Brutal state repression against the non-violent Pathalgadi Movement

Report of fact-finding inquiry in Pathalgadi villages of Jharkhand

On 6-7 August 2019, a team comprising activists, academics, researchers and lawyers visited a few villages of Khunti district in Jharkhand that did Pathalgadi in the last couple of years. The team met several Adivasis of the visited villages and others of neighbouring villages and also the deputy commissioner (DC) of the district. The objective of the inquiry was to understand the Adivasis’ motivation for doing Pathalgadi and the response of the administration and security forces. The fact-finding inquiry was facilitated by Jharkhand Janadhikar Mahasabha (JJM), a network of several people’s organisations and activists.

The team comprised the following: Ba Singh Munda (Khunti resident), Bilkan Dang (Jharkhand Munda Sabha), David Solomon (JJM), Elina Horo (JJM), Gunjan Singh (HRLN), Henry Tiphagne (People’s Watch), I.P. Tirkey (AIPWA), Jacinta Kerketta (journalist and poet), Jay Prakash (researcher), Kalyan Nag (Khunti resident), Kumar Chandra Mardi (JJM), Lakkhi Munda (AIPWA), Lingraj Azad (Samajwadi Jan Parishad), Madan (JMJ), Manob Choudhary (journalist), Manthan (JJM), Praful Linda (Adivasi Adhikar Manch), Prem Chandra Murmu (Adivasi Buddhijivi Manch), Sago Munda ((Khunti resident), Samuel Purty (Khunti resident), Sanjay Verma (journalist), Siraj Dutta (JJM), Soma Munda (Pahda Raja), Sonal Tiwari (HRLN), Sunil Minj (journalist and activist), Vivek Kumar (JJM)

Villages visited: Kochang, Birbanki (Arki block); Ghaghara, Bhandra and Habuidih (Khunti block)

1. Background

Pathalgadi is a traditional practice of Munda Adivasis of erecting stone slabs (pathals) in honour of their ancestors, to announce important decisions regarding their families and villages or to simply mark the boundary of their villages. After the passage of the Panchayat (Extension to Scheduled Area) Act (PESA) in 1996, many Adivasi villages in Jharkhand erected slabs which quoted provisions of this Act.

Since 2017, stones slabs painted with legal guarantees for Adivasis have been erected in several villages of Jharkhand. The stone slabs quote sections of the Indian Constitution, PESA and Supreme Court orders that give special protections to Adivasis and recognize the Gram Sabha as the basis of self-rule in tribal-dominated areas.

Pathalgadi eventually took the shape of a movement and it spread to at least 70 villages of Khunti district. It is strongest in Khunti, but also extended to some other districts and neighbouring states of Chhattisgarh, Odisha and Madhya Pradesh. There have been news reports that Adivasis have also boycotted state institutions such as schools and banks and public services such as subsidized rations under the Public Distribution System (PDS) and employment under the National Rural Employment Guarantee Act (NREGA).

Many civil society groups including People’s Union for Civil Liberties, Women against Sexual Violence and State Repression (WSS) and Adivasi Adhikar Manch have conducted independent fact-finding inquiries1, which found gross violations of human rights in the pathalgadi villages. The political parties are yet to take firm stand against the repression. These violations have received little attention in the mainstream media too. Most of the news reports in mainstream media have portrayed

1All the fact-finding reports can be downloaded from this link – https://drive.google.com/open?id=1wImHv8kXRI-7VJIXj9Kz0uuVrTwaUXM
pathalgadi as unconstitutional and a seditious movement and linked it with illegal opium cultivation, a view held by the state government.

2. Pathalgadi in the visited villages

All the villages that were visited by the inquiry team conducted pathalgadi in 2017-19 – Kochang (25 February 2018), Birbanki (24 April 2018), Ghaghara (26 June 2018), Bhandra (9 March 2017), and Habuidih (2018).

In Bhandra, the villagers informed the police and local administration about their plan to erect the pathal a day before the event. In one of the programmes, the DC and the Thana in-charge were also present. The people of Bhandra told the inquiry team that no one raised any issue regarding pathalgadi then.

In the pathalgadi ceremonies, Gram Pradhans and people from other villages also participated. The pathals are erected after performing some rituals associated with the traditional practice of pathalgadi. In all the visited villages, except Ghagra, people were able to perform the Pathalgadi ceremony without any interference from the administration.

