.⁶⁷ A report suggested that he was killed for opposing Poppy cultivation in his area and supporting the government's initiative against Poppy cultivation.⁶⁸

⁶⁵"Telangana: Tribal man killed by Maoists over allegedly being police informer", *The New Indian Express*, November 10, 2022,

<https://www.newindianexpress.com/states/telangana/2022/nov/10/telangana-tribal-man-killed-by-maoists-over-allegedly-being-police-informer-2516902.html>

⁶⁶"Youth abducted and killed by Maoists in Bastar", *The Times of India*, January 2, 2023, <https://timesofindia.indiatimes.com/city/raipur/youth-abducted-and-killed-by-maoists-in-bastar/articleshow/96671823.cms>

⁶⁷"Tribal chief shot dead by suspected insurgents in Manipur," *The Hindu*, June 7, 2022, <https://www.thehindu.com/news/national/other-states/tribal-chief-shot-dead-by-suspected-insurgents-in-manipur/article65502994.ece>

⁶⁸<https://www.pothashang.in/2022/06/07/village-chief-who-opposed-poppy-cultivation-shot-dead/>

VIOLATIONS BY THE FOREST OFFICIALS

The forest department officials in many states of India were responsible for violation of human rights of the indigenous peoples during 2022. Some of the patterns of rights violations during the year are discussed below.

a. Custodial deaths/Extrajudicial killings

During 2022, IRAC has documented custodial death/extrajudicial killing of three indigenous persons by the forest guards/officials. Two of the killings took place when the indigenous persons reportedly went to collect firewood for cooking while the third was tortured to death in custody after he was arrested in an alleged false case of poaching.

Case 1: Killing of Borsing Tiso by the forest guards inside the Sonaikuchi Reserve Forest in Morigaon district of Assam

On February 15, 2022, a tribal identified as Borsing Tiso was shot dead and another was injured in firing by the forest guards inside the Sonaikuchi Reserve Forest in Morigaon district of Assam. As per reports, Borsing Tiso, a Karbi tribal, along with some other villagers had gone to the nearby reserved forest area to collect firewood. According to family members, Tiso and some other fellow villagers had allegedly bribed some forest officials for permission to cut woods inside the reserved forest. But the forest department personnel first took money from them and then shot them. Tiso was shot at least three times in chest and hand.⁶⁹ The deceased was the only bread earner for the family and survived by two kids and his wife.

⁶⁹“Assam: Villager Allegedly Killed In Forest Dept Firing In Morigaon; Locals Torch Office”, *Time 8*, February 15, 2022, <https://www.time8.in/assam-villager-allegedly-killed-in-forest-dept-firing-in-morigaon-locals-torch-office/>

Case 2: Killing of Chain Singh by forest officials in Madhya Pradesh

On the night of August 9, 2022, the forest officials opened fire killing a tribal man identified as Chain Singh (33 years), belonging to Bhil tribe, and injuring to three others near Khatyapura village under Lateri police station in Vidisha district of Madhya Pradesh.⁷⁰

The deceased along with seven other villagers, all residents of Raipura village, were returning home from forest where they went to collect dry wood for cooking. The forest guards intercepted them near Khatyapura village and opened fire killing Chain Singh on the spot. The forest officials kept on firing injuring three others identified as Mahendra Bhil (22 years), Bhagwan Singh (30 years) and Road Singh (30 years). The injured persons were admitted at the district hospital.⁷¹ District Forest Officer Rajveer Singh claimed that the range officer of South Lateri range received a tip-off that a few people were stealing the wood from the jungle. Acting on a tip-off, two patrolling teams of North and South Latehri forest range were rushed to the area for patrolling when around 10 pm, they saw about 10 villagers near Khatipura village. The tribal villagers left the wood behind and rushed back into the jungle. As the forest guards followed them into the jungle, the villagers began pelting stones. The tribals were soon joined by others from the village and the situation was escalating when the forest guards fired in self-defence.⁷² However, Road Singh Bhil, one of the three injured, while speaking to the media said, “We had gone to collect wood for cooking when we were caught by the forest officials who opened fire on us and in a blink of an eye Chain Singh died on the spot and three others got injured in the firing.”⁷³ Another injured tribal Bhagwan Singh also claimed, “We were eight people returning from the

⁷⁰ishnukant Tiwari, “1 Dead as MP Forest Officers Allegedly Open Fire at Tribals in Vidisha, Probe On”, *The Quint*, August 10, 2022, <https://www.thequint.com/news/india/mp-vidisha-forest-officials-kill-tribal-injure-others-dakshin-lateri-forest-range#read-more>

⁷¹“MP: Tribal man killed after forest staffers open fire, murder case registered”, *The Print*, August 10, 2022, <https://theprint.in/india/mp-tribal-man-killed-after-forest-staffers-open-fire-murder-case-registered/1077151/>

⁷²Kashif Kakvi, “MP: Tribal Man Shot Dead in Vidisha Over Suspected Theft of Wood From Jungle”, *NewsClick*, August 10, 2022, <https://www.newsclick.in/MP-tribal-man-shot-dead-vidisha-suspected-theft-wood-jungle>

forest after collecting wood and at around 10 pm we met the forest officials. They suddenly opened fire and killed Chain Singh. When we rushed to pick up Chain Singh they shot at us too".⁷⁴

On the complaint of Chain Singh's brother Preetam Singh, Police lodged a First Information Report (FIR) against two forest officials under IPC sections 302 (murder), 307 (attempt to murder) and 34 (acts done by several persons in furtherance of common intention) at mid-night of August 9 at the Lateri police station. The State Government also ordered a judicial inquiry into the incident.⁷⁵

Case 3: Custodial death of Kariyappa in Karnataka

On October 10, 2022, Kariyappa (also spelt as Cariappa), aged 49 years, a member of Jenu Kuruba (honey gatherer) tribe, was arrested by the forest department on charges of hunting and possessing deer meat in H D Kote in Mysuru district of Karnataka. He was kept in illegal custody at an anti-poaching camp and allegedly tortured to death on October 12. The forest officials claimed he was rushed to K R Hospital after he complained of uneasiness, and was declared dead at the hospital.

But the deceased's family members and residents of the hamlet alleged that Kariyappa was tortured to death by the forest staff. Family members claimed that there were injury marks on his body.⁷⁶

⁷³Kashif Kakvi, "MP: Tribal Man Shot Dead in Vidisha Over Suspected Theft of Wood From Jungle", NewsClick, August 10, 2022, <https://www.newsclick.in/MP-tribal-man-shot-dead-vidisha-suspected-theft-wood-jungle>

⁷⁴ishnukant Tiwari, "1 Dead as MP Forest Officers Allegedly Open Fire at Tribals in Vidisha, Probe On", *The Quint*, August 10, 2022, <https://www.thequint.com/news/india/mp-vidisha-forest-officials-kill-tribal-injure-others-dakshin-lateri-forest-range#read-more>

⁷⁵Kashif Kakvi, "MP: Tribal Man Shot Dead in Vidisha Over suspected Theft of Wood From Jungle", News Click, August 10, 2022, <https://www.newsclick.in/MP-tribal-man-shot-dead-vidisha-suspected-theft-wood-jungle>

⁷⁶"Karnataka: Tribal man in foresters' custody dies of suspected torture in HD Kote", *The New Indian Express*, October 13, 2022, <https://www.newindianexpress.com/states/karnataka/2022/oct/13/tribal-man-in-custody-of-foresters-dies-of-suspected-torture-in-hd-kote-2507545.html>

Kariappa's son Satish filed a complaint based on which an FIR was registered at the Antarsante police station. The FIR has named 17 forest officers including the Range Forest Officer (RFO) of Gundre Reserve Forest, MN Amrithesh and Deputy RFO (DRFO) Karthik Yadav for murder and illegal detention.⁷⁷ According to Satish, the forest department officials and staff came to their house on the night of October 10, dragged him and his sister outside their home, hurled abuses and threatened them with consequences if they did not share their father's whereabouts. They threatened to shoot them and burn down their house. Later, the family came to know that the forest officers had arrested Kariyappa who was inside the forest.⁷⁸

According to the police, the forest officials had taken Kariyappa and two others into custody on October 10 on the ground of killing a deer in the reserve forest.⁷⁹

b. Torture and cruel, inhuman or degrading treatment or punishment

During 2022, the tribals continued to be criminalized as encroachers of forest land or as smugglers/poachers of wildlife and forest resources, and false/fabricated cases were lodged against them. Tribals were tortured for fishing in tiger reserve or collecting firewood for cooking, while women were also tortured and stripped by the forest officials for venturing into the forests. False cases were slapped on the tribals and subjected to torture in custody.

Case 1: Disrobing and beating of four tribal women by a forest officer in Telangana

On January 20, 2022, four tribal women were allegedly disrobed and beaten by a forest officer near Sakivalasa village in Mulakapalli mandal of Bhadradi-Kothagudem district in Telangana. The four women from Adivasi Gudem and Sakivagu villages under the Rachannagudem gram panchayat went to

⁷⁷"Forest officials charged with murdering tribal man", *The Hindustan Times*, October 14, 2022, <https://www.hindustantimes.com/cities/bengaluru-news/forest-officials-charged-with-murdering-tribal-man-101665686274828.html>

⁷⁸"Forest officials charged with murdering tribal man", *The Hindustan Times*, October 14, 2022, <https://www.hindustantimes.com/cities/bengaluru-news/forest-officials-charged-with-murdering-tribal-man-101665686274828.html>

⁷⁹"17 Karnataka Forest Officers Booked for Custodial Death of Tribal Man",

collect firewood in the nearby forest when Forest Section Officer N. Mahesh stopped them and accused them of stealing firewood. The tribal women were picking up fallen twigs from the ground and not felling any tree. When the tribal women tried to clarify that they were not stealing anything, the forest official got angry and allegedly beat them with a stick. As the women began to escape the torture, he allegedly pulled off the sarees (Indian attire) of two women and disrobed them. The women lodged a complaint at Mulkalapalli police station against N. Mahesh.⁸⁰

IRAC submitted a complaint before the NHRC (Case No. 175/36/13/2022) seeking an investigation into the incident. On March 3, 2022, the NHRC directed the District Forest Officer (DFO), Bhadradi-Kothagudem district to take appropriate action within 8 weeks but no action was taken. Media reported that the Government of Telangana directed the Tribal Welfare Commissioner to conduct an inquiry into the incident.⁸¹

Case 2: Tribal man burnt with hot iron rod by the forest guards in the Melaghat Tiger Reserve in Maharashtra

On August 25, 2022, a tribal youth namely Ankush Gorelal Mavaskar (25) was beaten up and branded with hot iron rod allegedly by the forest guards for fishing in the Melaghat Tiger Reserve in Amravati district of Maharashtra.⁸² According to the victim, who is a resident of Dhulghat Railway, he along with his two friends namely Anand Kasdekar and Pappu Chavan from the same village, had gone for fishing in a dam in Wan forest area under Akot wildlife division of Melghat Tiger Reserve when the forest staff caught them and tortured them. Ankush further alleged that some 7-8 forest employees beat him up and burnt him with a hot iron rod. He somehow managed to escape from the clutches of the forest personnel in an injured condition and

⁸⁰"Telangana: Tribal women disrobed, beaten up for entering forest to collect firewood", *The New Indian Express*, January 22, 2022, <https://www.newindianexpress.com/states/telangana/2022/jan/22/telangana-tribal->

⁸¹"Stripping of Tribal Women: Telangana minister orders probe by Welfare Commissioner", *The New Indian Express*, January 22, 2022, <https://www.newindianexpress.com/states/telangana/2022/jan/22/stripping-of-tribal-women-telangana-minister-orders-probe-by-welfare-commissioner-2410052.html>

⁸²"Amravati youth claims foresters branded him with iron rod," *The Times of India*, August 27, 2022, <https://timesofindia.indiatimes.com/city/nagpur/amravati-youth-claims-foresters-branded-him-with-iron-rod/articleshow/93807603.cms>

returned to his village. He was later admitted to the sub-district hospital at Dharni.⁸³ Ankush suffered injuries at multiple places of his body due to alleged branding with hot iron rods by the forest guards.

