



# Transparency Review

Journal of Transparency Studies

## TRIBAL VICTIMS OF POLICE BRUTALITY

After much effort, Transparency Review has been able to get the grainy picture seen here via a blog. But it is sufficient to revive the horror of a scene imprinted in the memory of those who watched an NDTV news programme on Chattisgarh, though it happened months ago. A uniformed police officer was seen on camera kicking an elderly tribal pleading for mercy with folded hands. He got only repeated kicks. Nobody tried to intervene. The police officer's willingness to be filmed tells its own story. Like the jackbooted gauleiters of Nazi Germany, he wanted to show how brutal he could be in putting down so-called enemies of the State. Police brutality is not new in India,

but to take pride in displaying it in such a vicious form revives memories of German Nazis dragging and kicking old men with jackboots, burning their books and belongings, while others applauded. But that was before Hitler was defeated in World War II, Nazi brutality reviled and respect for human rights pledged by every country in the world, including our own. Additional guarantees that Indians would never be subjected to

such brutality were enshrined in the Constitution. It was assumed that under the parliamentary system the people's representatives would ensure that the perpetrators would be punished.

Human rights are under pressure throughout the country, but Chattisgarh has gone further along this route than other States. The pretext is the need to counter the Naxalite threat. The threat is undeniable, as



reports of murders, extortions and summary trials in areas dominated by them indicate. Yet, as the contents of this issue show, it is the State's negligence or its complicity with the land mafia, that is responsible for armed resistance to be seen as the only remedy. Tribal

groups, caught between Naxalite terror and State counter-terror, are innocent victims.

Chattisgarh shows how near the situation is to reviving the Nazi philosophy. The provisions of the State's security laws are more repressive than any in the country. One of its victims is Dr Binayak Sen, who remains incarcerated for over five months despite public protest. The authorities have gone to the extent of indoctrinating, arming and

financing a corps of adolescents, the Salwa Judum, on the pattern of Hitler's Youth Corps. Lacking education and eager to dominate, they are trained to attack and destroy any village they are told to. They do not discriminate between innocent and guilty.

Thousands of tribal families have been forced to shift into camps far from their homes; their villages have been destroyed. Their plight has been reported in national press and shown on the media. We reproduce a selection, but the brutality continues.

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## RIGHT TO INFORMATION

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## Letters To The Editor

All the articles are very interesting and full of factual information which is difficult to get. L.C. Jain's article about Karnataka makes one rather sad to read to what happens in the State. One however gets re-assured when one reads about the excellent work done by women's self-help group in one Andhra village. The Hyderabad meeting organized jointly by CMS and the Administrative Staff College highlights the need for Judicial Reforms.

**B.G.Deshmukh, former Cabinet Secretary,Pune**

The reports on NREGA and RTI are really informative. I will look forward to the next issue. Please keep up the work.

**Satabdi**

This issue was very useful and timely.

**Rashmi**

Found the issue not only interesting but useful. You may be aware that Yashada is National Implementing Agency for UNDP funded Project called Capacity Building for Access to Information. Uptil now, Yashada has trained over 1000 State Resource Persons from 17 States in the country, Remaining States will be covered shortly. As Additional Director of RTI Cell, Yashada, I think I can share my experiences and expertise (a little of which I have) through the upcoming issues. Is it possible?

**Kiran Kulkarni**

I found the issue very use ful timely and relevant for all the activists concerned about governance in our country.

**N.Vittal, Chennai**

**Editor: Ajit Bhattacharjea**

# SALWA JUDUM TERROR

■ Sreelatha Menon

Tribals in 644 deserted villages in Chhattisgarh don't exist, at least on paper. These villages don't have citizens and hence there is no National Rural Employment Guarantee scheme for them or any health services or cheap rations.

These villages, located in the State's Dantewada district, have been allegedly evacuated by the Government-backed private army Salwa Judum. All villagers are supposed to be "well settled" now in 20 relief camps.

But testimonials by tribals from the district and also footage from a film made for Channel 4 of the BBC prove otherwise. People still live in these deserted villages, where almost all houses have been burnt by the invading Salwa Judum mob armies. They hide in the jungles most of the day and come back now and then.

Tribals question the Government figure of 50,000 people lodged in 20 relief camps. Are they the whole population of 644 villages, asks Lingoo Markam, a ward panchayat member from Balood Panchayat of Dantewada block.

"If the entire population of the 1,354 villages in the district is seven lakh, how can 644 villages have only 50,000 residents," he asks, adding that nearly two lakh people are on the run.

Many are hiding in the forests, while many have fled to neighbouring Andhra Pradesh.

Manish Kunjam, a former Communist Party of India legislator from Dantewada, agrees that half the tribals in the villages attacked by Salwa Judum have fled to Andhra Pradesh. He says that he organised a rally in Cherla in Andhra Pradesh in which tribals who had fled from Dantewada were present in thousands. They were demanding

an end to Salwa Judum terror.

The BBC film *Unreported World* shows a few families taking shelter in the only surviving house in a village. One of the tribal had his back mawed by a bear. He was in pain. The villagers come and look after him in that house saying that all the other houses have been burnt. They could not go to a doctor, as they would be caught by the Salwa Judum and killed on the way.

Shubrangshu Kumar, who assisted in the making of the film, says that the crew had no means to reach the deserted villages as they could be caught by the Salwa Judum. So they walked three days taking the jungle route, assisted by two tribal boys from the village they met in a Raipur hostel.

What do people in these deserted villages eat?

Do they cultivate their lands? Chomuru had left Salwa Judum a few days after he was forced to join it. He says about his own village of Bechupal, which was raided and officially evacuated: "We survive on the burnt rice left in the village. We spend our time in the forests and eat whatever is available there."



**A Salwa Judum procession**

Himanshu Kumar, activist of the Vanvasi Chetna Ashram in Dantewada, says that the tribal areas are now split into three. There are 644 villages, which have been evacuated while the remaining 600-odd villages are being targeted for evacuation. This is the enemy zone as far as Salwa Judum is concerned. Their goal is to capture these and burn the houses.

The third zone is the Naxal-dominated areas where, of course, no one enters. So, in all the three zones, health, education and employment generation is nil. Worse still, people can't move in and out for fear of being killed.

Chhattisgarh Home Minister Ramvihar Netam agrees: "The representatives of the Government cannot go to the villages following Naxal threats. The rebels have destroyed the schools, Government buildings and are terrorising the teachers and doctors. How can the Government provide relief when Naxals are not allowing us to enter?"

He added that even the roads had been damaged to cut off the villages.

Netam acknowledged the fact that all the 644 villages are not deserted. There are many villages which house 20 to 30 families.

According to Dantewada Collector K R Pisda, not a single village is completely deserted. Only those who fear Naxals have taken shelter in the camps, while the others are still staying in the villages. The 644 villages are not the ones that are abandoned. These are the villages where the Salwa Judum campaign has reached, Pisda clarifies.

"Most of the villagers, who had earlier fled, have returned to the villages and those who have gone to the neighbouring States are part of the tradition as they go there every year for work," Pisda explained.

Himanshu Kumar, however, contested this: "If the villages are not abandoned, then why has the Government shifted schools to the camps and pulled out other facilities?"

The Salwa Judum armies, armed with bows and arrows, and backed by Naga and Mizo troops along with the armed police recruits called special police officers, are Gandhian (according to Chief Minister Raman Singh) as they carry out their peace march (Salwa Judum) from village to village, rescuing tribals from Naxalites by taking them along.

They follow the philosophy that if you are not with them, you are a Naxalite. Houses are burnt, (Courtesy: *Business Standard*)

livestock killed and eaten, women raped and their hair cut, men killed...these are the allegations by many of the villagers who have dared to come to New Delhi with social activists.

The Bhagalpur chain snatcher's destiny is meted out to every single villager in the Dantewada and Bijapur districts who is not willing to join the Salwa Judum militia.

The victims of such operations have been branded as Naxalites and are also in hiding. The Chhattisgarh Government has washed its hands off 644 villages saying they are inaccessible. The other 700-odd villages of Dantewada that have been branded Naxal-hit have no communication with the outside world. People can't move out for fear of being killed, either by Naxalites or by Salwa Judum.

However, no one in the country is losing sleep over this suspension of human rights, though details like what an arrested film star had for dinner on his first day in jail is the lead story of the news bulletins.

