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A Sociological Perspective on the Challenges of Rebuilding Adivasi Lives in the Conflicts Region of Chhattisgarh**Goldy M. George***Kota, Raipur, (Chhattisgarh) India***Abstract**

This paper investigates the challenges of rebuilding Adivasi lives, who are victims of armed conflict like that in Bastar. The origination of Maoist and the State's response towards anti-Maoist operations has created a situation of Adivasi genocide. They suffer the violations of rights under human rights law within the country as well as international humanitarian law. The damages not only includes individual families and villages but there is an entire breakdown of trust within the villages dilapidating the community system, cultural injuries (local festivals have almost stopped, village markets and fairs taken over by outsiders), dysfunctional administrative machinery including Gram Sabhas under PESA and the justice delivery mechanism where the normal procedures of FIR registration, investigation and prosecution has collapsed. Loss of cultural system and conflicts over resources including land, forests, water, mineral, natural vegetation and wildlife makes it a natural attraction of the victims towards such theoretical and ideological postulations of Maoism. Alongside these the State has to enter into a serious process to revision development based on mass industrialisation lines, which creates further land alienation, depletion of forest and natural vegetation and contamination of groundwater. It cannot be build just by compensating them with some monetary mechanisms. It needs an entire rebuilding process. Anything else would lead to a mass genocide in South Chhattisgarh – one of the last frontiers of Adivasi India.

Key Words: Adivasi, Conflict, Victim, Maoist, Bastar, Chhattisgarh, Industrialisation, Land, Forest, Resource, Compensation, Rebuilding, Development

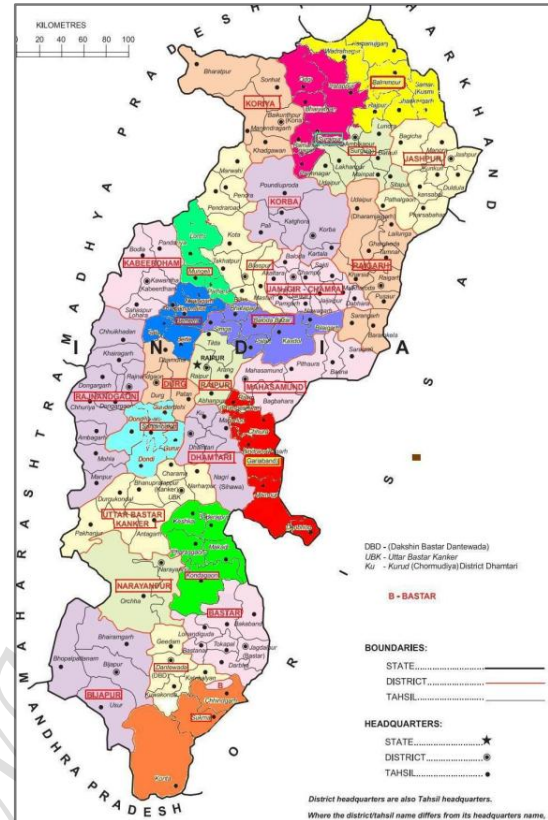
I. The context of people living in conflict zone of Chhattisgarh

Chhattisgarh become a separate state on November 1, 2000. The major reason for separating the state was that it was considered as an Adivasi state. Since then the state has been faced with various problems, predominantly in the Adivasi zones, however not limited to other parts of the state. The southern part of Chhattisgarh has been ripped off with intense violence,

particularly in the past 10 years. At one level Maoism and Maoist party had grown to unmanageable extents and on another level the violence and counter violence has also increased to unpredictable magnitude. The chain of violence and counter violence between the Maoists and State agencies has created a situation of internal war in the state.

In recent times the Adivasis areas of Narayanpur, Kondagoan, Bastar, Dantewada, Bijapur, and Sukma are in some way or other the centrality of all discussion in the state. This is more particular after the lethal attack by Maoist on the Congress convoy on May 25 2013 near Darbha valley. The attack killed at least 27 persons, including the founder leader of Salwa Judum Mahendra Karma and PCC President Nand Kumar Patel. Former central Cabinet Minister and veteran Congress leader Vidya Charan Shukla also succumbed to his injuries on June 11, 2013. Few days earlier on May 17, 2013 night in another supposed anti-Maoist combing operation eight Adivasis and a CRPF constable died in Edesmeta village in Bijapur district of Chhattisgarh. This again was a joint operation of the CRPF and district police against the alleged Maoist in which many were reportedly missing too (Bhardwaj 2013).

Incidentally it was the same district where 17 villagers were killed in an encounter a year ago. While the security forces termed it as the ‘biggest Maoist encounter’, almost all the dead later turned out to be innocent villagers (Bhardwaj 2013). Three years ago, in the country’s worst Maoist attack ever, 75 Central Reserve Police Force (CRPF) and a state police personal were killed in an ambush in the thick Mukrana forests in Dantewada district (NDTV 2010). This is not just the singled out case where the Maoist have attacked a convoy of security forces in Chhattisgarh. On July 16, 2013 the Home Minister of Chhattisgarh government in a reply has mentioned the killing of 1181 people in Naxal violence in the state in the



past six years. This includes 696 civilians, 233 policemen and 252 paramilitary troopers (Zee News 2013).