Case 3: Arrest and custodial torture of Sarun Saji in a fabricated case in Kerala

On September 20, 2022, a tribal youth namely Sarun Saji (24 years) was arrested in an alleged fabricated case and beaten up in custody by officers of Kizhukanam forest section in the Idukki Wildlife Sanctuary, Idukki district of Kerala. The victim was arrested on the charges of smuggling of deer meat. The forest officials claimed that the deer meat was recovered from his autorickshaw during an inspection conducted at the Vanmavu check post after receiving secret information. Soon after Sarun's arrest, his family members and local activists protested alleging that it was a fake case.⁸⁴

Sarun's parents - Saji and Nirmala - launched a hunger strike seeking justice for their son. A preliminary probe by Chief Forest Conservator, Vigilance, reportedly found that wild meat was kept in the tribal youth's autorickshaw by the forest officials and on that basis arrested the tribal youth in a fabricated case. In this connection, seven forest officials have been suspended namely Kizhukanam section forest officer Anil Kumar; beat forest officers Lenin V.C. and Shijiraj N.; senior grade driver Jimmy Joseph; and forest watchers Mohanan K.N. and Jayakumar K.T; and B Rahul, Idukki wildlife warden. Prior to his suspension, B Rahul was transferred to the Forest Headquarters in Thiruvananthapuram.⁸⁵

Initially, the police refused to register the complaint filed by the victim, Sarun Saji. According to Sarun's complaint, the officials in the forest department

⁸³"Amravati youth claims foresters branded him with iron rod," *The Times of India*, August 27, 2022, <https://timesofindia.indiatimes.com/city/nagpur/amravati-youth-claims-foresters-branded-him-with-iron-rod/articleshow/93807603.cms>

⁸⁴"Tribal youth arrested in fake case and beaten up; one more officer suspended, action continues", *Kaumudi online*, November 1, 2022, <https://keralakaumudi.com/en/news/news.php?id=936190&u=tribal-youth-arrested-in-fake-case-and-beaten-up-one-more-officer-suspended%C2%A0action-continues-936190>

⁸⁵"Another Forest Dept official suspended for fabricating case against tribal youth", *Manorama Online*, November 2, 2022, <https://www.onmanorama.com/news/kerala/2022/11/02/tribal-youth-implication-wildlife-warden-suspended.html>

arrested him in a false case and tortured him in custody. He moved the Kerala Scheduled Castes and Scheduled Tribes Commission which sought action taken report within 15 days from the concerned authority. The intervention by the SC/ST Commission forced the police to register a case against 13 forest officials who were booked for offences such as custodial torture, verbal abuse, illegal detention, conspiracy, and tampering with evidence in the case. The accused have been charged, among others, under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (SC/ST Act). Those booked in the case included suspended officers Anil Kumar and B. Rahul.⁸⁶ Though the Forest Department took disciplinary action against the accused officials, the false case against Sarun was not dropped and he continued to face false prosecution.⁸⁷

Case 4: Shooting at tribal villagers who went to forest to collect firewood in Assam

On December 17, 2022, a tribal woodcutter namely Nirmal Basumatary was injured in firing by forest personnel who mistook him for a smuggler or poacher at Batabari forest range of the Manas National Park in Baksa district. Tribal villagers and others living near to the forest usually go into the forests for collection of firewood for domestic use. On the fateful day, Nirmal Basumatary and Rakesh Islari, both belonging to Bodo tribe, went to the forest to collect firewood for domestic use. But the forest personnel mistook them for timber smuggler or poacher and fired at them.⁸⁸

c. Denial of forest rights under Forest Rights Act and forced evictions

Tribals and other traditional forest dwellers have been subjected to violence, eviction and dispossession of their lands, territories and natural resources

⁸⁶“Forest officials booked for foisting false poaching case against tribal youth”, mathrubhumi.com, December 6, 2022, <https://english.mathrubhumi.com/news/kerala/forest-officials-booked-for-foisting-false-poaching-case-against-tribal-youth-1.8109930>

⁸⁷“Another Forest Dept official suspended for fabricating case against tribal youth”, Manorama Online, November 2, 2022, <https://www.onmanorama.com/news/kerala/2022/11/02/tribal-youth-implication-wildlife-warden-suspended.html>

⁸⁸“Assam: Civilian mistaken for poacher shot in Baksa, hospitalised”, Prag News, December 18, 2022, <https://pragnews.com/regional/Assam-Civilian-mistaken-for-poacher-shot-in-Baksa-hospitalised>; also see, “Assam: Tribal woodcutter injured in forest guard firing at Manas National Park”, NE Now, December 18, 2022, <https://nenow.in/north-east-news/assam/assam-tribal-woodcutter-injured-in-forest-guard-firing-at-manas-national-park.html>

primarily due to lack of enforcement of the laws including the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006⁸⁹ (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) completed 15 years of operation (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 15 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 November 30, 2022, a total of 44,66,617 claims have been filed and 22,49,671 titles have been distributed which means that only 50.36% claimants have received their forest rights titles since the enactment of the FRA in 2006.

Out of 39,79,543 claims disposed off, 17,29,872 claims i.e. 43.46% have been rejected as of November 30, 2022.⁸⁹ On the other hand, a Public Interest Litigation (PIL) was filed by wildlife activists in 2008 challenging the constitutional validity of the Forest Rights Act and the Supreme Court (SC) is hearing the plea in *Wildlife First v Ministry of Forest and Environment*. With

⁸⁹Ministry 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 30.11.2022]", available at: [https://tribal.nic.in/downloads/FRA/MPR/2022/\(A\)%20MPR%20Nov%202022.pdf](https://tribal.nic.in/downloads/FRA/MPR/2022/(A)%20MPR%20Nov%202022.pdf)

over 1.6 million individual forest rights (IFR) claims having been rejected as of November 2022, they faced threat of eviction and food security.⁹⁰

On February 13, 2019, the SC had ordered eviction of 1.19 million tribals across 20 states whose claims were rejected under the FRA but the eviction order was put on hold on February 28, 2019 after the Union of India filed an application stating that the claims were wrongly rejected. Thereafter, the state governments undertook the process of *suo motu* review of rejected claims.⁹¹ But studies have shown that several state governments have re-rejected most of the claims without following the due process. The Madhya Pradesh government launched an online portal called MP Van Mitra to allow the claimants whose claims had been rejected to re-apply for review. But the Van Mitra portal was allegedly misused and instead of facilitating the review of rejected claims it has allegedly become a tool to fraudulently reject claims once again. About 174,525 Individual Forest Rights (IFR) claims were received in Madhya Pradesh at the District Level Committee (DLC) through the Van Mitra portal. Out of these, 151,929 claims were reviewed and 116,758 reviewed claims were rejected at the DLC level which implies a rejection rate of almost 77 per cent of the claims. It was reported that after the use of the Van Mitra portal, the rejection rate in the state went up by almost 16 per cent in comparison to pre-portal years.⁹²

In Chhattisgarh, as of November 2022, there were around 399,000 rejected claims which were reviewed but during the review process only 34,000 or less than 10 per cent claims were approved. As per reports, 50- 60 per cent of the IFR claims during review had been rejected again on baseless grounds such as 'claimants had applied for the title in protected areas' or 'lack of documents'.⁹³

⁹⁰Shuchita Jha, "IFR review: Here are some possible repercussions of rejecting reviewed forest right claims", *Down To Earth*, February 28, 2023, <https://www.downtoearth.org.in/news/forests/ifr-review-here-are-some-possible-repercussions-of-rejecting-reviewed-forest-right-claims-87960>

⁹¹Shuchita Jha, "IFR review: Madhya Pradesh's Van Mitra portal a tool to re-reject forest right claims, RTI data shows", *Down To Earth*, February 23, 2023, <https://www.downtoearth.org.in/news/forests/ifr-review-madhya-pradesh-s-van-mitra-portal-a-tool-to-re-reject-forest-right-claims-rti-data-shows-87880>

⁹²Shuchita Jha, "IFR review: Madhya Pradesh's Van Mitra portal a tool to re-reject forest right claims, RTI data shows", *Down To Earth*, February 23, 2023, <https://www.downtoearth.org.in/news/forests/ifr-review-madhya-pradesh-s-van-mitra-portal-a-tool-to-re-reject-forest-right-claims-rti-data-shows-87880>

Similarly, Odisha reviewed 148,870 rejected IFR claims at the DLC level and rejected 1,40,504 again—a rejection rate of more than 94 percent.⁹⁴ Most of these rejections were arbitrary and illegal. The Campaign for Survival and Dignity (CSD), a national platform of tribal and forest dwellers' organisation and Gram Sabhas Collectives from 18 districts dominated by tribal communities of Odisha alleged that the claimants were not informed or allowed to appeal against the rejection by the DLC or the sub-divisional level committee (SDLC) and demanded a review of the rejections as required under Rule 12A of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012.⁹⁵

During 2022, the IRAC has documented several cases of eviction or attempted eviction of tribals by the forest officials.