BD Sharma, who was the Collector of the Dantewada district in 1968, says the Governor of

Chhattisgarh could easily use his power under the Fifth Schedule of the Constitution to report to the President. But Sharma, who is now part of a Committee on Naxalites in the Planning Commission, says not a single Governor since Independence has bothered to use this power.

While political parties are ready to bring down the Government over the nuclear deal for compromising the sovereignty of the nation, what use is such sovereignty if the most vulnerable people of this country have to hide in jungles and live on berries and burnt rice left over in their burnt houses raided in turns by Salwa Judum and Naxalites? Nuclear technology will at least give some electric power. ◆ ◆



**Houses burnt by Salwa Judum**

# A CRY AGAINST THE HIDDEN WAR

A deafening silence surrounds the hidden war in south Chhattisgarh between Maoist guerrillas on one side and the State and its sponsored offensive, Salva Judum, on the other. How to break this silence and find a solution was the theme of a People's Convention on Salva Judum, attended by 250 people, organised in New Delhi in the first week of September by the Campaign for Peace and Justice in Chhattisgarh.

Key speakers included several tribals, witnesses to acts of unspeakable violence. Their eyes downcast, they described how the Salva Judum members came to their villages, ordering them to leave, before burning their homes, and killing and raping selected victims. Several of the speakers had been beaten for hours. Innocence was no protection. One attempted to lodge FIRs with the police about incidents he had witnessed of killings and torture. He paid a heavy price: nine months in jail, and repeated beatings by Salva Judum activists.

Ajit Jogi (ex-chief minister) and former CPI MLA Manish Kunjam drew attention to the way the Salva Judum has forced tribal people into a civil war not of their choosing. Over the last two years, 700 villages in Dantewada district have been burnt, and about one lakh people displaced. It has been apparent all this while that the Salva Judum is Government-backed and enjoys the support of security forces stationed on the ground. Mahendra Karma, Leader of the Opposition in the Chhattisgarh Assembly and Salva Judum protagonist, had openly attended meetings of this militia in the presence of senior bureaucrats and policemen.

In essence, the Bastar region of Chhattisgarh is in the grip of a civil war that has locked tribals in a bloody internecine conflict. How to bring peace

(Courtesy: *Tehelka*)

when so many communities have been torn apart by violence? The Chhattisgarh Government's ban on independent reporting through the Special Security Act of 2005 ensures that atrocities by Maoists are highlighted, while far more numerous Salva Judum crimes go unreported and unpunished. Anyone criticising Salva Judum is labelled a Naxal supporter. Tribals have been herded out of their villages and located in camps. The camps' ostensible purpose is to "protect" people from Maoist reprisals. But as a tribal woman whose young daughter was dying for lack of medical care said in the film, India's Hidden War (shown on Channel 4 TV, UK), "It's not the Maoists we fear. It's Salva Judum." Salva Judum cadres work under close supervision of the police. The film showed Salva Judum men moving from village to village, forcing people to attend meetings, while archers stand in a line at the side, their weapons drawn. Policemen stroll through the crowd interrogating people about their Maoist contacts.



**Salva Judum recruits being trained**

BD Sharma (Former Commissioner for Scheduled Tribes & Castes) suggested at the conference that there should be a parliamentary committee to investigate this silent war, and that the President should order an end to it by invoking President's Rule. The most important thing, he said, was the return of the rule of law and democracy.

The delegates at the Delhi meeting called for the repeal of the Chhattisgarh Special Security Act (2005) censoring the media; a highlevel, independent enquiry into all killings, disappearances and rapes by the Salva Judum as well as Naxalites; the disbanding of Salva Judum; a commitment to end violence by both sides and a real dialogue between the Naxalites/Maoists and the Government. ◆ ◆

# JUDUM IS ESSENTIAL, SAYS FOUNDER

*(Excerpts from an interview with Mahindra Karma leader of Salva Judum)*

***You are an Adivasi MLA from Dantewada. Has Naxalism affected you personally?***

I have lost two brothers to it and have escaped attacks several times. Whenever I go to Dantewada, especially on padyatras to spread the message of the Salva Judum, there is the risk. My family and sons still live in my native village. Recently, on March 2, I was going on a motorcycle yatra with 150 others to Jagargunda, a village on the border with Andhra Pradesh. One of the motorcycles ahead of me triggered a pressure bomb. It could have been me.

***Aren't you afraid?***

This is not the sort of bogus fight that politicians are used to. In this fight, we will have to be prepared for anything. I am not new to this. I have been fighting the Naxals since 1989 when we started a Jan Jagran Abhiyan among villagers and the Naxalites left, but soon they returned. I worked again on it when I was an Independent member of the Eleventh Lok Sabha.

***So what has this experience of working on the issue of Naxalism taught you?***

The single greatest lesson I have learnt is never to compromise with the Naxals.

***Does that mean you are against peace talks with them?***

The Naxals aren't even offering to talk.

***But if they do?***

They just can't give up the gun. If they do, then perhaps we can talk.

***Shouldn't the Government initiate peace talks with them?***

These are the people who are against the Constitution and the democratic system as a whole. We, on the other hand, are part of this democratic system and it is our responsibility to save it from the Naxalites. You must understand that they are terrorists.

***What do you think of the way Maoists have joined democracy in Nepal?***

That's what they will have to ultimately do in India.

***But Naxalites say that Indian democracy has been a farce because developmental benefits haven't reached the people.***

Okay, so let us throw the ball in their court: what have the Naxals done for the people? Have they empowered

common people in any way? Has the standard of living in villages controlled by them improved? Why don't you understand that the Naxals want 'revolution', they want to change the system, and the tribals are the best fodder. But we who are fighting against the Naxals are also tribals. We have the same blood in us.

There are several kinds of terrorism. There is communal terrorism and local terrorism, but Naxalism is political terrorism of an international nature. Whatever be the form of terrorism, it isolates people geographically or communally. What the Naxals want amounts to secessionism. Democracy, on the other hand, is nobody's property, certainly, not mine. I haven't picked it up from Plato.

***So what is the status of Naxalism in Chhattisgarh now according to you?***

There is a big dent in it after a people's movement against it in the most-affected district of Dantewada. But Dantewada is still the centre of Naxal activity, not just in Chhattisgarh but in the entire country. This is where the root is. This is where I suspect the central leadership of the Communist Party of India (Maoist) resides. If we can wipe out Naxalism from Dantewada, we will have wiped it out from the rest of the country. And there is only one thing that can defeat Naxalism. It is called Salva Judum. For the first time such a people's movement is taking place. The Naxalites



earlier called themselves 'People's War Group'. But what they are doing now is war against the people! Their very *astitva* (being) is being challenged.

***Is it true that you are the initiator of Salva Judum?***

I only gave it this name after I saw it come up on its own. Seeing a village rebel against Naxalites gave me the inspiration to lead them. They needed a political voice, which is what I gave them. I gave them leadership.

***But some say that the Salva Judum was your creation with police help.***

That is mere propaganda. After a month-and-a-half of the movement, the State Government made the wise decision to support it. Given how alarming the problem of Naxalism is, why should the State not support it?

***But if it is really a spontaneous movement against Naxalite oppression, why has it appeared only in Dantewada and not the rest of south Chhattisgarh and indeed the red corridor?***

Just because others haven't risen up doesn't mean Dantewada's tribals are fools. It is not Dantewada's fault if others don't have the courage to stand up against Naxalism.

***So why don't you take the Salva Judum movement to other areas?***

Wherever we go, people stand up and join us. We have made a beginning with Dantewada. Until we don't become a Naxalism-free State, we will not stop. If there are places where there is local leadership willing to stand up against the Naxals, we are ready to support it.

***But isn't it unfair for the State to arm tribals and pit them against Naxalites? It is widely alleged that many are forced to join the Salva Judum and relocate to camps.***

The people of Dantewada want to fight. Hundreds have died at the hands of the Naxalites, but they still want to fight. They want to kill Naxalites. The State cannot fool lakhs of people. You go to Salva Judum camps and ask them. The people of Dantewada are not like the Kashmiri Pandits who left their homes when forced by the gun. We are fighters.