The figures quotes are official ones, however human rights groups like People’s Union for Civil Liberties opines that it is only the tip of the iceberg. Nevertheless these continuous armed conflicts have altogether created a situation of fear and impunity and have rendered a larger number of Adivasis and other traditional communities as refugees in their own land. Thousands of people have left their villages in search of safe shelter. Bastar one of the last frontiers of Adivasi India is under threat. This human made disaster needs critical approach and discussion as well as the ways and methods to compensate. This paper discusses the reality of the mining on

indigenous land in the context of Chhattisgarh, one of the states, which is faced with this critical calamity.

II. Man-made disaster and the case of conflict zone

In the year 2010, UCDC recorded 30 active armed conflicts out of which the majority are internal with high civilian casualties (UCDP 2011). The World Development Report 2011 claims that more than 1.5 billion people live in countries stricken by armed conflict (UNDP 2011). Very few scholars and policy makers look at the effect of armed conflict on people's vulnerability to disaster. In all contexts and cases of armed conflict it seems to encompass factors like ideological issues, self-determination, power conflict, poverty, inequality, underdevelopment, lack of access to social systems, weak state institutions and larger scale violation of human rights. The disaster study mechanisms do not have the tools to capture these aspects and therefore researches in armed conflicts also get isolated to certain specific factors alone.

The on-going fights between the Maoists and government forces have killed hundreds of people including the police force, the Maoist cadres and the Adivasi and other civilians. This has given rise to multiple problems in many Central Indian and neighbouring states like Chhattisgarh, Jharkhand, Odisha, Madhya Pradesh, Maharashtra, Bihar and Andhra Pradesh. Glaring uncertainties revolve in the central Indian states on the questions of development, economic growth, utilisation of natural resources, ethnic cleansing, militarisation, violation of human rights and

dismissal of constitutional rights. The political segment and social system of this country smartly discusses the means and modus operandi of combating the Maoist menace, however, unconvincingly yet conveniently forgets to discuss the core issues at the ground level.

It is around mid 1990s, man-made conflicts become major discussions in India. The key context was large number of killings, disappearance, rape and murder, human rights violation Kashmir and Northeast. Later extended to the states where Maoism as a political ideology began to take strong roots. Conflicts bring in long time impact ranging from a variety of deleterious economic loss, social issues, cultural degeneration and psychological trauma both during and after the conflict and violent events. Fear and impunity are the irreparable consequences (Williams 2009; Kazi2006).

The recent discussion about the rights of victims in conflict zones and particularly in the armed conflict started in India around mid 1990s with a large number of killings, disappearance, rape and murder, human rights violation in regions like Kashmir and North-east. Of late this has been extended to the states where Maoism as a political ideology began to take strong roots. The gross violations, whether it is a state or non-state actors needs acknowledgment and adequate repatriation in order to build their lives to normalcy.

Whatever the context of the conflict is it has extreme impact on the community other than the varied forms of violence they face. Williams (2009) has categorically

mentioned in her study of the Maoist conflict in Nepal that these conflicts are man-made disasters. Such man made conflicts like gun battles, encounters, combat action, etc. has long time impact on the communities living at close range in the conflict zones. These impacts range from a variety of deleterious economic, social, cultural and psychological consequences both during and after the conflict and violent events. Fear and impunity are the irreparable consequences apart from all other.

III. The need for compensation and resettlement in conflict zones

Generally people in conflict area are not considered as victims of disaster. Further there is a judgmental attitude and approach towards such communities. Conflict zones in general have got its own socio-political complications and complexities. Community and caste hierarchy, power relations among the different communities also takes its own discourse.

All humanitarian mechanisms come to a standstill. Justice deliverance is at the mercy of the one's who control any given geographical space in any given time. A state of impunity roves over such regions for several unforeseen reasons. The relief delivery mechanism and providing justice and peace in terms of compensation and rebuilding lives has not been considered at par with other disasters.

Several times the victims of war and conflict had approached the courts seeking justice. Such instances could be seen not only in internal conflicts, but also in cross-border wars and other conflicts. For example the individuals harmed by the NATO bombing

in the Federal Republic of Yugoslavia (Zegveld 2003: 497-504); or by British troops during the military intervention against Iraq (EWHC, 2004) have filed claims before national courts. In response to such cries of rebuilding lives, the International Law Association has installed a Committee on Compensation for the Victims of War (ILA 2004).

The United Nations recognizes the issue as a subject to the Basic Principles and Guidelines. Keeping this in view it has come up with the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights and Serious Violations of Humanitarian Law (commonly known as Basic Principles and Guidelines) adopted by the Commission on Human Rights (2005). There are also Constitutional measures and legal mechanism in India and several of the rulings by various Indian courts describing the need to look at the victims of war and conflict at par with other cases of fatalities. When considering a right to compensation for victims there is a clear need to distinguish between rights a State or a non-State actor (Schwager 2005: 417-439).

A potential right for victims has to be distinguished from the enforcement of the right, i.e. the procedural capacity to exercise the right. The enforcement may take place in international or national proceedings (Schwager 2005: 417-439). The Disaster Management Act 2005 lays the institutional, legal, financial and coordination mechanisms at the National, State, District and Local levels. However this act does not address the man-made disaster like conflict or provides any potential guidelines on how

to look at it. There are many other provisions laid the UDHR and other similar international laws some of which has been ratified by India.