Case 1: Forcible eviction of 17 tribal families in Gujarat

On September 3, 2022, 17 tribal families were reportedly evicted from their farm land by the forest officials at Zariamba village in Tapi district of Gujarat. The forest department alleged that these tribal families had encroached on the forest land. But the affected tribal families claimed that they had been cultivating on the said land for a long time. The land in question falls in the compartment area of 123, 124, 125 in Tapti range and was initially cultivated by 19 tribal families from Monipada village, who had been allotted the plot after being evicted from the vicinity of Ukai dam a long time ago. But on September 3, 2022, a large number of forest staff led by a Forest Range Officer came and destroyed the small huts built with logs and forcibly evicted the 17 tribal families robbing them of shelter and livelihood. 17 tribals were also

⁹³Shuchita Jha, "IFR review: States do dubious paperwork, cite baseless reasons for refusing forest rights to tribals, DTE finds", *Down To Earth*, February 27, 2023, <https://www.downtoearth.org.in/news/forests/ifr-review-states-do-dubious-paperwork-cite-baseless-reasons-for-refusing-forest-rights-to-tribals-dte-finds-87939>

⁹⁴Shuchita Jha, "IFR review: States do dubious paperwork, cite baseless reasons for refusing forest rights to tribals, DTE finds", *Down To Earth*, February 27, 2023, <https://www.downtoearth.org.in/news/forests/ifr-review-states-do-dubious-paperwork-cite-baseless-reasons-for-refusing-forest-rights-to-tribals-dte-finds-87939>

⁹⁵Shuchita Jha, 'Review 150,000 forest rights claims rejected without reason', *Down To Earth*, November 10, 2022, <https://www.downtoearth.org.in/news/forests/-review-150-000-forest-rights-claims-rejected-without-reason--85911>

booked for trespassing and encroachment on forest land. It is alleged that one evicted tribal namely Dashrat Vasava died by suicide by consuming poison at his home.⁹⁶

The NHRC registered a case (Case No. 1666/6/23/2022) based on a complaint filed by IRAC. On December 19, 2022, the NHRC issued notices to the District Magistrate of Surat, the Principal Chief Conservator of Forests, Government of Gujarat and the Secretary of Tribal Development Department, Government of Gujarat calling for a report in the matter within 4 weeks.

Case 2: Eviction notices issued to Garo tribals in Goalpara district in Assam

The Garo tribals have been living and cultivating for generations in reserve forest area in Goalpara district of Assam but on October 9, 2022, the Forest Range Officers (FROs) of different ranges under Goalpara district pasted eviction notices in the houses of the Garo tribal families. The eviction notice read: "It is hereby inform to all people residing inside Reserve that willingly remove the residential House, Rubber Plantation, Banana Plantation, Betel nut plantation etc from the Reserve Forest area without fail. Forest department will take necessary step for eviction."⁹⁷

On October 14, the Garo National Council wrote to the Chief Minister (CM) of Assam to withdraw the eviction notices served upon the Garo tribal forest dwellers.⁹⁸ However, on January 6, 2023, CM Himanta Biswa Sarma stated that eviction drive to clear forest land from encroachment in Goalpara district would be carried out in accordance with a directive from the Gauhati

⁹⁶"Surat: 'Evicted from land', tribals demand action against forest officer", *The Indian Express*, September 10, 2022, <https://indianexpress.com/article/cities/surat/surat-evicted-from-land-tribals-demand-action-against-forest-officer-8141737/>

⁹⁷Ilex Camble, "Assam: GNC wants harassment of Garo tribal people in Goalpara to stop", *EastMojo*, October 15, 2022, <https://www.eastmojo.com/assam/2022/10/15/assam-gnc-wants-harassment-of-garo-tribal-people-in-goalpara-to-stop/>

⁹⁸"GNC Assam appeals to withdraw eviction notices served to Garo tribal people", *The Sentinel*, October 15, 2022, <https://www.sentinelassam.com/north-east-india-news/assam-news/gnc-assam-appeals-to-withdraw-eviction-notices-served-to-garo-tribal-people-618263>

⁹⁹"Goalpara forest eviction to be done as per HC order: Himanta", *The Shillong Times*, January 6, 2023, <https://theshillongtimes.com/2023/01/06/goalpara-forest-eviction-to-be-done-as-per-hc-order-himanta/>

High Court and that he had directed the Goalpara Deputy Commissioner to relocate these families to non-forest areas from forest reserve areas.⁹⁹

Case 3: Eviction notices issued to Gothi Koya tribals following the murder of a forest official in Telangana

On November 22, 2022, Forest Range Officer namely Ch Sinivasa Rao was allegedly killed by a member of the Gothi Koya tribe when he went to stop “podu” cultivation in a forest area at Errabodu hamlet under Bendalapadu village in Bhadradri Kothagudem district of Telangana. Following the murder, the entire Gothi Koya community was collectively targeted. On November 27, 2022, the forest department issued eviction notices to 70 families of Gothi Koya (also spelt as Gutti Koya) tribals to leave the Errabodu hamlet in Bendalapadu village.¹⁰⁰

The Gothi Koyas are originally from Chhattisgarh who fled their homes during the Salwa Judum campaign against the Maoists in 2005.

Further, using the murder as a pretext, the Bendalapadu Gram Panchayat also passed a resolution demanding the Gothi Koya tribals be sent back to ‘home State’ of Chhattisgarh. The resolution reportedly stated, “All the Gutti Koyas living in Errabodu are addicted to ganja and liquor, and tote around fatal weaponry. They are losing discretion and committing murders. They are a threat to the lives of the people of Bendalapadu, who are forced to live in constant fear.”¹⁰¹ In December 2022, the Telangana High Court set aside the Bendalapadu Gram Panchayat’s resolution against the Gothi Koyas.¹⁰²

Case 4: Burning down of one tribal hut and destruction of crops in Odisha

On August 13, 2022, tribal villagers were allegedly attacked by members of

¹⁰⁰“Forest Range Officer’s murder: Gothi Koya tribes issued notices to leave forest”, The New Indian Express, November 28, 2022, <https://www.newindianexpress.com/states/telangana/2022/nov/28/forest-range-officers-murder-gothi-koya-tribes-issued-notices-to-leave-forest-2522824.html>

¹⁰¹V. Swathi, “Gutti Koya tribe, stigmatised and persecuted post the FRO’s murder”, *The Hindu*, November 26, 2022, <https://www.thehindu.com/news/national/telangana/gutti-koya-tribe-stigmatised-and-persecuted-post-the-fros-murder/article66187701.ece>

¹⁰²“Telangana High Court sets aside Bendalapadu resolution against Gutti Koyas”, *Telangana Today*, December 5, 2022, <https://telanganatoday.com/telangana-high-court-sets-aside-bendalapadu-resolution-against-gutti-koyas>

Vana Surakshya Samiti (forest protection committee) at Kapsabhata, Sariabhata and Laktipokhona villages under Burja Gram Panchayat under Umerkote Block in Nabarangpur district of Odisha. The tribals have lodged a complaint at the Umerkote Police Station, alleging that Vana Surakshya Samiti (VSS) members had on August 13 destroyed their maize crops and huts near the fields.¹⁰³

Acting on a complaint filed by IRAC, NHRC registered a case (Case No. 3129/18/10/2022) and issued notices to the authorities. Pursuant to the notices, a report was submitted by the Superintendent of Police, Nabarangpur district dated September 13, 2022 stating that the matter was investigated by Shri N.R. Pradhan, Sub Divisional Police Officer (SDPO), Umerkote. The enquiry report has confirmed the allegations of IRAC's complaint that: (i) the maize crops of the tribal villagers have been destroyed over 100 acres of cultivation and hut of one Jatyaram Santa was burnt down, and (ii) the perpetrators are members of Vana Surakshya Samiti of neighbouring villages who were protesting against the occupation for cultivation of "reserve forest" by the tribals. In connection with this attack, six accused persons were arrested and produced before the court. It is pertinent to mention that the VSS members are engaged by the state government for the conservation and protection of forests and hence the State is vicariously liable for human rights violations committed by VSS members.

Case 5: Atrocities and evictions of tribals from "podu" land in Telangana

Several violent confrontations have taken place between Adivasi farmers and Forest Department officials over the ownership of forest land in Telangana. Traditionally, Adivasi farmers have been doing Podu farming, a form of shifting cultivation in the forest areas but the forest department obstructed Podu farming claiming that the land belonged to the forest department.

The tribal residents of Koya Poshaguda village in Dandepalli mandal in Mancherial district alleged that the forest officials were harassing them and preventing them from engaging in 'podu' cultivation although they were cultivating the forest land since 2003 and hence eligible for title under the

¹⁰³"Odisha: Tribals allege crops, huts burnt down", *The Print*, August, 14, 2022, <https://theprint.in/india/odisha-tribals-allege-crops-huts-burnt-down/1082864/>

FRA. On the other hand, the forest officials claimed that the forest land was situated within the Kawal Tiger Reserve and that the tribals were encroachers. On June 4, 2022, twelve tribal women were summoned to the police station and arrested when they went there.¹⁰⁴ They were booked under the Wildlife Protection Act of 1972 and sent to judicial custody.¹⁰⁵ Again, on July 8 the forest officials attempted to raze huts of tribal families at Koya Poshaguda village in order to “stop encroachment of the Kawal Tiger Reserve”. Police and forest officials resorted to brute force when the tribals prevented the demolition of their huts. In the clash that ensued, at least eight tribal women and two women forest staff were injured. Videos of the clash went viral on social media, in which forest staff were seen inhumanly dragging a tribal woman on the ground while

her clothes got torn.¹⁰⁶ Five tribal women were arrested from the spot and produced before Dhandapelli tehsildar office and they were released on bail.¹⁰⁷ The National Commission for Women (NCW) took cognizance of the brutalities and directed the Chief Secretary and the Director General of Police, Telangana to take stringent action against those involved in brutally dragging the women. The NCW observed that as per the SC/ST Act, wrongfully dispossessing members of Scheduled Caste and Scheduled Tribes from their land or interfering with the enjoyment of their rights amount to offence of atrocities and are subject to punishment under the aforesaid Act.¹⁰⁸

¹⁰⁴“Telangana: Tribals stage protest, seek release of arrested women”, *The Times of India*, June 7, 2022, <https://timesofindia.indiatimes.com/city/hyderabad/tribals-stage-protest-seek-release-of-arrested-women/articleshowprint/92049368.cms>

¹⁰⁵“Telangana: 12 tribal women arrested over attempt to encroach forest land”, *The Times of India*, June 4, 2022, <https://timesofindia.indiatimes.com/city/hyderabad/12-tribal-women-arrested-over-attempt-to-encroach-forest-land/articleshowprint/91996498.cms>

¹⁰⁶“Stopped tribals from grabbing land: TS Forest dept.”, *Deccan Chronicle*, July 10, 2022, <https://www.deccanchronicle.com/nation/current-affairs/100722/stopped-tribals-from-grabbing-land-ts-forest-dept.html>