***The Naxalites are known for violence against individuals and institutions that represent the State. Don't you think that the creation of Salva Judum camps has turned thousands of villagers***

*(Courtesy: Tehelka)*

***into ready targets for the Naxals?***

On the contrary, wherever there are Salva Judum camps, Naxal violence and oppression of villagers has come to an end.

***Many allege that the budget for these camps has provided officials an unprecedented opportunity to bungle the funds. There are even allegations against you for corruption.***

As you know the Naxals can succeed in killing me any day. Do you think a man who has given his life would care for money? As for officials, we are talking of a machinery where corruption is widespread, so I would not be surprised if there has been corruption. There should indeed be an enquiry.

***What do you think have been the three biggest successes of the Salva Judum?***

Firstly, the Naxalite network has been undermined. They used to work with tribal villagers, and the same villagers are now on our side. Secondly, 5,000 Naxalites have surrendered and become special police officers (SPO) with the Salva Judum.

***Who decides who will be given SPO status and arms?***

The Government decides the terms, it's not my responsibility. But it is true that many who are associated with our peace movement have been made SPOs. Anyway, you didn't let me tell you the third and the most interesting achievement of Salva Judum, which is that politicians have started speaking against Naxalism. Earlier they were so afraid of Naxals that they didn't want to openly speak out against them. Only when the locals have dared that the political class has risen to the occasion.

***In May 2006, you told Tehelka that Salva Judum would be able to finish the Naxals by June 2006. This is March 2007 and we have just witnessed the massacre of 68 Salva Judum and Chhattisgarh police officials in Dantewada.***

We give such slogans to inspire our masses. But you will appreciate that the Salva Judum has spread to all of Dantewada by now.

***Rights groups and fact-finding committees have found large-scale human rights violations and violence in the name of Salva Judum. You cannot write them off as Naxal sympathisers.***

I don't care for so-called intellectuals who can't understand what a Jan Andolan is. ◆ ◆



# AMNESTY IS CONCERNED

Amnesty International, has in a statement, expressed concern over the apparently arbitrary arrest and detention of Dr. Binayak Sen, a human rights defender and the police harassment of two other human rights defenders at Raipur in Chhattisgarh. This follows the alleged involvement of police in unlawful killings of 12 Adivasis (indigenous communities) in Santoshpur on March 31. The allegations have been substantiated by a police inquiry but the State Government refuses to approve the prosecutions of those suspected to be involved in the killings.

Dr. Sen is the general secretary of the Chhattisgarh unit of the People's Union for Civil Liberties (PUCL), one of India's foremost human rights organizations, and has been instrumental in working on access to health for Adivasis. On 14 May 2007, he was detained at the Tarbahar Police Station, Bilaspur district, when he was returning from Kolkota to Raipur. Since May 15, he is held at Raipur prison. Police officials later sealed his residence and searched his clinic. His organic farm in a nearby village was also searched.

Dr. Sen has been detained under provisions of the Chhattisgarh Special Public Security Act, 2006 (CSPSA), and the Unlawful Activities (Prevention) Act, 1967, which was amended in 2004 to include key sections of the Prevention of Terrorist Activities Act (POTA), 2002. The POTA itself was repealed in 2004 following widespread criticism of abuse and human rights violations. The CSPSA allows for arbitrary detention of persons suspected of belonging to an unlawful organization or participating in its activities or giving protection to any member of such an organization and human rights organizations have demanded its repeal. Dr. Sen is the fifth person to be arrested under the CSPSA in the State.

The PUCL has stated that police allege Dr. Sen had passed letters from Narayan Sanyal, a

detained leader of the banned CPI (Maoist) who he had met in the Raipur jail last month, to Piyush Guha, an alleged member of CPI (Maoist) under detention since May 1. Dr. Sen, at the time of his arrest, told the media that this charge had no basis since the prison authorities were present throughout his meeting with Narayan Sanyal.

The PUCL has stated that, apart from Dr. Sen, two other PUCL members, Rashmi Dwivedi and Gautam Bandopadhyay, have been facing harassment and threats of arrest from the police. The three have been actively protecting the rights of Adivasis in the face of escalating violence in Chattisgarh between armed Maoists and Salwa Judum, an armed anti-Maoist campaign widely regarded as sponsored by the State Government. They have been instrumental in bringing to light unlawful killings of Adivasis, sexual assault of Adivasi women and disappearances of Adivasi youth. The latest instance was the unlawful

killing of a group of Adivasis at Santoshpur village in the forests of Bastar-Dantewada area on 31 March.

The State police had initially claimed that those killed at Santoshpur were Maoists during an armed confrontation, but following a sustained campaign by human rights organizations, the State

Government ordered a police inquiry into the killings. Following this, the bodies of five Adivasis were exhumed in the first week of May and sent for post-mortem which confirmed that three of them were shot dead at close range while the other two were hacked to death. Seven others are still reported missing. Also, reports say that at least 600 Adivasi residents of Santoshpur and neighbouring Ponjer village had fled the area fearing police reprisals following the findings of the inquiry.

However, Chattisgarh Home Minister Ram Vichar Netam has ruled out arresting the police officials suspected of being involved in the unlawful killings as, according to him, the police





was fighting a battle against Maoists "in extremely difficult conditions" in the forests of Bastar-Dantewada district. Under India's Code of Criminal Procedure, 1973, the Union or State Government needs to sanction the arrest or criminal prosecution of public servants, including police officers and members of the civil or armed forces. Human rights organisations in India have repeatedly called for this law to be amended to ensure that public officers who violate human rights are no longer protected from prosecution.

The Minister also said the State Government did not want to create in Chattisgarh a "Gujarat-like situation where police officials fighting terrorists are arrested." (It may be recalled that six officials



who had worked as part of the Anti-Terror Squad of the Gujarat police were recently arrested on the charge of killing Sheikh Sohrabuddin, who was later branded as a terrorist, and his wife, Kausar Bi, in November 2005).

Amnesty International is gravely concerned that the Chattisgarh Government is not following up on the police enquiry and pursuing prosecution of police officials suspected of involvement in the unlawful killings of Adivasis. Investigations and follow-up action are critical factors in the prevention of further

unlawful killings. An atmosphere of impunity is bound to flourish if suspected perpetrators of such crimes among the police force are not prosecuted and convicted. ◆◆

## DEVELOPMENT TO COUNTER NAXALITES

With Naxalites continuing to make light of Government's efforts to tackle their spread and contain violent attacks, the Centre has decided to give its strategy of using development to counter their ideological influence a fresh impetus.

A high-level team of officials headed by Union Cabinet Secretary K M Chandrasekhar has undertaken visits to Jharkhand and militant-affected areas to take a close look at the State Government's development initiatives. After Jharkhand, the group is set to turn its attention to Chhattisgarh, which has borne the brunt of Naxalite attacks over the past two years.

The team includes senior officials from the Union Home Ministry and representatives from Ministries of Rural Development, Tribal Affairs, Forests and Environment, official sources said. Special Secretary (Internal Security) M L Kumawat and Additional Secretary (Naxal Management) Vinay Kumar are likely to represent the Home Ministry.

*(Courtesy: The Indian Express)*

The group is expected to discuss ways to improve the impact of the Government's flagship development programmes such as the National Rural Employment Guarantee Scheme ((NREGS), the Prime Minister's Gramin Sadak Yojana (PMGSY) and the Backward Regions Grants Scheme (BRGS).

Another crucial area the Centre will be looking at is effective implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Regulation of Forest Rights) Act, 2006. The Act aims at providing livelihood security and ownership over land to traditional forest-dwellers and the Government hopes its implementation will reduce the feeling of alienation within this category. The Centre's anxiety to come out with an effective answer to the problem is also based on clear signals that the insurgents will target infrastructure and development projects - ongoing and planned. A two-day economic blockade in June saw the Naxalites disrupt transport and transmission networks in Chhattisgarh, Jharkhand, Orissa, Bihar and West Bengal. ◆◆

# THE NAXAL MUDDLE

“It would not be an exaggeration to say that the problem of Naxalism is the single biggest internal security challenge ever faced by our country.....We must, however, recognize that Naxalism is not merely a law and order issue. In many areas, the phenomenon of Naxalism is directly related to underdevelopment. It is not a coincidence that it is the tribal areas that are the main battleground of left wing extremism today. Large swathes of tribal territory have become the hunting ground of left wing extremists. Exploitation, artificially depressed wages, iniquitous socio political circumstances, inadequate employment opportunities, lack of access to resources, under-developed agriculture, geographical isolation, lack of land reforms – all contribute significantly to the growth of the Naxalite movement. All these factors have to be taken into consideration as we evolve solutions for facing the challenge of Naxalism.”