IV. Salwa Judum – The Conflict in Discussion

In June 2005, a peace movement known as the ‘Salwa Judum’ was launched to combat the Naxalites in Dantewada of Chhattisgarh. The Judum members were armed who went on raiding on villages joint operations alongside the security forces, suspected Naxalite sympathizers (sangham members) were beaten and brutally killed, their houses torched, and livestock looted. In several instances, the raids continued till the entire village was cleared and all the villagers were compelled to move into Salwa Judum camps (Sundar 2010B).

Gupta (2006) reports it as the state’s violent game of forcibly arming the Adivasis against the Maoists. The Adivasis who have refused to join the camps have been beaten and their houses burnt. She adds the incidences as a metaphor for state sponsored civil war launched by the state government, in which Adivasis are being pitted against Adivasis – cannon fodder for a failed administration”.

The then Union Minister of State for Commerce Jayram Ramesh is quotes saying, “Adivasis in Chhattisgarh are caught between the Salwa Judum and Maoists and are paying the price (The Hindu 2007). The then Minister of Tribal Affairs pointed, “arming the Adivasis to fight Naxalites should be stopped. The strategy of Salwa Judum is no answer to the problem. What happened in Chhattisgarh is very painful (Indian Express 2006; Telegraph 2006). Ajit

Jogi, the former Chief Minister of Chhattisgarh wrote, “since the violations committed by the Salwa Judum have taken place with the active connivance and participation of agents of the state, the state police and paramilitary forces, it would have been both pointless and foolhardy for villagers to bring these to the notice of the police (Jogi 2006). The Writ Petition in the Supreme Court by Katram Joga (2007) gives details of the circumstances leading to Maoist insurgency and its counter productive of state violence and state sponsored violence of Salwa Judum.

Salwa Judum activists were armed with guns, lathis, axes, bows and arrows. Since the Supreme Court verdict was pronounced the Government of Chhattisgarh went on appointing the Salwa Judum activists till January 2007, 4048 ‘Special Police Officers’ (SPOs) under the Chhattisgarh Police Regulations. The Supreme Court on July 5, 2011 acknowledged it as a vigilante army and asked the Chhattisgarh government to immediately withdraw it and disarm the Adivasis. The same day the Chhattisgarh government passed the Chhattisgarh Auxiliary Armed Police Force Act, 2011 regularising all SPOs with effect from the date of court’s order. In 2012 this act was challenged in the Supreme Court of India as a contempt of court (Sundar 2010B).

Since 2005, the consistency and continuity of violence and counter violence has left hundreds of people have been caught in the middle. The Supreme Court has ordered to look at the case of all victims of the war as victims only. The Government of Chhattisgarh agreed but failed to register any FIR, which is the first level of this. The

argument provided was no one had come forward to register FIR.

V. Victims, victimisation and victimhood

In 2011 the Supreme Court heard the case of victims of Salwa Judum and gave clear directives to the Government of Chhattisgarh that such action has undermined constitutional values, democratic right, human dignity and instructed to consider the victims of Salwa Judum militia as victims of conflict and rehabilitate them properly. As per rough estimates nearly 2.5 lakhs of people have left their villages in fear and took refuge in nearby states like Andhra Pradesh, Odisha and Maharashtra. After the Supreme Court directive, no concrete action has been taken (Sundar 2010B).

In 2009, ahead of the these directives and instructions of the Supreme Court, a local

human rights organization in Dantewada, the Vanavasi Chetna Ashram (VCA) went ahead to do a survey and figured out the list of some 522 people in Dantewada as victims of Salwa Judum. The complaint copies were filed with the collector of Dantewada, the DGP of Chhattisgarh, Superintendent of Police (SP), Dantewada, the various state and national commissions, the High Court of the state of Chhattisgarh and to the Chief Justice of Supreme Court of India. The listed cases were compiled from 36 villages under 12 different police stations of Dantewada and Bijapur districts. The cases compiled by the VCA has also brought out the nature of crime and violence. The complete list of the victims and the nature of violence is available. However a brief analysis of the cases is provided below to understand the nature of victimisation.

Table-I Police Stationwise and Villagewise list of victims

District	Police Station	Village	No of victims
BIJAPUR	Jangla	Matwada	4
		Kotrapal	38
		Tadkel	2
		Karerka	53
	Mirtul	Adasmeta	4
	Bairamgadh	Uspari	12
		Toynar	3
		Chikka	10
		Itampar	18
		Markapal	1
Mirtur	Bechapal	1	
DANTEWADA	Katekalyan	Lakhapal	1
	Errabor	Kurtipara	4
		Kota Nendra	2
		Darbhaguda	2
		Nendra	1

	Dornapal	Arlampalli	4
		Mariguda	1
		Samstti	4
	Dantewada	Alnar	1
	Bheji Konta	Gorka	52
		Dantespuram	22
		Honderpara	23
		Korsaguda	13
		Mailasur	1
		Mukudtong	4
		Nendra	99
		Kota Nendra	25
		Etegatta	32
		Bandarpader	29
		Muraiguda	22
		Kottacheru	18
		Ranagram	7
		Bangpal	Muder
	Golapalli	Sirgam	3
		Venjalvaya	1
KHAMMAN (AP)	Chintur	Algudiyam	1
Total	12 PS	36 villages	522
Source: VCA Survey, 2009			