¹⁰⁷“Adilabad: Tribals clash with officials over razing of huts, five held”, *The New Indian Express*, July 9, 2022, <https://www.newindianexpress.com/states/telangana/2022/jul/09/adilabad-tribals-clash-with-officials-over-razing-of-huts-five-held-2474517.html>

¹⁰⁸“NCW seeks action against cops manhandling protesting tribal women farmers in Telangana”, *The Times of India*, July 12, 2022, <https://timesofindia.indiatimes.com/india/ncw-seeks-action-against-cops-manhandling-protesting-tribal-women-farmers-in-telangana/articleshowprint/92835295.cms>

Similarly, on June 24, 2022, forest officials reached Maddukur village in Chandrugonda mandal in Bhadradi Kothagudem district and obstructed planting of cotton by the tribal farmers. When the tribal farmers objected, the forest officials allegedly beat four tribal women including pregnant ones. The next day, the forest officials went to a neighbouring village namely Bendalapadu in Chandrugonda mandal and allegedly attacked five tribal women for carrying out farming activities (podu cultivation). The victims were allegedly beaten up with wooden sticks and belts. The victims belonged to Gothi Koya tribe who were displaced from Chhattisgarh long time ago and they were engaged in podu cultivation which the forest officials objected.¹⁰⁹ Again on November 19, 2022, some tribal women from Shivalingapur and Akkepalli villages in Chennur mandal in Mancherla district of Telangana allegedly cut down some trees in the podu land cultivated by them. However, forest department claimed ownership of the said land although the tribals stated that they have been cultivating for the last 25 years. Forest officials took five of the tribal women to the Chennur forest camp office by force. The women alleged that they were locked up inside the office for two hours, and verbally abused and slapped by the forest officials. They were released later in the evening.¹¹⁰

¹⁰⁹“Tribal women of Kothagudem district in Telangana allege being beaten up by forest officials”, *The New Indian Express*, June 27, 2022, <https://www.newindianexpress.com/states/teelangana/2022/jun/27/tribal-women-of-kothagudem-district-in-teelanganaallege-being-beaten-upby-forest-officials-2470083.html>

¹¹⁰“Podu land row: Telangana tribal women accuse forest officials of physical assault”, *The News Minute*, November 20, 2022, <https://www.thenewsminute.com/article/podu-land-row-teelangana-tribal-women-accuse-forest-officials-physical-assault-170146>

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 indigenous women were registered in the country during 2021¹¹¹ as against 681 such cases during 2020,¹¹² reflecting a high increase in rape cases. Further, 736 cases were registered for assault on indigenous women with intent to outrage her modesty during 2021¹¹³ as against 813 such cases during 2020,¹¹⁴ reflecting a decrease. However, this data reflected only the number of cases reported to the police by the victims or their families.

Violence by security forces

Unfortunately, the indigenous women were victims of beatings and sexual violence at the hands of the police and paramilitary security forces during 2022. On May 2, 2022, a 25-year-old tribal woman was allegedly raped by Assistant Sub Inspector (ASI) in Jhalawar district of Rajasthan. The accused ASI posted at Bhalta police station was the investigating officer in a case that the victim had filed against her in-laws in January. The victim alleged that the ASI was harassing her by making frequent phone calls in the garb of investigation. On the night of May 2, the victim was attending a wedding ceremony in a village when the accused ASI called her outside, took her to a forest area on his motorcycle, and allegedly raped her. The accused was arrested after the victim lodged a complaint.¹¹⁵

¹¹¹National Crime Records Bureau, "Crime In India 2021", Vol. II, p. 647, https://ncrb.gov.in/sites/default/files/CII-2021/CII_2021Volume%202.pdf

¹¹²National Crime Records Bureau, "Crime In India 2020", Vol. II, p. 623, <https://ncrb.gov.in/sites/default/files/CII%202020%20Volume%202.pdf>

¹¹³National Crime Records Bureau, "Crime In India 2021", Vol. II, p. 641, https://ncrb.gov.in/sites/default/files/CII-2021/CII_2021Volume%202.pdf

¹¹⁴National Crime Records Bureau, "Crime In India 2020", Vol. II, p. 617, <https://ncrb.gov.in/sites/default/files/CII%202020%20Volume%202.pdf>

¹¹⁵"Rajasthan: ASI arrested for allegedly raping woman in Jhalawar", India Today, May 5, 2022, <https://www.indiatoday.in/crime/story/rajasthan-asi-arrested-allegedly-raping-woman-jhalawar-1945862-2022-05-05>

On October 4, 2022, a tribal widow (50 years) was allegedly gang raped by two India Reserve Battalion (IRB) personnel under Serengdag police station area in Lohardaga district of Jharkhand. As per reports, the victim had gone to cut grass near her residence under the Serengdag Police Station area when she was attacked and raped by two IRB personnel. The accused IRB personnel not only raped her but allegedly injured the private part of the lady with a sharp-edged weapon. Both the accused were arrested after the matter was reported to the police.¹¹⁶ The victim was admitted at the Rajendra Institute of Medical Sciences, Ranchi in serious condition.¹¹⁷

On October 22, 2022, a tribal woman was allegedly brutally beaten up by male police officers in Mandleshwar in Khargone district of Madhya Pradesh. She suffered injuries in many places of her body including in private parts.¹¹⁸ Acting on a complaint filed by IRAC, the NHRC on December 23, 2022 directed the Superintendent of Police, Khargaon to investigate the allegations and submit an Action Taken Report within four weeks (NHRC Case no. 3782/12/26/2022).

Societal violence

The indigenous women faced societal violence because of their gender and vulnerability as indigenous peoples. On July 2, 2022, Rampyari Bai, a 46-year-old woman belonging to Sehariya particularly vulnerable tribal group (PVTG), was burnt alive by a group of people belonging to non-indigenous community at Dhanoria village in Guna district of Madhya Pradesh. She died in the hospital on July 8. As per media report, Rampyari and her husband Arjun Sehariya had been allotted patta (title) over 1.35 hectare (ha) of land way back in 2000 by the State Government but it was encroached by some people from dominant community. The tribal couple fought for 22 years and finally the

¹¹⁶“Police arrest two IRB jawans for raping tribal widow in Lohardaga”, *Lagatar News*, October 7, 2022, <https://lagatar24.com/police-arrest-two-irb-jawans-for-raping-tribal-widow-in-lohardaga/124829/>

¹¹⁷“Police arrest two IRB jawans for raping tribal widow in Lohardaga”, *Lagatar News*, October 7, 2022, <https://lagatar24.com/police-arrest-two-irb-jawans-for-raping-tribal-widow-in-lohardaga/124829/>

¹¹⁸“Madhya Pradesh: Police officer beats up tribal woman in Mandleshwar”, *APN Live*, October 22, 2022, <https://m.apnlive.com/article/mp-police-officer-tribal-woman/398584/amp>

court ordered restoration of the said land in March 2022. But it was a victory for which Rampyari Bai had to pay for with her life.¹¹⁹

Earlier, on February 20, 2022, a 19-year-old tribal woman was gang raped by two men at Jawhar in Palghar district of Maharashtra. Acting on a complaint by IRAC (Case No. 753/13/37/2022-WC), the NHRC issued notice to the Superintendent of Police, Palghar to submit action taken report. Pursuant to the directions of the Commission, the District Magistrate, Palghar, submitted report dated September 19, 2022 stating that interim compensation of Rs. 30,000/- was paid to the victim and the decision to pay the final compensation amount shall be taken by the District Legal Services Authority, Thane. On October 13, 2022, the NHRC asked the authorities to submit the compliance report relating to payment of final compensation amount to the victim, within four weeks.

On September 4, three tribal women (names withheld) were lynched on the suspicion of practising 'witchcraft' at Ranadih village under Sonahatu police station in Ranchi district.¹²⁰ Further, on September 17, two tribal women (names withheld) were tied to a tree, beaten up and tonsured by the villagers on the orders of the Gram panchayat (Village Council) at Konda Mallepally village in Nalgonda district of Telangana.¹²¹ On October 8, a middle-aged tribal woman was paraded half-naked by some non-tribal persons to settle a personal score against the tribal family at Khaira under the Maihar police station of Satna district of Madhya Pradesh. The accused persons allegedly pulled out the victim from her house and paraded in the village area.¹²²

¹¹⁹ Brijendra Dubey, "On paper, tribal families in Guna dist have land pattas. In reality, they remain landless and impoverished. A Gaon Connection ground report", Gaon Connection, 12 July 2022, <https://www.gaonconnection.com/lead-stories/land-rights-tribal-advansi-madhya-pradesh-guna-woman-set-on-fire-shivpuri-land-distribution-allotment-casteism-inequality-51039>

¹²⁰ Animesh Bisoe, "Jharkhand: Three women lynched on witchcraft suspicion", The Telegraph, September 6, 2022, <https://www.telegraphindia.com/india/jharkhand-3-women-lynched-on-witchcraft-suspicion/cid/1884796>

¹²¹ "Telangana: On panchayat orders, two tribal women tonsured", The Times of India, September 20, 2022, <https://timesofindia.indiatimes.com/city/hyderabad/telangana-on-panchayat-orders-two-tribal-women-tonsured/articleshow/94312963.cms>

¹²² "Tribal woman assault case: Four more arrested in Satna for parading woman half naked", Free Press Journal, October 11, 2022, <https://www.freepressjournal.in/bhopal/tribal-woman-assault-case-four-more-arrested-in-satna-for-parading-woman-half-naked>

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 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 511 cases of rape of indigenous children were registered in 2021¹²³ as against 456 cases in 2020¹²⁴ reflecting an increase. Further, a total of 145 cases were registered for assault on indigenous children with the intent to outrage their modesty during 2021¹²⁵ as against 72 such cases in 2020.¹²⁶ However, this data reflected only the number of cases reported to the police by the victims or their families.

