

Report on the visit of S. Jalaja, Special Rapporteur, NHRC to Khunti, West and East Singhbhum districts in Jharkhand

I visited the state of Jharkhand a second time from 9- 13 September, 2013. The first visit, almost a year ago, was to the extremist-affected districts of Latehar, Daltonganj and Garwah. This time I covered Khunti as well as the East and West Singhbhum districts. Khunti district falls in the South Chotanagpur Division and East and West Singhbhum districts in Kolhan Division of the state. All the three districts are affected by extremist activities, with Khunti being the most affected.

In the districts I had extensive discussions with the Deputy commissioners, Senior Superintendents of Police and other district- level functionaries. The implementation of the Criminal Justice System at the district /sub-district level, status of implementation of the Civil and Political rights (including extremist movements in the districts) as well as Socio-economic rights were discussed. Field visits were also made to assess the status of implementation of these Rights.

1. Profile of the Districts

Khunti district was carved out of Ranchi district on 12 September 2007. It is historically known as the heart of the Munda rebellion against the British led by legendary Birsa Munda. Khunti town is the headquarters of the district. The district is predominantly tribal.

It takes about an hour and ten minutes to reach the district HQ from Ranchi. The areas in the district close to Ranchi are somewhat developed; the hinter lands, however, are covered with forests and verdant vegetation, dotted by parcels of cultivated land.

West Singhbhum is one of the oldest districts in Jharkhand. After the British conquest of Kolhan (earlier Manbhum and Singhbhum areas) in 1837, a new district was formed known as Singhbhum with Chaibasa as its headquarters. It was again bifurcated in 1990 into East Singhbhum district with 9 community development blocks and Jamshedpur as its head quarters, and, West Singhbhum (Chaibasa) district with the remaining 23 blocks and Chaibasa as its head quarters. West Singhbhum was further divided into two parts in 2001 into Saraikela-

West Singhbhum is located in the Southern part of the state and is the largest district in the state, about 130kms away from the state capital. The district is covered with hills with undulating valleys, steep mountains, and deep forests on the mountain slopes.

East Singhbhum is situated in the south-eastern corner of Jharkhand at about 160 kms from Ranchi. More than 50% of the district is covered by dense forests and mountains.

Population

According to the 2011 census Khunti district has a population of 530,299. With a population density of 215 inhabitants per sq. kilometers, it is the second least populous district of Jharkhand (out of 24), after Lohardaga.

West Singhbhum district has a population of 1,501,619. The district has a population density of 209 inhabitants per square kilo meter (540 /sq mi).

East Singhbhum district has a population of 2, 291, 032. The district has a population density of 648 inhabitants per square kilo-meter.

Tribal population

Khunti district has more than 50% tribal population. 65.4% of the population in West Singhbhum district is tribal, whereas, in East Singhbhum district it is only 27.8 %. In Khunti district Munda, Kharia, Oraon, tribes dominate. In the Kolhan area Santhals, Ho, Munda, Kharwar, Lohra, Kharia and other smaller tribes are mostly found. Santhali is spoken in parts of East Singhbhum and Mundari is spoken mainly in Khunti and parts of West Singhbhum. Ho is mainly spoken in East Singhbhum .

The tribal communities have a distinct cultural identity, as compared to other groups. They are socially and economically disadvantaged, in comparison to others. They have special developmental needs in terms of access to services and facilities, compared to other backward groups. With rapid urbanization, migration, denudation of the forests and alienation of tribal lands, the districts are fast losing their tribal character. *Although the state was formed after prolonged struggles, the Scheduled Tribe population continues to fare poorly in several indicators such as literacy, health and nutrition.*

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Incidence of crime in khunti district /charge sheet filed

Type of crime	year			
	2010	2011	2012	2013
Murder	90(54)	131(72)	126 (48)	34 (06)
Attempt to murder	36	29	25	11
theft	43(12)	54(18)	45(23)	15(03)
dacoity	06 (01)	07(04)	-	-
rape	02(02)	12(11)	08(06)	03(01)
kidnapping	-	-	-	-
Robbery	13(08)	23 (12)	08(02)	04(01)
CLA Act	40(21)	35(24)	44(31)	20(06)
Miscellaneous	78(48)	77(66)	81(600)	30(12)

Form the above table it would be clear that the speed of investigation and filing of charge sheets is slow in the district. Against 90 murder cases in 2010 only in 54 cases charge sheets have been filed. In 2011 and 2012 also the position is not different. Only 3 rapes have been reported this year, against which only one charge sheet has been filed. The data does not indicate the outcomes in cases. It should be presumed that there is no conviction in most of the cases.