Chart-I Villagewise distribution of victims

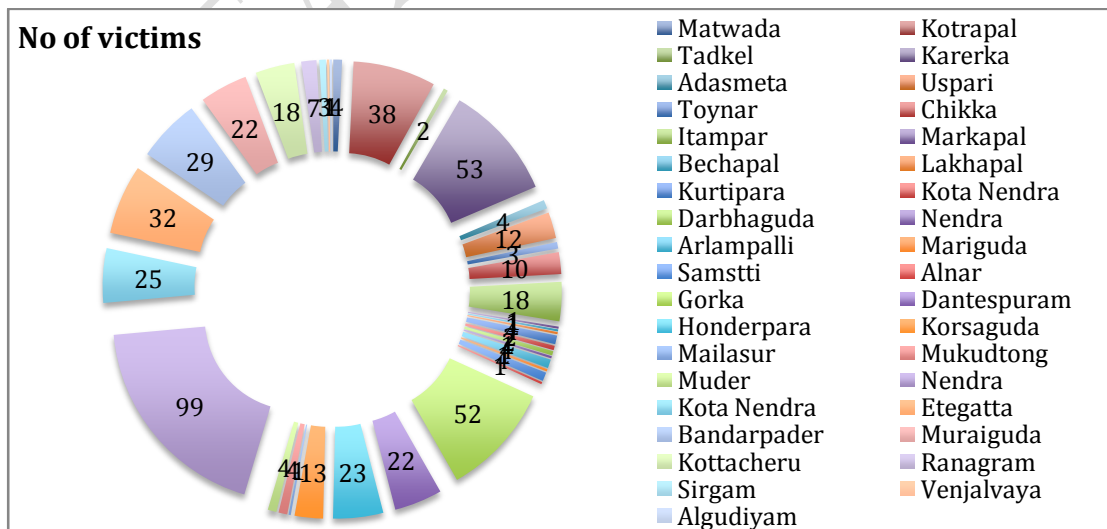
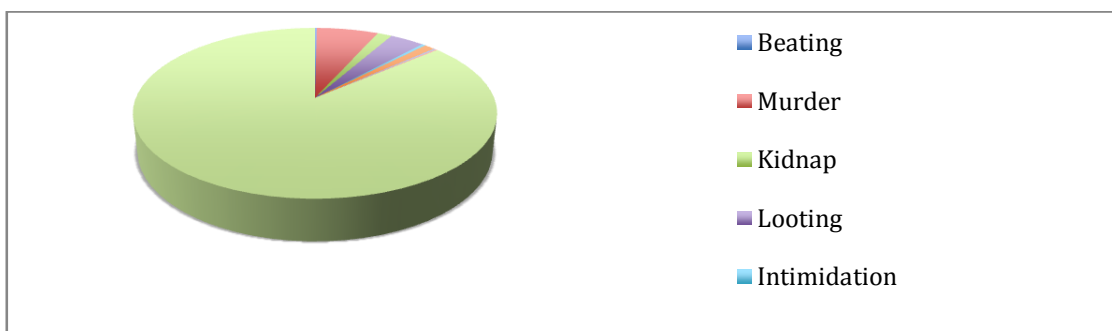


Table-II The Different Police Station and Crimes on People

Police station	Beating	Murder	Kidnap	Looting	Intimidation	Rape	Rape & murder	Looting & beating	Arson/looting/ beating/ intimidation	Total
Jangal	1	5	0	0	0	0	0	0	91	97
Mirtul	0	0	0	0	0	0	0	0	4	4
Bairamgarh	0	3	0	0	0	0	0	0	41	44
Mirtur	0	0	0	1	0	0	0	0	3	4
Katekalyan	0	1	0	0	0	0	0	0	0	1
Errabor	0	1	5	2	1	0	0	0	0	9
Bheji Kanta	0	12	2	16	1	0	1	1	311	344
Dornapal	0	3	1	0	0	5	0	0	0	9
Dantewada	0	1	0	0	0	0	0	0	0	1
Bangpali	0	4	0	0	0	0	0	0	0	4
Gollapali	0	4	0	0	0	0	0	0	0	4
Chintur (AP)	0	0	0	0	0	1	0	0	0	1
	1	34	8	19	2	6	1	1	450	522

Source: VCA Survey, 2009.

Chart-II Category-wise distribution of crime



The survey on victims of Salwa Judum mentions 99 (19%) victims from one village Nendra village of Bheji Konta Police Station, while 53 (10%) are from Karerka village of Jangla police station of Bijapur district. Another groups of 52 (10%) persons are Gorkha village within Bheji Konta police station range and 38 (7%) hail from Kotrapal village under Jangla police station range. The Bheji Konta police stations range has the highest number of victims in terms of a single police station with 347 cases (66.5%), followed by Jangla with 97 (18.6%) victims. The abovementioned details provide the ground reality of the magnitude and process of victimisation and victimhood of the Adivasis under the garb of Salwa Judum. It also demystifies the hypothesis that Salwa Judum is a peace movement. Several fact-finding investigations have come up with similar findings that Salwa Judum has aggravated the violence and conflict. The question is why is that this level of violence is seen in South Chhattisgarh.