A particularly vulnerable group requiring special protection are children living in institutions including shelter homes. But unfortunately, tribal children faced violence in child care institutions such as shelter homes. As per media reports, at least six minor tribal girls were raped at a privately run shelter home at Mhasrul in Nashik, Maharashtra. The shelter home housed 13 girls and 14 boys whose parents were mostly daily wage labourers. The first incident of rape came into light after the family members of a 14-year-old tribal girl reported that she was raped

¹²³National Crime Records Bureau, "Crime In India 2021", Vol. II, p. 648, https://ncrb.gov.in/sites/default/files/CII-2021/CII_2021Volume%202.pdf

¹²⁴National Crime Records Bureau, "Crime In India 2020", Vol. II, p. 624, <https://ncrb.gov.in/sites/default/files/CII%202020%20Volume%202.pdf>

¹²⁵National Crime Records Bureau, "Crime In India 2021", Vol. II, p. 643, https://ncrb.gov.in/sites/default/files/CII-2021/CII_2021Volume%202.pdf

¹²⁶National Crime Records Bureau, "Crime In India 2020", Vol. II, p. 617, <https://ncrb.gov.in/sites/default/files/CII%202020%20Volume%202.pdf>

by the owner/director of the shelter home on October 18, 2022. The incident was, however, reported by the victim's family only on November 23, following which the accused was arrested. Later, during the investigation five more victims came forward to report against the accused. The police registered six separate FIRs against the accused person under different sections of the Indian Penal Code, the POCSO Act and the SC/ST Act.¹²⁷

Indigenous children have also faced violence in the context of civil strife. On November 11, 2022, the security forces allegedly tortured many innocent tribal villagers, including women and children, during a search operation at Chiriyabeda hamlet in West Singhbhum district of Jharkhand. The Jharkhand Janadhikar Mahasabha (JJM) which conducted a fact-finding investigation alleged that the security personnel entered into the house of one elderly tribal widow (name withheld), allegedly molested her 16-year-old daughter (name withheld) and beat up the elderly widow when she tried to protect her minor daughter. The JMM also alleged that another 16-year-old boy was brought down from a tree and beaten. When his mother came to rescue him, the security personnel allegedly held her hands and kicked her and hit her with a rifle butt and dragged her to her house. The JMM claimed that its fact-finding team also found that the security forces "destroyed many people's paddy, clothes, utensils etc. kept in their houses and the paddy in the khaliyan (threshing area)."¹²⁸ However, IRAC is not in a position to independently verify this incident. Rape of tribal children was frequently reported in the media during 2022. A 16-year-old tribal girl was gang raped by five men under Pandrapath out post area of Bagicha police station in Jashpur district of Chhattisgarh on February 17, 2022. Acting on a complaint filed by IRAC (Case No. 173/33/7/2022), on March 6, 2022, the NHRC sought report from Superintendent of Police, Jashpur. Failure to submit the report forced the NHRC to summon the Senior Superintendent of Police,

¹²⁷"Six FIRs against Nashik shelter home director for raping minor tribal girls", *The Hindustan Times*, November 27, 2022, <https://www.hindustantimes.com/cities/pune-news/six-firs-against-nashik-shelter-home-director-for-raping-minor-tribal-girls-101669572594812.html>

¹²⁸Press Release issued by Jharkhand Janadhikar Mahasabha (JJM) titled "Adivasis of Chidiyabera once again become victims of violence and abuse by security forces", December 2, 2022. JMM's fact-finding report, documents, photos etc related to the inquiry are available at https://drive.google.com/drive/folders/15Pyav3Rs_VyWkIA4345o3HaSoBy4hxD?usp=share_link

Jashpur, to appear in person before the Commission on September 16, 2022. Then, the police submitted the status report which stated that charge sheet has been filed before the court and interim compensation of Rs. 6,17,000/- has been paid to the victim.

Child labour and sexual abuse of tribal children were also reported. In February 2022, media reported about an incident of gang rape of a 16-year-old tribal girl multiple times by contractors when she was taken to work in a sugar factory at Bhuinj village, Satara district in Maharashtra.¹²⁹ On August 27, 2022, a 11-year-old tribal girl who was working as a bonded labour was left to die outside her home at Ubhade village under Ghoti police station in Igatpuri taluka in Nashik district of Maharashtra. Due to extreme poverty, her parents had sent their two children including the 11-year-old girl to work as bonded labour in Ahmednagar. She succumbed to her injuries in hospital on September 3.¹³⁰ Media reports suggested that members of the Katkari tribal community residing at Ubhade village were left without livelihood due to the COVID-19 pandemic and did not have adequate food. Taking advantage of their miserable plight, some agents used to come to the village and take away tribal minor children aged between 6 and 15 years to do bonded labour in another districts. The parents of these children reportedly received up to Rs 10,000 a year from these agents. These tribal children were engaged as labourers in guarding sheep and goats and were exploited.¹³¹

On October 19, 2022, three minor tribal boys (aged 8-10 years) were tortured by a non-tribal man on the charges of stealing iron rods from his shop in Bidhuna in Auraiya district of Uttar Pradesh. Apart from beating, the accused also tonsured their heads and paraded them through the market before handing them over to the police.¹³²

¹²⁹“Contractors ‘gangrape’ teenage Adivasi girl in bondage, authorities ignore complaint”, Counterinterview, February 22, 2022, at <https://www.counterinterview.net/2022/02/contractors-gangrape-teenage-ativasi.html>

¹³⁰“Maha: Girl left injured outside Nashik home dies, tribal rights group alleges bonded labour atrocity”, The Print, September 10, 2022, <https://theprint.in/india/maha-girl-left-injured-outside-nashik-home-dies-tribal-rights-group-alleges-bonded-labour-atrocity/1123806/>

¹³¹“Child labour: Nashik tribals struggle to survive, give kids to goatherds for Rs 10K”, The New Indian Express, September 11, 2022, <https://www.newindianexpress.com/cities/mumbai/2022/sep/11/child-labour-nashik-tribals-struggle-to-survive-give-kids-to-goatherds-for-rs-10k-2497125.html>

¹³²ad Rehman, “UP: 3 tribal teenagers beaten, tonsured on suspicion of theft; one held”, The Indian Express, October 21, 2022, <https://indianexpress.com/article/cities/lucknow/up-3-tribal-teenagers-beaten-tonsured-on-suspicion-of-theft-one-held-8221889/>

REPRESSION AGAINST INDIGENOUS HUMAN RIGHTS DEFENDERS

During 2022, Indigenous peoples human rights defenders (IPHRDs) faced harassment and arrest for their human rights works.

Case 1: Arrest of Bhagwan Das Kisku in Jharkhand

On February 23, 2022, the Jharkhand Police claimed to have arrested a Maoist leader namely Bhagwan Das Kisku (26 years) S/o Raghunath Kisku during a search operation on February 22 in the jungles of Chatro under Khukhara police station in Giridih district of Jharkhand. The police claimed that he was wanted in six Maoist-related cases.¹³³ Some media reports identified him as a “hardcore Naxal”.¹³⁴

As per reports, Bhagwan Das Kisku is a IPHRD associated with Jharkhand Jan Sangharsh Morcha. The activist’s younger brother Lalchand Kisku alleged that Bhagwan Das was not arrested from forest but from his room at Ormanjhi in Ranchi (state capital) on the midnight of February 20, 2022. Lalchand Kisku further claimed that along with Bhagwan Das, he (Lalchand) and his room partner Kanhu Murmu were also arrested but they (Lalchand and Kanhu) were released on February 24 after four days of illegal custody. Lalchand, who is a student of Bachelor of Arts (Hindi Honours) at Ram Tahal Choudhary College at Ormanjhi, stated that his elder brother Bhagwan Das had come to stay with them and on that fateful night they were sleeping peacefully after dinner when someone knocked at the door. The persons identified themselves as policemen before entering into the room and allegedly started beating Bhagwan Das Kisku with belt. The policemen allegedly ransacked the entire room and seized a number of belongings such as mobile phones, college ID cards, Aadhar Cards,

¹³³<https://janchowk.com/pahlapanna/whether-bhagwan-das-kisku-is-maoist/>

¹³⁴<https://www.etvbharat.com/hindi/jharkhand/city/giridih/hardcore-naxalite-bhagwan-kisku-arrested-in-palamu/jh20220224074004255>

one register and Rs. 10,500 in cash. Thereafter, the three were taken away in the police vehicle to Giridih. In the police station, the police kept asking from Bhagwan Das about the whereabouts of Maoist leader Krishna Hansda. On February 21, around 12 noon, Lalchand and Kanhau were shifted to a CRPF camp situated at Kalyan Niketan near Madhuban in a bolero car. On February 24, they were handed over to Madhuban police station and were released after taking signature on a paper which stated that they were taken into custody on February 23.

Family members also questioned the police claim that Bhagwan Das Kisku was wanted in six Maoist-related criminal cases. His sister Neelmani Hansda asked as to why not a single notice was issued if he was wanted in so many cases. Further, as a tribal rights activist Bhagwan Das Kisku had met Jharkhand Chief Minister (CM) Hemant Soren on December 5, 2020 and he was accompanied by Giridih Member of Legislative Assembly (MLA) Sudivya Kumar that day. The MLA and Bhagwan Das submitted a petition to the CM regarding the issues of establishment of CRPF camp and police atrocities in the area and there is photographic evidence of this meeting too, claimed family of Bhagwan Das Kisku.¹³⁵

Case 2: Arrest of 21 tribal activists in Odisha

On March 28, 2022, the Odisha Police arrested 21 Adivasi activists in Rourkela for leading a protest of Adivasis displaced in Bondamunda in Sundargarh district of Odisha. Among those arrested included activist Deme Oram who was on an indefinite protest since March 16 along with around 700 Adivasis and members of the Anchalik Surakshya Committee. Adivasis were protesting against their displacement and demanded justice as well as the implementation of various recommendations made by the National Commission for Scheduled Tribes (NCST).¹³⁶

The FIR was registered under serious charges, including Indian Penal Code (IPC) Sections 147 (punishment for rioting), 148 (rioting, armed with a deadly

¹³⁵<https://janchowk.com/pahlapanna/whether-bhagwan-das-kisku-is-maoist/>

¹³⁶Sumedha Pal, "Odisha: Displaced Tribal Activists Arrested for Protests, Slapped With Murder Charges", The Wire, March 31, 2022, <https://thewire.in/rights/odisha-displaced-tribal-activists-arrested-for-protests-slapped-with-murder-charges>

weapon), 149 (unlawful assembly committed in prosecution of common object), 186 (punishment for obstructing a public servant in discharge of his public functions), 294 (obscene acts or songs in a public place), 307 (attempt to murder), among others. The police alleged that the arrests were made as the group illegally obstructed the construction of a road over-bridge at the Kukuda gate in Bisra. However, a statement released in the support of activists rebutted such claims and reiterated that the arrests were made to threaten and forcefully take over about 4,000 acres of tribal land.¹³⁷

Case 3: Re-arrest of Pawal Tuti in Jharkhand

On December 29, 2019, immediately after taking oath as the Chief Minister of Jharkhand, Mr. Hemant Soren had announced the decision of the government to withdraw all the cases related to the “Pathalgadi movement”. Yet Adivasi activists continued to face judicial harassment and imprisonment.¹³⁸ The Pathalgadi movement was launched by the tribals in Jharkhand during 2017-18 to reclaim collective rights over their land, territories and resources as enshrined in the Fifth Schedule to the Constitution.

