



Dangerous Duty

Children and the Chhattisgarh Conflict

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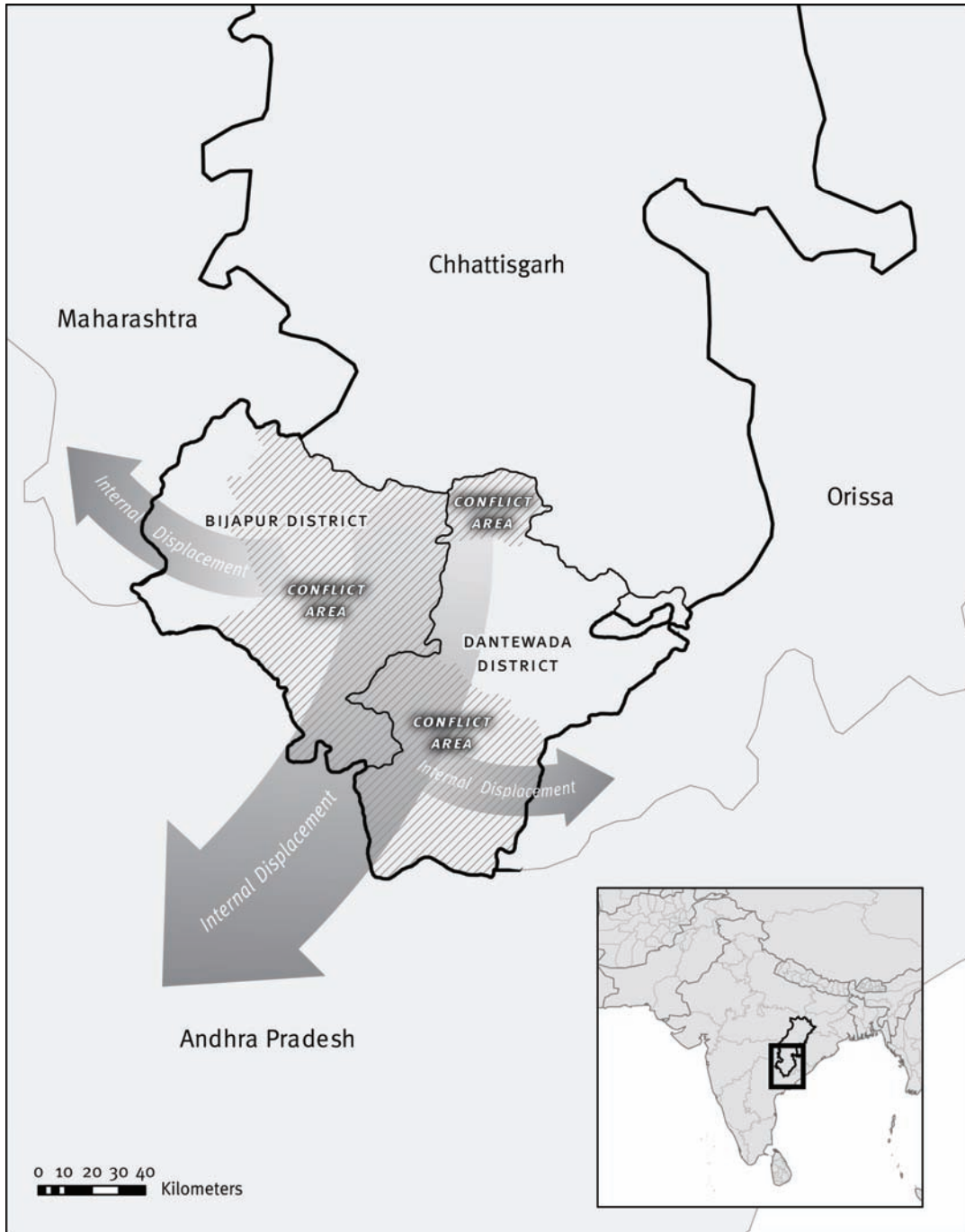


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Map



Chhattisgarh: Conflict Areas and Resultant Internal Displacement

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Glossary/ Abbreviations

Adivasi	Literally meaning “original habitant,” a term used to refer to indigenous tribal communities in India
Ashram school	Government-run residential school in rural areas
Bal sangam	Village-level Naxalite children’s association
Block	Administrative division. Several blocks make a district
CAF	Chhattisgarh Armed Force, under the control of the Chhattisgarh state government
CNM	Chaitanya Natya Manch, a street theater troupe organized and managed by Naxalites
CPI (Maoist)	Communist Party of India (Maoist), a prominent Naxalite political party
CRPF	Central Reserve Police Force, paramilitary police under the control of the Indian central government
Dalam	Armed squad of Naxalites
Dalit	Literally meaning “broken” people, a term for so-called “untouchables”
DGP	Director general of police
District	Administrative division. Many districts make a state
District collector (DC)	Highest district-level administrative officer
Director general of police	Highest police official in the state
IED	Improvised explosive device
IRB	Indian Reserve Battalion, paramilitary police under the control of the Indian central government
Jan militia	Armed informers who travel with dalams

Naxalites	Term used to describe rebel groups in India that believe in the Maoist ideology
NCPCR	National Commission for the Protection of Child Rights
Patel	Village headman
PLGA	People's Liberation Guerrilla Army, standing army of CPI (Maoist) party
Sangam	Village-level Naxalite association
Sarpanch	Village official—head of the gram panchayat
SP	Superintendent of Police
SPOs	Special police officers, auxiliary police force
Superintendent of police	Highest district-level police officer
Tribe/tribal	Term used to refer to indigenous people in India

I. Summary

I joined the military dalam when I was 13 or 14 years old. I was studying in an ashram school [government-run residential school]—eighth standard—when Naxalites came to my hostel. I didn't want to go. They said I could study until the 10th, but I should go with them.... We got weapons training, learnt about landmines, and a little karate.... [Finally] I had an opportunity to run away.... One year after I ran away, both my younger brothers (age 8 and 12) were killed [by the Naxalites in retaliation]. They beat my mother and broke her arm. They burned our house and took all our things.

—Former child dalam member, December 2007.

The police asked me also to become an SPO [special police officer] but I refused because I did not want to become an SPO and commit heinous crimes. I did not want to shoot and kill people.... They do not ask anyone how old they are. Even 14-year-olds can become SPOs if the police want them to become SPOs.

—Poosam Kanya (pseudonym), former resident of Errabore camp, December 2007.

The conflict in India's Chhattisgarh state has irreparably damaged children's lives. All parties to the conflict—Maoist rebels (Naxalites), state-supported anti-Maoist vigilante groups (known as Salwa Judum), and government security forces—have recruited children in different capacities that expose them to the risk of injury and death. The dramatic escalation of the conflict since mid-2005 has also caused massive displacement, resulted in the destruction of dozens of schools, and severely impacted children's access to education.

The armed movement by Maoist groups, often called Naxalites, spans four decades and 13 states in India. They purport to defend the rights of the poor, especially the landless, dalits (so-called "untouchables"), and tribal groups. Their repeated armed attacks against the state led the Indian prime minister in 2006 to describe the

Naxalite movement as the “single biggest internal security challenge ever faced” by the nation. Naxalites have maintained a strong presence in southern parts of Chhattisgarh since the 1980s.

The Naxalites recruit children between ages six and twelve into children’s associations called bal sangams, where children are trained in Maoist ideology, used as informers, and taught to fight with non-lethal weapons (sticks). Naxalites typically promote children above age 12 to other wings—chaitanya natya manch or CNMs (street theater troupes), sangams (village-level associations), jan militias (armed informers), and dalams (armed squads). In sangams, jan militias, and dalams, Naxalites give children weapons training with rifles and teach them to use different types of explosives including landmines.

Children in jan militias and dalams participate in armed exchanges with government security forces. Children in bal sangams, sangams, and CNMs do not directly participate in hostilities, but are nevertheless open to attacks by government security forces during anti-Naxalite combing operations. Children recruited into dalams may not be permitted to leave, and may face severe reprisals, including the killing of family members, if they surrender to the police.

In June 2005 popular protests against Naxalites in Bijapur district in southern Chhattisgarh sparked the creation of Salwa Judum, a state-supported vigilante group aimed at eliminating Naxalites. Salwa Judum’s activities quickly spread to hundreds of villages in Bijapur and Dantewada districts in southern Chhattisgarh. With the active support of government security forces, Salwa Judum members conducted violent raids on hundreds of villages suspected of being pro-Naxalite, forcibly recruited civilians for its vigilante activities, and relocated tens of thousands of people to makeshift government-run Salwa Judum camps set up along main roads.

Salwa Judum leaders have coerced camp residents, including children as young as 12, to participate in Salwa Judum meetings and raids along with government security forces. During these raids, children have participated in beatings of villagers, pillage, and burning of villages. Families who refused to participate in Salwa Judum activities have been beaten or subject to fines.

To counter Naxalite activity in Chhattisgarh, the central government has deployed over 10,000 government security forces, including the Indian Reserve Battalions (IRBs) and the Central Reserve Police Force (CRPF). In addition, since mid-2005, the Chhattisgarh state police have recruited camp residents, including children, as auxiliary police or special police officers (SPOs) to assist government security forces in conducting anti-Naxalite combing operations and providing security to camp residents. Since mid-2005 around 3,500-3,800 SPOs were appointed, including children as young as 15 years.

Police give SPOs some basic weapons training but in general their training is far inferior to that given to civil police. The Chhattisgarh police often use female SPOs for guard duty, while deploying male SPOs along with paramilitary police on anti-Naxalite combing operations, relying on their knowledge of the area to help navigate the jungle terrain. SPOs perform the roles of paramilitary police while on such operations, and execute orders to kill or beat captured suspected Naxalites. SPOs are often caught in armed exchanges with Naxalites on such anti-Naxalite combing operations. Many SPOs, including an unknown number of children, have died during such armed exchanges and in Naxalite detonations of landmines and improvised explosive devices (IEDs).

Police have recruited SPOs with little regard for minimum age standards. Some school-going children have dropped out of school and become SPOs because the monthly SPO salary of 1,500 rupees (roughly US\$37) presented an alternative livelihood opportunity for camp residents who had lost their homes and access to their fields. Becoming an SPO, however, places children not only at risk of attack during armed operations, but also at increased risk of reprisals from Naxalites as perceived “traitors.” As a result, many believe that SPOs can never return to their home villages.

Neither the Naxalites nor the Indian authorities have taken effective steps to end the use of children in armed hostilities. Indeed, the recruitment and use of children from age 16 is part of CPI (Maoist) (a prominent Naxalite political party in India) policy and acknowledged practice. Chhattisgarh police officials claim that underage SPOs have been removed from SPO ranks, but villagers and SPOs themselves confirm that

children continue to function as SPOs. Neither the Indian central government nor the Chhattisgarh state government has a plan for the rehabilitation of such children, whether from the ranks of the SPOs, or from the Naxalites. There is also evidence that the Chhattisgarh police arbitrarily detain and torture suspected child Naxalites.

The conflict has also prevented many children in affected areas from continuing their education. The havoc of the conflict coupled with the violence unleashed by Salwa Judum members and government security forces has forced some parents to stop sending their children to school. Government security forces have used many school buildings for military purposes, leading Naxalites to destroy many of them in the area. Human Rights Watch has information about approximately 20 schools that Naxalites have destroyed.

The Chhattisgarh government has merged or relocated many residential schools to locations in or around government-run Salwa Judum camps. The Dornapal residential school, for instance, was originally a day school, but now houses 12 residential schools for around 1,000 children. Children study under tents and in corridors for lack of space. This shift of residential schools from interior locations to camps has, in some cases, forced children to break or limit contact with their families living in interior areas. Despite the consolidation of schools in the camps, an estimated 40 percent of children residing in the camps still do not attend school.

Children of families that fled to Andhra Pradesh state face a language barrier to education. These children were educated in Hindi in Chhattisgarh and now face an alien medium of education (Telugu) in the government schools of Andhra Pradesh. As a result, local NGOs report high dropout rates among displaced children of school-going age. Despite being aware of this problem, the Andhra Pradesh authorities have yet to address it.

II. Recommendations

To the Indian central government

- Develop and implement effective measures to ensure that all individuals recruited for police duties are a minimum of 18 years of age; develop and impose appropriate sanctions against individuals found to be recruiting or using children under age 18, including those using underage former Naxalites as police informers or SPOs.
- Amend the Indian Police Act, 1861, to introduce age 18 as the minimum age for recruitment of special police officers (SPOs) to prevent future recruitment of children.
- Take steps to ensure that all children under age 18 serving as SPOs are identified and removed, and provided with alternative education or vocational training opportunities.
- Develop a national scheme for identification, release, and reintegration of children recruited by armed groups or police in consultation with governmental, non-governmental, and inter-governmental organizations, and in accordance with the Principles and Guidelines on Children Associated with Armed Forces or Armed Groups (Paris Principles) of 2007.
- End all arbitrary detention, mistreatment, and torture of suspected child Naxalites.
- Implement the Registration of Births and Deaths Act, 1969, and provide proof of birth to all children.
- Ratify the Worst Forms of Child Labor Convention (International Labor Organization Convention No. 182), which defines the forced or compulsory recruitment of children for use in armed conflict as one of the worst forms of child labor.

To the Chhattisgarh state government

- Identify all SPOs under the age of 18 and remove them from service; provide them with appropriate assistance, including alternative education or vocational training.