In all the villages, the teams were welcomed warmly by the villagers. In Habuidih, the people did not want to share any information as they felt that the media had misrepresented them and the government used the distorted narrative presented by the media against them. They also shared that fact-finding teams had visited earlier as well, but there had not been no relief from state repression. The people of this village also told the team that they would discuss only in Mundari as it was a 5th schedule village.

In all the villages, the people asked the inquiry teams if there was anything wrong in the Constitutional provisions written on the pathals. In Habuidih, some persons asked, “if everything written on the slab is constitutional, then why is the State repressing people, making random arrests, and falsely accusing people of sedition”.

The Constitutional provisions and their interpretation written on the pathals are given in Annexure 1. In addition to these, the pathals also quote several orders of High Courts and Supreme Court such as Samata judgement, P Ram Reddy vs Andhra Pradesh 1988 orders, Kailash vs Maharashtra 2011 orders and so on. The villagers read these provisions and orders to mean the following – 1) the supremacy of powers of traditional Gram Sabha and traditional Adivasi governance systems, 2) the rights of Adivasis over land, 3) the restricted rights of non-adivasis and outsiders in the scheduled areas to settle down and work and 4) that Adivasis are the original inhabitants and owners of India. Several pathals also proclaim voter identification cards and Aadhaar as anti-Adivasi documents.

2.1. Motivation for doing Pathalgadi

In all the villages, the team found that pathalgadi was a non-violent response to the state’s attempts of forceful acquisition of Adivasi land, implementation of schemes without people’s consent, exploitation of Adivasis by non-Adivasis and failure of the government to respect and protect the culture and worldview of Adivasis.

The villagers said that the government had failed to understand their worldview and their ownership of resources. They clearly said that the land in their areas belonged to the Adivasis. They said that there were special Constitutional provisions for Adivasis. The Chhotanagpur Tenancy (CNT) Act\(^1\) and other Adivasi-specific laws are under threat now. Several people shared that the attempts of the current state government to amend the CNT Act to ease acquisition of land without the consent of

---

\(^1\) Areas with preponderance of Adivasi population
\(^2\) CNT Act, 1908 is an act applicable in several districts of Jharkhand that contains several provisions that restrict transfer of Adivasi to non-Adivasis.
Gram Sabha triggered the Pathalgadi movement. They also shared that Parasi gold mines \(^4\)(in neighbouring Tamar block) was auctioned for mining as the government tried to amend the CNT Act. There is an apprehension amongst people that the government is planning to forcefully acquire land in their area for mining activities or for building roads and other infrastructure related to the Parasi mines. Some villagers of Birbanki said, “Jiska zameen, uska khani j” (Owner of land is also the owner of minerals). They also added, “Sarkar apne hisaab se rajyana chalaye. Samvidhan ke hisaab se Sarkar chalaye” (The government should not run the state as per its own ideas. The state should be run as per the Constitution).

The residents of Kochang recently received a notice from the administration to gather for a Gram Sabha the following day to discuss the acquisition of land for broadening a single lane road crossing through their village to a 50 feet-wide road. The people told the administration that they had decided not to give land for the project. When the land acquisition officer told them that they would be given compensation, the people clearly told him that they would not accept compensation in lieu of their land as it is not permitted as per the Mundari Khuntkatti\(^5\)land laws. The people clearly told the inquiry team, “Adhigrahan se humlog sahamat nahi hain. Muawza nahi le sakte hain” (We do not agree with the acquisition. We cannot take compensation for it). One of them added, “Sarkar ki in galat nitiyon ke karan pathalgadi shuru hua” (the pathalgadi movement started because of such wrong policies of the government).

In some of the visited villages, people said that their land was from their ancestors. They have laid pathals on graves of their ancestors in their remembrance. They cannot carry these stones and leave their land. Adivasis worship and follow nature. The nature is their god and the earth their mother. If the land is taken away, then their god will be taken away from them. A person in Birbanki said, “Adivasiyon ke dharam mein prakriti hai aur shasan vyavastha mein bhi prakriti hai. Hum Adivasi hain, humko Adivasi ke tarah hi manana chahiye” (Nature is an integral part of the Adivasi religion and governance system. We are Adivasis and we should be recognised as Adivasis).

Someone in Bhandra said, “Bhasha, sanskriti, jal, zameen ki loot ho rahi hai. Aane wale samay mein hamari pidhiyon ko aur bhi zyada dikkaton ka samna karna hoga. Isiliye apni paramparaon ko bachane, fir shanti bahal karte ke liye gram sabha ki shakti ko jagane ki zarurat hai. Isi soch ke sath pathalgadi shuru ki gayi” (Language, culture and natural resources are being looted. In the coming days, our generations will have to face more problems. So, to save our traditions and to establish peace, it is important to strengthen the Gram Sabha. Pathalgadi was started with this thought).