As per reports, the Jharkhand Police lodged 30 cases against 11,321 villagers, naming only 381 in the FIRs, while the rest were unnamed. Of the 30 cases, 21 carried sedition charges filed under Section 124A of the Indian Penal Code, for waging war against the Indian state. The police charge-sheeted 182 Adivasis in 30 cases and 115 of them were imprisoned in different jails.¹³⁹

A total of five cases, including one sedition case, were lodged against IPHRD Pawal Tuti, aged 41, a resident of Gutwa village in Khunti district of Jharkhand for his participation in the “Pathalgadi movement”. In June 2018, he was arrested and spent about 20 months in jail. The Jharkhand High Court released him on bail in February 2020. While he was in jail from 2018 to 2020 his family

¹³⁷<https://monitor.civicus.org/explore/arbitrary-travel-restrictions-harassment-activists-and-targeting-journalists-india/>

¹³⁸More about “Pathalgadi movement” can be found here

<https://indianexpress.com/article/explained/explained-what-is-pathalgadi-movement-and-what-is-the-jmm-govts-stand-on-this-7114979/>

¹³⁹ladson Dungdung, “Pathalgadi Movement: Thousands’ Fate Hangs In The Balance”, The Outlook, October 28, 2022, <https://www.outlookindia.com/national/pathalgadi-movement-thousands-fate-hangs-in-the-balance-magazine-231263>

suffered financial crisis as they had to mortgage their agricultural land and use their savings to cover legal fees.¹⁴⁰

However, Pawal Tuti was once again arrested on August 20, 2022 and sent to jail on the ground that he was not attending the court in the case of taking hostage of about three hundred police personnel including police officers in Kanki village on August, 24, 2017 (during Pathalgadi movement).¹⁴¹

Case 4: Arbitrary arrest and illegal detention of Baldev Murmu in Jharkhand

On January 29, 2022, at around 11 am, Baldev Murmu (22), an IPHRD associated with Adivasi Mulvasi Vikas Manch, was forcibly dragged into a police car at Narki-Khurd village in Hazaribagh district of Jharkhand and taken to his house where the police searched the place without any search warrant. As per reports, the police seized meeting registers, banners and flags of Adivasi Mulvasi Vikas Manch as well as Mr. Murmu's PAN card, Aadhar card and mobile phone without providing any seizure memo. He was detained at the Vishnugarh Police Station illegally for over 48 hours without being produced before a magistrate. The family members and villagers visited the police station on January 29 and on January 30 to demand the reason for the detention. On both occasions, they were told that Mr. Murmu had been detained on the orders of higher authorities, and these authorities would question him subsequently. Family members and villagers were not informed of any case, complaint or warrant against Mr Murmu. The family alleged that the police also asked them to sign blank papers, which they refused.¹⁴²

Case 5: Arrest of Sukalo Gond in Uttar Pradesh

On November 15, 2022, Uttar Pradesh chief minister Yogi Adityanath visited the Babhani region in Sonbhadra district for an event to honor Scheduled Tribes

¹⁴⁰ladson Dungdung, "Pathalgadi warrior Pawal Tuti arrested yet again", CounterCurrents.org, October 14, 2022, <https://countercurrents.org/2022/10/pathalgadi-warrior-pawal-tuti-arrested-yet-again/>

¹⁴¹ladson Dungdung, "Pathalgadi warrior Pawal Tuti arrested yet again", CounterCurrents.org, October 14, 2022, <https://countercurrents.org/2022/10/pathalgadi-warrior-pawal-tuti-arrested-yet-again/>

¹⁴²Urgent letter sent to the National Focal Point - Human Rights Defenders & Assistant Registrar, National Human Rights Commission dated January 31, 2022, by Human Rights Defenders' Alert-India, https://hrdaindia.org/assets/upload/587356999HRDA-UA-East-JH-Baldev_Murmu.pdf

and to distribute land claim certificates. IPHRD Sukalo Gond, the president of the All India Union of Forest Working People (AIUFWP), was planning to attend the meeting chaired by Chief Minister Adityanath and submit a memorandum detailing land claims of villagers hailing from 22 villages in the region. However, she was detained earlier in the morning ahead of the event. No reason for her arrest was given.¹⁴³

In addition to the above, two women IPHRDs namely Hidme Markam and Soni Sori faced false persecution for their human rights work in areas where Maoist movement is active. Various serious charges were slapped on them and jailed but both of them have now been released from jail. Their cases of arrest and long incarceration in multiple cases depicted the story of criminalisation faced by IPHRDs for defending their lands, territories and resources.

Case 1: Release of Hidme Markam

Hidme Markam, an Adivasi woman, was arrested on March 9, 2021 from an event marking the International Women's Day being organized by the Jail Bandi Rihai Committee (Committee for Release of Prisoners) and the Chhattisgarh Mahila Adhikar Manch.¹⁴⁴ Later, Markam was booked in five case registered at Aranpur police station under various sections of the Indian Penal Code, including murder, the Arms Act, the Explosives Substances Act, and the Unlawful Activities (Prevention) Act (or, UAPA). She was lodged in the Jagdalpur central jail.

Two years later, the police failed to prove the charges against her and Markam was acquitted in four cases and granted bail in one. She was released from Jagdalpur Central prison on January 5, 2023 at 7 pm. While four cases were handled by the state police, one case was investigated by the National Investigation Agency (NIA). Markam faced grave charges under the Indian Penal Code and the draconian Unlawful Activities (Prevention) Act (UAPA), but none could be proved. The courts, one after another, turned down the prosecution's case, resulting in her release.

¹⁴³"Adivasi Rights Activist Sukalo Gond Detained in Sonbhadra During Adityanath's Visit", The Wire, November 15, 2022, <https://thewire.in/rights/ativasi-rights-activist-sukalo-gond-detained-in-sonbhadra-during-adityanaths-visit>

¹⁴⁴ishnukant Tiwari, "Chhattisgarh: Civil Society Members Demand Release of Tribal Rights Activist Arrested Under 'Naxal Charges'", NewsClick, March 10, 2021, <https://www.newsclick.in/Chhattisgarh-Civil-Society-Members-Demand-Release-Tribal-Rights-Activist-Arrested-Under-Naxal-Charges>

Case 2: Acquittal of Soni Sori and three others

On March 14, 2022, a National Investigation Agency (NIA) court at Dantewada in Chhattisgarh acquitted IPHRD Soni Sori and three others in a case lodged against them in 2011 for alleged transfer of 'protection money' to Naxals.¹⁴⁵ Besides Sori, the court also acquitted her activist nephew Lingaram Kodopi, construction contractor BK Lala and the then Essar company official DVCS Verma. Sori and Kodopi were arrested in 2011 on charges of acting as Maoist conduits who had allegedly received 'protection money' for the rebels from the company. While acquitting the accused, the Court observed that the prosecution has not been successful in proving the charges levelled against the accused beyond reasonable doubt. They were booked under Indian Penal Code section 124A (sedition), 121 (waging, or attempting to wage war, or abetting waging of war, against Government of India), 120-B (criminal conspiracy), provisions of the stringent Unlawful Activities (Prevention) Act and the Chhattisgarh Special Public Security Act.¹⁴⁶

Reacting to the acquittal Sori said, "I was implicated in false cases. I had to fight for over a decade to prove myself innocent. I was a school teacher...these false cases ruined my life, my dignity, and my family had to suffer".¹⁴⁷

¹⁴⁵"Naxal payoff case: Special Chhattisgarh court acquits tribal activist Soni Sori, three others", The New Indian Express, March 16, 2022, <https://www.newindianexpress.com/nation/2022/mar/16/naxal-payoff-case-special-chhattisgarh-court-acquits-tribal-activist-soni-sori-three-others-2430744.html>

¹⁴⁶"Naxal payoff case: Special Chhattisgarh court acquits tribal activist Soni Sori, three others", The New Indian Express, March 16, 2022, <https://www.newindianexpress.com/nation/2022/mar/16/naxal-payoff-case-special-chhattisgarh-court-acquits-tribal-activist-soni-sori-three-others-2430744.html>

¹⁴⁷"Naxal payoff case: Special Chhattisgarh court acquits tribal activist Soni Sori, three others", The New Indian Express, March 16, 2022, <https://www.newindianexpress.com/nation/2022/mar/16/naxal-payoff-case-special-chhattisgarh-court-acquits-tribal-activist-soni-sori-three-others-2430744.html>

CONDITION OF THE INDIGENOUS IDPs

The Government of India does not have any data on the number of the Scheduled Tribes displaced as a result of various development projects or conflicts. The Government of India does not maintain any data relating to the number of tribals displaced as a result of land acquisition.¹⁴⁸

Condition of conflict-induced IDPs

The government has failed to rehabilitate indigenous peoples displaced due to both conflicts and development projects over the years in many cases of displacement. A large number of Bru (Reang) tribals who fled ethnic violence in Mizoram during 1997 continued to live in sub-human conditions in relief camps in Tripura. On January 16, 2020, after 23 years of displacement, the Government of India, the state governments of Mizoram and Tripura and the Bru leaders had signed an agreement to permanently settle the Bru IDPs in Tripura. However, marred by the COVID-19 pandemic and protests by some local communities of Tripura, the resettlement process officially started only in April 2021. Out of 6,959 Bru displaced families, only 4,102 families have been resettled as of October 31, 2022.¹⁴⁹ The Brus also struggled for exercising voting right in Tripura after their resettlement. When the State Election Commission of Tripura published the draft voter list on September 16, 2022, it included names of only about 5,000 Brus out of 26,000 eligible voters. So, a group of Brus moved a petition in the Tripura High Court. On September 26, the High Court directed the State Election Commission to include names of all eligible voters from among Bru settlers in the electoral rolls of Tripura.¹⁵⁰

¹⁴⁸Response of the Minister of State for Tribal Affairs, Government of India, Mr Bishweswar Tudu to Unstarred Question No. 49 in the Lok Sabha on July 19, 2021 relating to "Displacement of Tribal Population"

¹⁴⁹"Over 4000 displaced Bru families resettled in Tripura", NE Now, October 30, 2022, <https://nenow.in/north-east-news/tripura/over-4000-displaced-bru-families-resettled-in-tripura.html>

¹⁵⁰eborah Grey, "Why Did it Take an Order from the Tripura HC to Ensure Proper Enrollment of Bru Voters?", NewsClick, October 6, 2022, <https://www.newsclick.in/Why-Did-it-Take-Order-Tripura-HC-Ensure-Proper-Enrollment-Bru-voters>