- Offer honorable discharge to all SPOs who were recruited when they were underage, and provide them with alternative vocational opportunities.
- End the use of underage former Naxalites as police informers or SPOs.
- End all arbitrary detention, mistreatment, and torture of suspected child Naxalites.
- Implement the Registration of Births and Deaths Act, 1969, and provide proof of birth to all children.
- Avoid the use of schools for military or Salwa Judum operations.
- Ensure access to education for displaced children living in camps and for children who return to their villages.

To the Andhra Pradesh state government

- Ensure that children displaced by the Chhattisgarh conflict to Andhra Pradesh have equal access to education, and make special provisions for children who do not speak the local language of instruction, including through the expansion of bridge courses.

To the CPI (Maoist) party

- Immediately stop all recruitment of children under the age of 18 in any capacity, including into bal sangams.
- Release all children and give those recruited before age 18 the option to leave.
- Inform families that children under age 18 will not be recruited through public announcements and use of the local media.
- Take all appropriate steps to ensure Naxalite commanders and other cadres do not recruit children under age 18, “voluntarily” or otherwise, and provide the international community with documentation of disciplinary actions taken against Naxalite leaders responsible for such recruitment.
- Cooperate with UNICEF and other appropriate agencies to demobilize children from Naxalite forces and transfer them into appropriate rehabilitation and reintegration programs.
- Cease all reprisals against people, including children, who leave Naxalite forces, and against the family members of such people.
- Immediately end bomb and other attacks against schools.

To the United Nations Security Council Working Group on Children and Armed Conflict

- Request a report from the Secretary-General on the impact of the conflict in Chhattisgarh on children, including the recruitment and use of children in conflict by both government and Naxalite forces.

To the Special Representative to the Secretary-General on Children and Armed Conflict

- Make a field visit to Chhattisgarh and Andhra Pradesh to assess the impact of the conflict on children and meet with representatives of parties to the conflict regarding their obligations under international law.

III. Methodology

This report is based on research conducted by Human Rights Watch in Khammam and Warangal districts of Andhra Pradesh, and Bijapur, Dantewada, and Bastar districts of Chhattisgarh between November 2007 and February 2008. These locations are most affected by the conflict between Naxalites, Salwa Judum, and government security forces, and were chosen based on literature review and background interviews with independent researchers, local NGOs, journalists, and lawyers who had either studied the conflict in Chhattisgarh or assisted victims of the conflict.

During the course of the investigation, Human Rights Watch interviewed 235 people, including 18 SPOs and 10 former Naxalites including two former child dalam (armed wing) members. In addition to the impact of the conflict on children, interviews covered a range of conflict-related abuses by Salwa Judum vigilante groups, government security forces, and Naxalites, including threats, beatings, killings, abductions, enforced disappearances, looting, burning of villages, and forced relocation of and discrimination against persons displaced by the conflict. Details of these findings can be found in our report, *“Being Neutral is Our Biggest Crime”:* *Government, Vigilante, and Naxalite Abuses in India’s Chhattisgarh State.*

Human Rights Watch also interviewed 15 government officials in Chhattisgarh and Andhra Pradesh, including the district collectors (the highest district-level administrative post) of Dantewada and Bijapur districts, the superintendent of police of Dantewada district (highest district-level police officer), and the director general of police (highest ranking state-level police official) of Chhattisgarh.

In addition, Human Rights Watch conducted 51 interviews with lawyers, local journalists, and representatives from local and international NGOs, including Vanvasi Chetna Ashram, People’s Union for Civil Liberties, Forum for Fact-Finding, Documentation and Advocacy, Vanya, Gayatri Sangh Parivar, Bastar Tribal Development Society, CARE, MSF, and UNICEF (a UN agency).

Human Rights Watch had hoped to include the perspectives of persons arrested as suspected Naxalites, especially children, through in-person interviews. Unfortunately, this was not possible despite requests to the Dantewada police superintendent.

Due to security concerns, Human Rights Watch was unable to conduct interviews with villagers living in jungles and interior villages in Dantewada and Bijapur districts, and members of the CPI (Maoist) party. This report however incorporates the CPI (Maoist) party's position on Naxalite recruitment of children and destruction of school buildings by citing its October 2006 letter to the Independent Citizen's Initiative, a fact-finding team from India.

Local NGOs providing services to villagers assisted Human Rights Watch in identifying victims and eyewitnesses to interview; we further developed contacts and interview lists through references from interviewees.

Most interviews were conducted individually, although they often took place in the presence of others. They lasted between one and three hours and were conducted in Hindi, Telugu, or Gondi, depending on the interviewee's preference. The Human Rights Watch team included researchers who are fluent in Hindi. In cases where the interviewees chose to communicate in Telugu or Gondi, the interviews were conducted with the assistance of independent interpreters selected by Human Rights Watch. Some interviewees reported information regarding their families, friends, and acquaintances. In the relatively few instances where interviews were conducted with several interviewees at once, they are cited as group interviews.

Cases of government and Naxalite recruitment of children may be significantly underreported due to a number of methodological challenges, including fear of possible reprisals by Naxalites, SPOs' fear of speaking freely, and villagers' fear of being falsely implicated as Naxalites and therefore subject to interrogation or harassment by police.

Human Rights Watch has used pseudonyms or withheld the names of almost all civilians, SPOs, and former Naxalites quoted in this report, consistent with our commitment to such individuals that their identity would not be revealed.

Pseudonyms do not correspond to the tribe of the interviewee. Officials' names have been included where they gave permission for them to be used. Some NGO representatives requested that they or their organizations not be identified in order to protect themselves from reprisals by government and police, and identifying information has been omitted accordingly.

For security reasons, Human Rights Watch assured some interviewees that the location of the interview would not be disclosed.

The interviews have been supplemented by official data supplied by Chhattisgarh government officials in response to applications filed by NGOs or individuals under the Right to Information Act, 2005.

In addition to interviews with Chhattisgarh state government officials, Human Rights Watch requested information regarding issues raised in this report in a letter to the chief minister of Chhattisgarh, a copy of which is provided in Appendix I. Human Rights Watch did not receive any response to this letter.

Terminology

Human Rights Watch follows the definition of child as given in the UN Convention on the Rights of the Child, 1989; all references to children in this report are references to persons below age 18.

Unless otherwise specified, Human Rights Watch uses the phrase “government security forces” to refer to some or all of the security forces deployed in the region between June 2005 and February 2008—Central Reserve Police Force (CRPF), Indian Reserve Battalions (IRBs), Chhattisgarh Armed Forces (CAF), and SPOs. It is virtually impossible for a civilian to clearly differentiate between the different types of police. Therefore, many interviewees used the broad term “police” to refer to these government security forces. Human Rights Watch is not in a position to independently verify whether raids described by interviewees were conducted by the CRPF, IRBs, CAF, SPOs, some or all of them. Therefore, Human Rights Watch has merely reproduced what interviewees had stated.

IV. Background

Naxalism in India

An armed peasant uprising in May 1967 in Naxalbari (West Bengal) marked the beginning of the Maoist revolutionary political movement in India. The movement is named after the region and thus called the Naxalite movement. Unlike the conflicts in Jammu and Kashmir and the northeast, which are self-determination movements, Naxalites call for a total transformation of the existing political system to create a new social order ending what they see as the exploitation of marginalized and vulnerable communities. Naxalites carry out their political agenda through various means including armed attacks against the state. There are many different political groups that believe in the Maoist ideology and identify themselves as Naxalites, but chief among them is the Communist Party of India (Maoist) (CPI (Maoist)).

Broadly, all Naxalite cadres operate underground and are organized into two components—an armed wing and a political wing. The political wing is headed by a national level central committee. Naxalites organize their activities in villages through underground village committees. The village committees, in turn, conduct their activities through sangams (village-level associations). A sangam is the village-level administrative unit that spreads Maoist ideology, aims to increase the Naxalite support base, assists the armed wing, and organizes jan adalats (people’s courts).¹ Sangams challenge and replace not only traditional tribal structures of village headmen and priests but also the *gram panchayats* (village-level councils of elected government representatives).² Naxalites also have street theater groups called chaitanya natya manch (CNM) that spread their ideology in villages.

The armed Naxalite wing consists of the standing army (the People’s Liberation Guerrilla Army (PLGA)) and other smaller armed guerrilla squads that are assisted by

¹ Rajat Kujur, “Left Extremism in India: Naxalite Movement in Chhattisgarh & Orissa,” Institute of Peace and Conflict Studies Special Report 25, June 2006, <http://www.ipcs.org/IPCS-Special-Report-25.pdf> (accessed July 9, 2007), p. 2.

² Human Rights Forum, “Death, Displacement and Deprivation: The War in Dantewara: A Report,” 2006, <http://cpjc.files.wordpress.com/2007/07/hrfdantewadareport.pdf> (accessed October 2, 2007), p. 13; People’s Union for Civil Liberties et al., “Where the State Makes War on its Own People, A Report on Violations of People’s Rights during the Salwa Judum Campaign in Dantewada, Chhattisgarh,” 2006, http://www.pucl.org/Topics/Human-rights/2006/Salwa_Judum.pdf (accessed July 7, 2007), p. 11.

groups of armed informers called jan militias. The army and guerrilla squads are generally referred to as dalams.

Naxalites wage a “people’s war” not only by using methods such as organizing the poor to protest against exploitation, forcibly re-distributing land, and opposing development projects that involve forcible displacement of marginalized communities, but also by attacking police stations to loot arms, destroying state infrastructure like railways, assassinating politicians, and extorting from businessmen.³ These activities are crimes punishable under security and penal legislation in India.⁴

Until 2000, Chhattisgarh was part of Madhya Pradesh state in central India. The area that became Chhattisgarh is heavily forested, and home to some of India’s indigenous tribal groups. Tribal communities make up about 32 percent of Chhattisgarh’s total population,⁵ and about 79 percent of the population in Dantewada and Bijapur districts in southern Chhattisgarh.⁶ Maria Gonds and Dorla tribes are the two main tribal communities in this region.⁷

Naxalites commenced their activities in the Bastar region of Madhya Pradesh⁸ in the 1980s.⁹ A combination of political, economic, and social factors in this region,

³ Asian Centre for Human Rights, “Naxal Conflict Monitor,” vol. II, no. I, April 11, 2007; Independent Citizen’s Initiative, “War in the Heart of India, An Enquiry into the Ground Situation in Dantewada District, Chhattisgarh,” 2006, <http://rightsandresources.org/blog/WarintheHeartofIndia.pdf> (accessed July 16, 2007), p. 8; Asian Centre for Human Rights, “The Adivasis of Chhattisgarh, Victims of the Naxalite Movement and Salwa Judum Campaign,” 2006, <http://www.achrweb.org/reports/india/Chattiso106.pdf> (accessed June 7, 2006), p. 13.

⁴ The Unlawful Activities (Prevention) Amendment Act, 2004, Notification 29 of 2004, December 30, 2004. The Schedule to the Act lists “terrorist organizations.” Items 24 and 25 state as follows: “24. Communist Party of India (Marxist-Leninist)-People’s War, all its formations and front organizations,” and “25. Maoist Communist Centre (MCC), all its formations and front organizations.” Communist Party of India (Marxist-Leninist)-People’s War and MCC merged in 2004 to form the CPI (Maoist) party, the leading Naxalite group in the country.

⁵ Government of India, “Scheduled Castes and Scheduled Tribes Population—State-Wise,” *Census 2001*, http://www.censusindia.gov.in/Census_Data_2001/Census_data_finder/A_Series/SC_ST.htm (accessed October 25, 2007); Government of India, “Population Finder: State-Wise,” *Census 2001*, http://www.censusindia.gov.in/population_finder/State_Master.aspx?State_Code=22 (accessed October 25, 2007). Of Chhattisgarh’s total population of 20,833,803, the scheduled tribe population is 6,616,596.

⁶ Government of India, “Dantewada Data Sheet,” *Census 2001*, http://www.censusindia.gov.in/Dist_File/datasheet-2216.pdf (accessed October 25, 2007). The census data gives information pertaining to Dantewada (undivided) district. Of Dantewada (undivided) district’s total population of 719,487, the scheduled tribe population is 564,931.

⁷ People’s Union for Civil Liberties, “Where the State Makes War on its Own People,” p. 5.

⁸ Now divided into Dantewada, Bijapur, Narayanpur, Bastar, and Kanker districts in Chhattisgarh.

⁹ Sudhakar, “A Saga of Twenty-Five Years of Glorious Struggle, An Epic of People’s Radical Transformation,” *People’s March*, vol. 7, no. 1, January 2006, p. 3; “Maoist shadow over Chhattisgarh,” *The Times of India*, May 16, 2005,

including economic exploitation of tribal communities, poor relations with the police, and absence of government facilities and state institutions, contributed to the popular support and growth of Naxalism.¹⁰ For example, government authorities treated parts of Bastar region (especially Dantewada and Bijapur districts that are now part of Chhattisgarh) as remote administrative outposts or “punishment postings.”¹¹ As one senior police official described it, “there is no administration in about 70 percent of this region [Dantewada and Bijapur districts], and only police have access to some parts.”¹² The two districts (comprising of 1,220 inhabited villages) rank among the worst in India in terms of access to education and basic health care.¹³ Census data from 2001 for these districts shows that there are no primary schools in 214 villages, and 1,161 villages have no access to health care.¹⁴

Many observers believe that Naxalite initiatives resulted in improved living and economic conditions for many tribal communities.¹⁵ The Naxalite agenda continues to include struggles for tribal rights to land, water, forest produce, better wages, health care, and education.¹⁶ However, villagers also report that Naxalite methods have gradually become increasingly authoritarian, undemocratic, and marked by human rights abuses including extra-judicial killings, beatings, and extortion.¹⁷ Over time, this has created resentment among some villagers.