There is also anger against the development policies of the government. A person told the team, “Adhikari log Adavasi logon ko bewakoof bana rahe hain. Dara ke vikas karne mein sharam aana chahiye unko” (The officials are fooling Adivasis. They should feel ashamed for threatening people in the name of development). A person from a neighbouring village said that frontline functionaries threatened to imprison those who did not construct toilets. A common grouse in all the villages was that schemes are implemented without the consent of the Gram Sabha. Schemes that are not needed by the people are imposed on them.

In none of the villages, the team could verify the claims of the government that Pathalgadi was done to promote illegal opium cultivation. People said that some villages in Khunti have been cultivating opium since past several years. They also said that a few persons may have started the cultivation recently but that had nothing to do with pathalgadi.


\(^5\) Mundari Khuntkatti is a traditional institution of the Munda tribe of Chhotanagpur region which provides and regulates ownership of land (cleared in forests) amongst all the families of a clan.
The inquiry team feels that while some of the Constitutional clauses mentioned on the pathals may be wrong or overstretched interpretations, the issues and demands of the people, as told to the team, are valid and well within their Constitutional rights.

2.2. Government services in Pathalgadi villages

Several residents of the villages visited by the fact finding team have stopped using their ration card, Aadhaar and voter card since they conducted pathalgadi. Many have even burnt their cards. In Ghaghara, people said that initially they did not want to burn these documents, but decided to do so after the reasons given by Joseph Purty. In Kochang, almost a third of people have stopped accessing PDS ration. People of the village rejected Aadhaar as it is for the ‘aam aadmi’ (common man) (the card mentions ‘aam aadmi’). According to them, they are not ‘aam aadmi’, but ‘kaaas aadmi’ (special people). They argue that the card also does not differentiate between Adivasis and non-Adivasis. Any outsider can be considered equal to the Adivasis. This may lead to exploitation of Adivasis and their resources.

Several people also said that they do not need the PDS food grains as they own the land and they can grow all the food that they need. According to them, they are the owners of their land and not subjects of the government. They get subsidised ration at Re 1 per kg, but they fear that the government may ask them to return all the subsidy in future. A few people said, “Modi sarkar sabko subsidy chhodne hai. Aur jab Gram Sabha ne ration nahi lene ka nirmay liya, to logon ko deshdroh bula ja raha hai” (Modi government keeps telling everyone to give up subsidies, but when the Gram Sabha decides to not take ration, people are being called anti-national). When the fact-finding team asked them about the food security of the landless families, they said that landless people were allowed to take ration.

In Bhandra people have not burnt their Aadhaar or ration card – they are simply not taking rations. The villagers said they have started a non-co-operation movement because the government benefits do not reach them, but they are not against the PDS in principle. The government never consults them on what they really want and imposes its schemes from above. For instance, some households do not have proper housing, but instead of constructing houses for them, the government is forcefully constructing toilets. Further, most of the toilets are not being used. None of the households of Lupungpi hamlet of Birbanki allowed the government to construct toilets.

After pathalgadi in Ghaghara, the school was shut for two months. No NREGA schemes are being implemented in the villages that were visited even though people expressed the need for employment. In Birbanki, people said that they were not against NREGA, but no scheme had been implemented in the last two years. In Bhandra and Birbanki, people said that wages of NREGA work done a few years back were still pending.

In the villages that were visited, several people said that they did not need the voter cards as the Gram Pradhan and Gram Sabha are their primary governing institutions. They do not need voter cards to elect their Pradhans. Several people in the pathalgadi villages did not vote in the Lok Sabha elections of 2019. In Kochang, people had decided to vote (contrary to the decision of many Pathalgadi villages such as Ghaghara), but finally several people did not vote.

3. State’s responses to pathalgadi

The team found that the state responded to pathalgadi with severe repression and violence (see following section)

People have been beaten, houses were ransacked and several villages were raided. In some villages, most of the people left their homes and livestock and lived away for a while, in fear of the police.

6 Joseph Purty, a resident of Khunti’s Uduburu village, is one of the leaders of the Pathalgadi movement.
Several people still run away when they see a police team approaching their village. Some have stopped going to Khunti town. The police have told people not to organise meetings in their villages. Several villages have stopped organising their weekly Gram Sabha meetings (traditionally organised since several decades).