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.¹⁵¹ 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.¹⁵² As non-tribals, these displaced Gutti Koyas have been denied land rights under the Forest Rights Act, 2006.¹⁵³ On April 4, 2022, representatives of the IDPs met Chhattisgarh Chief Minister Bhupesh Baghel who reportedly assured that along with land to those who want to return to Chhattisgarh, government would provide basic facilities, including rations, education and employment.¹⁵⁴

While rehabilitation has eluded them, they faced constant harassment and eviction from the forest department in Telangana. On November 22, 2022, Forest Range Officer namely Ch Sinivasa Rao was allegedly killed by a member of the Gothi Koya tribe when he went to stop “podu” cultivation in a forest area at Errabodu hamlet under Bendalapadu village in Bhadradri Kothagudem district, Telangana. Following the murder, the entire Gothi Koya community was collectively targeted. On November 27, 2022, the forest department issued eviction notices to 70 families of Gothi Koya (Gutti Koya) tribals to leave the Errabodu hamlet in Bendalapadu village.¹⁵⁵ Further, using the murder

¹⁵¹Dr 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>

¹⁵²ateek 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-ativasis-in-telangana-have-nowhere-to-go>

¹⁵³Shuchita Jha, “No land for tribals displaced by Maoist-Salwa Judum conflict: Centre”, Down To Earth, April 13, 2022, <https://www.downtoearth.org.in/news/governance/no-land-for-tribals-displaced-by-maoist-salwa-judum-conflict-centre-82373>

¹⁵⁴Mukund Jha, “TRIBAL FILES: Thousands Displaced by Salwa Judum Urge Centre to Rehabilitate Them”, NewsClick, April 7, 2022, <https://www.newsclick.in/TRIBAL-FILES-Thousands-Displaced-Salwa-Judum-Urge-Centre-Rehabilitate-Them>

as a pretext, the Bendalapadu gram panchayat also passed a resolution to expel the Gothi Koya tribals which was set aside by the Telangana High Court in December 2022.¹⁵⁶

Condition of development-induced IDPs

Involuntary displacement of tribals for development, without ensuring proper rehabilitation, is nothing new. On April 3, 2022, 65 tribal families of Lahori village in Dehradun district in Uttarakhand were served eviction notices and they were allegedly forcibly evicted the next day as their lands have been acquired for construction of the Vyasi Dam. The Vyasi Hydroelectric Project is part of the 420 MW Lakhwar-Vyasi project, the biggest hydroelectric dam complex on the Yamuna river. The Vyasi dam has affected 335 families across six villages. With 86 metres height, the 120-megawatt (MW) project will supply drinking water to five states, particularly the National Capital Territory of Delhi. Lahori village which is home to Jaunsar tribe is one of the worst affected by the Vyasi dam. In 1972, a land acquisition agreement was signed between the state government and the villagers of Lahori and between 1977 and 1989, 8,495 hectares of land in the village was acquired. But the project came to a halt in 1992 due to lack of funds. It was controversially revived in 2014 based on old clearances. There has been no environmental impact assessment, local consultation, or disaster risk study. The displaced families lost their agricultural land, submerged in dam water. The 1972 agreement with Lahori villagers provided that in case of displacement, land is to be given in compensation for land acquired under the project. But the state government has reportedly refused to provide land for land. In October 2022, the media reported that the 65 displaced tribal families were being housed in an abandoned school building without any facility while some have gone to live at their relatives' places in absence of rehabilitation.¹⁵⁷

¹⁵⁵“Forest Range Officer’s murder: Gothi Koya tribes issued notices to leave forest”, The New Indian Express, November 28, 2022, <https://www.newindianexpress.com/states/telangana/2022/nov/28/forest-range-officers-murder-gothi-koya-tribes-issued-notices-to-leave-forest-2522824.html>

¹⁵⁶“Telangana High Court sets aside Bendalapadu resolution against Gutti Koyas”, Telangana Today, December 5, 2022, <https://telanganatoday.com/telangana-high-court-sets-aside-bendalapadu-resolution-against-gutti-koyas>

¹⁵⁷Jigyasa Mishra, “Uttarakhand: Six Months On, Tribals Displaced For Vyasi Dam Still Await Rehabilitation”, IndiaSpend, October 16, 2022, <https://www.indiaspend.com/land-rights/uttarakhand-six-months-on-tribals-displaced-for-vyasi-dam-still-await-rehabilitation-838936>

In Andhra Pradesh, the government is constructing Polavaram dam project over the Godavari river. According to information placed before the Parliament on February 2, 2022, the Polavaram dam project shall displace 1,06,006 families, out of which 56,504 families (53.3%) comprising of 1,64,752 persons belong to the tribal community. Besides, Odisha and Chhattisgarh will also be affected by the project. According to official data, if Protective embankments are not constructed in the territory of Odisha and Chhattisgarh, then the number of Project Affected Families (PAFs) in Odisha are 1,002 (Out of which 913 PAFs belong to tribal community) and PAFs in Chhattisgarh are 2,335 (out of which 1294 PAFs belong to tribal community).¹⁵⁸ As per reports, even though the construction on the dam began in 2004, activists say that only 80% of the work on the dam has been completed, while only 20% of affected families have been resettled as of October 2022.¹⁵⁹ Even the rehabilitation & resettlement (R&R) has been found to be shoddy. In August 2021, a team of National Commission for Scheduled Tribes (NCST) after visiting the affected areas of Polavaram Project had found that the R&R villages lacked basic amenities such as drainage systems, roads, drinking water, sanitation and electricity. Many PAFs complained that lands given to them were far away from their habitations and not fit for cultivation.¹⁶⁰

¹⁵⁸Reply of Minister of State for Tribal Affairs Mr Bishweshwar Tudu in the Rajya Sabha in response to Unstarred Question No. 138 on February 2, 2022

¹⁵⁹ikhil Cariappa, "Displaced, Flooded out: Polavaram Families Protest for Compensation, Resettlement", NewsClick, October 10, 2022, <https://www.newsclick.in/Displaced-Flooded-Polavaram-Families-Protest-Compensation-Resettlement>

¹⁶⁰"Polavaram project: Panel sees violation of tribla rights". The New indian Express. September 19, 2021, <http://www.newindianexpress.com/state/andhrapradesh/2021/sep/19/panel-sees-violation-of-tribal-rights-2360761.html>

BUSINESS AND HUMAN RIGHTS

India has no formal mechanism to fully comply with the United Nations Guiding Principles (UNGP) on Business and Human Rights.¹⁶¹ In December 2018, India had released a 'Zero Draft' of National Action Plan (NAP) on Business and Human rights¹⁶² but as per response of the Ministry of Corporate Affairs under the Right to Information Act (RTI), the draft NAP was still under process.¹⁶³ 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. Throughout the year 2022, the indigenous peoples have held peaceful protests against forced acquisition of land for mining, dam and various other projects in different parts of the country but in most cases, their voices have fallen upon deaf ears of the authorities.

In 2022, the Land Conflict Watch (LCW) recorded 149 ongoing conflicts in the Fifth Schedule districts which are predominantly inhabited by the indigenous peoples. While Fifth Schedule districts constitute 15% of the total districts in the country, they are the site of 24.55% of all land conflicts, 23.71% of the conflict-affected population and 20.97% of the conflicted land area. This indicated a higher concentration and intensity of land conflicts in these districts as compared to the rest of the country.¹⁶⁴

¹⁶¹In 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.

¹⁶²India's National Action Plan on Business and Human Rights (Zero Draft) is available at https://www.mca.gov.in/Ministry/pdf/ZeroDraft_11032020.pdf

¹⁶³Response dated March 21, 2023 received from the Ministry of Corporate Affairs, Government of India by Dilip Chakma under the RTI Act 2005.

¹⁶⁴and Conflict Watch, "Land Locked: Investments and Lives in Land Disputes - State of Land Conflicts in India 2022," December 2022, p.60

Further, as per LCW, 75% percent of all conservation and forestry related conflicts and 51.4% of mining related conflicts involved the violation or non-implementation of the Forest Rights Act, 2006 which means that victims are mostly indigenous peoples.¹⁶⁵

The Government of India has taken several actions to dilute the existing forest laws with a view to allegedly make land acquisition easier for private companies. On June 28, 2022, the Ministry of Environment, Forest and Climate Change (MoEFCC) notified the Forest (Conservation) Rules, 2022 which has been widely criticized for diluting the Forest Rights Act 2006 (FRA) and the interests of the Adivasis/Scheduled Tribes. In its letter submitted to the MoEFCC on July 19, 2022, IRAC stated that the Forest (Conservation) Rules, 2022 ran afoul of the FRA which requires the Government to obtain free, prior and informed consent of the Gram Sabhas (village councils) before allowing a project. However, Rule 9(6)(b)(ii) of the Forest (Conservation) Rules 2022 states that “The State Government or Union territory Administration, as the case may be, after receiving the ‘Final’ approval of the Central Government under Section 2 of the Act, and after fulfilment and compliance of the provisions of all other Acts and rules made thereunder, as applicable including ensuring settlement of rights under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (No. 2 of 2007), shall issue order for diversion, assignment of lease or dereservation, as the case may be.” This would mean that the rights of the Adivasis/Scheduled Tribes will be settled and their consent will be taken under the FRA or other laws by the state government only after “final” approval had already been granted by the Central Government for the diversion of the forest area. This is total dilution of the FRA and other laws such as the Panchayat (Extension of the Scheduled Areas) Act, 1996 (PESA) applicable in Fifth Scheduled Areas. Approaching the Gram Sabha after the final approval was granted rendered the Gram Sabha’s role irrelevant, the forest clearance a fait accompli (that is, the Gram Sabha will have no option but to agree), and the powers and duties of the rights holders under the Forest Rights Act redundant. Hence, FRA compliance has been struck off from the forest clearance process under the Forest (Conservation) Rules, 2022.

¹⁶⁵and Conflict Watch, “Locating The Breach: Mapping The Nature Of Land Conflicts In India”, February 2020, https://global-uploads.webflow.com/5d70c9269b8d7bd25d8b1696/5ecd20dd626f166d67f67461_Locating_the_Breach_Feb_2020.pdf

The National Commission for Scheduled Tribes (NCST) also stated that the Forest (Conservation) Rules, 2022 will “essentially eliminate the requirement of consent of local tribespeople and forest dwellers for diversion of forest land for other purposes” and therefore infringed upon the land rights of tribals under the Forest Rights Act.¹⁶⁶ The NCST asked the Government of India to put the new Rules on hold but the Government refused to listen.¹⁶⁷

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 (UNGPR). The indigenous peoples and other affected people provided stiff resistance and often faced brutal repression.