Naxalites have de facto control over large parts of Dantewada and Bijapur districts. With a network of sangams in this region, they have set up what they call *janata*

<http://timesofindia.indiatimes.com/articleshow/1111206.cms> (accessed October 18, 2007); People’s Union for Civil Liberties, “Where the State Makes War on its Own People,” p. 10.

¹⁰ Sudhakar, “An Epic of People’s Radical Transformation,” pp. 3-4; People’s Union for Civil Liberties, “Where the State Makes War on its Own People,” p. 11.

¹¹ Human Rights Watch interviews with G. P. Singh, superintendent of police of Bastar district, Jagdalpur, January 26, 2008; Rahul Sharma, superintendent of police of Dantewada district, Dantewada, February 1, 2008 (second interview).

¹² Human Rights Watch interview with senior police official S2 (who requested anonymity), other details withheld.

¹³ Government of India, “Dantewada Data Sheet.”

¹⁴ Ibid.

¹⁵ Human Rights Forum, “War in Dantewara,” p. 24; Asian Centre for Human Rights, “The Adivasis of Chhattisgarh, Victims of the Naxalite Movement and Salwa Judum Campaign,” p. 14; People’s Union for Civil Liberties, “Where the State Makes War on its Own People,” pp. 10-11.

¹⁶ Nandini Sundar, *Subalterns and Sovereigns, An Anthropological History of Bastar (1854-2006)* (New Delhi: Oxford University Press, 2007), p. 11; Human Rights Forum, “War in Dantewara,” p. 24.

¹⁷ Human Rights Watch interview with a teacher in an ashram school (who chose to remain anonymous), Dantewada, January 28, 2008; group interview with Oyam Suresh and Kadi Soman (pseudonyms), camp residents, other details withheld; See Human Rights Watch, “*Being Neutral is Our Biggest Crime*”: Government, Vigilante, and Naxalite Abuses in India’s Chhattisgarh State, 1-56432-345-5, July 2008, section VII.

sarkar (people's rule) and declared the Dantewada (undivided) area as a "liberated zone."¹⁸

Salwa Judum: Vigilantes to oust Naxalites

Since 2005 Dantewada and Bijapur districts have been the center of Naxalite-related violence in Chhattisgarh. In June 2005 some local protest meetings against Naxalites in Bijapur district sparked the creation of what is now known as Salwa Judum (literally "peace mission" or "purification hunt").¹⁹ The Indian central and Chhattisgarh state governments saw the protests as an opportune moment to challenge the Naxalite influence in the area. They provided support primarily through their security forces, dramatically scaling up these local protest meetings into raids against villages believed to be pro-Naxalite, and permitted the protestors to function as a vigilante group aimed at eliminating Naxalites.

Over a period of approximately two-and-a-half years, between June 2005 and the monsoon season of 2007 (June to September), government security forces joined Salwa Judum members on village raids, which were designed to identify suspected Naxalite sympathizers and evacuate residents from villages believed to be providing support to Naxalites. They raided hundreds of villages in Bijapur and Dantewada

¹⁸ Saji Cherian, "Chhattisgarh: Reality Bites," *South Asia Intelligence Review, Weekly Assessments and Briefings*, vol. 3, no. 46, May 30, 2006, http://www.satp.org/satporgtp/sair/Archives/3_46.htm (accessed March 15, 2008); Human Rights Forum, "War in Dantewara," p. 12; P. C. Hota, "Naxalites push Chhattisgarh into crisis," *Rediff News*, May 24, 2005, <http://www.rediff.com/news/2005/may/24spec2.htm> (accessed March 15, 2008).

A liberated zone is an area where the Naxalite administration has at least in theory replaced the Indian state. The boundaries of the "liberated zone" are unclear. Cherian cites a May 2005 interview with a senior CPI (Maoist) party leader, Ayatu, where Ayatu reportedly said: "Who said we are running parallel administration? We have liberated some of our areas through our sustained people's war in the Abujhmad (Abujhmar) area of Dandakaranya zone (of Bastar region) where we have established people's governance." According to Hota, a "prominent Naxalite leader" stated: "We have liberated some of our areas through our sustained people's war in the Abujhmad area of Dandakaranya zone (of Bastar region) where we have established people's governance."

¹⁹ Independent Citizen's Initiative, "War in the Heart of India," p. 14; Asian Centre for Human Rights, "The Adivasis of Chhattisgarh, Victims of the Naxalite Movement and Salwa Judum Campaign," p. 15; People's Union for Civil Liberties, "Where the State Makes War on its Own People," p. 13. "Salwa Judum" is a term in Gondi, a tribal dialect spoken in Dantewada and Bijapur districts. The meaning of "Salwa Judum" is unclear. Government officials claim it means "peace mission" whereas several NGO reports state that it translates to "purification hunt." The report by People's Union for Civil Liberties explains the term in further detail: "Salwa is the Gondi word for the water that is sprinkled on a patient to drive an illness out, while Judum is the word for collective hunts."

See also, District Collector, "Jan Jagaran Abhiyan (Salwa Judum)—District South Bastar Dantewada: Brief Memorandum," 2007 (unpublished). District South Bastar Dantewada is the Dantewada (undivided) region. Salwa Judum is known as *Jan Jagaran Abhiyan* (People's Awareness Campaign) in official circles.

See Independent Citizen's Initiative, "War in the Heart of India," pp. 14-16 for a discussion of the different versions of what sparked local protests against Naxalites.

districts, engaging in threats, beatings, arbitrary arrests and detention, killings, pillage, and burning of villages to force residents into supporting Salwa Judum. They forcibly relocated thousands of villagers to government-run makeshift Salwa Judum camps near police stations or paramilitary police camps along the highways. They also coerced camp residents, including children, to join in Salwa Judum's activities, beating and imposing penalties on those who refused.²⁰

Although Salwa Judum's raids were most frequent between June 2005 and mid-2007, they continue to carry out violent attacks in reprisal against former camp residents who have returned to their villages. There have also been reports of government security forces executing persons suspected of being Naxalites and labeling the executions "encounter killings," falsely implying that the deaths occurred during armed skirmishes.

Deployment of government security forces

The central government has deployed 10,000 government security forces to enhance security in Chhattisgarh, including 13 battalions of central paramilitary forces. These include the Indian Reserve Battalions (IRBs) and the Central Reserve Police Force (CRPF).²¹

The Chhattisgarh government also raised an auxiliary police force of special police officers (SPOs) and reportedly is planning to convert this auxiliary police force into a regular battalion to counter Naxalites in the region.²² The Police Act, 1861, empowers a local magistrate to temporarily appoint civilians as SPOs to perform the roles of "ordinary officers of police."²³ SPOs enjoy the same powers as the regular civil

²⁰ For details, see Human Rights Watch, *"Being Neutral is Our Biggest Crime": Government, Vigilante, and Naxalite Abuses in India's Chhattisgarh State*, 1-56432-345-5, July 2008.

²¹ Ministry of Home Affairs, Government of India, Annual Report 2003-2004, <http://mha.nic.in/pdfs/aro304-Eng.pdf> and (accessed May 13, 2008), p. 3; MHA, "Annual Report 2007-2008," p. 21.

²² Human Rights Watch interview with Rahul Sharma, first interview, December 10, 2007.

²³ Police Act, Act V of 1861, <http://www.mppolice.gov.in/static/Act1861%20English.doc> (accessed October 18, 2007), sec. 17. After the Chhattisgarh government raised the auxiliary police of SPOs between June 2005 and March 2006, the Chhattisgarh legislature enacted a new law—Chhattisgarh Police Act, 2007. Human Rights Watch tried but was unable to get a copy of the new law. Unless the new law changes the provisions of the Police Act, 1861, the powers, training, and functions of SPOs remain the same. See below, section V C, Government recruitment and use of children as special police officers, for more details regarding recruitment of SPOs.

police,²⁴ but receive less training and fewer benefits.²⁵ The law allows for the appointment of civilian SPOs as a stop-gap measure where the police force is otherwise felt to be insufficient. It does not permit a local magistrate to deploy SPOs either indefinitely or in roles comparable to those played by paramilitary police such as the CRPF and the IRBs.²⁶

The Chhattisgarh government started implementing the SPO program around June 2005.²⁷ There are some 3,500-3,800 SPOs in Dantewada and Bijapur districts.²⁸ Most SPOs are tribal camp residents (including children) and surrendered sangam members who are familiar with the jungle trails in interior forested areas and are therefore useful to the government security forces in their anti-Naxalite combing operations.²⁹

Civil society challenges to a failed policy

The Indian central government now admits that Salwa Judum exacerbated the Naxalite conflict and violence in the region.³⁰ Several fact-finding teams and NGOs have repeatedly reported that Salwa Judum members and government security forces were using violent intimidation methods resulting in massive forced internal displacement, and have recommended that the Indian central and Chhattisgarh state governments stop supporting Salwa Judum. They have also recommended that the governments initiate action against all persons involved in committing crimes.³¹

²⁴ Police Act, 1861, sec. 18.

²⁵ Human Rights Watch interviews with 18 SPOs, Dantewada and Bijapur districts, December 9-15, 2007.

²⁶ Police Act, 1861, secs. 17 and 18. Sec. 17 of the Police Act empowers the local Magistrate to appoint SPOs “for such time and within such limits as he shall deem necessary” when “it shall appear that any unlawful assembly, or riot or disturbance of the peace has taken place, or may be reasonably apprehended, and that the police-force ordinarily employed for preserving the peace is not sufficient...” Sec. 18 of the Police Act states that SPOs shall have the “same powers, privileges and protection ... as the ordinary officers of police.”

²⁷ See below, section V C, Government recruitment and use of children as special police officers, for more details regarding the SPO program.

²⁸ Human Rights Watch interviews with Rahul Sharma, first interview, December 10, 2007; Vishwa Ranjan, December 17, 2007. SP Sharma stated that there were 3,500 SPOs, but DGP Vishwa Ranjan stated that there were 3,800 SPOs.

²⁹ Ibid.

³⁰ “Status Paper on the Naxalite Problem,” paper tabled by the Union Home Minister Shivraj Patil, March 13, 2006, http://satp.org/satporgtp/countries/india/document/papers/06Mar13_Naxalite%20Problem%20.htm (accessed August 29, 2007); Ministry of Home Affairs, Government of India, “Annual Report 2006-2007,” <http://mha.nic.in/pdfs/aro607-Eng.pdf> (accessed May 13, 2008), p. 24. The report states: “Chhattisgarh has seen higher levels of violence and casualties. Stepped up violence in Chhattisgarh is attributed mainly to greater offensive by Naxalites to derail Salva Judum, which is a voluntary and peaceful initiative by local people against Naxalites in Dantewada district of Chhattisgarh.”

³¹ Nine different teams have been to this region and have made recommendations to the government.

Activists also filed two petitions in the Supreme Court of India in 2007, seeking the court's intervention against the operation of Salwa Judum.³² In April 2008 the court ordered the National Human Rights Commission (NHRC) to investigate allegations of human rights abuses by both sides.³³

NGO fact-finding teams have also appealed to Naxalites to end their violent backlash against Salwa Judum.³⁴ Many human rights groups and activists are making an effort to bring together a group of respected and neutral citizens who can mediate between the government and Naxalites to end this cycle of violence.³⁵

³² *Nandini Sundar and others v. State of Chhattisgarh*, Writ Petition (Civil) No. 250 of 2007 and *Kartam Joga and others v. State of Chhattisgarh and Union of India*, Writ Petition (Criminal) No. 119 of 2007. The Supreme Court of India clubbed both the petitions under *Nandini Sundar and others v. State of Chhattisgarh*.

³³ *Nandini Sundar and others v. State of Chhattisgarh*, Criminal Miscellaneous Petition No. 6462 of 2008, Order, April 15, 2008, <http://courtnic.nic.in/supremecourt/temp/wc%2025007p.txt> (accessed April 17, 2008).

³⁴ Human Rights Forum, *War in Dantewara*, p. 44; Independent Citizen's Initiative, *War in the Heart of India*, p. 48; Asian Centre for Human Rights, *The Adivasis of Chhattisgarh, Victims of the Naxalite Movement and Salwa Judum Campaign*, p. 7.

³⁵ Human Rights Watch telephone interview with lawyer K. Balagopal, February 5, 2008 (second interview).

V. Recruitment and Use of Children

Naxalites, government security forces, and Salwa Judum members have all recruited and used children to participate in the Chhattisgarh conflict. Naxalites in this region have recruited children into their ranks for at least a decade, using them to gather intelligence, for sentry duty, to make and plant landmines and IEDs, and to engage in hostilities against government forces. Government forces have recruited children as auxiliary police (SPOs), using them as guards, and deploying them in anti-Naxalite operations, including armed encounters. Salwa Judum also engages children in its violent raids against local villages.

There are no clear estimates of the number of children used by these different parties, nor the number of children who have been killed while participating in Chhattisgarh's conflict.

India is party to the Convention on the Rights of the Child (CRC).³⁶ It is also party to the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (Optional Protocol), which was adopted by the UN in 2000.³⁷ The Optional Protocol raises the standards set in the CRC by establishing 18 as the minimum age for any conscription, forced recruitment, or direct participation in hostilities. It also places obligations upon non-state armed groups—article 4 states that “armed groups that are distinct from the armed forces of a state should not, under any circumstances, recruit or use in hostilities persons under the age of eighteen.”