3.1. Unanswered questions and lack of transparency in investigation in Kochang rape incident

The residents of Kochang told that the fact-finding team that on 19 June 2018, a nukkad naatak (street play) team comprising five women and a couple of men arrived in a car in Kochang to perform an awareness play. No one, including the Gram Pradhan Sukhram Soy, was aware of the team’s plan to perform the play. The team went to perform in the school run by Christian missionaries and headed by Father Alphonso. He was also not aware of the team’s plan. After some time, a few men came on motorcycles and asked the women of the team to go with them. The women were taken in their own car (in which they had come). The people of Kochang told the inquiry team a villager, Martin Soy, met the women at the village chowk (when they were being taken away in the car). He asked them where they were going. They answered normally and told him, “hum log udhar ghumne ja rahe hain” (we are just going to hang out). A couple of days later, it was reported in local newspapers that persons associated with the pathalgadi movement had taken the girls and raped them. People of the village were not aware of the rape incident till it came out in the newspapers after a couple of days.

The police accused the principal of the school and leaders of pathalgadi movement such as Balram Samad and John Junas Tidu for the rape. On 21 June 2018, Balram and John came to a Gram Sabha meeting in Kochang and informed the people that they did not do it.

3.2. Attempts to forcefully acquire land for police camp in Kochang

The Jharkhand Armed Police (JAP) force had set up its camp in the school and Panchayat Bhawan of Kochang after the gang rape incident. They asked the village head Sukhram Soy to give the land (Khata no. 169, plot no. 1058) measuring 2.47 acres to them for establishing their camp. The plot is part of a land locally known as Jiling bure and Gidiba, where people celebrate sarhul. The land also has religious significance in rituals of birth and death. A few landless families were also given some land in that area by the Gram Sabha to build their houses.

Sukhram refused and said that it was collectively owned by the people of the village, under the khunkatti laws. Also, the land has religious significance. It is used for Sarna puja and the wood of this land is used during burials. The police kept putting pressure on Sukhram to give them the land. He said that it could only be discussed in a Gram Sabha meeting. The government issued a notice on 23 October 2018 that the Gram Sabha was to be organised on 31 October.

On 29 October, Sukhram Soy on his way back from Ranchi, was arrested in Khunti at about 7:00 pm in the evening. He was taken to the Khunti thana and forced to sign on a resolution of Gram Sabha giving consent to the use of land for construction of the “community building” (police camp). He was threatened that there were four cases against him and he would be incarcerated in the jail if he refused to sign.

On 30 October 2018, people of Kochang had gathered for the Gram Sabha that was to be held to discuss the acquisition of land. No one from the administration participated in the meeting. On 31 October, the station house officer (SHO) of Arki thana, Chandrashekhar Azad went to the local Kochang market and distributed saris and dhotis to the people and made them sign / put their

7 Journalist Javed Iqbal inquired into the incident and exposed several gaps in the government’s version and lapses in police inquiry. His newsreport - Jharkhand Gang Rape Survivor's Account Upends Narrative of Pathalgadi Role – can be accessed from this link - https://thewire.in/rights/jharkhand-pathalgadi-movement-gang-rape-police-firing
Thereafter, the villagers protested and passed a resolution in the Gram Sabha that they did not agree and approve the bogus land acquisition process. This resolution of Gram sabha was also sent to land acquisition department. The police and the government officials continued pressurising the people for the land acquisition. The case is still pending.

3.3. Police violence and terror in Ghaghara

On 26 June 2018, the pathalgadi ceremony was organised in Ghaghara village. Several people (7000-8000) came from neighbouring villages and blocks to attend the ceremony. About 4000 vehicles (mostly two wheelers) had come. Many of them were parked in the lanes of the village. The previous day, the police went to Uduburu village (and Jikilata) at night to arrest Joseph Purty, but he ran away. People of those villages were then beaten by the police. When this information reached Ghaghara, the villagers debated whether or not to proceed with the pathalgadi ceremony in their village, but finally decided to go ahead with it. In the morning of 26 June, the police came to the pathalgadi site of Ghaghara and asked about the whereabouts of Junas Tudu and Balram Samad, accused in the Kochang rape incident that took place a few days earlier. They also inquired about the Kochang rape incident. The villagers asked them why they had come on the day of pathalgadi to ask that and told them to go to Kochang for this and let them organise their pathalgadi ceremony.