An analysis of the data furnished by the district police shows that out of 192 under trials in Khunti Sub jail, 172 are from the district. Most of them are involved in Murder cases u/s 302 IPC. Their average age of the UT varies between 22-35, although elderly tribals are also allegedly involved in crimes. The high crime rate is stated to be due to low literacy levels and rampant alcoholism.

West Singhbhum (Chaibasa)

Shri Abubaker Siddhique is the Deputy Commissioner and Shri Pankaj Khamboj is the SSP, Chaibasa. The SSP stated that the problems in the district are mainly on account of extremist activities, although there are some cases of labor unrest too. According to him, the records in respect of crime-related courts maintained by

2815 cases are pending for trial at the end of the year, including 2274 cases from the previous year. Only in 296 cases trials were completed. 132 cases were compounded or withdrawn. While 250 cases were acquitted or discharged, conviction was secured in 46 cases only.

c. East Singhbhum

Shri Amitab kaushal is the Deputy Commissioner and Shri Richard Lakra is the SSP of East Singhbhum district. The incidence of important IPC /SLL crimes reported in the district in the last three years is given below.

Incidence of crime in East Singhbhum district

Type of crime	year			
	2010	2011	2012	2013
Murder	113	85	85	57
Attempt to murder	36	29	25	11
theft	947	289	296	482
dacoity	14	11	9	7
rape	37	39	56	57
kidnapping	89	71	98	51
NDPS	10	15	19	11
CLA Act	39	12	7	3
Excise	80	79	101	50

not a punishment); and in how many cases the departmental action has been completed; and what penalties have been imposed on the errant police personal. It may also be asked to indicate action, if any, taken to prevent such incidents from taking place in future. (Usually only the Guidelines issued by the Commission are routinely copied and issued to DCs/SPs).

Deaths in police custody

Two deaths in police custody were reported in Khunti district, both of which were stated to be suicides. The cases UT case no.S0-01/09 Murhu P.S involving Novel Bodra and UT S0-05/11 Khunti P.S in respect of Mansidh Tigga are old cases in which the then Thana in Charge of both police stations were suspended. Both were stated to be deaths by hanging. The only case against late Tigga was he was creating nuisance in his village in a drunken state. *It is not clear how those in police custody had the opportunity to commit suicide by hanging.* What was the conclusion of the departmental proceedings in both cases was not clarified. Surely by this time the departmental proceedings ought to have been completed. It is a pity that the families of the deceased are yet to be paid compensation. It was stated that letters have been sent to the DC in this regard.

Reports in respect of these deaths are stated to have been sent to NHRC. The Commission may like to consider the matter.

The SSPs West and East Singhbhum stated that there has been no case of custodial deaths/rapes reported in their districts in recent years. However, In Jamshedpur, *four days before my visit, one death in police custody was reported which gained considerable adverse publicity in the media.* The officer-in-charge of the Thana has been suspended and an inquiry ordered into the incident. It was stated by the Dc that NHRC has already been informed. *As in the case of encounter deaths, here again the Commission may like to consider calling for a report on deaths in police custody in the state as a whole.*

Cases relating to alleged extremists

From the information made available by the District Police it is seen that 139 cases have been filed against alleged extremists in Khunti district in the period 2010-13 (up to now); charge sheets have been filed in 82 cases. In 2010 out of 19 murders relating to extremists 10 relate to MCC and 09 to PLFI. In 17 cases charge sheets have been filed; in 2011 out of 20 cases (09 MCC and 11 PLFI) charge sheets have been filed in 13 cases. In 2012 out of 33 cases (06 MCC and 27 PLFI) only in 11 cases charge-sheets have been filed. In 2013 out of 06 cases (02 MCC and 04 PLFI) only one charge sheet has been filed.