The Principles and Guidelines on Children Associated with Armed Forces or Armed Groups (Paris Principles), a set of international guidelines adopted in February 2007,

³⁶ India became a party to the CRC on December 11, 1992.

³⁷ India ratified the Optional Protocol on November 30, 2005, and made the following declaration: "Pursuant to article 3 (2) of the Optional Protocol to the Convention on the Rights of the Child on the involvement of Children in Armed Conflict, the Government of the Republic of India declare [sic] that:

(i) The minimum age for recruitment of prospective recruits into Armed Forces of India (Army, Air Force and Navy) is 16 years. After enrollment and requisite training period, the attested Armed Forces personnel is sent to the operational area only after he attains 18 years of age;

(ii) The recruitment into the Armed Forces of India is purely voluntary and conducted through open rally system/open competitive examinations. There is no forced or coerced recruitment into the Armed Forces.

reiterate that states have a duty to respect the humanitarian character of camps, and ensure that displaced children are not recruited for combat. The Paris Principles recommend individual registration and documentation for all displaced children as a preventive measure.³⁸

The Paris Principles also provide guidance for release, protection, and reintegration of children. Children who have been associated with armed forces or armed groups should not be prosecuted, punished, or threatened with prosecution or punishment solely for their membership of those forces or groups. Prosecution for crimes committed by children when they were members of armed groups should conform to international juvenile justice standards. Further, release and rehabilitation measures should be carried out without any conditions. During release, children should be handed over to “an appropriate, mandated, independent civilian process,” and the majority of children should be returned to their family and community or a family and community environment as soon as possible after their release.³⁹

A. Recruitment and use of children by Naxalites

All former Naxalites interviewed by Human Rights Watch stated that they joined different Naxalite wings when they were children. Naxalites organize children between ages six and twelve into bal sangams (village-level children’s associations). Depending on their skills and aptitude, children from a bal sangam are “promoted” to other Naxalite departments: sangams (village-level associations), CNMs or chaitanya natya manch (street theater troupes), jan militias (armed informers who travel with dalams), and dalams (armed squads). Typically, there is no direct forced recruitment, but Naxalites pressure parents by repeatedly “requesting” that they send their children into Naxalite ranks.

Most former Naxalites who served in sangams, jan militias, or dalams said that they had received weapons training when they were children. Children who are recruited into a dalam are given weapons and improvised explosive devices (IEDs), and are

³⁸ The Paris Principles: Principles and Guidelines on Children Associated with Armed Forces or Armed Groups (“The Paris Principles”), January 30, 2007, <http://www.unicef.org/protection/files/ParisPrinciples310107English.pdf> (accessed March 25, 2008), para. 6.14.

³⁹ The Paris Principles, paras. 3.11, 7.21, 7.45, 8.7, 8.8, 8.9.

involved in armed fighting against government forces. Children in bal sangams, sangams, and CNMs do not actively participate in hostilities, but are nevertheless exposed to great risks during government anti-Naxalite combing operations. As noted above, one SPO who participated in these operations described how the police opened fire on a group of children allegedly because they were part of a CNM:

In Maraiguda we found a group of children wearing school uniforms sitting and eating food. We ... started firing at the group. We were sure that it was a CNM and therefore did not check. We know because the theater group also wears uniforms. The children started running. They did not fire back. We did not bother to check if anyone was dead ... We fired and ran from there.⁴⁰

Even if the children were members of a CNM, it would have been unlawful to fire at them.

Human Rights Watch does not have any estimates for the number of children recruited and used by Naxalites, but notes that all of the former Naxalites who were interviewed stated that they started working for Naxalites in some capacity when they were children.

Recruitment into bal sangams

Naxalites usually enlist children between ages six and twelve into bal sangams. Bal sangam is the village-level children's association where children learn Maoist ideology. Most children who are part of bal sangams also work as informers and are trained in the use of non-lethal weapons such as sticks.⁴¹

There appears to be no fixed method, number, or quota for bal sangam enlistment. When we asked how children were chosen to be in bal sangams, former Naxalite Satyam David said, "They included almost all children's names in the bal sangam [in

⁴⁰ Human Rights Watch interview with Mandavi Mohan (pseudonym), SPO, other details withheld.

⁴¹ Human Rights Watch interviews with Tarrem Kosa and Vikas Modhey (pseudonyms), former Naxalites, other details withheld.

his village].”⁴² For example, the largest bal sangam described to Human Rights Watch had 150 members and the smallest had 10-15 members.⁴³

Subba Atish, a former Naxalite commander, gave us a brief description of the role of bal sangam members:

[Children join a] bal sangam from age six or seven. From a bal sangam, they go to a sangam or CNM, and from there to different departments depending upon how good they are. One is in a bal sangam until around age 12 ... We used to sing songs at bal sangam meetings. They [senior Naxalites] used to talk about Marx and Lenin. They used to tell us we must join the fight. We [bal sangam members] also worked as informers and told them [dalam members] about police movements and locations.... For example, [bal sangam members] will be playing with jeeps and if they see anyone they will run and tell [dalam members].... I was in a bal sangam for three years.... Became bal sangam *adhyaksh* [president] when I was in class seven. I continued education up to class nine. We had around 150 children in the bal sangam from our village.⁴⁴

When he was part of the bal sangam Satyam David was “on sentry duty and used to collect rice from families for Naxalites.”⁴⁵

Subba Atish described the training he received in his bal sangam:

We [bal sangam members] also got to watch all trainings about planting bombs, even though we weren’t given training for these things when we were in the bal sangam. Bal sangam members are

⁴² Human Rights Watch interview with Satyam David (pseudonym), former Naxalite, other details withheld.

⁴³ Human Rights Watch interviews with Sushovan Banu, Subba Atish, and Veera Etishan (pseudonyms), former Naxalites, other details withheld. Sushovan Banu stated that there were around 35 children in the bal sangam in his village; there were 10-15 children in Veera Etishan’s village and around 150 children in Subba Atish’s village.

⁴⁴ Human Rights Watch interview with Subba Atish (pseudonym).

⁴⁵ Human Rights Watch interview with Satyam David (pseudonym).

trained to fight with sticks.... I was also trained with sticks—how to fight with them, to attack, to take positions and so on.⁴⁶

Two former dalam members Tarrem Kosa and Sushovan Banu also stated that they trained bal sangam children in the use of non-lethal weapons.⁴⁷ Coincidentally, Human Rights Watch spoke to Sushovan Banu when he was with Bhushan Corin, one of his former bal sangam pupils from a non-lethal weapons training class,⁴⁸ and Sushovan Banu joked that Bhushan Corin was not good at these trainings and therefore had not been inducted into a dalam.⁴⁹

Recruitment into other Naxalite wings, including armed units

Typically, after age 12, bal sangam members are sent to other Naxalite wings depending upon their skills. Children are also recruited into sangams, CNMs, jan militias, and dalams. Human Rights Watch spoke to four former Naxalites who were sent to these Naxalite wings from bal sangams;⁵⁰ one of them eventually became a Naxalite dalam commander and was part of many armed encounters with the police.⁵¹ Another former dalam member, Tarrem Kosa, said that there were around seven or eight underage members in his 45-member dalam.

Some children are inducted directly into other Naxalite wings without being trained in bal sangams. Human Rights Watch spoke to six former Naxalites who were directly inducted into other Naxalite wings when they were children—three became sangam members, one joined a jan militia, and two joined a dalam. Subba Atish said that villagers who were being inducted into dalams had to take an oath: “To join a dalam, one has to take a public oath in front of all the villagers—‘I have no family any more.

⁴⁶ Human Rights Watch interview with Subba Atish (pseudonym).

⁴⁷ Human Rights Watch interviews with Tarrem Kosa and Sushovan Banu (pseudonyms).

⁴⁸ Human Rights Watch interviews with Bhushan Corin (pseudonyms), former Naxalite, other details withheld; Sushovan Banu (pseudonym).

⁴⁹ Ibid.

⁵⁰ Human Rights Watch interviews with Subba Atish and Satyam David (pseudonyms); Veka Idma and Bhushan Corin (pseudonyms), former Naxalites, other details withheld.

⁵¹ Human Rights Watch interview with Subba Atish (pseudonym).

You [dalam] are my family.”⁵² Naxalites also recruited school-going children to teach in Naxalite-run schools.⁵³

In some cases, Naxalites approach parents and pressure them to send their children to join the “people’s war.” In other cases, Naxalites visit schools and ask children to join them. Subba Atish, a former Naxalite commander, said, “They go to school and ask children to join a dalam. This has happened in the Jagargonda area. They don’t force children but ask them.”⁵⁴ Typically, recruitment involves repeated visits to homes to convince parents to send their children.

Given Naxalites’ brutal punishment of dissent or non-conformist behavior as described above, a mere recruitment request to families creates tremendous pressure on them. In some cases Naxalites simply note down children’s names during meetings and ask them to join.⁵⁵

In two cases, two former dalam members told Human Rights Watch that Naxalites abducted and inducted them into dalams when they were children.⁵⁶ Vikas Modhey recounted how he joined a dalam:

I joined when I was 15 years old. I was working in the fields in the evening, and they took me away. I was in Konta when a dalam came and took me. I was alone. They said they wanted to train me. They knew me from before because they had come to my village. They didn’t say anything, but I thought they would beat me if I didn’t go.⁵⁷

Similarly, Tarrem Kosa was taken from his school with the assurance that he would be sent back in 15 days:

⁵² Ibid.

⁵³ Human Rights Watch interview with Veera Etishan (pseudonym).

⁵⁴ Human Rights Watch interview with Subba Atish (pseudonym).

⁵⁵ Human Rights Watch interviews with Veera Etishan and Sushovan Banu (pseudonyms). Veera Etishan stated that Naxalites noted down his name along with three other boys’ names, asking all of them to go for sangam meetings. Similarly, Sushovan Banu stated that Naxalites called him for a meeting, noted down his name, and told him he was a sangam member.

⁵⁶ Human Rights Watch interviews with Tarrem Kosa and Vikas Modhey (pseudonyms).

⁵⁷ Ibid.

I joined the military dalam when I was 13 or 14 years old. I was studying in an *ashram* school [government-run residential school]—eighth standard—when Naxalites came to my hostel.... They took four [students] from my school, but after 10-12 kilometers, the other three were sent away, and only I was kept. Two of them were in the eighth and one was in the seventh. I don't know why the others were sent back.... After two or three days, I told them I wanted to go back to school. The dalam leader said, "Don't worry, we will send you to school till the 10th." ⁵⁸

Tarrem Kosa said that there were others from his dalam who had experiences similar to his:

In the group of 90, there were about 30 or 40 my age—14 or 15. I don't know if the others left school to join our dalam. They may not have studied. Some were abducted. I wasn't told the truth about what would happen to me after 15 days. Most of the others were also like that.⁵⁹

Veera Etishan used to study in a residential school. Naxalites sometimes came to his school for food. They often asked him and other students from his school to join them. When he was around age 15, they told him that he had to join the sangam in his village. Veera said that he tried to refuse but was given no choice: "They said, 'We have already added your name.'"⁶⁰ He continued to study but participated in sangam activities. When he was in class six, Naxalites recruited him as a teacher for a school run by them.⁶¹

Satyam David felt that "Naxalites used to stop us [children] from studying, particularly when we went to *ashram* schools outside the village."⁶² On January 25,

⁵⁸ Human Rights Watch interview with Tarrem Kosa (pseudonym).

⁵⁹ *Ibid.* The group of 90 also included cooks and guards. All 90 members seldom regrouped together. They were split into smaller groups called local guerilla squads to conduct their operations.

⁶⁰ Human Rights Watch interview with Veera Etishan (pseudonym).

⁶¹ *Ibid.*

⁶² Human Rights Watch interview with Satyam David (pseudonym).

2007, when he was in class nine (roughly age 14 or 15) he was forcibly taken out of school and brought to a Naxalite camp in the jungle. They called a people's court and accused him of being a police informer and said that he should be killed. His family begged some sangam members to intercede, and he was spared. However, he was told to stay in the village and not return to school—"People used to follow me all the time. I was forced to attend [sangam] meetings."⁶³ Eventually, Satyam David was recruited as a jan militia member.

Lingu Gopal was around age 14 or 15 when Naxalites came to his village in 2000 or 2001 and announced his name among those of several other boys and girls who had been selected to join a jan militia group. Before that he had already been deployed as an informer: "We used to be on sentry duty to check on police movements. We used special whistles and drum beats to inform the sangam members."⁶⁴ He claimed that he initially told Naxalites that he did not want to be part of a jan militia but had no choice: "They [Naxalites] said, 'Why will you not join? Do you want to join the police?' I was scared and so I went."⁶⁵

When Veka Idma was about age 12 or 13, he joined a jan militia group. When he was in class five, a Naxalite range committee member inducted him into the group.⁶⁶ He was told he could continue schooling. His training began with physical exercise to build stamina. Then he was taught to fight with sticks and eventually he learned how to use and clean rifles. He also learned how to make bombs. When he went with the jan militia group he had "tiffin bombs [bombs packed in tiffin boxes] and wire bombs." He also learned how to use AK-47 and Insas rifles. Veka Idma said, "There were 25 people in my jan militia—seven others were about my age and younger."⁶⁷

Naxalites asked Vattam Fanu to quit school and join a dalam. He refused saying that he wanted to study. This upset Naxalite commanders who visited his family every

⁶³ Ibid.