Though the government of Chhattisgarh has officially disbanded the Salwa Judum, it has taken a new form at present. While the entire trust of Salwa Judum and the

conversion regularising SPOs as the Chhattisgarh Auxiliary Armed Police Force seems to be weakening in the wake of the case in the Supreme Court, another parallel mechanism of attacking the Adivasis have already begun in the name of protecting Hindu religion. Several Adivasis families are under the attack of Hindutva forces at present in Bastar region. Nearly 50 panchayats under the influence of Rashtriya Swayamsevak Sangh (RSS) and Vishwa Hindu Parishad (VHP) have passed resolution saying that only Hindu rituals would be allowed in the villages and anything that is beyond this range would not only be opposed but also be vanished.

Though this has remained as a legal or legitimate dictum, the reality is something different. Many Adivasis who opt to follow Christian faith have been consistently under the attack of Hindu fundamentalist forces. There are several reports as well as fact finding investigations which clearly suggests that the right to freedom of expression and religion have been consistently been at the will of the Hindutva forces. Interestingly these forces have in some way or other got the support of the bureaucracy and other government too, due to which the cases

against the Adivasis have not been even registered. The fundamental right to freedom of expression and right to religion have also been consistently denied to all of them too. This appears to be the new format of mass militia.

VI. Conflict and Industrialisation – The Story of Lohandiguda and the Tata Steels

It is important to understand the other side of the story. While the entire fiasco on Salwa Judum has been carried on, in the same region without much of hue and cry another plan was being executed, where the Adivasi land was being transformed into industrial land. On June 6, 2005 Tata Steels and the Government of Chhattisgarh signed a Memorandum of Understanding (MoU) for establishment of Steel Plant (Business Standard, 2012). Accordingly the company is to set up a 5.5 mtpa integrated steel plant in Lohandiguda block in Bastar district of South Chhattisgarh with an investment of Rs. 195000 million. The project also involves setting up a captive power plant of 625 MW based on coal and gas. The power generation units consist of 3x130 MW gas based and 3x120 coal fired with two backpressure turbines generating 12.5 MW power. The steel plant will produce 6 mtpa of hot metal, crude steel of 5.5 mtpa and saleable steel of 5.25 mtpa. Iron ore is to be sourced from Bailadila mines and for this conventional blast and basic oxygen furnace is to be set up (Metal Industry News 2013).

The project envisages the acquisition of over 2044 hectares of land (Business Standard 2012). The area required for the steel plant is some 960 ha; the rest of the land will be

used for residential quarters, ancillary units, roads, schools, hospitals, and a 625 MW captive power plant. About 585 ha of individual land (called account holders, or “khatadharaks” in Hindi) are earmarked for the project. The rest is controlled by the government and can be allotted directly to the Tatas on lease (Tripathi 2012).

The initial MoU was valid for three years. In 2008, the MoU got renewed for two years and later it was extended for another two years as the state government failed to give possession of land to the company after acquiring it from the villagers. The Tata Steel has deposited the required amount for land acquisition and compensation to be paid to the villagers. The company got yet another breather when the Chhattisgarh government on July 18, 2012 renewed the MoU till 2014 (Business Standard 2012).

Reports indicate that around 20000 people in 10 villages will be affected by the project. Nine of the villages are in Lohandiguda block – Badanjee, Balar, Takraguda, Kumhali, Chindgoan, Dhuragoan, Dabpal, Paroda and Beliapal. The tenth, Sirisguda is in Tokpal block (Tripathi, 2012). The controversy continues over agriculture land belonging to the 1707 account holders. The local administration says 80 percent of this land has been acquired, while Tata officials say that the entire compensation money has been deposited with the administration for the purpose of acquisition (Tripathi, 2012). The company has reportedly deposited Rs. 70 crores with the administration supposed to be paid as compensation to the villagers. The Bastar district administration has paid Rs. 42.07 crores to the villagers and was due to pay Rs. 27.35 crore (Business Standard

2012).

On October 12, 2009, the company and the local administration organised a public hearing on the environmental impact assessment (EIA) at the proposed project site in Lohandiguda. Varun Jha, the Vice-President project in-charge of Tata Steels, attended this hearing. In the hearing company officials announced an investment of Rs. 2000 crore environmental protection and conservation as per rules, however no other details of any restoration plans were provided.

A year later, on October 12, 2010, the District Collector organised a public hearing inside the Collectorate premises to sound out the villagers over the project, and later declared that the project had received overwhelming support from the villagers. The villagers, however, claim that both meetings were stage-managed and persons who would be actually affected were prevented from attending them. Those who attended, they allege, were people from Jagdalpur, contractors, real estate agents and others with vested interests. The villagers, in fact, organised a parallel public hearing in November 2009 at Badanjee village, where the project was unanimously shot down. They sent copies of the minutes to the then Minister for Environment and Forests, Jairam Ramesh.

There was no response to their complaint, and on October 22, 2010, the Environment Ministry gave clearance to the project; this clearance said that work could begin only after the Union government gave approval for the diversion of forestland. This approval was granted in March 2012 (Tripathi 2012).

The project would require people to give away land in one way or other. The coincidence of June 2005 for the signing of the MoU with Tata Steel as well as the beginning of Salwa Judum is not just accidental. The application of violent methods in Bastar region at one end and the open invitation to the industrial houses is closely related with the thesis of exploitation of natural resources at the cost of In an application before the National Human Rights Commission (NHRC) Mauria and Bhatia (2007) mentions about many cases of rape, molestation, outraging modesty and harassment by the police in the Lohandiguda block. These instances occurred in two villages: Takraguda and Sirisguda between 21-27 February 2007.