In Odisha, the Dalits and the Adivasis continued to face brutal repression for their staunch opposition to a steel plant proposed to be set up by the JSW Utkal Steel Ltd (JUSL) at the same site in Jagatsinghpur district that had been abandoned by the South Korean company, POSCO in 2017. Dhinkia village once again became the epicentre of the protests against the JUSL. The JUSL project requires 2,950.31 acres of land of which 2,700 acres was acquired by the Odisha government for the failed POSCO project and now given to JUSL.¹⁶⁸ Betel leaf farmers and fisherfolk, mainly from tribal and Dalit communities living in Dhinkia, Nuagaon, Gobindpur and Noliyasahi villages of Ersama block in Jagatsinghpur district are against the transfer of land to JUSL without the consent of the concerned Gram Sabha as the area falls under Fifth Schedule where PESA is applicable and without the settlement of the rights under the

¹⁶⁶“Forest Conservation Rules infringe upon land rights of tribespeople: ST panel chief”, The Hindu, October 20, 2022

¹⁶⁷“Government rebuffs call to suspend Forest Conservation Rules 2022”, The Times of India, January 2, 2023, <https://timesofindia.indiatimes.com/india/government-rebuffs-call-to-suspend-forest-conservation-rules-2022/articleshow/96670861.cms>

¹⁶⁸ebabrata Mohanty, “Explained: The protest against JSW steel project in Odisha”, The Hindustan Times, January 23, 2022, <https://www.hindustantimes.com/india-news/explained-the-protest-against-jsw-steel-project-in-odisha-101642928278147.html>

Forest Rights Act 2006. The crackdown in Dhinkia village intensified in January 2022 when a large number of police personnel reportedly reached the village and lathi-charged residents injuring about 200 persons including children.¹⁶⁹ On October 22, 2022 at least 20 houses were demolished at Dhinkia village allegedly by people associated with JUSL with the help of the police.¹⁷⁰ In December 2022, at least eight activists associated with Anti-Jindal & Anti-POSCO Movement were arrested.¹⁷¹ There are estimated 80 criminal cases against about a thousand people for opposing the JUSL which is in addition to over 400 allegedly fabricated criminal cases pending against 2,500 people during the Anti-POSCO Movement.¹⁷²

Similarly, the people of Mali Parbat (predominantly tribals and Dalits) in Koraput district of Odisha have been opposing mining of the Mali Parbat, a hill rich with Bauxite and sacred to local tribes by the Hindalco Industries (owned by Aditya Birla Group). On December 1, 2022, the Orissa High Court directed the Odisha State Pollution Control Board (OSPCB) to conduct fresh public hearing in connection with the grant of environment clearance (EC) for Mali Parbat bauxite mining lease in presence of Koraput district judge to ensure a free and fair proceedings.¹⁷³ 28 activists of Mali Parbat Anti mining struggle who were arrested in September 2021 were still behind bars by the end of 2022.¹⁷⁴

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. For

¹⁶⁹Subhashish Mohanty, “Steel plant: 200 villagers sustain injuries as cops lathicharge”, The Telegraph, January 15, 2022,

<https://www.telegraphindia.com/india/steel-plant-200-villagers-sustain-injuries-as-cops-lathicharge/cid/1847602#.YeMtDYWc8qA.whatsapp>

¹⁷⁰Sumedha Pal, “Odisha: 20 Houses Demolished in Village Where Jindal Steel Plant To Be Setup,” The Wire, October 31, 2022, <https://thewire.in/rights/odisha-jindal-plant-20-houses-demolished-dhinkia>

¹⁷¹statement of Mr Prashant Paikray, Spokesperson, Anti-Jindal & Anti-POSCO Movement, Odisha, dated December 29, 2022, <http://countercurrents.org/2022/12/withdraw-police-force-from-dhinkia/>

¹⁷²statement of Mr Prashant Paikray, Spokesperson, Anti-Jindal & Anti-POSCO Movement, Odisha, dated December 29, 2022, <http://countercurrents.org/2022/12/withdraw-police-force-from-dhinkia/>

¹⁷³“Orissa HC directs fresh public hearing for bauxite mining in presence of district judge”, The Hindu, December 02, 2022, <https://www.thehindu.com/news/national/other-states/orissa-hc-directs-fresh-public-hearing-for-bauxite-mining-in-presence-of-district-judge/article66213529.ece>

¹⁷⁴<https://countercurrents.org/2023/01/resist-the-intimidation-and-repression-on-people-of-mali-parbat-opposing-hindalco-mining/>

months in 2022, tribals and activists had protested against the operation of three coal mines in the region: the Parsa East Kente Basan (PEKB), Parsa, and Kente extension.¹⁷⁵ In December 2022, the Supreme Court refused to stay a coal mining project operated by the Adani Group and owned by Rajasthan Rajya Vidyut Utpadan Nigam Limited (RRVUNL), in the Hasdeo forests in Chhattisgarh, saying it will not come in the way of development.¹⁷⁶

On October 16, 2022, nearly a thousand tribal villagers protested at Khuntpani in West Singhbhum district of Jharkhand against the alleged forcible land acquisition for industries by the Jharkhand Industrial Area Development Authority (JIADA) without the consent of the local Gram Sabhas. According to the affected tribals, JIADA has reportedly identified about 500 acres of land for allotment to various companies in Khuntpani, Noamundi and Tonto blocks in West Singhbhum district. This included 271.12 acres in Khuntpani block, 90.37 acres in Tonto block and 131.15 acres in Noamundi blocks being identified by JIADA for allotment to industries.¹⁷⁷ West Singhbhum is a Fifth Schedule Area where the Panchayat (Extension to Scheduled Areas) Act 1996 (or PESA) is applicable along with the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (LARR Act). Under section 41 of LARR Act, no acquisition of land shall be made in the Scheduled Areas as far as possible and in case of acquisition or alienation of any land in the Scheduled Areas, “the prior consent” of the concerned Gram Sabha or the Panchayats “shall be obtained, in all cases of land acquisition in such areas, including acquisition in case of urgency, before issue of a notification under this Act, or any other Central Act or a State Act for the time being in force”. Section 4 (i) of PESA also provides that the Gram Sabha or the Panchayats at the appropriate level shall be consulted before making the acquisition of land in the Scheduled Areas for development projects and before re-settling or rehabilitating persons affected by such projects.

¹⁷⁵“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/>

¹⁷⁶TI, “Parsa coal block: SC refuses to stay mining project in Hasdeo Aranya of Chhattisgarh”, Times of India, December 21, 2022, <https://energy.economictimes.indiatimes.com/news/coal/parsa-coal-block-sc-refuses-to-stay-mining-project-in-hasdeo-aranya-of-chhattisgarh/96391005>

¹⁷⁷Animesh Bisoe, “Tribals say ‘no’ to land acquisition”, The Telegraph, October 10, 2022, <https://www.telegraphindia.com/jharkhand/tribals-say-no-to-land-acquisition/cid/1892868>

Similarly, tribals of 36 villages from Deucha-Pachami area have been protesting against the proposed Deocha-Pachami-Dewanganj-Harinsinga coal block in Birbhum district of West Bengal which is said to be India's largest and the world's second largest coal mining block with a capacity of 2.2 billion metric tonnes. In July 2022, thousands of tribals protested in front of the Birbhum District Magistrate's office in Siuri demanding the cancellation of the coal mining project.¹⁷⁸ 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 and 3,601 from the Scheduled Caste communities. Among the Adivasi population, Santals comprise about 90 per cent of those affected.

During 2022, the Government of India took measures towards 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 including a transshipment terminal, a township and an airport. In December 2022, the Ministry of Environment, Forest and Climate Change informed the Parliament that the project was of significant strategic and national importance.¹⁷⁹ 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". The government even did not consult with the National Commission for Scheduled Tribes (NCST).

The Great Nicobar project will be developed in 16,610 hectare (or 166.1 sq. km) area, including 13,075 ha (or 130.75 sq km) of forest land.¹⁸⁰ Of these, 70.6 sq. km of the Great Nicobar Biosphere Reserve falls in the project area. Despite serious concerns, on October 27, 2022, the Central Government

¹⁷⁸"Bengal: Thousands of Tribals Protest Against Open-pit Coal Mining Project in Deucha Panchami", NewsClick, July 27, 2022, <https://www.newsclick.in/Bengal-Thousands-Tribals-Protest-Against-Open-pit-Coal-Mining-Project-Deucha-Panchami>

¹⁷⁹Rajya Sabha, Unstarred Question No. 220 answered on December 8, 2022

¹⁸⁰http://environmentclearance.nic.in/auth/Form_A_PDF.aspx?cat_id=IA/AN/NCP/201159/2021&pid=New

accorded the in-principle/Stage-1 approval for diversion of 130.75 sq km forest land.¹⁸¹ This will result in felling of around 8.5 lakh (0.85 million) trees in pristine rainforests. Curiously, the Central Government intended to carry out mandatory compensatory afforestation in far-away Haryana and Madhya Pradesh states!¹⁸² The Forest Rights Act has been violated while granting permission for diversion of forests because the island administration neither recognised nor granted ownership of any forest land to local tribespeople as per FRA.

Although the Central government claimed that the project activities shall not disturb the Shompen tribe and their habitation,¹⁸³ 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 240,¹⁸⁴ and the Nicobarese about 1,000. Together, these two vulnerable indigenous communities comprised 14.5% of Great Nicobar Island's population as of today. Hence such population transfer of settlers from the mainland India is expected to overwhelm the already vulnerable Shompen and Nicobarese communities. Clearly the so-called "Holistic Development of Great Nicobar Islands in Andaman and Nicobar Islands" is in violation of the Andaman and Nicobar Islands (Protection of Aboriginal Tribes) Regulation, 1956¹⁸⁵ and the Andaman and Nicobar Islands Shompen Policy, 2015.¹⁸⁶

¹⁸¹Rajya Sabha, Unstarred Question No. 220 answered on December 8, 2022

¹⁸²Rajya Sabha, Unstarred Question No. 220 answered on December 8, 2022

¹⁸³Rajya Sabha, Unstarred Question No. 988 answered on December 15, 2022

¹⁸⁴<https://science.thewire.in/environment/niti-aayogs-vision-for-great-nicobar-is-at-great-odds-with-islanders-reality/>

¹⁸⁵https://www.andaman.gov.in/admin-pannel/pressupload/1-2-AN_Gazette_june_30_1956%20PAT%20Regulation.pdf

¹⁸⁶<https://tribal.nic.in/downloads/PVTG/The%20Andaman%20and%20Nicobar%20Gazette%20dated%2022-05-2015%20-%20Policy%20on%20Shompen%20Tribes%20of%20Great%20Nicobar%20Island.pdf>

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.



Indigenous Rights Advocacy Centre (IRAC)

New Delhi, India Phone: +91-9311604403

Email: irac@irac.in

Website: www.irac.in