⁶⁴ Human Rights Watch interview with Lingu Gopal (pseudonym), former Naxalite, other details withheld.

⁶⁵ Ibid.

⁶⁶ Naxalite committees follow the following hierarchy—national or central, state or zonal, division, range, and village committees.

⁶⁷ Human Rights Watch interview with Veka Idma (pseudonym).

day and asked him to sign up. Eventually, at age 16, frightened that he would not be able to escape Naxalites, he ran away to a town nearby:⁶⁸

They [Naxalites] came to the village and asked all young men and women, as well as teenage boys and girls to join them. They first told us to attend a meeting. They sang songs and made speeches. Then they started writing down names of boys and girls and told them to come to the jungle to learn to fight. I went as well. They were training people in the use of sharp, pointed sticks. They told me I must join a dalam. I refused and told them that I wanted to study. They were angry. They started coming to our house every few days. This went on for three or four years. Then they started becoming much more insistent, saying that I had studied enough. Finally, I was forced to run away. For a long time I lived in the forest, sleeping in trees to be safe. My mother would come in the middle of the night to feed me.”⁶⁹

When Himmatlal Korbe was in class six (around age 16 or 17), Naxalites went to his house and asked his parents to send him with them. His parents told them that they wanted him to study. Himmatlal Korbe was not at home when Naxalites visited his house. When he returned, his parents explained what had happened and sent him away to a hostel in another village. He stayed in the hostel and studied there to avoid Naxalite recruitment. Naxalites came to his house again when he was studying in class eight and demanded that his parents send him. When he found out that Naxalites were looking for him he ran away from the hostel and settled near a village close to a police station. He was forced to discontinue his schooling and has been living in this village since the day he ran away from the hostel. In February 2008, three or four years after he first ran away, Himmatlal Korbe still had not returned to his native village to visit his parents. His parents visited him occasionally.⁷⁰

⁶⁸ Human Rights Watch interview with Vattam Fanu (pseudonym), SPO, other details withheld.

⁶⁹ Ibid.

⁷⁰ Human Rights Watch interview with Himmatlal Korbe (pseudonym), SPO, other details withheld.

Himesh Karan is the eldest of three brothers. As a child he was raised by his maternal grandfather and only returned to his native village after finishing class five. Soon after he came to his native village Naxalites attempted to recruit him:

Naxalites came to our village and asked for a meeting with all those who were educated. The villagers told them that I knew how to read and write. So they came to me and asked me to join them. I refused and they were very angry. They said that it was the duty of educated boys like me to help them. Frightened, I went away from the village once again to stay with my uncle.⁷¹

Training

All former Naxalites who served in sangams, CNMs, jan militias, or dalams said that they had received weapons training when they were children. Dalam members used to run training camps in the village for them. Sushovan Banu who became a sangam member when he was around age 12 or 13 said,

Whenever the dalam [in charge of that area] came, they would organize a training camp for sangam members—about Mao, Lenin, weapons training, training in landmines, and bombs. I knew how to plant landmines and bombs when I was in [my village] sangam, and later on when I became a dalam member I trained other sangam members.⁷²

Kripash Hari who also became a sangam member when he was a child said,

As a sangam member, I assembled people for meetings, cooked for dalam members when they came to the village, and worked as an informer. I had bows and arrows and was trained to use tiffin bombs [bombs packed in tiffin boxes] and other types of wire-bombs. I was

⁷¹ Human Rights Watch interview with Himesh Karan (pseudonym), other details withheld.

⁷² Human Rights Watch interview with Sushovan Banu (pseudonym).

also given training to use guns and rifles but was not given a rifle. I was only a sangam member—sangam members do not get rifles.⁷³

Similarly, children who served as informers in jan militias received weapons training. They each also had their own bag with different bombs which they had to carry when they were accompanying dalam members. Veka Idma, who became a bal sangam member in class four and a jan militia member when he was studying in class five, said,

After I went with the jan militia people I had my own bag with tiffin bombs [bombs packed in tiffin boxes] and wire bombs ... I also underwent training with AK-47 and Insas.⁷⁴

Two other youth, Tarrem Kosa and Vikas Modhey, told Human Rights Watch they had been armed, received weapons training, and were part of armed encounters with the police, all while still children.⁷⁵

Tarrem Kosa's life as a dalam member

A dalam interrupted Tarrem Kosa's school days when he was in class eight. They came to his school one day, watched him playing sports, and saw that he was agile and strong. That sealed his fate and decided his career. Dalam members approached him and asked him to go with them. He said he wanted to study, but they promised to let him go after 15 days. Unfortunately, they did not keep their promise.

First he was trained to use bows and arrows. Because he was good, the dalam leader promoted him and gave him a rifle. They also trained him to plant bombs. Looking back at his years as a dalam member and the separation from his family, Tarrem said,

I used to think of home a lot. I worried I would never be able to contact my parents. I used to read magazines to kill time ...
Sometimes I would sit and cry. I never had the opportunity to

⁷³ Human Rights Watch interview with Kripash Hari (pseudonym), former Naxalite, other details withheld.

⁷⁴ Human Rights Watch interview with Veka Idma (pseudonym).

⁷⁵ Human Rights Watch interviews with Tarrem Kosa and Vikas Modhey (pseudonyms).

contact my parents. I thought of home a lot, but never had a way to get back.

During his three years with a dalam, he participated in several armed encounters with government security forces. Despite his young age there was no place for fear during such encounters: “You can’t be scared, you just have to run.” Dalam members did not get paid. They depended on villages and schools for food.

His decision to leave his dalam brought deep personal tragedy. After he deserted, the Naxalites killed both his younger brothers. They beat his mother and broke her arm, took all their belongings, and burned their house.

After his surrender to the police when he was under age 18, Tarrem began to work for the police as an informer, and was then promoted to the post of SPO. The Chhattisgarh police gave him additional weapons training, and he now accompanies government security forces on anti-Naxalite combing operations. As part of these operations, Tarrem is often involved in many armed encounters with Naxalites. He is now a top Naxalite target and says he has seen posters with his photograph stating that he should be killed.

Naxalites’ policy regarding recruitment and use of children

Naxalites do not deny the recruitment and use of children in armed hostilities. In late 2006, Ganapathi, general secretary of the CPI (Maoist) party (a prominent Naxalite political party), openly admitted to using children in dalams:

As regards training minors under 18 years in the use of arms, we wish to make it clear that our policy and the PLGA [People’s Liberation Guerrilla Army] constitution stipulate that no one should be taken into the army without attaining 16 years of age. And this age limit is strictly followed while recruiting. In the specific conditions prevailing in the war zone [Dantewada and Bijapur districts of Chhattisgarh] children attain mental and political maturity by the time they complete 16 because they are directly or indirectly involved in the revolutionary activity from their very childhood. They receive basic education and political training early in their lives and have organisational experience

as members of balala sangam (children's associations).... When the enemy [Salwa Judum and police] is erasing every norm of international law, the oppressed people have the full right to arm themselves and fight. Making a fuss over age makes no meaning in a situation where the enemies of the people are targeting children too without any mercy. If the boys and girls do not do resist with arms they will be eliminated completely. The intellectuals of the civil society should understand this most inhumane and cruel situation created by the enemy and take the side of the people instead of pushing them more into defensive by raising all sorts of idealistic objections.⁷⁶

B. Children's participation in Salwa Judum's activities

All the eyewitnesses to Salwa Judum *padyatras* (rallies) in their villages stated that these were violent raids aimed at either enlisting their participation in Salwa Judum meetings or relocating them to camps.⁷⁷ The coercive tactics ranged from threatening and imposing fines, to beating, abducting, and killing villagers, and burning and looting hamlets. During their attempts at forcibly enlisting civilian support for Salwa Judum, some members also took away children, mostly boys, to attend meetings. Sometimes people who were forcibly taken to attend meetings were prevented from returning—to force the family to relocate to Salwa Judum camps. Kaskul Naiyya recounted how Salwa Judum members forcibly took away teenage boys:

They [Salwa Judum and CRPF] forced all the men to go with them [for the meeting], including boys. Judum took away boys his age as well [pointing to a boy who said he was about age 13]. If there were no male members in the house, then they would take the woman from that house. The people they took did not return home.⁷⁸

⁷⁶ Letter from Ganapathi, secretary general, CPI (Maoist), to the Independent Citizen's Initiative, October 10, 2006, <http://www.cgnet.in/N1/maoistreplytoici/view?searchterm=reply> (accessed February 20, 2008), para. 5.

⁷⁷ 52 eyewitnesses from 18 different villages described Salwa Judum rallies and recounted threats, abductions, beatings, killings, rape, pillage, and village burnings in their hamlets—Sankanpalli, Durma, Dharba, Nambi, Kamarguda, Surpanguda, Boreguda, Nayapara, Lingagiri, Kothooru, Pisheypara, Etagatta, Nendra, Ramavaram, Pidmel, Tolnai, Mukudtong, and Sunnamguda.

⁷⁸ Human Rights Watch interview with Kaskul Naiyya (pseudonym), IDP from Nayapara, village K3, Khammam district, December 2, 2007. In this report, the names of all IDP settlements in Andhra Pradesh have been given a code and indicated accordingly.

Her brother, age 17, who was forcibly taken away along with her uncle to attend a meeting, returned after a few days and told them that they were taken to a Salwa Judum camp.

Once in the camps, children were ordered by Salwa Judum leaders to carry arms and participate in subsequent raids on villages.⁷⁹ Many eyewitnesses stated that children were also part of these raids.⁸⁰ Describing how children also attacked his village, Kosambi Mukesh said,

Before I left my village to settle down in Andhra Pradesh, Salwa Judum members used to visit my village about once a week. They came along with the CRPF and SPOs. There were about 100 Salwa Judum members and about 100 CRPF.... There are children also in the Salwa Judum [gesturing to a height of about three or four feet to indicate the height of children who came].... eight and nine-year-olds come and even older people come. Salwa Judum people have bows and arrows, daggers, machetes, axes, and the CRPF have rifles.... younger children have daggers.⁸¹

One woman described how children were part of a group of Salwa Judum members who had beaten her:

[T]hey [Salwa Judum members] would beat us in front of the police and the police would not do anything. They beat us with *lathis* [wooden sticks]. Even children this tall [signaling to a height of four feet] beat us. They showed us no respect for our age. It was so humiliating....

⁷⁹ Human Rights Watch interviews with Poosam Kanya (pseudonym), former resident of Errabore camp, location withheld, December 5, 2007; camp resident (who chose to remain anonymous), Jailbada camp, December 13, 2007; group interview GR3 with former residents of Mirtur camp (who chose to remain anonymous), other details withheld;

⁸⁰ Human Rights Watch interviews with Vachcham Ragu (pseudonym), IDP from Sankanpalli, village W4, Warangal district, November 30, 2007; Madkam Vaishali (pseudonym), IDP from Lingagiri, village K1, Khammam district, December 1, 2007; Emla Sunita (pseudonym), IDP from Lingagiri, village K2, Khammam district, December 2, 2007; Prakash (pseudonym), IDP from Kannaiguda, Kothooru, Khammam district, December 4, 2007; group interview with Vadtam Veera and Vadtam Cheena (pseudonyms), IDPs from Mukudtong, village K10, Khammam district, December 7, 2007.

⁸¹ Human Rights Watch interview with Kosambi Mukesh (pseudonym), IDP from Durma, village W6, Warangal district, November 30, 2007.

Many women started bleeding from their nose and mouth. I bled from my mouth.⁸²

C. Government recruitment and use of children as special police officers

Chhattisgarh police have not actively recruited new SPOs since March 2006.⁸³ Even though the government claims that all children in its ranks have been removed, Human Rights Watch found that children who were appointed earlier continue to serve as SPOs, perform paramilitary tasks, and risk their lives. Police estimate that as of February 2008 there were around 3,500-3,800 SPOs in Dantewada and Bijapur districts;⁸⁴ of these, 10 to 20 percent are female.⁸⁵ The percentage of children among SPOs is not known.

Many civilians who attended Salwa Judum's public meetings and victims of Salwa Judum raids told Human Rights Watch that they saw underage SPOs in meetings and raids.⁸⁶ Vasanti Kumar, an 18-year-old former resident of Konta camp stated that she saw SPOs younger than herself:

I have seen SPOs younger than me in the camp. I cannot tell you the exact number because they are on duty in different places at different times but there will easily be at least 10 such SPOs [in the camp].⁸⁷

⁸² Human Rights Watch interview with Emla Sunita (pseudonym), IDP from Lingagiri, village K2, Khammam district, December 2, 2007.

⁸³ Human Rights Watch interview with Rahul Sharma, superintendent of police of Dantewada district, December 10, 2007 (first interview). Sharma said, "We have not had any recent recruitment. We are currently consolidating existing SPOs." Human Rights Watch group interview GR8 with volunteers working in camps (name and details withheld). These volunteers confirmed that there was no recent recruitment of SPOs.

⁸⁴ Human Rights Watch interviews with Rahul Sharma, first interview, December 10, 2007 and second interview, February 1, 2008; Vishwa Ranjan, director general of police of Chhattisgarh, Raipur, December 17, 2007. SP Sharma claimed that there were 3,500 SPOs in Dantewada and Bijapur districts while DGP Ranjan claimed that there were 3,800 SPOs in the same area.

⁸⁵ Human Rights Watch interviews with Rahul Sharma, first and second interviews, December 10, 2007 and February 1, 2008 respectively.