(From the PM's speech at the meeting of the Chief Ministers on Naxalism in April, 2006)

## WHO CONTROLS THE FORESTS?

■ Richard Mahapatra

As the nation gropes in the dark over vanishing tigers and environmentalists moan over the delay in granting land rights to tribals residing in and around forests, everybody has ignored a crucial change in the ownership of Indian forests. Naxalites now control over 19 per cent of India's best forests. The role of the Government is fading and tribals in these areas seem to be comfortable with their new owners.

Exploiting the increasing tribal alienation from forests and the repressive colonial forest laws, Naxalites are fast spreading into forest areas. As a result, timber mafia and poachers are having a hey day paying small 'protection money' to the Naxalites. State Governments and the Union Ministry of Environment and Forests ignore this as a mere law and order problem, further aggravating the situation.

Year-long research has brought out startling linkages between forest mismanagement and the spread of Naxalism, which otherwise has been approached as a law and order problem. Based on extensive field reports from Orissa, Jharkhand, Chattisgarh and Andhra Pradesh, the report is a first ever attempt to study the Naxalite movement from environmental perspectives.

Unquiet Forests, a comprehensive look at how forest laws are triggering conflicts in India with a focus on Naxalite movement, reveals that the CPI Maoist group has been using forest related issues to gain entry into the villages. Analysing the socio-economic conditions in States like Orissa, Chattisgarh and Andhra Pradesh, and the strategy of the Naxalite groups, the report warns that 50 per cent of India's forest area could be potentially brought under Naxalite control within a few years.

The study has used intelligence reports on Naxalite operations to estimate the actual forest area under their control. It says that in States like Chattisgarh, AP and Jharkhand, mobility of Government officials inside forests has come down to 15 per cent, (a fall of around 40 per cent within a span of five years).

According to the report, Naxalite violence affects close to 300 million people in India across 7000 villages. Since last year, the Communist Party of India-Maoist (CPI Maoist formed after merger of the PWG and MCC in September 2004) has been spreading a ring of death at the rate of two districts each week, and have gone from just 55 districts in nine States in November 2003, to 155 districts in 15 in States by February 2005.

As peace talks between the AP Government and the CPI Maoist have collapsed, there is now fear that violence will be pronounced in the Naxalite-affected States, particularly Orissa. According to sources, Orissa is the current priority State for the group and it wants to control 25 districts by 2007. Currently the State Government accepts that 10 districts are under the grip of Naxalites.

Basanta Patra, a resident of Sukunipadar village in Orissa's Balangir district, inherits 'a confused struggle' with the Forest Department from his late father a veteran of World War II. Patra, a 55-year-old Gond tribal, is waging a struggle to get recognition for his village from the Forest Department, which his father could not do in his lifetime.

Patra's village is among nine hamlets situated deep inside the Tikhari Reserved Forest in Orissa's Balangir district. The villages remained in the obscure list as they could not produce evidence to qualify the criteria cited in the contentious Forest Conservation Act 1980.

Basant Patra and 74 families of Sukunipadar village have so far been leading lives leased out by the bosses of Tikhari RF from time to time. "At the advent of the paddy season, officials come to us to collect unofficial toll. Without their permission, no one can start cultivation. By the time the harvesting period comes, they ask for a second payment. "While we reap one crop, they harvest twice," accuses Patra.

Though Patra's father had approached the Prime Minister and the President, the struggle of two generations for a few patches of land has so far not seen the light of day.

India's forest areas are fast becoming the most violent frontier of conflict. As per the estimates of the Union Ministry of Environment and Forests (MoEF), every year about half a million crimes are reported in forest areas. In the last three years about 150 people have been killed in conflicts involving local tribal residents, the forest department and the police.

The result: there is little semblance of governance in forest areas. Exploiting this vacuum, poachers are on the rampage and the timber mafia is eating into India's best forests. Besides, the Naxalite campaign to grab forests and clear them for cultivation has become a new problem for State Forest Departments.

Says a Deputy Inspector General of Forests in MoEF, "The encroachment has become so wide that our decision to regularise encroachment prior to 1980 has been temporarily dropped. If we do so there will be pressures from these groups to regularise all the forests under their influence."

According to MoEF data, one million acres of forest in the country are under their encroachment. Recently conservationist Valmik Thapar wrote, "Our nationalised treasury is being emptied. The MoEF informed the Planning Commission that an estimated Rs 50,000 crore

has been stolen from India's poorly protected forest areas. The real fear is not from the Naxals, who have agreed to conservation but from the smugglers and poachers, who enter these forests."

Conflicts in forests always revolve around the question of who owns the forest. In India the Forest Department is the legal owner of forests, while the tribal forest dwellers claim traditional ownership over it. There are 500 million people in India who depend on forests for their survival. On the other hand, Indian forest laws, mostly framed by the British in the early 19th century, restrict people from sourcing their livelihood.

In the near future forest-related conflicts are going to become more intense. The recent drive of the MoEF to evict traditional settlers in forests has put the tribals in direct confrontation with the Forest Department. The drive would displace close to 10 million people and strip them of their only livelihood. It all started in May 2002 after a Supreme Court ruling on clearance of encroachment from forestlands.

In this crisis, Naxalites distribute forest lands to the tribals for cultivation, turning the forests into a



**Tribals on patrol**

battlefield. Inside Dandakaranya forest, one sees more landmine blast craters than pug marks of tigers. Despite State Governments' massive police operations, the Naxalites' areas of influence continue to spread. In the contiguous forests of AP, Chattisgarh, Orissa and Jharkhand, people trust the 'parallel Governments' more than their elected Governments. In between the warring two, people frustrated by years of such curbs on accessing their forests give in to the latter, even though they do not believe in their ideology.

It is not that the Government is unaware of these emerging conflicts in forest areas and their linkages to illogical forest laws. In April 2000, the Union Home Ministry in a meeting of Naxalite-affected States debated the possible causes of the spread of Naxalite movements and found forest laws to be the most convincing reason for conflicts.

Naxalite-affected States urged amendment of forest laws to suit people's needs.

"Whenever governance fails the Naxalites step in," says Anadi Sahu, a former member of the Home Ministry's Parliamentary Standing Committee.

The Forest Conservation Act (FCA) makes forests soulless islands. Under the Act, the State Governments have to secure permission from the Union Government before using forestland.

Chattisgarh, facing its worst drought, cannot ren-

ovate traditional ponds for water conservation inside forests. "However, Naxalites construct ponds (talabs) in forest areas and gain the confidence of people," says Ramchandra Singh Deo, former Finance Minister of Chattisgarh.

The Act is so powerful that the Kerala Forest Department refused to listen to the then Chief Minister AK Antony to give land to landless tribal families, which resulted in violent conflicts in the State. (Since then, amendments in the Act have been made.

With emergency clamped in Nepal to crush the Maoist insurgency, which has already killed about

16,000 citizens of Nepal, Indian intelligence foreses enhanced violence in India. Before this, in a secret conclave on 15 August 2001 in Siliguri, in West Bengal, various Indian Naxalite factions agreed to unite. For the first time last September the two dominant MCC and the PWG came together.

This means that from Nepal to down south, they

have laid siege forming a death ring around 10 States. The Dandakaranya forest has been declared a war zone. This means it wants to establish its own Government and not allow the elected Government to function. It now establishes a corridor between North Telengana and the East Region. It may prove to be a corridor of more violence and deaths. ◆ ◆



***Naxals marching in the forest***

# “I AM A FRIEND OF NAXALITES”

*(Nirmala Deshpande is a name, which does not require any introduction. A widely acclaimed social activist Nirmala is one of the flagbearers of non-violence in our country. Born in 1929, she joined Acharya Vinoba Bhave's Bhoodan Padyatra in 1952, and covered more than forty thousand miles. She talked soemtime ago to Santosh H K Narayan of Headlinesindia on various issues.)*

**Q: How much relevant is the 'Gandhian Value' in the present scenario?**

NIRMALA DESHPANDE: We know that UN (United Nations) has declared Mahatma Gandhi's birthday -- October 2 as an International Day for Non-violence. It reveals that not only India but the whole world recognises Mahatma Gandhi and his philosophy. His actions and programmes are becoming more and more relevant for the contemporary world

**Q: But it is seen that in India, we are neglecting him in each and every aspect.**

NIRMALA DESHPANDE: I think, it is the perception of those who are metro centric (Urbanites) . Go to rural areas and countryside, you would come across a general change in perception. I have been to almost all places in India and discovered that Gandhi is becoming more and more relevant. His principles have influenced the people there. You will very well find it if you visit rural areas.