Both these villages are part of area to be affected by the proposed Tata Steel Plant where roughly 6000 hectares of land of these panchayats are to be acquired by the government to set up the plant. In fact the people do not have proper information or any project details. The application to the NHRC mentions of the non-settlement of grievances of the people likely to be affected. It also categories the unwillingness among people against government's forceful methods of land acquisition. Resistance thus has been brewing, as is repression, which is becoming more direct by the day – the conflict is thus taking on a sharper edge (Mauria and Bhatia 2007).

A sizeable part of Bastar comes within the Scheduled Area where the Panchayat Extension to Scheduled Area (PESA) Act is to be activated under the Vth Schedule of the Indian Constitution. This act in its very spirit underlines the centrality of the Gram Sabha

and its consent as a pre-requisite for any land acquisition in such regions. The district administration has flouted this by bypassing these legal promulgations. The Gram Sabhas held in eight panchayats on July 20, 2006 and on August 2, 2006 in two panchayats were in an atmosphere that was far from being free and fearless. In fact, these Sabhas were held under duress in the coercive presence of a large number of police personnel as well as administrative staff including the District Collector, Sub-Divisional Magistrate and the Superintendent of Police. In spite of the coercion, the people in these panchayats put forward 13 demands on which they wanted further discussion with the government before taking a final decision (Mauria and Bhatia 2007).

However, the government did nothing on these lines in the following seven months, which made the sarpanchs of six panchayats declare that they would reconvene the Gram Sabhas on February 24, 2007. Police action in these villages is escalated. It turned more frequent, lawless, and violent. Prior to the Gram Sabhas in 2006, 60 or so of the most vocal leaders of these panchayats were arrested. Some of them stayed up to 60 days in prison. False charges were clamped on some leaders as well as their property destroyed. By 2006 end, a police camp was also set up in Sirisguda, which was regarded as a rebel village. As a result, most of the men were forced to flee their homes and stay away in order to evade arrests and harassment for 'crimes' they had not committed. As it is, with their men absent, women had to manage their homes, children, cattle, as well as the fields on their own. In

fact, women did the winter harvest of 2006 in Sirisguda single-handedly. Soon the women became the targets in a pre-planned manner clearly to punish them, their men, and their communities for daring to exercise a right – a right to say 'No' – given to them by the laws of the land (Mauria and Bhatia 2007).

The instances of police excesses could be categorized under three sections: (i) rape (ii) pre-planned molestations and outraging modesty (iii) everyday harassment. In the first category is the case of Kari (20 years) wife of Lachuram. She is illiterate and mother of a child from Takraguda village under Marigudapara Panchayat. She was raped by a policeman who may have come with the full knowledge of others in his group or without their knowledge. This was on February 27, 2007 around 6 pm.

In the second category, are the ten cases of molestation of women: six of these women are less than 16 years old, the youngest being only 12. All the cases are reported from Sirisguda village of Kandkipara panchayat. There is certain statement suggesting that what happened was a result of a pre-mediated plan. In contrast, the third instance, of Galle, depicts everyday harassment with possible intention of sexual abuse. The incident happened on February 26, 2007 between 5-6 am; when police personnel in large number entered the village. Since many men in the village were opposing the Tata project, some of them leading from the front, they were naturally the targets of the police and administration. Since they were already implicated in fraudulent many cases, search operations were normal and frequent. Due to these

reasons on seeing the police force approaching the village, the men fled to the hills, the women and children were left

behind. The women and children turned the prime targets. Brief of the victims are given in table-3.

Table-3 Details of victims of Lohandiguda

Name and details of the victim	Age	Educational status	Marital Status	No. of security persons	Nature of offence/ crime/ injury/ insult/ trauma
Batti, D/o Paklu	15	Illiterate	Unmarried	3	Push from behind; forced body on victim's body; molestation; left eye hurt; siblings terrified; consistently asked for father's and uncle's whereabouts
Paislo, D/o Madda	12	Illiterate	Unmarried	2	Held hand and forceful pull; molestation; hit head against the wall few times
Mitko, D/o Juima	15	10	Unmarried	2	Held hand; forceful pull; forced body on victim's body; escaped and ran for 30 mins; policemen chased and caught; again forced body on victim; cloths torn; unconscious; scared and could not appear for 10 th examinations
Labho, D/o Bhonja	15	5	Unmarried	3	Held hand; application of physical force; repeatedly asked me to lay down and molestation
Jabo, D/o Paklu	16	Illiterate	Unmarried	3	Held hands, molestation; she escaped and fled to her elder sister's house in Gidavara village; had to cross a hill to reach the next village
Riko, W/o	16	Illiterate	Married;	2	Entered courtyard and tried to

Somaro			mother of a child		catch the hen; held hand; asked the victim to sleep with them; freed the hold and ran; the policemen chased and caught; Mother-in-law intervened and threw stones to free the victim
Galbo W/o Sibio	30	Illiterate	Married; mother of three children	3	Held hand; tried to drag inside the house; the victim has to shout and abuse the policemen; after which they freed her hand and she ran away.
Dulari, W/o Ganpath	25	Illiterate	Married; mother of three children	2	Stretched hands on both sides; toe blouse; molestation; asked 9-year son to open granary; son opened; victim freed and ran away to another house.
Paika, W/o Madda	35	Illiterate	Married; mother of four children	2	Asked to unlock house; unlocked out of fear; dragged inside; attempted to take off my sari; gave a jerk to the policeman; freed and escaped
Sukmati, W/o Mahadev	30	Illiterate	Married; mother of four children	2	The fourth child was only one day; pressurised to go inside; caught hold; molestation; gave a jerk, took her child and ran away