⁸⁶ Human Rights Watch interviews with Prateek (pseudonym), IDP from Sankanpalli, village W4, Warangal district, November 30, 2007; IDP-1 from Lingagiri (who chose to remain anonymous), village K1, Khammam district, December 1, 2007; teenage boy (who chose to remain anonymous), IDP from Basaguda, village K2, Khammam district, December 2, 2007; Kaskul Naiyya (pseudonym), IDP from Nayapara, village K3, Khammam district, December 2, 2007; Tati Dhiren (pseudonym), IDP from Pidmel, village K8, Khammam district, December 6, 2007; Vasanti Kumar (pseudonym), IDP from Pandiguda, location withheld, December 6, 2007.

⁸⁷ Human Rights Watch interviews with Poosam Kanya (pseudonym), former resident of Errabore camp, December 5, 2007; Vasanti Kumar (pseudonym), IDP from Pandiguda, location withheld, December 6, 2007.

In December 2007 a surrendered Naxalite who now works with the police confirmed that underage SPOs continued to work with the police.⁸⁸ A teacher from Bhairamgarh claimed that he recognized school dropouts from his area who were serving as SPOs even in December 2007:

[I]n Bhairamgarh, about 15 to 20 children dropped out of high school [after class 8 in 2005] to become SPOs—both boys and girls. I live in Bhairamgarh and many of these children also stay there. Now they are all SPOs. Their entire schooling has been ruined—they can never go back to school because they have discontinued education for over two years.⁸⁹

Children interviewed by Human Rights Watch also claimed that they knew school dropouts who were enlisted as SPOs.⁹⁰ A student in eighth standard said she had friends who were serving as SPOs even in December 2007: “I know a girl [name withheld] who was studying in seventh standard with me. She stopped studying and became an SPO. She is still an SPO.”⁹¹

A villager from Sankanpalli described seeing children among the police that visited his village:

The CRPF [Central Reserve Police Force] come to my village every 10 to 15 days, at least twice a month. The SPOs also accompany the CRPF. Each time, about 200 SPOs and 200 CRPF come to my village ... The SPOs are of all age groups. The youngest is about 14 to 15 years and there are people in their 20s and 30s also.⁹²

⁸⁸ Human Rights Watch interview with Tarrem Kosa (pseudonym), former Naxalite, others details withheld.

⁸⁹ Human Rights Watch interview with T-1 (who chose to remain anonymous), government teacher in Bijapur, location withheld, December 14, 2007.

⁹⁰ Human Rights Watch interviews with teenage boy (who chose to remain anonymous), IDP from Basaguda, village K2, Khammam district, December 2, 2007; Vasanti Kumar (pseudonym), IDP from Pandiguda, location withheld, December 6, 2007; V6 (who chose to remain anonymous), camp resident, Jayanagar (Nayapara) camp, December 13, 2007.

⁹¹ Human Rights Watch interview with V6 (who chose to remain anonymous), December 13, 2007; Kaskul Naiyya (pseudonym), IDP from Nayapara, village K3, Khammam district, December 2, 2007.

⁹² Human Rights Watch interview with Prateek (pseudonym), IDP from Sankanpalli, village W4, Warangal district, November 30, 2007. The Central Reserve Police Force is a paramilitary police force deployed by the Indian central government in the region.

Chhattisgarh police say that the minimum age for SPOs is 18, but do not deny that children were recruited initially.⁹³ They explained that many recruits from rural areas do not have birth certificates or school certificates (many have not attended schools), and therefore they are forced to rely on oral confirmations of age given by the headmen of the applicants' villages.⁹⁴

Police officials also said they have made a concerted attempt to remove all underage recruits from the ranks but were unable to give us additional details.⁹⁵ In February 2008 Human Rights Watch interviewed four SPOs from a police station in Konta block of Dantewada district. They looked obviously underage but stated that they were age 18 or 19 even though they did not know their birth years.⁹⁶ These SPOs said they had been serving for over two years.⁹⁷ They stated that the police or government officials had neither asked them to bring age-related documents (birth or school certificates) at the time of recruitment nor sought age verification more recently.⁹⁸

The recruitment process

The national law does not contain any age-related criteria for recruitment of civilians as SPOs.⁹⁹ The Dantewada police superintendent told Human Rights Watch that the Chhattisgarh police followed three appointment criteria: "Applicants should be above age 18, should volunteer to be an SPO, and should be a victim of Naxal violence."¹⁰⁰

However, it is obvious that no special care was taken to ensure that all applicants are indeed at least age 18. SPOs explained that the application procedure was simple and does not involve a stringent verification of age:

⁹³ Human Rights Watch interviews with Rahul Sharma, first and second interviews, December 10, 2007 and February 1, 2008 respectively; Vishwa Ranjan, December 17, 2007. SP Sharma said that Chhattisgarh police had mistakenly recruited children as SPOs.

⁹⁴ Human Rights Watch interviews with Rahul Sharma, first interview, December 10, 2007; Vishwa Ranjan, December 17, 2007.

⁹⁵ See below, the Chhattisgarh state government response.

⁹⁶ Human Rights Watch interviews with SPO Mandavi Mohan (pseudonym) and three other SPOs (names and details withheld).

⁹⁷ Ibid.

⁹⁸ Ibid.

⁹⁹ Police Act, 1861. Chhattisgarh state now has a new law, Chhattisgarh Police Act, 2007. SP Sharma stated that no new SPOs were recruited since March 2006 and therefore at the time SPOs were recruited, the only law that was applicable is the Police Act, 1861.

¹⁰⁰ Human Rights Watch interview with Rahul Sharma, first interview, December 10, 2007.

To apply to become an SPO, we need to go to the police station and ask for forms and fill out the forms. In the form, they ask for our name, father's name, age, photo, and village name. The form also asks us whether we were sangam [village-level Naxalite association] members in our village.... The police tell us that anyone who has passed fifth class can become SPOs but we know that even people who have not studied at all can become SPOs. They [police] also tell us that only people who are 18 years can become SPOs but they take people who are younger also—it's only approximate and based on their assessment. When applying, we need someone [from our village] to introduce us to prove who we are, from where we are. If we are educated, then we can show our certificate. If we have not studied, then we can call people from our village who will vouch for us—like sarpanch [village official] or patel [village headman]. So they take people who have not studied also.¹⁰¹

Even though age documentation is difficult to procure, it was found that in some cases police failed to even inquire whether applicants were at least age 18. A former resident of a camp who was asked to become an SPO said,

Even boys who were 15 years old were becoming SPOs. There are boys and girls who hold rifles and the rifles are bigger than them ... Police asked me also to become an SPO but I refused because I did not want to become an SPO and commit heinous crimes. I did not want to shoot and kill people. They did not ask me how old I was when they asked me to become an SPO. They do not ask anyone how old they are. Even 14-year-olds can become SPOs if the police want them to become SPOs.¹⁰²

¹⁰¹ Human Rights Watch group interview with Irram Seethamma, Telam Suresh, and Mohin Patel (pseudonyms), SPOs, other details withheld.

¹⁰² Human Rights Watch interview with Poosam Kanya (pseudonym), former resident of Errabore camp, location withheld, December 5, 2007.

In cases where school children become SPOs, age-related documentation or oral verification from teachers is easy to procure, and police have been negligent in not verifying the age of such applicants.

While there is no evidence of police coercion in SPO recruitment, in some cases Salwa Judum leaders, village headmen, or police have approached camp residents and asked them to become SPOs. As one girl explained,

In the camp they asked me and my sisters to become SPOs. I said I wanted to take care of my sister and would not become an SPO because of that. They keep asking me every time I go to [name withheld] camp. They keep asking my sister also—they tell her “ask your sister to become an SPO.” ...They ask everyone who is around [age] 16.¹⁰³

In some cases, children have chosen to become SPOs because it provides a livelihood.¹⁰⁴ For example, Irram Seethamma who claimed she was age 18 at the time she was appointed as SPO explained to Human Rights Watch why she signed up:

I became an SPO last year in March [2006]. I became an SPO even before my brother to earn money for my family. After we moved to the camp we had no income because we did not have any work. So I thought working as an SPO would give us some money. We used to have fields in [village name withheld] near [name withheld]. But now we do not have any fields. A few of my friends and I discussed becoming an SPO and we all applied together. I studied with them in school. We all studied till the eighth standard and then stopped studying after we came to the camp. I wanted to study but could not continue because I have to help with household work ... we needed the money badly.¹⁰⁵

¹⁰³ Human Rights Watch interview with Vasanti Kumar (pseudonym), IDP from Pandiguda, location withheld, December 6, 2007; Madkam Dhairya (pseudonym), camp resident, Jailbada camp, December 13, 2007; Korsa Vishwas (pseudonym), SPO, other details withheld.

¹⁰⁴ Human Rights Watch group interview GR8 with volunteers working in camps (name and details withheld).

¹⁰⁵ Human Rights Watch interview with Irram Seethamma (pseudonym), SPO, other details withheld.

Lack of vocational training and other activities for youth also appears to be a motivation to sign up for SPO posts. SPO Mandavi Mohan, appointed at age 17, reasoned: “Judum started, what could I do? I couldn’t sit around idly. So I became an SPO.”¹⁰⁶

In other cases, SPOs, many of whom were underage when they joined, said that they signed up to avenge Naxalite killings. As one SPO explained,

I became an SPO to take revenge. My brother was an SPO and he was killed by Naxalites. My brother died in February 2006 when he was coming back from Dornapal after a [Salwa Judum] rally.¹⁰⁷

At the time of recruitment, most SPOs are given no information regarding the nature of SPOs’ duties or possible hazards:

When we go to give the filled-out forms they tell us to come for training. They don’t tell us anything else—nothing about SPOs’ powers, functions, and duties.¹⁰⁸

Everyone who applies for the SPO job is tested for physical fitness. From their own experience, SPOs surmise that applicants who do well in the physical fitness regimen are recruited as SPOs, but are not aware of any official screening procedure.¹⁰⁹

Training and duties

SPO training largely includes physical fitness workouts and some basic training in the use of weapons.¹¹⁰ All SPOs are issued a service weapon while on duty—a .303

¹⁰⁶ Human Rights Watch interview with Mandavi Mohan (pseudonym).

¹⁰⁷ Human Rights Watch interviews with Telam Suresh (pseudonym); teenage boy (who chose to remain anonymous), IDP from Basaguda, village K2, Khammam district, December 2, 2007; Dasru Mangesh (pseudonym), SPO, other details withheld.

¹⁰⁸ Human Rights Watch group interview with Irram Seethamma, Telam Suresh, and Mohin Patel (pseudonyms); SPO Mandavi Mohan (pseudonym) and three other SPOs (names and details withheld); Vasanti Kumar (pseudonym), IDP from Pandiguda, location withheld, December 6, 2007.

¹⁰⁹ Human Rights Watch group interview with Irram Seethamma, Telam Suresh, and Mohin Patel (pseudonyms).

¹¹⁰ Ibid. Human Rights Watch with SPO5 (who chose to remain anonymous), other details withheld.

rifle.¹¹¹ SPOs explain that, typically, police deploy female SPOs as guards at checkpoints, base camps, and police stations: “Women get only *morchha duty* [guard duty]. Occasionally they take women one or two kilometers away to the jungles to show them how it [combing operation] looks.”¹¹²

Male SPOs perform the same guard duties as women but also take part in patrols, Salwa Judum rallies and meetings, and armed fighting.¹¹³ One SPO described how his brother, also an SPO, died while returning from one such Salwa Judum rally:

My brother died in February 2006 when he was coming back from Dornapal after a [Salwa Judum] rally. Judum was returning from Dornapal and were on their way to Konta in five trucks. There was an ambush and a landmine. Thirty-five SPOs died and my brother was one of them. My brother actually survived the blast but Naxalites then killed him with bow and arrow.¹¹⁴

Male SPOs accompany government security forces on anti-Naxalite combing operations in interior areas of Dantewada and Bijapur districts. Three SPOs who participated in combing operations in 2007 told Human Rights Watch that these operations resulted in armed exchanges with Naxalites; the SPOs claimed that they were around age 17 or 18 at that time.¹¹⁵

One male SPO who was injured in a Naxalite ambush while on duty stated:

Sometimes we go on combing operations. We were caught in Naxalite firing on October 29, 2007, on Gangalur road, between Bosaguda and Pamaloia. Fifteen SPOs and five regular police had gone to the area. We were on foot and went there for road opening—we stand on either side of the road and only if we say that the road is clear [of Naxalites’ and landmines] will vehicles travel the road; we have to stand guard

¹¹¹ Ibid.

¹¹² Ibid.

¹¹³ Ibid. Human Rights Watch interviews with Rahul Sharma, first interview, December 10, 2007 and Vishwa Ranjan, December 17, 2007.

¹¹⁴ Human Rights Watch interview with Telam Suresh (pseudonym).