Being a new district Khunti *has no dedicated SP'S office*. More number of two wheelers are required keeping in view the nature of the terrain. Although the police have adequate number of weapons, some latest weapons would be needed.

It was stated that all vacancies of Constables have been filled up in Chaibasa district; *however, 50% of the vacancies of posts of SI still remain to be filled up*. The need for having private vehicles for movement of police force was pointed out, since government vehicles are often targeted by extremists. The district has adequate number of weapons and equipment.

SSP, Jamshedpur confirmed that the district has sufficient equipment, manpower and vehicles.

NHRC References

Altogether 8 cases in khunti district are being monitored by the NHRC- 6 human trafficking cases and 2 encounter death cases. Reports in respect of all cases have been sent to NHRC. It was stated by SSP, Chaibasa that reports in respect of 23 references received from NHRC have already been sent to the Commission and that three references received from NHRC are pending for replies. SSP Jamshedpur confirmed that reports have been sent in respect of NHRC cases

Dowry deaths

Dowry-related problems are comparatively few in number in all the three districts. In Khunti district only one dowry related death was reported in 2013, while in adjoining West Singhbhum district 1-2 dowry related cases per month are reported. No dowry deaths are reported from East Singhbhum district in recent times.

It is often seen that with increasing urbanization the number of dowry-related cases is likely to go up. It would be necessary to create awareness about dowry-related issues amongst the public, even if very few cases are reported at present.

NDPS

Alcoholism is rampant in the three districts, as in other districts of Jharkhand. Tribal communities traditionally drink hadia made from fermenting Mahua flowers. However, illicit liquor is readily available in the countryside. Liquor consumption has ruined tribal communities; it is the cause of many crimes; it is one of the underlying causes of indebtedness and land alienation. On inspection of jails in the area it was observed that only small time vendors/manufacturers are put behind bars. The kingpins are not usually apprehended, due to their political connections. Unless this social problem is addressed without any delay, no development activity can lead the people out poverty and malnutrition in the state.

Logging and misapplication of forest policies are reducing the availability natural resources to the tribal communities. Declining fertility of soils, increasing incidences of drought and seasonal shifts in rainfall patterns are affecting traditional cropping patterns and limiting harvests.

Jharkhand is the fifth poorest Indian state with 51.6% rural people below the poverty line (BPL). The Scheduled tribe population is more vulnerable, with incidence of poverty at 53% among the STs compared to 25% among others (non-ST, non-SC). As per official reports four out of every 10 women in Jharkhand are undernourished. Half the children younger than three are considered malnourished. Half of children under age of 5 are stunted and one-third of children are wasted or too thin for their height. About 57% are underweight due to both chronic under nutrition, worse nutritional status than children in most other states in India. 85% of ST women were reported anemic in 2005-06 compared to 57.6% others, 80.5% ST children were anemic compared to 56.7% others.

Out of 89,000 poor families only 40,000 in Khunti district have been identified BPL Category; *near about 50,000 families have been left out.* Some are being covered by the State Government for the purpose of providing food security. It was stated that the last BPL survey conducted was in 2002-07.

I visited village Ghoda Toli with a population of about 1500 as per 2011 census. Majority of the population comprise of tribals. A few families belonging to minority community besides Lohra, Nayak (SC) and 1-2 families of Ghasi communities are also residing in the village. The villagers complained that only 30% of them have been identified as BPL whereas at least 50% of the population falls in that category. Agriculture is the main occupation of the people. Ms Sheela Nag a tribal woman is the Mukhya. She is a confident young woman who appears to be fully conversant with the problems in her Panchayat. She explained that irrigation wells have been mostly taken up in the village under the MNREGA. The villagers stated that laborers are being paid Rs.138/per day. On inquiry the villagers stated that they eat their meals twice daily, rice with locally grown vegetables. They are unable to afford meat or fish.

In West Singhbhum I visited a village called Tamad with a population of 5000.100% population is tribal. There are 300 OBC and 20-25 families of Scheduled castes in the village. Ms Sarswati Pari is the elected representative of

regular check-ups and for completing the vaccination schedule of babies born to them.