**Q: Actually, I was talking about the Government policies.**

NIRMALA DESHPANDE: Why are we so much concerned about Government policies.

**Q: Because we are a democracy.**

NIRMALA DESHPANDE: No. People are supreme in democracy. Government has a role to play. But it's the people who shape the country; the society and I can talk about the people who are fighting. We have to follow his (Gandhi's) ideas and philosophies in order to solve many of our problems as well as shape the way of life that leads to peace and harmony. Government is trying to follow

many of his ideas, eg employment guarantee scheme. The idea is to help the poorest of the poor and those who are not much qualified. They also have the right to live.. Right to live with dignity. Such schemes really give a kind of instrument to the people to live a better life. Well, I agree with you that many areas are underdeveloped but I will also say that it's not the Government but the people who

are responsible for that. We as social activists find that wherever our friends try to mobilise people for the implementation of polices properly, we get very good results. So Government plus social activists have to work together. And I am very hopeful that in the near future, these schemes would be properly implemented.

**Q: But if we look into the 60 years of our independence, the fate of our people has not changed much. So called poverty line is not practical.**

NIRMALA DESHPANDE: As far as independence is concerned, much has been done and a lot more remains to be done. Gandhiji said that we had achieved political independence but we have to achieve social and economic independence and it is a more difficult task. Working at the grassroot level is very difficult but we don't have other way left. We have to do that for changing the way of life of the people. Participation of people in that process is necessary. We, social activists, are just a facilitator. I would like to give you an example. In Vidharba, Maharastra there were suicide cases by farmers. Some of our friends met representatives of people in that area. They facilitated the meeting with the Prime Minister and he was very sympathetic and



immediately went to villages and talked to the people. He announced a package for them last year. But we know, very less reached to the people. We did not stop there. We continuously worked in the area with local social organisations.

Another piece of legislation is RTI Act. In Muzaffarnagar district of UP, our young friends organised people at grassroot level and now on the basis of RTI they are able to achieve what they want.

**Q: This is the input coming from the people. But I wanted to know that how much competent is our political system ?**

NIRMALA DESHPANDE: If the people will take the initiative, the entire political system and other setups will have to change. Who is making the change? It is not the so-called political leaders but it is the people. Gandhiji mobilised the people, the common man and British were forced to leave.

**Q: Do we need another freedom struggle?**

NIRMALA DESHPANDE: As I told you, Gandhiji said that freedom is not complete. We have got political freedom only. In 1947 he used to say that what we achieved was a part. Battle is still on. Freedom struggle has to go on and it is going on.

**Q: But irony is that we have to fight against our own people now.**

NIRMALA DESHPANDE: Yes. That is more difficult. But we have to do that. But the means should be non-violent as the country has to realise that and in fact it is realising. As a social activists, we can only say that if you follow non-violent means, the target can be achieved.

**Q: Do you relate these things with Naxalite movement?**

NIRMALA DESHPANDE: You know, Vinoba Bhave was Mahatma Gandhi's spiritual successor. He started Bhudan Andolan and for the some extent I was part of it and walked with him. In the days when Bhudan was succeeding 40 lakh acres of land was acquired. At that time you could see the decrease in violence. However, down the line, we could not continue that tempo. We all are responsible for that and then Naxalite movement started But I would like to tell you that I am a friend of

Naxalites. They are fighting for the rights of the people but it should be with non-violent means if it has to succeed. I have been telling this and exchanging my views. Sometimes, some of them join us but it is a big challenge. I am still hopeful that Naxalite leaders and cadres who really want to change the society will realise that a revolutionary change can be brought only by non-violent methods. I am quite hopeful.

**Q: Like Maoist achieved in Nepal.**

NIRMALA DESHPANDE: Yes. I would like to tell you they are also my friends. I told them that please don't take arms. When will you succeed? When you organise a peaceful movement. In 90s, in Kathmandu they organised a peaceful movement and they succeeded. Only peaceful methods crop success. And now I am very happy that they have joined the Parliament and let us hope that with other friends of Nepal they will be able to solve the problem together. They will be able to give justice to the poor and the Naxalites of India would take a cue from them. They



**After peace talks broke down**

may also start thinking about that. I hope so and pray for that.

**Q: What are your further plans for the society?**

NIRMALA DESHPANDE: We are doing every thing, what one can do. Today ( July 6) is the birth day of His Holiness Dalai Lama and lakhs of trees would be planted. Our friends from all over India are doing that. We have started a signature campaign for Aung San Suu Kyi for her release. The message has gone to the people. In a short period of time we are expecting to collect 10 lakh signatures.

**Q: Will you suggest any framework for the change?**

NIRMALA DESHPANDE: We have a framework. It is evolving. The revolution is going on but I must say that media doesn't have time and mind to see these good things happening. Lots of people are doing good work. We are moving ahead.

**Q: But I was talking about parliamentary system.**

NIRMALA DESHPANDE: Parliamentary system has its limitations and the system also needs a change. But who is going to bring the change. Again, the people. People are the instrument to change the system.

**Q: But people's voice is being suppressed.**

NIRMALA DESHPANDE: No. People's voice is heard and has to be heard.

**Q: With life becoming materialistic and Government adopting policies leading to commercialisation with the every passing day, do you think it is going to change?**

NIRMALA DESHPANDE: It is changing. It has to change. You might have heard about Social Forum. The movement is bringing a new hope. Another world is possible. We are not happy with this world. We want to change it. It is prevailing all over the world. It is a beginning.

**Q: Kashmir is an important issue between India and Pakistan. Whatever the ongoing process may be, do you suggest any solution that could be the win-win situation for both?**

NIRMALA DESHPANDE: Well, solution will emerge. I worked in Kashmir. The people there are peace-loving. They respond to a call of peace and Gandhi's thought. I am quite hopeful. I think something will emerge from the dialogue process.

**Q: Do you want to say something on Jihadi groups. Like we saw Glasgow bombing plot and many others and some particular groups are being targeted.**

NIRMALA DESHPANDE: As His Holiness Dalai Lama wrote to US President after 9/11 that in Buddhist philosophy there is no effect without a cause. So, why has this happened? Try to find out the cause and remove that cause. That is same for

all those Jehadis and militants. Everybody knows whatever activities they do but why they take such an extreme step, that the whole world is yet to find out. There is some injustice somewhere. Like what happened in Gujarat five years back.

There is hardly any justice given to victims of Gujarat. Who is responsible? Extremists have to be condemned but we have to find out the reasons behind.

**Q: In that way we can say that 'Gandhian Value' is in jeopardy.**

NIRMALA DESHPANDE: Jehadis are taking violent roots for the sake of their considerable demands.

We believe in non-violent system but have not been able to convince them to not to take violent methods for their demands. But in Kashmir, you will find extremists who have discarded guns and taken peaceful means to protest, to express their feelings. The change is taking place in Kashmir.

**Q: On the other hand if we take the example of Suu Kyi and Dalai Lama, their efforts are not bearing fruits.**

NIRMALA DESHPANDE: It will take time. Do not go by timetable. We fought for more than 150 years for our independence. So they have to fight for a longer time. They will also get justice. Those who believe in non-violence are quite sure about that. They ought to succeed but when? We don't know. We have to continue the struggle and remain hopeful. ◆ ◆

## Big Queue for Guns

Recent years have seen a spurt in the number of people seeking gun licences in Dantewara, the hotbed of Maoist extremism in India. The number of applicants used to be few till 2005, when, following the launch of the anti-Maoist Salwa Judum movement, the district witnessed a marked growth in people trying to own legitimate weapons.

Official sources stated that most licence seekers were political functionaries involved directly with the promotion of Salwa Judum or related to leaders engaged in the same.