¹¹⁵ Human Rights Watch interviews with SPO Mandavi Mohan (pseudonym) and three other SPOs (names and dates withheld).

on either side. As soon as we reached this place, even before we could sit down, [Naxalite] firing started. I got injured in four places. Five SPOs died and three were injured.¹¹⁶

Serving as SPOs places children at great risk, particularly male SPOs who serve on the front lines during armed encounters. The Dantewada superintendent of police said,

[Naxalites are] inflicting terrible blows to the police. Since January 2007 I lost around 137 of my boys [police including SPOs].¹¹⁷

The police stations where SPOs are deployed are poorly protected and thus easily breached during Naxalite attacks. “We are expected to go out and fight the Maoists, but our police stations are little better than cattle sheds,” one official complained.¹¹⁸ For instance, Naxalites attacked a police outpost in Rani Bodli in March 2007 in which around 55 police including 27 SPOs were killed. One journalist who visited this site told Human Rights Watch that he saw the bodies of many SPOs, and estimated that approximately 10 of them appeared under age 18.¹¹⁹

SPOs complain to Human Rights Watch that they are not only at the forefront of armed encounters, but at times are also abandoned by better trained and equipped government security forces who run for safety during armed encounters.¹²⁰ One SPO said that despite repeated SPO requests to be sent in larger patrol parties, the police sent them on combing operations in smaller groups that were easily overpowered by Naxalites.¹²¹

¹¹⁶ Human Rights Watch interview with SPO5 (who chose to remain anonymous), other details withheld.

¹¹⁷ Human Rights Watch interview with Rahul Sharma, first interview, December 10, 2007.

¹¹⁸ Human Rights Watch interview with a senior law enforcement official in Chhattisgarh (who chose to remain anonymous), other details withheld.

¹¹⁹ Human Rights Watch interview with local journalist (name withheld), Chinturu, December 6, 2007.

¹²⁰ Human Rights Watch group interview with Irram Seethamma, Telam Suresh, and Mohin Patel (pseudonyms).

¹²¹ Human Rights Watch interview with SPO5 (who chose to remain anonymous), details withheld.

SPOs perform duties that make them vulnerable not only to Naxalite attacks but also to reprisals.¹²² The Dantewada superintendent of police described SPOs as “the number one target of Naxalites.”¹²³ A Judum leader opined, “If Naxalites say that they will allow people to go back without killing them, then villagers can go back. People who are SPOs and people who are sarpanches or *mukhiyas* [village headmen] cannot go back.”¹²⁴

SPOs, including children, have been ordered to participate in a range of human rights violations. Some SPOs admitted that they carried out police orders to kill and beat civilians suspected of being Naxalites, including child recruits. One male SPO who was under age 18 at the time of a 2007 anti-Naxalite combing operation in Maraiguda stated that he was ordered to open fire on a group of children wearing school uniforms.¹²⁵ Two other SPOs admitted to accompanying Salwa Judum members and government security forces on raids in Uddinguda, Barraimuga, Birla, Gaganpalli, Ikkaliguda, Kattanguda, Darbaguda, and Nendra villages between 2006 and 2007.¹²⁶ At the time of these raids, they were age 17 or 18.

One female SPO admitted to beating two suspected Naxalites in the police station:

Once when I was in the police station the police told me to beat two people who were caught and brought to the police station. The police told me they were Naxalites and so I had to beat them. I was hesitant but because they told me to beat them, I beat both of them.¹²⁷

Working conditions for SPOs

“[W]e are expected to work harder than the police,” complained an SPO who also pointed out that they were paid less than regular police.¹²⁸ The government pays

¹²² See Human Rights Watch, “*Being Neutral is Our Biggest Crime*”: Government, Vigilante, and Naxalite Abuses in India’s Chhattisgarh State, 1-56432-345-5, July 2008, section VII.

¹²³ Human Rights Watch interview with Rahul Sharma, first interview, December 10, 2007.

¹²⁴ Human Rights Watch interview with Soyam Muka, Salwa Judum leader of Errabore camp, date withheld.

¹²⁵ Human Rights Watch interview with Mandavi Mohan (pseudonym).

¹²⁶ Ibid. Human Rights Watch interview with Korsia Vishwas (pseudonym), SPO, other details withheld.

¹²⁷ Human Rights Watch interview with female SPO6 (who chose to remain anonymous), other details withheld.

¹²⁸ Human Rights Watch interview with SPO7 (who chose to remain anonymous), other details withheld.

SPOs 1,500 rupees (roughly US\$37) each month. People who are rendered jobless after they abandon their homes, fields, and farming, at times turn in desperation to the risk-ridden SPO post for money. One SPO, speaking for a group of SPOs, said,

We are not given any uniforms. We have to buy our own uniforms—khaki shirt and pants. They give us 1,500 rupees and expect us to buy a uniform and also survive within this money. We have to feed our family also with this.¹²⁹

The government claims it has a group insurance scheme for SPOs but one SPO informed us that the government does not provide adequate assistance to injured SPOs:

Many SPOs are injured. When they are injured, they are given treatment for two days and then they are brought to the house and left—no one to take care of them or ask about them. Sometimes, if they are injured very badly, then they lose their job [otherwise they continue to be employed]... For example, if my right arm is blown, I cannot carry a huge rifle with one hand so they will put me on duty with a small gun. How does that help? That is more dangerous for us. But the government does not care. We have not heard about any group insurance scheme for SPOs.¹³⁰

Another SPO who was injured in an armed encounter with Naxalites stated that he got some government assistance but had to pay for a lot of his medical treatment out of his own pocket.¹³¹

Freedom to resign from SPO posts

The Dantewada superintendent of police maintained that SPOs had the freedom to resign in case they chose to do so.¹³² Some SPOs felt that they could give a

¹²⁹ Human Rights Watch group interview with Irram Seethamma, Telam Suresh, and Mohin Patel (pseudonyms).

¹³⁰ Ibid.

¹³¹ Human Rights Watch interview with SPO5 (who chose to remain anonymous), other details withheld.

¹³² Human Rights Watch interview with Rahul Sharma, second interview, February 1, 2008.

resignation letter and leave.¹³³ They said that four or five SPOs resigned from their police station because they got permanent jobs in government offices.¹³⁴

However, NGO sources working in Dantewada and Bijapur districts stated that in some cases SPOs who were scared of being caught in the crossfire between Naxalites and police had run away, been forcibly brought back to the camp by other SPOs, and had been forced to continue their service.¹³⁵ They also felt that it was harder for SPOs who were former sangam members to desert and return to their villages.¹³⁶

The Chhattisgarh state government response

Government officials maintained that underage SPOs were no longer a part of their SPO force. In fact, Vishwa Ranjan, the state director general of police even denied that underage SPOs were recruited and reasoned that tribal youth appeared younger than they actually were:

There are many reports of underage SPOs but it's not true. Age is very difficult to assess. Tribal communities have a peculiar way of aging. They look very young even if they are not very young and then after a particular age, they begin to age very fast—so suddenly they look very old when they are actually not that old. We ask people what their age is and verify it with the sarpanch.¹³⁷

However, the Dantewada Superintendent of Police Sharma conceded that there had been recruitment of underage SPOs and stated that the police department had taken action to identify and remove such SPOs from their posts:

A small percentage of SPOs were underage. It was a bona fide mistake. Now they have all been removed. We got strict instructions from the

¹³³ Human Rights Watch group interview with Irram Seethamma, Telam Suresh, and Mohin Patel (pseudonyms).

¹³⁴ *Ibid.*

¹³⁵ Human Rights Watch group interview GR8 with volunteers working in camps (name and details withheld).

¹³⁶ *Ibid.*

¹³⁷ Human Rights Watch interview with Vishwa Ranjan, December 17, 2007. *Nandini Sundar and others v. State of Chhattisgarh*, Counter Affidavit on Behalf of Respondent, January 22, 2008, p. 311, para. 5(e); p. 315, para. 6.

MHA [Ministry of Home Affairs]. You tell us what we can do—if we ask them [applicants for SPO posts] for their age they say something like “I was born in winter.” We cannot go by their height and looks because the tribal build is different. They are also not educated and so we have reduced their educational qualification to allow them to be SPOs—they should have passed class five. However, we have tried to look at available records and have removed those that appear to be underage from the force.¹³⁸

The Dantewada superintendent of police claimed that “[o]ver the last four months [September-December 2007], we have removed over 100 SPOs, and in the last six months [July-December 2007], 150 were removed and 50 have left of their own choice,” but was unable to elaborate upon the different grounds for their removal.¹³⁹ He was not able to give us a breakdown of the 150 dismissals but stated that some of them were also dismissed due to disciplinary reasons.¹⁴⁰ Another police official stated that many underage SPOs were removed before his tenure began in 2007 and apologized for not having additional details.¹⁴¹

The government does not have a scheme for rehabilitation and reintegration of underage SPOs who are released because of their age. The Dantewada superintendent of police clearly stated that people who are dismissed “just go back and live in the camp.”¹⁴² A teacher from Bijapur expressed his concern that “[v]illagers have ... been removed from their SPO post and no alternative employment is provided to them.”¹⁴³ The teacher further explained how “[f]ormer

¹³⁸ Human Rights Watch interview with Rahul Sharma, second interview, February 1, 2008. See also, National Commission for the Protection of Child Rights (NCPCR), “Visit to Dantewada (Chhattisgarh) and Khammam (Andhra Pradesh) to Investigate Status of Health and Education of Children affected by Civil Unrest, December 17-19, 2007,” March 2008, p. 11. The NCPCR report states: “With regard to violation of children’s rights the Committee [NCPCR] would like to specifically note that in reference to the practice of the recruitment of children under 18 years of age as SPOs, the government and police agreed that this had occurred in the past due to lack of strong protocols on age validation but assured us that these have now been strictly enforced.”

¹³⁹ Human Rights Watch interview with Rahul Sharma, first interview, December 10, 2007.

¹⁴⁰ Ibid.

¹⁴¹ Human Rights Watch interview with police officer-1 (who requested anonymity), other details withheld.

¹⁴² Human Rights Watch interview with Rahul Sharma, second interview, February 1, 2008.

¹⁴³ Human Rights Watch interview with T-1 (who chose to remain anonymous), government teacher in Bijapur, location withheld, December 14, 2007.

SPOs can never go back to their villages because they would get killed [by Naxalites].”¹⁴⁴

D. Government treatment of suspected child Naxalites

Government security forces have detained and tortured children suspected of being Naxalites, recruited former Naxalites to work as police informers and SPOs while still children, and failed to develop a scheme for the identification, rescue, demobilization, and rehabilitation of child Naxalites. Government treatment of suspected child Naxalites is contrary to international standards, including the Paris Principles for the treatment of former child soldiers.

In one case documented by Human Rights Watch in Bijapur district, Chhattisgarh police arbitrarily detained and tortured two children on grounds of being Naxalites. A villager who was arbitrarily detained as a suspected Naxalite by police from Basaguda police station described how two other boys studying in class 10 were detained with him for a period of eight days. They were questioned about Naxalites, and tortured:

One of the boys got beaten a lot with the butt of the rifle—and he got beaten all over his body. He was screaming a lot and became unconscious. Two people were detained in the police station as guarantee when the others were released. The police told us [eight detainees] that if anything happens to them [police] and Naxalites attack them, then they will send the boys to jail. [name withheld] is the class 10 student who was beaten badly. The two people who were detained as guarantee are [name withheld], also a class 10 student, and his father [name withheld].¹⁴⁵

In other cases, children have been arrested and detained for lengthy periods. The Bijapur district superintendent of police stated that five bal sangam members were

¹⁴⁴ Ibid.

¹⁴⁵ Ibid.

arrested and sent before the Juvenile Justice Board in Jagdalpur district.¹⁴⁶ Two of the three detainees were released on bail while three continued to remain in custody when we were last able to obtain updates on their cases in early March 2008.¹⁴⁷

India is a party to the International Covenant on Civil and Political Rights, which requires a state to specify the legal basis on which individuals may be deprived of their liberty, and the procedures to be used for arrests and detentions.¹⁴⁸ Only arrests and detentions conducted in accordance with such rules are considered lawful.

The procedure after arrest as per article 22 of the Indian Constitution is that the detainee “shall be produced before the nearest magistrate within a period of twenty-four hours of such arrest excluding the time necessary for the journey from the place of arrest to the court of the magistrate and no such person shall be detained in custody beyond the said period without the authority of a magistrate.”¹⁴⁹ In addition, all arrests and detentions should be in accordance with the D.K. Basu guidelines issued by the Supreme Court of India.¹⁵⁰ According to these guidelines, police should arrange for regular medical examinations of detainees every 48 hours, detainees should be allowed to contact their lawyers during interrogation, and a friend or relative of the arrestee should be informed of the arrest and the location where the arrestee is being detained. Children should be arrested and tried in accordance with the Juvenile Justice (Care and Protection of Children) Act, 2000. As per the law, children cannot be arrested and detained in police lock-ups or jail, and should be transferred to a juvenile home immediately after arrest. Children in conflict with the law have a right to be released on bail and bail can be denied only under very special circumstances. In any event, even where bail is denied, the inquiry procedure before the juvenile justice board should be completed within four months of the date the charge sheet is filed.¹⁵¹

¹⁴⁶ Letter from Superintendent of Police, Bijapur district, to Aruna Kashyap, March 6, 2008, No. G-265. The letter does not give the date of arrest or period of detention.

¹⁴⁷ Ibid.

¹⁴⁸ International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A.Res. 2200A (XXI), 21 UN GAOR Supp. (No. 16) at 52, UN Doc. A/6316 (1966), 999 UNT.S.171, entered into force March 23, 1976, art. 9.

¹⁴⁹ Constitution of India, 1950, <http://lawmin.nic.in/coi.htm> (accessed March 18, 2008), art. 22(2).

¹⁵⁰ *D. K. Basu v. State of West Bengal*, (1997) 1 SCC 416.

¹⁵¹ Juvenile Justice (Care and Protection of Children) Act, Act No. 56 of 2000, <http://wcd.nic.in/childprot/jjact2000.pdf> (accessed June 15, 2008), Chapter II.