While interventions like ICDS are welcome, it is too little in comparison to the extent of malnutrition amongst the SC/St in the state. In many a case the food grains made available through the PDS is the only source of meals amongst a sizable section of SC/ST population, especially in Khunti and parts of West Singhbhum districts. Short-term and long-term policy interventions, together with close monitoring of the availability of at least two meals per day to the affected population only could help].

Right to Health

In Jharkhand Infant Mortality Rate (IMR) among STs reported was 93 compared to 75.5 among others and the under-five mortality among ST was 138.5 compared to 92.7 among others (Annual Health Survey). The state also has one of India's highest mortality rates for children under five. Child mortality rate of 69 per 1,000 is much higher than the national average. Infant mortality rate is 67 as against all India average of 57. Percentage of child immunization is 34.2% as against India's average of 49.7%.

According to the Annual Health survey, Khunti district has an MMR of 47/1000; IMR 39. Immunization was reported at 80%. It was not clear whether the immunization figures were duly verified.

I visited CHC Murhu in Khunti district. Four regular Medical Officers and one doctor on contract basis have been posted in the CHC. However, no Gynecologist is has been posted. Unlike in other health facilities, an anesthetist is posted here. One A' grade sister is available. Dentist's work has been out sourced. The area is endemic to Malaria. Incidence of TB was also noted. No case of HIV/AIDS has been reported so far. It was stated that only a small number of patients came to the CHC for the treatment of chronic ailments. The average OPD attendance at the CHC was 75-80. An indoor hospital with 10 beds is available. However, the occupancy was only 4-5 at the time of my visit.

Diagnostic facilities are available for testing Malaria, TB, HIV/AIDS etc but an X-ray machine is not available. It could have been purchases with the funds received

Family Welfare activities are also taken up by the CHC. Both NSV and Laparoscopic methods are used. 55 NSVs and 133 Laparoscopic surgeries were conducted last year. It was stated that health camps are being regularly organized in remote areas of the district, attended by senior officials.

Under NRHM every health facility is provided with untied funds to be spent on patient welfare activities. On inquiry it was revealed that the funds received by the CHC under this item from the Central Government have been utilized for payment of salaries of a driver and two sweepers engaged on daily wages! This is highly irregular. The same funds could have been utilized in purchasing a much-needed X-ray machine and other equipment. The Health Department of the state Government may inquire into it and take appropriate action.

In East Singhbhum district I visited the CHC at Potka. It takes nearly an hour to reach there from Jamshedpur. One MO and three lady Medical Officers are posted there. However, no specialist has been posted. The OPD attendance on the average was stated to be 50-60.

Five technicians are posted in the CHC. It would appear due to its proximity with Jamshedpur, medical staff manages to get posted in places like Potka. The diagnostic lab has facilities for testing Malaria/TB/HIV AIDS and routine pathological tests. Malaria, Leprosy (high incidence) and TB cases have been reported. Very few cases of chronic illnesses have been reported.

The CHC is a 24x7 facility, supported by seven ANMs. It has a labor room for conducting deliveries, which numbers 140/month on the average. Institutional delivery is only 70% in the area. Now that ASHAs engaged under NRHM are available in every village it should have reached 100% by now. Immunization was stated to be around 85%. IMR for the district as per the Annual Health Survey is 26 and MMR 60/10000.

At the time of my visit only the CMO was present. Other doctors were said to be on leave. It was observed that very few patients had visited the facility, although it is fully equipped and had sufficient number of doctors. The OPD strength was only 50-60. When I visited the neighboring Panchayat, the villagers complained that doctors are usually not present and that medicines are not available. Although it was a 24x7 facility, according to the villagers none of the doctors were present at

Murhu and Tapkara (Torpa) are the most active centers of human trafficking in Khunti district. An Anti-trafficking cell has been set up in the district. Between 2008 and 2013 a total number of 18 cases were registered in the district. Only 11 of the accused were arrested while 5 were absconding. Up to 2010, out of 6 cases filed, all cases have been disposed of. Cases registered appeared to be too few in comparison to the enormity of the problem. Out of 12 cases registered between 2011 and 2013 up to now 8 are under investigation. Only 15 accused have been arrested; **21 accused are absconding**. This is unacceptable. The percentage of conviction in cases relating to trafficking has not been given in the data provided by the police administration. The cases relating to trafficking are mostly confined to three blocks namely Khunti, Murhu and Thorpa. *It is seen that most of the girls trafficked were aged 12, 13, 14 and 15.* Non-tribals, with the help of a few tribals are involved in trafficking in majority of cases.