The police stopped people coming from other villages to Ghaghara (at Chandidih, the neighbouring village, where Khunti’s ex-MP Karia Munda lives). Volunteers from Ghaghara who were on their way to escort people from other villages to the pathalgadi site were also stopped. Then the police raised a red flag (on the road towards Dedhgama) warning people to disperse. Then they started lathi charge. Few volunteers were injured. The police also vandalised the motorcycles of some of the volunteers. The other volunteers managed to run back and inform the villagers at the pathalgadi site. The police returned and took the injured with them. The police of Ghaghara went to Chandidih and kept looking for the missing villagers. They learnt that the missing villagers were taken away by the police. They recognised a police person at Karia Munda’s house (who was not present on that day) as the one who beat the volunteers and brought him and the three guards deputed at the house back to Ghaghara to demand an exchange with the villagers taken by the police.

Around 4 pm, the police came back. The villagers announced on loudspeakers that the police should take their men back and return the villagers. But instead of coming for dialogue, the police assembled in even larger numbers (about 4000) on the night of 26 June. They were not letting anyone in or out of the village. The villagers had their bows and arrows and the police their arms. It was raining.

The next morning when people had gone for ablutions, at around 7 am, the police started lathi charging everyone, including children and old people. People started running towards their home. The police fired tear gas and guns. They also destroyed the vehicles, mike and tent at the pathalgadi site. The police went inside the village and dragged people out of their homes and beat them. Some people injured their legs and some fell in the well while running. Birsa Munda of Arki block’s Chamdhih village who had come to participate in the ceremony died after he was shot by the police. Another person was shot in the leg but he managed to run away. One woman said she was stripped and beaten by the Mahila police and was unable to move for a week. A pregnant woman, Ashrita Munda, was at home when the police came into her house and beat her with a stick. She delivered
barely two weeks later (probably premature) on 13 July. The baby is disabled with her feet turned inwards. People said that she was the first disabled child born in the village in past ten years. A villager who did not get the chance to shut his shop during the lathi charge had his shop looted by the police. The police broke doors and roofs of several huts. They also took away livestock with them.

During the lathi charge inside the village, some people went back to the ceremony site. Police asked them why they were running away and called them to talk with them. They took 50-60 men into custody and did not allow them to even urinate. They were severely beaten, with the police saying “maaro saalo ko” (beat these people). They were kept in pouring rain, about 500 m ahead of the pathal. One of the men tried to escape. He was caught, made to stand between two trees and beaten. They were let off at around 3 pm on that day. The police camped at the pathalgadi site for about a month. Meanwhile, they continued to threaten and scare people. The villagers used to call the police camp as ‘tent thana’. Most of the men and several women stayed away from the village for several weeks after the incident and hid in nearby forests or neighbouring villages. They could not tend to their fields and livestock.

The team met Sanika Munda from Chamdih, brother of Birsa Munda who was shot at Ghaghara on 27 June. On 27 June, Sanika had to wait in the thana from 2-7 pm to take the body back. Nobody told him or his relatives where the body was. The next night they got the body back from Ranchi Institute of Medical Science(RIMS), Ranchi after post-mortem. They have neither got the post-mortem report nor any compensation.

3.4. Breaking of village barricade by police in Kanki village and filing false FIRs

On 24 August 2017, residents of Kanki village (neighbouring Bhandra), set up a machan and barricade to keep their village safe and check entry of anti-social elements. This was decided by the Gram Sabha. However, the police objected and broke the machan and also beat up women with rifle butts and fired in the air.

The custom here is to ring a bell if there is any incident. So a bell was rung and villagers gathered. After this, people from 10-12 neighbouring villages also came. On hearing the bells ring, the police tried to flee. But all four vehicles of the police were stopped by the villagers. On 25 August, the DC and DIG came and people told them what had happened. The authorities assured the villagers they would take action against the police and no case would be filed against them. But three days later, the police filed a case against villagers accusing them of sedition, naxalism etc. Nine people of Kanki have been arrested and the FIR mentions 600-700 unknown others.

The Gram Sabhahas sent letters against the police atrocity to the President, Chief Justice, Chief Minister, SC/ST commission, but has not any reply.

3.5. Police atrocities in Totkara village

A person who was in Totkara village of Arki block on the day of the incident recounted the action of the police in the village in 2018. Two boys from the village had gone to the forest early morning for defecation. There was a Central Reserve Police Force (CRPF) team in the forest that saw them and thought that they were naxals. They followed the boys to the village. Seeing the CRPF (about 150) come towards the village, the villagers also got together. The villagers had bows and arrows. The security forces said that there were naxals in the village. The people denied this claim. In this confrontation, the security forces let their dogs loose on the people. The dogs badly bit a 25 years-old woman, Mariam Soy.