The police in Jagdalpur described one case from an armed encounter. They found two young girls, ages 13 and 15, who were recruited by dalam members. The girls were frightened when the shooting started, and hid in a small ditch. When the police team found them, they were carrying weapons. The girls were brought to the police station. According to the police, the two girls looked visibly frightened and started crying and pleaded for mercy. They explained to the police that Naxalites had forcibly inducted them into the dalam. Since they were children, the police decided to make them complainants and asked them to file a case against the Naxalite commander who recruited them. The police said, however, that they could not assist the girls because the government had no scheme to rehabilitate and protect such children. They traced the girls' parents and sent the girls home even though the parents begged that their children should not be sent back—they would be re-recruited or killed.¹⁵²

In some cases, police use “surrendered Naxalites” (former Naxalites who police claim deserted Naxalite forces and sought police protection) as SPOs or *Gopni Force* (informers), irrespective of whether they are underage. These former Naxalites receive weapons training from government forces. Human Rights Watch spoke to four surrendered child Naxalites who are being used by the police as informers or SPOs. The informers and SPOs say they participate in armed combing operations conducted by the police and also fear Naxalite reprisals.

¹⁵² Human Rights Watch interviews with SP G. P. Singh, January 26, 2008 and station house officer of police station in Jagdalpur (name and details withheld), January 27, 2008.

VI. Impact of the Conflict on Education

A. Disruption of schooling in Dantewada and Bijapur districts

The conflict has severely impacted children's access to education. A survey conducted by a local NGO indicates that around 40 percent of the children between ages 6 and 16 residing in camps are not attending schools.¹⁵³ Many villagers told Human Rights Watch that schools stopped functioning as soon as Salwa Judum started. A villager from Mukudtong told Human Rights Watch,

All children from our village stopped going to school after Salwa Judum started because Salwa Judum used to abduct children and take them to the camp. From our village, they forcibly took about 20 people, both adults and children. This happened at the time of *Dusshera* [an Indian festival in September-October] last year [2006].¹⁵⁴

Similarly, Prakash, who was displaced from Kannaiguda village, stated that teachers stopped going to the local school because Salwa Judum members beat them for allegedly assisting Naxalites:

There used to be schools around Gangarajpadu. The nearest school was in Maita, around two kilometers away. After the Judum started, children stopped going to school. The teachers also stopped going because Judum people used to beat teachers accusing them of giving midday meals to Naxalites instead of students. So teachers also got frightened and stopped teaching.¹⁵⁵

¹⁵³ Vanvasi Chetna Ashram, "Way Forward, Survey of Families in Camps," (Disha Pariyojana, Raahat Shivi-roan Ka Parivarik Survey," undated. Human Rights Watch does not have information about the percentage of school-going children prior to June 2005.

¹⁵⁴ Human Rights Watch group interview with Vadtam Veera and Vadtam Cheena (pseudonyms), IDPs from Mukudtong, village K10, Khammam district, December 7, 2007.

¹⁵⁵ Human Rights Watch interview with Prakash (pseudonym), IDP from Kannaiguda, Kothooru, Khammam district, December 4, 2007

Many schools buildings have been destroyed by Naxalites to prevent Salwa Judum and police from using them for their operations. For instance, one villager said,

The Basaguda [Salwa Judum] meeting was conducted in the Basaguda school. Tharrem school [10 km from Basaguda] was used as a CRPF [Central Reserve Police Force] camp for three days. Maoists have now destroyed the Tharrem school.¹⁵⁶

The Dantewada district collector confirmed that “[o]n police operations, police use government buildings.” He further added that, “Naxalites target government buildings—even if it’s a school or a health center—so many of these buildings have been damaged.”¹⁵⁷ Villagers gave Human Rights Watch the names of around 20 schools that they knew were destroyed by Naxalites prior to February 2007; most of them were destroyed after Salwa Judum started in June 2005.

In a public statement in October 2006, Naxalites defended their destruction of schools:

As for destroying schools used by the CRPF as their camps, neither the people nor our Party think it is wrong. The schools, once they are occupied by these forces, are transformed into torture chambers and concentration camps and there is no hope that they will once again be used as schools in the near future.... Education of the *adivasis* [tribal communities] is not affected by destruction of school buildings used by the security forces but by the destruction of entire villages (up to 900 villages had been uprooted since June 2005) by the state police, para-military forces and Salwa Judum goondas with active police support.... We are curious to hear what you would say of hundreds of

¹⁵⁶ Human Rights Watch interview with IDP-1 from Lingagiri (who chose to remain anonymous), village K1, Khammam district, December 1, 2007. The Central Reserve Police Force or CRPF is a paramilitary police force deployed by the Indian central government in the region.

¹⁵⁷ Human Rights Watch interview with K. R. Pisda, district collector of Dantewada district, Dantewada, December 10, 2007.

other villages which do not have schools although “Maoist threat” does not exist in those villages?¹⁵⁸

Unless they are being occupied by military forces, international humanitarian law prohibits the destruction of schools, since they are civilian objects.¹⁵⁹

The Indian National Commission for Protection of Children’s Rights (NCPCR) has recommended to all parties that schools should be recognized as “zones of peace”:

In recognizing schools as a critical element in ensuring the protection of children’s rights, the NCPCR Committee strongly urges that schools be identified as “zones of peace” by all parties. This would include non-use of schools for any other than educational purposes, separation of schools from the camps, and introduction of programmes addressing the psycho-social needs of the children delivered within the school environment with appropriate training of teachers.¹⁶⁰

The Chhattisgarh government has relocated or merged around 260 schools from Dantewada and Bijapur districts since Salwa Judum started.¹⁶¹ For instance, what was originally the Dornapal day-school campus now functions as a day-school and a residential school. It houses 12 residential schools with around 1,000 children, some studying in tents and corridors for lack of space. The relocation of schools has in some cases separated children from their families because they are studying in residential schools far away from their home villages.¹⁶² The government has also permitted local NGOs to take children from camps to other towns or cities in

¹⁵⁸ Letter from Ganapathi, secretary general, CPI (Maoist), to the Independent Citizen’s Initiative, October 10, 2006, <http://www.cgnet.in/N1/maoistreplytoici/view?searchterm=reply> (accessed February 20, 2008), para. 5.

¹⁵⁹ See ICRC, *Customary International Humanitarian Law*, rule 8 (“military objectives are limited to those objects which by their nature, location, purpose or use make an effective contribution to military action and whose partial or total destruction ... in the circumstances ruling at the time, offers a definite military advantage”); rule 10 (“civilian objects are protected from attack, unless and for such time as they are military objectives”).

¹⁶⁰ National Commission for the Protection of Child Rights (NCPCR), “Visit to Dantewada (Chhattisgarh) and Khammam (Andhra Pradesh) to Investigate Status of Health and Education of Children affected by Civil Unrest, December 17-19, 2007” report, March 2008, p. 4.

¹⁶¹ Letters from Block Education Officers of Usur, Bhairamgarh, and Konta, to public information officer, District Collectorate Dantewada (copied to Himanshu Kumar), July 5, 2007.

¹⁶² Human Rights Watch group interview GR3 with volunteers working with school children (names and location withheld), December 9, 2007.

Chhattisgarh for their schooling.¹⁶³ In some cases, such relocation has separated children from or limited contact with their parents who are residing in camps.¹⁶⁴

B. IDP access to education in Andhra Pradesh

Children of internally displaced parents who have fled to Andhra Pradesh often drop out of school because they do not speak the language of instruction: schools in Andhra Pradesh teach in Telugu while schools in Chhattisgarh teach in Hindi.¹⁶⁵ In addition, many children do not possess school leaving certificates from their Chhattisgarh schools, making it difficult to enroll in local schools in Andhra Pradesh.¹⁶⁶ According to Sitara Foundation, a local NGO that provides medical and other humanitarian assistance to displaced persons, around 450 internally displaced children have dropped out of school in Chinturu *mandal* [administrative division] alone.¹⁶⁷

At this writing, the Andhra Pradesh government had yet to sanction a single Hindi-language residential bridge course (a course designed to mainstream out-of-school children into regular schools) despite requests from local NGOs and activists.¹⁶⁸ The Integrated Tribal Development Agency (ITDA) project officer for Warangal district said,

IDPs are not much interested in attending schools because of the language problem and distance ... In this district the mother tongue of [local] tribals is Telugu. So we are not planning to establish schools in any other language. In other districts, there are other languages.¹⁶⁹

The ITDA project officer for Khammam district assured us that schools were open to all children including IDPs, but failed to address the problem of language as a barrier

¹⁶³ Human Rights Watch interview with Pillay, Gayatri Sangh Parivar, Jagdalpur, January 26, 2008; phone interview with Sandhya Madharia, Gayatri Sangh Parivar, Raipur, February 6, 2008.

¹⁶⁴ Ibid.

¹⁶⁵ Human Rights Watch interviews with J. P. Rao, professor from Osmania University, Hyderabad, November 28, 2007 (first interview); local activist N3 (name and details withheld), Warangal, November 29, 2007; Dr. Haneef, Sitara Organization, Chinturu, December 4, 2007 (first interview); NCPCCR, "Visit to Dantewada and Khammam," p. 7.

¹⁶⁶ NCPCCR, "Visit to Dantewada and Khammam," p. 7.

¹⁶⁷ Human Rights Watch interview with Dr. Haneef, first interview, December 4, 2007.

¹⁶⁸ Ibid.

¹⁶⁹ Human Rights Watch interview with S. Sunder Abner, project officer for Warangal district, Integrated Tribal Development Agency, Eturnagaram, November 29, 2007.

to education. He offered a “solution” to the language problem—that because displaced children are bilingual (speaking both Hindi and Koya, a tribal language) they could go to Koya schools in interior villages.¹⁷⁰ A local NGO however said that this solution would not address the language barrier—written Koya uses the Telugu script, and poses the same problem as Telugu-medium schools.¹⁷¹

The Indian central and Chhattisgarh state governments should take immediate steps to ensure that government security forces avoid using school buildings, restore damaged schools, and facilitate contact between parents and children where they have been separated due to schooling needs. Naxalites should immediately stop destroying school buildings to ensure that civilians who voluntarily return to villages are able to use government facilities in interior areas. The Andhra Pradesh government should immediately provide access to education in Hindi to ensure that displaced children are able to continue their education.

¹⁷⁰ Human Rights Watch interview with K. Bhaskar, sub-collector of Khammam district holding charge as ITDA project officer for Khammam district, Bhadrachalam, December 7, 2007.

¹⁷¹ Human Rights Watch interview with Dr. Haneef, Chinturu, December 7, 2007 (second interview).

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April 28, 2008

Shri Raman Singh
Chief Minister of Chhattisgarh
Mantralaya
Raipur

Dear Chief Minister Singh:

Human Rights Watch is an independent, non-governmental international organization that monitors human rights developments in over 70 countries around the world.

We conducted an investigation into human rights issues in Dantewada and Bijapur districts of Chhattisgarh from November 2007 through February 2008.

We are extremely concerned about the suffering of ordinary civilians who are caught in the middle of the conflict between Naxals and the Salwa Judum and government security forces. We found that all parties have been responsible for serious human rights abuses. However, abuses by the Naxals do not justify abuses, including killings, beatings, abductions, arbitrary detentions, and looting and burning of villages, by Salwa Judum members with the support of the security forces.

We will be issuing a report in mid-2008 based on information collected during the research mission. Before we issue this report, we are keen to incorporate your government's views on how these problems can be addressed. In particular, we would like to include your views on the development, impact, and outcomes of Salwa Judum—specifically, your responses to the questions annexed to this letter.

We appreciate your responding to our questions, which if received by May 15, 2008, will be taken into consideration in the preparation of our report. Responses may be emailed (beckerj@hrw.org) or faxed (+1-212-736-1300) to us.

We also stand ready to engage in dialogue with you about important human rights concerns in Dantewada and Bijapur, and possible solutions to the problems faced by tribal communities in the region.

Sincerely,



Jo Becker
Advocacy Director

List of questions for your response:

1. Following NGO and fact-finding reports that government officials including police were involved in human rights abuses committed by Salwa Judum, has the government initiated any action against any government official (including police officials) **before** the Supreme Court ordered the NHRC investigation on April 15, 2008? Please furnish details including names of officials, nature of action initiated, when such action was initiated, and any outcome.
2. Given the nature of accusations of involvement of senior state police officials and government security forces in human rights abuses, what precautions is the government taking to ensure that such officials are not involved in investigations?

3. What measures is the government taking to protect victims and witnesses while deposing before NHRC?
4. What steps has the government taken to prevent custodial torture and arbitrary arrest and detention of persons alleged to be Naxals? Has the government investigated any allegation of arbitrary detention and arrest of alleged Naxals?
5. What steps has the government taken to trace persons who have gone missing after Salwa Judum started?
6. Has the government developed a scheme for safe return and rehabilitation alternatives for residents of government-run Salwa Judum camps (also known as relief camps or base camps)?
7. What steps has the government taken to ensure protection and humanitarian assistance to persons from Chhattisgarh who fled and settled in Andhra Pradesh?
8. Following NGO and fact-finding reports that the government has recruited under-age SPOs, what measures has the government taken to identify and rehabilitate underage SPOs? How many underage SPOs were identified and rehabilitated? Please furnish details.
9. What measures has the government taken to identify and rehabilitate child Naxals? Is there any special scheme for rehabilitating child Naxals? If yes, then please furnish a copy of the scheme.

Acknowledgements

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