- Since trafficking in the district is mostly confined to three blocks in the district only, the district administration should not have any problem in conducting a drive against human trafficking, without any further delay. The kingpins behind the trafficking racket should be apprehended.
- Fast-track courts should be set up to try trafficking-related cases.
- An awareness campaign in the district as a whole should be started
- Skill development programs for the youth, especially young girls should be taken up
- Counseling Centers for teen-aged girls should be started in schools
- Rehabilitation program of the girl victims should get priority.
- A separate women's *thana* also needs to be set up in the district.
- Individual cases should be monitored closely.
- services of reputed Institutions and NGOs should be enlisted

The DC pointed out that when women are rescued from trafficking and brought back there is no place in the district where they could be safely housed. Many of the existing protection homes usually do not have sufficient number of inmates; as such institutions in the neighboring Ranchi district could be utilized for this purpose. All cases should be monitored closely and all accused apprehended.

In West Sinhbhum district one *thana* is earmarked for facilitating women to register their complaints, with a woman ASI posted there. The second officers in the *thanas* have been notified as Child Welfare Officers. Mapping of missing women and children is currently undertaken.

perpetrated on those hapless women members of the tribal communities.

MNREGA funding should be linked to freeing Panchayat of this social evil.

Commission may like to call for a report from the state Government regarding the status on witch-hunting incidents in the state and the steps, if any, taken against those responsible for the crime, and action taken to eradicate this practice. Since it is a social problem it would be necessary to enlist the help of reputed NGOs, institutions and tribal organizations to create awareness amongst the community.

Extremism

A deficit in governance, leakage of funds and other malpractices, overriding powers of the Forest Department over traditional user rights and control and supervision by the Gram Sabha, superimposition of the modern land revenue system over the traditional Manki-Munda system, high tribal youth dropout rates prior to completing 10th-12th etc have brought about a sense of fear, alienation and marginalization amongst the tribal communities. These have, in no small measure, contributed to the growth of extremism in these districts.

All the three districts have been affected by extremist activities. As mentioned, the problem is very severe in Khunti district. According to SP Shri Tamil Vanañ all blocks in the district are affected by extremism. According to him the extremists belong to two groups mainly MCC (Maoist Communist Centre) and the Peoples Liberation Front of India (PLFI). Due to the turf war between the two, 10-12 murders are taking place every month in the district.

ANI reported on 22 June, 2013 that in Chaibasa four persons, including two women, were injured when Maoists indiscriminately opened fire during a tribal festival at Bandgaon village in West Singhbhum district. DC West Singhbhum pointed out that Seranda and Podahat forests provide refuge to the extremists. Out of 18 blocks in the district 9 are naxal-affected. Chakradharpur Subdivisin is fully affected. Badri Block is inaccessible.

DC, East Singhbhum pointed out that there is extreme inequality manifested in many ways in the society. Large scale mining has displaced many from the lands owned by them. Giving away land for mining has not benefitted the local population. Job opportunities in industrial units for which tribal lands were acquired, have been availed by outsiders with better qualifications. He stated that extremist activity is mainly due to infiltration of extremists from Odisha and West Bengal; Ghatshila and Chakulia blocks border West Bengal while Gudabanda and Dumari blocks border Odisha. The inflow has become less in recent months.

However, private vehicles are needed for movement of the forces as government vehicles are easy targets for the extremists. Light weight bullet proof jackets are a problem.

IAP

Khunti district received Rs.60 crores under IAP for 2011-12 and 2012-13: The funds have been mostly used for infrastructure development like construction of Anganwadi buildings, community centers, check dams etc.