According to government statistics, only 42

(Courtesy: Indian Express)

weapon licences were issued between May 25, 1998, when the district came into being, and 2004. Most of these weapons were sought in an effort to ward off wild animals and protect crops. Of these, 17 licences were issued for .12-bore rifles and six for pistols.

However, 25 licences were issued in 2005 when the Salwa Judum was created. The following year, saw four-fold increase with 108 licences being issued. Most applicants now want the weapons of self-protection, as they feel threatened by the Maoists. ◆ ◆



# VIEW FROM THE CM'S CHAIR

(Interview By Shivam Vij with Dr. Raman Singh, Chief Minister of Chhattisgarh)



***Do you think the Naxal cloud has cast its shadow on the development and economic growth of Chhattisgarh?***

Over the last three-and-a-half years, Chhattisgarh has seen a new phase of developmental activities in the State. The State is high on the growth trajectory and has attracted investment of Rs 1,10,000 crore. The investment is not just on paper. Companies have started giving shape to the proposals and have signed MoUs with the Government. Not just in the power sector, private players have shown interest in steel and aluminium sectors also. Cement plants in the State are in expansion mode.

The State will soon become power surplus and, by Diwali, we will stop power cuts in the entire State. Private companies have inked pacts for producing 30,000 SW of power. We expect at least 80 per cent of this to be translated into action - of which the State will have the right to purchase 7.5 per cent on favourable terms. The attractive industrial policy of Chhattisgarh is swaying the investors.

***But the Government has failed to acquire land for the Tata Steel plant and the IFFCO power plant.***

The State Government will directly communicate with the villagers and convince them about the projects and the prosperity these will bring. The Communist parties are playing a double role over industrialisation and provoking the villagers into holding protests. In West Bengal, they are inviting the Tatas and other industries, while in Chhattisgarh their leaders are spearheading villagers' campaign to oppose the steel plant in Bastar. Even the State Government is wary of Naxal leaders' involvement in villagers' protest, like in Nandigram. Direct interaction by the Government will help in ending the deadlock.

***In Bastar, the hotbed of Naxal movement, development works worth more than Rs 400 crore are stuck.***

The situation in Bastar is different. When the country's premier road construction agency - the Border Roads Organisation (BRO) - failed to complete its project, how do you expect the State Government, with hardly any resources, to construct roads in the insurgency-prone area? The BRO is specially equipped to construct roads in difficult terrains. It was assigned road works on a national highway and not an interior road. Unfortunately, it could not complete even 25 per cent of the work.

The State can construct roads which will pave the way for development. Funds are not a problem. But it needs a proper action plan and the Centre's assistance. The Union Government should prepare a five-year action plan for road construction in all the Naxal-infested pockets of different States and deploy a special force to provide security cover to the persons involved in the project. This would facilitate completion of projects. It is true that the development works will gather pace once peace is established in the region.

***How do you see the Naxal problem in the present context?***

Had Mao or Charu Majumdar been alive today, they too would have been stunned by the changing nature of the Naxal movement, which is now confined to extortion and unleashing atrocities on the poor tribals for whom the rebels claimed to be waging a war against the Government. The poor in the interior areas are deprived of the benefits of the public distribution system, basic health and other facilities. This has propelled them to revolt against the rebels and launch a peaceful movement that has become popular as Salwa Judum.

***There are reports that the Salwa Judum campaign has got diluted over the last couple of months?***

It is not so. Generally, rallies and meetings cannot be organised during monsoon. It is a spontaneous movement of the people and it will continue.

***How long can the Government go on feeding thousands of tribals staying in different relief camps?***

Till they stay in the relief camps. (About 53,000 villagers are staying in 22 relief camps set up by the Government to house the people who have abandoned their habitats following Naxal fear). The Government is arranging training programmes for their self-employment.

There is a perception that the tribals have been pushed to the camps so that it is easier for industry to acquire their lands on behalf of multinational companies.

This is a misconception. The villages or the pockets from where the tribals have fled do not have any mineral deposits. It is not so easy to acquire the land of tribals under the established laws. Moreover, no multinational or any industrial house will want to put up a plant tucked away unobtrusively in a corner. No one wants to even invest in Bastar and it is the Government that has convinced a few.

***How are you going to find a solution to the Naxal problem?***

We have been concentrating on curing the symptoms and not the root cause of the problem. The issue is not confined to any particular State and hence, the Centre needs to take the initiative to design a joint action plan.

The Naxal problem cannot be solved in instal-

ments and a comprehensive long-term strategy is required to deal with the situation. The Dantewada region, the worst Naxal infested pocket, is endowed with world-class iron ore. But unfortunately, the tribal youth still remain paupers as the NMDC (National Mineral Development Corporation) is exporting iron ore to China and Japan. If there is some value addition before exporting the iron ore, local youth can get employment and this will distance them from the rebels.

***Did the Chhattisgarh Government fail at its level to create a strategy in dealing with the Naxal problem?***

The road to the solution of Naxal problem is difficult. But it is not that there is no solution to the problem. We succeed sometimes, we fail sometimes. The State Government has hired advisors. Their suggestions may or may not be result-oriented, but the Government has to explore all possibilities.

The Naxal problem has emerged as the biggest threat to democracy as rebels want to rule through the barrel of the gun. As I had said stated, the problem is not confined to Chhattisgarh alone. Many other adjoining States are also under its grip. If Chhattisgarh launches an operation, the rebels slip into neighbouring States. That is why we are stressing on joint operations. Had it been an affair of Chhattisgarh alone, we would have crushed the Naxal movement by now. ◆ ◆

## **Tax Collection Hit by Insurgency**

There is major flight of capital from insurgency-hit North-East and Naxalite-affected states of Chhattisgarh and Jharkhand as industrial units have slowly started shifting from these areas affecting revenue collection in a major way.

In addition, a number of tax officials have expressed their unwillingness to be posted in these regions due to threats of extortions and kidnappings, further impacting the tax collection. The matter has also been raised with the Home Ministry.

A Revenue Department official was quoted by a news agency as saying that the expenditure division of the Finance Ministry has also been asked to take note of these facts while granting funds to different ministries.

The corporate tax collection in Assam alone  
(*Courtesy: The Times of India*)

registered a fall of more than 40% from Rs 298 crore in 2005-06 to Rs 213 crore in 2006-07 while the rest of the country registered a growth of 40% in direct tax collection during the same period.

Expressing apprehensions of a stagnating growth in insurgency-hit areas of the country, the Finance Ministry has sought immediate action for improving law and order in these areas.

The North-East and Naxalite-hit states of Chhattisgarh and Jharkhand showed a growth of only 5-18% in revenue collection as against the national average of 40% in the last fiscal.

The lower tax collection has also been due to poor tax compliance in these areas besides the fact that tribals are exempted from paying income tax also, no significant investments have been reported. ◆ ◆



## MORE PENAL POWERS SOUGHT

### ■ Transparency Studies

After a day of brainstorming, Central and State Information Commissioners decided to ask for more penal powers like initiating contempt proceedings or imposing compensation and recovering it as arrears of land revenue, against officials responsible for not complying with their orders. They wanted the proceedings of Commissions to be deemed judicial proceedings, pointing out that the existing provisions granting powers of a civil court were for limited purposes and do not extend to execution of decrees or recovery of fines etc

The Central Government was asked to issue instructions to State Governments and public authorities to fulfill their obligations under Section 4 of the RTI (which includes obligation of public authorities to maintain all its records duly catalogued and indexed and also publish 17 manuals}and any failure to do so will attract penal provisions. Further, the Secretary of the department should be held culpable in case of non-compliance of section 4(1) (b) of the Act. (The obligations under this section have not been complied with by most public authorities and at present their is no provision for the enforcement of this section)

In a set of recommendations covering various aspects of the Right to Information in the light of the experience gained in the two years of its existence, the Commissioners wanted the heads of erring public authorities to be treated as "deemed CPIO/SPIO" for the purpose of invoking penalty provision under the Act. Submitting the recommendations to the Central Government, the Commissioners sought the status of a High Court Judge for those at the State level and that of a Supreme Court Judge for the Central Information Commissioners.