Besides these 10 incidences of February 26, 2007, there was another incident on February 21, 2007, which could be termed as an instance of harassment with possible intention of molestation or rape. The victim is Galle, wife of Sukram, 30 years, illiterate. On February 21, she went to the 'society' (Public Distribution System) to get her lot of rice. After buying the rice, she was returning

when three policemen who were sitting by the bridge made moves towards me. From their behaviour she felt odd that they wanted to catch her. So she ran towards the fields. They chased her and stopped only when she reached the PDS shop again. It was 4.30 pm then and there were other people as well, so the policemen left (Mauria and Bhatia 2007).

After this incident, there was so much fear amongst the women that they were afraid to give their complaint to the police. Also, since the police were the aggressors they could not approach them with any degree of trust.

VII. Understanding and Redefining Compensation

This is the context under which the question of rehabilitation, resettlement and compensation in war-hit areas attains importance and need critical look not only from the activist and policy maker viewpoint, but also from the academic perspective too. Upholding the rule of law is as much an integral part of compensating a resettlement since physical displacement of the Adivasis in conflict zones like South Chhattisgarh has been primarily due to the infringement of the law by State and non-State agencies. Hence to uphold the law also indicates the modus to ensure that it may not be infringed in the future leading to further displacement and dilapidation of lives.

Only based on the principles of non-infringement one could broaden the theoretical canvas of compensation, rehabilitation and resettlement to those who have suffered loss of life, limb, livelihood, shelter and property as well as undergone sexual violence on account of the on-going conflict. In order to frame a comprehensive policy, one needs to revisit the principles set by the Supreme Court of India in the State of Gujarat versus the Honourable Court of Gujarat (1998) case. In this case the Supreme Court has recognised the UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of

Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law', then in draft form, as part of any scheme of rehabilitation, noting that "The victim is certainly entitled to reparation, restitution and safeguard of his rights." In its 2008 recommendations on rehabilitation and resettlement, the NHRC has also recognized these 2006 UN principles and the UN Guidelines on Internally Displaced Persons, 1998, as the guiding principles for reparation to victims of human rights violations and rehabilitation of internally displaced persons. These internationally recognized humanitarian principles and guidelines are directly relevant to any proposal for rehabilitation in the present case (Sundar 2010A).

The area under the impact of Salwa Judum still continues to be the same even after the banning of the movement by the Supreme Court. The official statistics states that out of a total of 1354 villages 644 villages were affected by Salwa Judum, while Sundar (2010A) claims that this figure have gone higher. The blocks that are most severely affected are Bijapur, Bhairamgarh, Konta, Kuakonda, Usur, Bhopalpatnam, though others are also affected in varying degrees. Despite repeated requests, the government has not made available a list of villages affected.

The Internally Displaced Persons (IDPs) are estimated to be around 300000 or so, which includes old, young, women and children. Many still hide in the jungles around their villages, or living at home but periodically fleeing into the jungles, after their villages were attacked by the security forces and

Salwa Judum, and houses burnt down. This is the largest category. Some fled to Andhra Pradesh and they live an uncertain existence on forest land at the mercy of the Andhra Pradesh forest department, or other host villagers. The numbers here are estimated at 30-40000 with at least 350 families having fled since September 2009 alone, according to local NGOs in Andhra Pradesh. Some are still in Salwa Judum camps. Initially 47238 Adivasis were forcibly evicted into camps according to a Government of Chhattisgarh memorandum, but by 2008, after three years of being held captive in the Salwa Judum camps, many of the villagers started going back to their village. Those who are left in camps are now mainly Salwa Judum supporters and SPOs, according to the NHRC report (Sundar 2010A).

Whatever the case is southern Chhattisgarh is today bleeding. The people and nature needs repartition. These repartition of people entangled in armed conflict cannot be fully addressed unless taking into consideration the critical issues of land and forest. It is essential to be noted that it is on these land that the ancestral spirits reside. Leaving the sacred sanctum sanctorum is perhaps the most difficult task. This remains the lifeline of Adivasi community life. Resettling life of the village has to essentially go with the rebuilding of social and cultural life with the rightful way of establishing rights of land, forests and natural habitat. The identification and establishment of rights through the Forest Rights Act, 2006 is an essential prerequisite through which the land deeds (pastas) be granted in a time bound manner. Alongside as Sundar (2010A) underlines all existing forest rights like minor forest

produce, grazing land, water bodies and commons must be allotted in a rightful fashion.

VIII. The Recent Developments and Adivasi reality

With the long time remnants of the exploitative nature of the forest, the police and revenue departments, the Adivasis were the easy catches for the Maoists. This does not give any indication that the Maoist as a party stands for the growth and development of the Adivasis as a social entity. With the cultural strength of standing and supporting anything they believe in the Adivasis of Bastar took refuge in the ultra left group against the exploitation of the government machinery. Often it is also seen that they are just taken for granted as 'idiots', 'fools' and 'knowledgeless' people. This gullibility of Adivasis were first abused by the state and later used by the Maoist party.