DC Chaibasa stated that Rs.85 crores were received under IAP this year. The funds were mainly utilized for construction of roads and bridges and buildings for Health Sub centers and Anganwadis, to provide connectivity as well as installation of hand pumps. Funds are also used in skill up-gradation.

Under IAP the district received a sum of Rs.85 crores in the last three years. The funds have been utilized also for skill up-gradation. In a tie-up with Indo-Danish Tool Room one batch of 100 youth is being given training in skill up-gradation.

During my visits to the villages in the three districts it became clear that wherever the youth are employed or engaged in regular activities, they do not join the naxal movement. Therefore, provision of employment opportunities and large scale skill up- gradation could be the twin actions that could wean away the youth from joining the extremists.

Protection of the rights of Scheduled Tribes

Many safeguards are provided under the constitution to protect the interests of Scheduled Tribes. The list of constitutional provisions to safeguard the rights of the ST is given in annexure-1.

The Central Government and the Government of Jharkhand also have enacted protective legislations and has provided safeguards for the welfare of Scheduled Tribes. The list may be seen at Annexure-11

It has been pointed out that although a number of State and Central Acts, Policies and Programs have been in place for some time, these are yet to make any perceptible impact on the conditions of tribal people in Jharkhand. The Panchayat Raj (Extension to Scheduled Area) Act (PESA) was approved in 1996, but implementation modalities to establish and empower the necessary institutions have been rather slow. It was only in 2010 that the Government of Jharkhand

shown as suicides, charging visitors for meetings with prisoners, poor quality of food provided in the jails) were mentioned.

- Additional support for police force-speedy identification of Naxal Thanas
- The careful scrutiny of cases relating to alleged extremists by the police, especially women with children.
- Deaths in jails and in police custody ought to be reviewed at the highest level and accountability fixed on those who violate the instructions issued by NHRC.
- Urgent issue of malnutrition-and food security
- The problem of human trafficking-need for skill up-gradation programs; the problem of witch hunting

Due to limited time the issues relating to grant of autonomy to RINPAS, appointment of Director, RINPAS, welfare measures for staff of the institution etc could not be discussed. Also the problem of Fluoride contamination in drinking water in Garwah and other districts also should receive priority.

Conclusion

I have functioned as Deputy Commissioner in two districts in South Chota Nagpur way back in the 80's and I am acquainted with the life and culture of people of this area. It was hard to recognize that 26 years hence they still live in abysmal conditions. Today almost all the districts of Jharkhand are in the grip of extremism. Tribal communities are being pushed more and more to the interior, from the lands they once owned and roamed around freely. It is difficult to imagine that in the land of Birsa Munda his great /great grand children are struggling against the very forces which he vehemently opposed during the rebellion he lead in the early part of the 20th century. The British were quick to realize the merit in his ideals and brought about wide-ranging and far-sighted reforms to protect their life and culture, after his demise. The biggest challenge today is to wean away the tribal communities from the path of violence and restore to them what is rightfully theirs.

Legislations for protecting Tribal interests

Jharkhand Panchayat Raj Act, 2001

The Jharkhand Panchayat Raj Act, 2001 provides for the constitution of Panchayat Raj in the state of Jharkhand. After a gap of 32 years, the three-tier Panchayat elections were conducted in Jharkhand in November-December 2010. 58 per cent seats were bagged by women; 34,750 women candidates were declared successful.

Panchayat Extension to Scheduled Areas (PESA) Act

With the strength and support of PESA Act, 1996 the PRI bodies at the district and village level have been vested special functional powers and responsibilities to ensure effective participation of the tribal people in their own development. This also helps preserve and conserve traditional rights over natural resources.

Chhota-Nagpur Tenancy (CNT) Act, 1908

The CNT Act was enacted in 1908 to stop alienation of land. Section 46 of the CNT Act restricts transfer of land belonging to Scheduled Tribes/ Scheduled Castes and Backward Classes.

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006

This Act recognizes and vests forest rights and occupation on forest land in forest dwellings to scheduled tribes and other traditional forest dwellers who have been residing in such forests for generations but whose rights could not be recorded. The Act provides for a framework for recording the forest rights so vested and the nature of evidence required for such recognition and vesting in respect of forest land.

The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Rules, 1995

Scheduled Area regulations