On behalf of the Centre, the Minister for

Personnel and Public Grievances, Suresh Pachouri, who had been invited to hear their views, told the Commissioners that "I assure you of our consideration of the feasible recommendations emerging from the conference." He did not clarify, nor was he asked, what exactly he meant by "feasible recommendations".

Among the other recommendations made at the meeting, one was to amend the Act to enable dismissal of frivolous or vexatious complaints. Also, that the Commissions should have the power to review their own decisions. With an eye on making themselves financially independent, the Commissioners wanted the Central and State Governments to finance them in the form of grants-in-aid.

In a section on "Future evolution of RTI", the meeting suggested that the RTI Act be included in the syllabus at the high school and college levels. It wanted adequate budget for publicity, training and educational programmes for information-seekers and information-givers.

It suggested more publicity for RTI Act through All India Radio and Doordarshan. Alternatively, the Central Information Commission should be enabled to run its own private television channel.

Public authorities should be asked to facilitate access to records by computerizing and networking, make adequate fiscal allocations for this purpose from the Information Commission level to the Mandal or Taluk level and disclose "standard procedure", as had been done by the passport office, to make them more accountable to citizens. The National Panchayat Portal may be used for updating inputs at the level of the panchayats. It suggested making Government services available to the common man in his locality through common service delivery outlets. ◆◆

# TWO YEARS OF RTI

■ S.Venkatesh

Two years have passed since the Right to Information Act, hailed as a landmark piece of legislation, came into force. But those who were in the forefront of the campaign to bring about such an enactment are not entirely satisfied. They point to the half-hearted manner in which the Act was being implemented by a reluctant bureaucracy ever on the look-out to deny information on any pretext. An adamant bureaucracy has stonewalled disclosure of file notings despite repeated orders of the Central Information Commission. In fact, the Government's efforts to amend the Act to bar file notings from an applicant's purview was thwarted following a hue and cry in the country against the move to water down the RTI.

A look at the picture in the States would show that not all of them have provided the necessary infrastructure for the Commissions. Not all the Public Information Officers and Assistant Public Information Officers are in place. Most of the States treat the CICs as unnecessary appendages which do not merit serious attention. Critics also point to many matters disposed of in favour of applicants being contested by the bureaucracy in the Courts.

There is the instance of the Union Public Service Commission which has resisted giving information on the cut-off marks for its tests to aggrieved students, despite the Central Information Commission giving a ruling in their favour. Instead, the UPSC has chosen to appeal against the CIC order in the High Court where the matter is pending.

Parivartan, headed by Arvind Kejriwal, a leading light of the movement which ushered in RTI has been critical of the Central Information Commission. Its complaint has been that the Commission has kept several appeals pending for inordinately long periods leading to frustration among the people. The relevant figures, provided by Shailesh Gandhi, a Mumbai RTI activist, are revealing. The Central Information Commission in New Delhi receives between 500-800 applications every month. Its five Commissioners dispose of 300-500 complaints. Maharashtra has over 6,500 applications pending. Gujarat had until recently

1,800 pending cases. Punjab received 1,400 cases and managed to dispose of half the number until January, even though it has nine Commissioners. Kerala, with four Commissioners, had more than 400 pending cases until the beginning of this year. Rajasthan, with a single Commissioner, had 167 cases waiting to be disposed of until February.<sup>4</sup>

Kejriwal blames the poor functioning and administration for the huge backlog of cases in the Central Information Commission. He also finds fault with the CIC for being very sparing in regard to imposing penalty on officers. This soft approach, he says, encourages the PIOs to evade the law. He laments the fact that the Commissions, at the State and Central levels, dispose of many applications without a personal hearing.

The criticism of Kejriwal and others perhaps overlooks the fact that the country is vast and the Act is a fledgling one. While it is true that the Central and State Governments ought to do a lot more to give proper publicity to the Act and its various provisions, and particularly attend to the suggestion that applications should be entertained on phone (as had been done in Bihar, for instance), awareness about RTI is slowly growing, specially in the rural areas. Given some more time, and concerted action by activists and the media beside the Government, more and more people would use the RTI to check inefficiency and corruption.

As for making personal hearing compulsory, the suggestion is misplaced. To expect every applicant to travel to the State headquarters or New Delhi when his petition is heard by the Commission, would be impractical in most cases. In fact this could discourage people from making any application under the RTI.

Mr Kejriwal points out the RTI is the way to empowering villages. His grouse is simply that the true potential of the RTI was still to be explored, specially in the rural areas where villagers find it cumbersome to file RTI applications. "The procedure should be simplified and made people friendly," he says. A suggestion which is wholly commendable. ◆ ◆

# AWARENESS IN RURAL INDIA

■ Rashme Sehgal

Having woven many a success story in cities, the Right to Information Act, which completes two years of coming in the statute books is reaching the rural areas too with villages using its provisions to redress their grievances.

Sidhakahna Jot Keshav village in Bahraich district of Uttar Pradesh is one such example. Five inspired residents of the village filed RTI applications and questioned the district administration about the conditions of the village roads and drains. They also raised questions as to why there were no allotments under the Indira Awaas Yojna.

The administration immediately acted and the construction of the roads and drains began in the village. Since then, 32 villagers have been allotted houses under the Indira Awaas Yojna and the administration has displayed a list on the village wall, containing the names of the villagers eligible for the allotments under the scheme.

The Act is influencing people to come forward and question the progress on various welfare schemes, creating a positive change in the most backward areas like Eastern UP, Bihar, Jharkhand, Madhya Pradesh, Karnataka, Assam and in Maharashtra.

According to Chief Information Commissioner Wajahat Habibullah, "Though villages are less aware about the Act than the cities, yet there are villages where RTI is being used. In the villages of Uttar Pradesh, Karnataka and Maharashtra awareness about the Act is quite good and they are using the Act. In fact, slum areas of Mumbai have very high level of awareness regarding the RTI Act."

Asked whether the Government was planning anything special to spread awareness about the Act in the rural sectors, he said: "No, there is no

*(Courtesy: InfoChange India)*

specific programme on it right now but the NREGA (National Rural Employment Guarantee Act) matches the spirit of RTI."

He, however, praised the efforts being done by the media and civic agencies in spreading awareness about the Act.

Maharashtra Information Commissioner Vijay Kuvalekar says: "Villages have recently started using RTI to seek information related to their problems. I have seen some cases where the illiterates come up with RTI application filed with some help from others. The villages are waking up to the power of RTI."

He, however, admits that there is still a lot to be done to create awareness at grassroot level.

Most questions in RTI applications are related to public distribution system, ration card, BPL card, Indira Awaas Yojna, lands, irrigation, corruption in the welfare schemes and day to day working of local village administration, says Major Sanjay Yadav, Information Commissioner in UP.

In Ghara Katara village of Shankar Garh block in Allahabad, daily wagers had a tough time arranging a proper meal as they were not receiving rations on their cards. On December 19, 2006, some 21 villagers prepared RTI applications and questioned the administration. The very next day all the ration card holders got their rations.

Even the most backward sections of rural societies are seeking information related to Prime Minister's Employment Scheme, Indira Awaas Yojna, ration card, midday meal, uniform distribution in the schools and the conditions of village roads.

There are still some problems in the implementation of the Act in villages but these success stories are examples of the change and through proper awareness and guidance the Act can do wonders.



# **CIC BRIEFS**

## **RTI PREVAILS OVER SECRETS ACT**

Chief Information Commissioner Wajahat Habibullah has said he is “presuming” the Government is undertaking a review of the 1923 Official Secrets Act (OSA) — Major General (retired) V K Singh is its latest victim, booked for writing on corruption in the RAW — in view of the transparency regime ushered in by the 2005 Right to Information Act.

Mr. Habibullah said: “I am very clear that when there is a direct conflict between the OSA and RTI Act, it is the RTI which prevails. The OSA cannot be used in a manner in which it is inconsistent with provisions of the RTI Act.”

“The OSA is a colonial law that protects the Government from the public. In a democracy, the public is the Government. Earlier, OSA was the guiding principle in terms of custody of information held by the Government. Now custody of information held by the Government has been given to the RTI Act,” he said.

According to Habibullah, even on the question of supplying information or documents marked “secret” (thereby, bringing it under OSA), the competent authority or information officer could use discretionary powers to disclose details. This, he (*Courtesy: The Indian Express*)

said, was relevant, for instance, to Section 8 (j) of the RTI where a Central Public Information Officer can disclose personal information that has been sought provided “public interest in disclosure outweighs the harm to the protected interests.”