Both seemed to have learnt the means and mechanics to apply the Adivasis according to their need and requirements. The conflict between the two have sandwiched the Adivasis to the worst extends. Both of them kill the Adivasis when things do not go in accordance with their frames of references. Even human rights and civil liberties groups have failed to look at the mass violation of human rights. The idea of reconciliation and rebuilding lives hardly find any space in the current conflict torn regions of South Chhattisgarh. No effort to compensate the victims of violence of both the Maoists as well as the security forces has been taken by the government yet.

The new format of attack on Adivasis under the pretext of Christianity needs more

critical investigation. However it cannot be denied that these are part of the larger scheme of things to denude the Adivasis in one way or other. In the past it has been quite evident that whatever the Adivasis did or followed was never taken as the standard, rather whatever the outsiders brought in or thought about the Adivasi's behavioural patterns were understood to be the standards. Therefore there are critical issues in terms of one's own right to follow any faith and religion. The presence of Maoist in Bastar with the utopian aspiration of seizure of power, the super imposition of Land Acquisition Act 2014 in regions like Bastar under the carpet of anti-Maoist operations and the anti-Christian operations by RSS, VHP needs more analytical understanding. These aspects seems quite interconnected where anti-Maoism, anti-Christianity and application of Land Acquisition would appear to be part of the same scheme of things.

IX. Discussion and Conclusion

The Indian laws clearly establish the right to compensation for victims of human rights violations. In a similar fashion the international treaties, conventions and covenants – most of them ratified by the Indian state – also confers compensation and resettlement to victims of war and armed conflict. The fundamental rights section of the Indian Constitution is the underlining principle in India as a nation state to uphold all human rights and values of her subjects.

Nevertheless the Indian state has shown consistent indifference and disinclination to recognise rights of victims of human rights violations. Shewager (2005: 417-439)

establishes the possible logic to construct a general right to compensation for victims of violations of human rights and international humanitarian law according to the principles of State responsibility. Such rights are independent from its explicit acknowledgement in international treaties or resolutions or theoretical thoughts.

The relationship between natural resources, the environment and conflict is very closely knit and also multidimensional and complex. United Nations Environmental Programme (UNEP) (2009: 10) study says that attempts to control natural resources or grievances caused by inequitable wealth sharing or environmental degradation can contribute to the outbreak of violence. Once conflict has broken out, extractive 'high-value' resources may be exploited to finance armed forces, or become strategic considerations in gaining territory. In such cases, the duration of conflict is extended by the availability of new sources of financing, or complicated by efforts to gain control over resource rich areas.

It needs clear acknowledgement that there exists a conflict between the people and the utilisation of natural resources. As the global population continues to rise, and the demand for resources continues to grow, there is significant potential for conflicts over natural resources to intensify. Demographic pressure and urbanisation, inequitable access to or shortage of land, and resource depletion are widely predicted to worsen, with profound effects on the stability of both rural and urban settings. In addition, the potential consequences of climate change for water availability, food security, the prevalence of disease, coastal boundaries,

and population distribution are also increasingly seen as threats to national and international security, aggravating existing tensions and potentially generating new conflicts (UNEP 2009: 10).

A process of striking a proper balance of reconciliation along with repartition of people's lives in conflict zone is perhaps the potential option. The unfair apportioning of wealth derived from "high-value" extractive resources like minerals, metals, stones, hydrocarbons and timber has certainly left a long standing legacy of conflict in the erstwhile Bastar region. The availability of valuable resources in abundance combined with acute poverty or the lack of opportunity for other forms of income creates the environment conducive for groups to attempt to capture them by taking control of resource-rich territories or violently hijacking the state. Loss of cultural system and conflicts over resources including land, forests, water, mineral, natural vegetation and wildlife makes it a natural attraction of the victims towards such theoretical and ideological postulations. The origination of Maoism and its growth needs to be seen in this crucial context, where Adivasis are part of the catch.

Victims of armed conflict like the Bastar region suffer from violations of rights under human rights law within the country as well as international humanitarian law. Though the Constitution of India under fundamental rights establishes these aspects categorically, it has been swept under the carpet in most of

the Adivasi regions of India. Various other laws have sections and clauses to uphold the human rights of Adivasis, yet what remains in their baggage is only a whole set of miseries.

Under such circumstances any compensation or rehabilitation of victims of the on-going armed conflict is difficult, unless it essentially encompass the process of confidence building through addressing the damages. The concept of reparations goes beyond economic compensation and builds an inclusive procedure in order to address the damages incurred by the victims. The damages not only includes individual families and villages but there is an entire breakdown of trust within the villages dilapidating the community system, cultural injuries (local festivals have almost stopped, village markets and fairs taken over by outsiders), dysfunctional administrative machinery including Gram Sabhas under PESA and the justice delivery mechanism where the normal procedures of FIR registration, investigation and prosecution has collapsed. Alongside these the State has to enter into a serious process to revision development based on mass industrialisation lines, which creates further land alienation, depletion of forest and natural vegetation and contamination of groundwater. Community rights over these resources have to be the prime agenda in the long run. Anything else would lead to a mass genocide in South Chhattisgarh – one of the last frontiers of Adivasi India.

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