As per provisions of Section 8 (d) and (e) of the RTI, in case the RTI request pertains to commercial information or information to a person in his fiduciary relationship, the competent authority, if convinced that “larger public interest” is served, may part with it. The “competent authority”, Habibullah said, is the Department of Personnel and Training which holds administrative supervision of the RTI.

“Even documents marked secret or confidential, which would normally attract provisions of the OSA, can be disclosed since the discretionary provision is there in the RTI Act. And if these requests are turned down, the applicant can always appeal to the CIC and argue about the public interest served. With such RTI provisions, the relevance of OSA has become very limited,” he said. His comments are significant given the fact that the Second Administrative Reforms Commission has recommended scrapping of the OSA. The Ministry of Home Affairs is examining the recommendation. ◆ ◆

## **CALL CENTRE TO BE SETUP**

The Central Information Commission (CIC) plans to set up a National Call Centre for RTI by next year. The CIC has got a private firm to draw up a plan for the Call Centre, to help applicants seek information from Government departments. “It (the Call Centre) will be a type of facilitator where the person answering the call will give direction to a query on how to use RTI to seek information,” according to Wajahat Habibullah, Chief Information Commissioner.

(*Courtesy: The Hindustan Times*)

But unlike the Bihar RTI line, the CIC’s Call Centre will not be a platform to file RTI applications. The CIC’s model will be slightly different. Apart from providing general information on the RTI Act, it will also give callers information about pending appeals with the commission. “Information like when the appeal with the CIC will be heard and what is the status of the case will be provided instantly,” Habibullah said. ◆ ◆

## **RTI Applicants Should Not Be Punished**

The Central Information Commission (CIC) has observed that authorities should ensure that no action is taken against persons seeking information under the Right to Information Act.

The observation came during the hearing of a RTI application by city resident Harish Tripathi, who had sought details of certain dues of the Delhi Gymkhana Club pending with the government.

"The Commission...makes a strong recommendation to the concerned authorities to ensure that members are not victimised/penalised for taking recourse to a piece of legislature which has the sanctity of Parliament," Information Commissioner O P Kejariwal said in a recent decision.

Tripathi, in November last year, had filed a RTI plea with the Land and Development Office of the Urban Development Ministry, and later moved an appeal with the Commission after he did not get  
*(Courtesy: PTI)*

any response within the stipulated 30 days.

He also alleged during the hearing that his 40-year-old membership of the club was suspended after he sought the information.

Tripathi, a resident of Saket, had wanted information on "misuse/damage charges" liable to be paid by Delhi Gymkhana Club since July 2004, and a summary of its correspondence with the Land and Development Office.

Kejariwal, who directed the Ministry to allow Tripathi to inspect the relevant records pertaining to the club's correspondence with the office, also issued a show cause notice seeking reasons for the delay of nearly three months.

Displeased at the allegations raised by Tripathi over his suspended membership, Kejariwal observed, "By doing so, they (Delhi Gymkhana Club) would only be bringing a bad name to an organisation which otherwise enjoys a good reputation." ◆ ◆

## **Partial Disclosure of Notings Allowed**

The CIC has allowed partial disclosure of correspondence and notings of files pertaining to the recall of Harish K Dogra, erstwhile High Commissioner of India to New Zealand. Information Commissioner O P Kejariwal, after going through the relevant files, said some of the documents can be disclosed whereas the documents which have been received in confidence from the foreign Government are protected from disclosure under Section 8(1)(f) of the RTI Act.

Appellant S K Sahijpal made an application to the Ministry of External Affairs for disclosure of copies of the correspondence and notings related to Dogra's recall. The MEA refused to provide the information, taking recourse to Section 8(1)(a)  
*(Courtesy: Indian Express)*

and (f) of the RTI Act saying that such information is protected from disclosure as it may affect the security, strategic, scientific or economic interests of the country and relations with foreign states, and that the information has been received in confidence from a foreign Government.

On appeal against the denial of information, the CIC directed the MEA to show to it the concerned documents and explain how the case is covered under the two Sections. After perusal of files, the CIC decided some of the documents may be disclosed while others are protected and cannot be disclosed. The Commission has observed that since the disclosure pertains only to Dogra, the documents cannot be disclosed to his advocate Sahijpal. ◆ ◆



## Modi Spent 5 Crores on Mahila Sammelans

The Chief Minister's fancy for of Mahila Sammelans in the districts has cost the state exchequer almost Rs 5 crore. Twelve district collectorates spent nearly Rs 4.21 crore in organising the Sammelans, which does not include any concrete programme or even freebies for women voter whom Modi has tried to woo with a slew of schemes. The cost only entailed putting up the tents, their transportation, food packets and publicity material.

The waste of public fund was revealed after two Vadodara-based women activists Trupti Shah and Deepali Ghelani filed an RTI application, asking details of spending on Mahila Sammelans.

Interestingly, the money to each of the district was allocated by the Gujarat Women's Economic Development Corporation (GWEDC) that has an annual budget of barely a couple of crores, which it spends on training programmes and giving soft loans to women.

This made the activists file an RTI application seeking financial details about the meets from the State Secretariat, which in turn directed all the district collectorates to furnish the details.

So far 12 districts have responded to the application, detailing their spending. There are  
(Courtesy: *The Indian Express*)

interesting details, like Dahod district authorities spent Rs 11.12 lakhs on faraskhana, Rs 3.24s for food packets and Rs 4.25 lakhs in transportation costs. On an average, Rs 20 lakh were allotted to each of the district, with quite a few overshooting the budget.

GWEDC was appointed the fund distribution agency, with the money coming from the State Women and Child Development Department.

Shah said they had no response from bigger districts like Ahmedabad, Vadodara, Mehsana and Rajkot and only 12 of the 26 districts had responded so far to their RTI application.

Facing criticism on the increasing crime rate against women, female foeticide as well as the infamous rape and murder case of a minor girl that angered the Koli Samaj, Modi embarked on Mahila Sammelans Under the Women Empowerment Programme.

The programme has the CM elaborating on various measures taken by the state government and honouring women from different fields.

But women activists Shah and Ghelani believe the meetings have hardly done any good. "The money could have been spent judiciously, like in appointment of officers in each district as the Domestic Violence Act entails," said Shah. ◆ ◆

## Official Fined

The Tamil Nadu Information Commission has slapped a fine of Rs. 25,000 on the Assistant Public Information Officer of Salem Cooperative Sugar Mills in Mohanur for not providing information requested under the Right to Information Act, a press release from Namakkal District Consumer Protection Council general secretary V.S. Karuppannan has said.

(Courtesy: *The Hindu*)

Council chairperson Dhanalakshmi, a labourer of the mill and a farmer, submitted petitions seeking information under the Act. As the official failed to provide the information, the petitioner's approached the State Information Commission. It slapped a fine on the official and directed him to provide the requested information without collecting any fee. ◆ ◆

# TRANSPARENCY STUDIES

The Right to Information Act 2005 represents a historic breakthrough in recognising the citizen's democratic rights to monitor measures affecting the public good. Following adoption of the Act by the Parliament of India, the Centre for Media Studies (CMS) set up a Transparency Studies wing to document, examine and publicise the interrelation between governance and society in all its aspects. It facilitates dissemination of relevant material, confers with experts and field workers and networks with the media to promote implementation and awareness.

## ***The functions of Transparency Studies include:***

- Publishing and distribution by electronic mail of *Transparency Review*, a journal designed to publicise news, articles and documentation concerning developments in Right to Information and the overall interface between governance and society. Priority is given to right to education, especially of children; right to work; right to justice and associated human and social rights, especially at the grassroots.
- Operating Transparency Features to disseminate articles and information on the above.
- Linking with civil society groups to further common objectives like exposing corruption, monitoring elections, improving civic services.
- Arranging discussions on emerging issues and problems between specialists and mediapersons.

## **CENTRE FOR MEDIA STUDIES (CMS)**

Centre for Media Studies (CMS) is an independent professional forum engaged in research, policy advocacy, advisory services and programme evaluation. CMS promotes accountability, responsiveness and transparency in policy-making in public systems and services. CMS debates and dialogues on important public issues are appreciated nationally.



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