3.6. Lack of adequate action and investigation in murder of Sukhram Soy

On 6 July 2019, Sukhram Soy, the erstwhile Gram Pradhan of Kochang, went to work in his field in the morning. He worked the whole day. In the evening, he was drinking with two people near the
village chowk. At around 7-7:30 pm, someone shot him from behind and fled. He perhaps died on the spot. He fled with 2-3 men, who were waiting for him near the chowk, on their bikes.

Moso Bhengra, who has a small shop in the market, heard the sound. It sounded like a patakha. The person, who owns a food stall in the market, kept saying “bahaut bada ghatna ho gaya hai” (a big incident has happened). He went to the spot and saw the body. He informed Sukhram’s family. His wife went to the spot. His brother, Kali Munda, went to the Jharkhand Armed Police (JAP) camp to ask for help. He told the camp in charge about the incident and asked for help to take the body to the hospital. Even though everyone knew Sukhram, the officer asked him “Kaun mundaji? Kahaan ghar hai?” (Who is Munda ji? Where does he stay). He then told Kali that he should take the body to the hospital with 3-4 men from the village.

Kali managed to reach the Khunti SP on the phone through a journalist. He informed the SP of the situation. The SP said that an ambulance would be sent to the village. The ambulance came at midnight but no police official came to the spot. Till then, the body was lying in front of the JAP camp. Neither did the security forces take the body to the hospital, nor did they allow the villagers to take it to the hospital. Finally, Sukhram’s body was taken to the Khunti Sadar hospital by the villagers, after confrontation with the JAP forces. He was declared brought-dead in the hospital. Kali clearly told the fact-finding team that the SP did not send police to the village in the evening even after getting the information of the incident. The camp police went to the spot after all the commotion. The in charge of Arki police station went to the village for inquiry on 8 July.

Kali also said that after the murder, a villager named Martin Soy told the police that Sukhram was being threatened by some people forgiving land to the police for setting up their camp. But this suggests that he was killed by people who blamed him for giving land. Kali clearly said that it was wrong and also that Sukhram did not want to give the land. Other villagers, present in the meeting, also confirmed that Sukhram was vocal against the attempts of the police to forcefully take the land of the village for setting up their camp.

The killers are yet to be found by the police. A villager Sanika Bhengra s/o Duge Bhengra and a shopkeeper Sanika Bhengra s/o Kande Pahan were taken from the village by the police and kept in custody in Arki thana for 10 days. Sanika was severely beaten by the police. Moso Mengra was also constantly harassed by the police officials especially SHO Vikrant Kumar, who falsely tried to implicate him in the murder. Compensation is yet to be paid to the family of the deceased. Family members feel that Sonaram’s murder may have roots in his vocal opposition to the attempts of the police to acquire land for their camp. They said that they wanted an inquiry by institutions, other than the local police, such as the Central Bureau of Investigation.

3.7. Police terror and fear amongst people

There is an atmosphere of distrust and fear amongst people. The police visit the villages and pick up random villagers or raid their homes. According to 15 FIRs (list attached in Annexure 2) analysed by lawyers associated with the inquiry team, the police has charged about100-150persons and 14000unnamed people under several charges that include abetment, obstructing public servants while discharging their duty, creating public nuisance, criminal intimidation and most drastically, sedition. A total of 29 FIRs may have been filed against people of pathalgadi villages. There is an apprehension that these FIRs may have charged all the Gram Pradhans of the pathalgadi villages and about 30,000 unnamed people under various charges, including sedition. The villagers get scared whenever the police visit because any of them could be on the ‘unknown others’ list in the FIRs.

Some Gram Pradhans have also been arrested. The Gram Pradhan of Ghaghara, Karam Singh Munda, was arrested on 8 October 2018. He was also a Para teacher. On 8 October, two plain clothed persons visited the school and inquired about the number of students etc. After they went away, the police came and arrested Karam Singh. Most of the people had gone to Khunti as it was the weekly market
day. Some women went to Khunti Thana to look for Karam Singh. They were told to go and inquire with the SP. The SP was not present in his office and they were asked to wait. When it got late in the evening, they got back.

The next day, several men and women went to look for him in Khunti Thana and Torpa Thana. The villagers told the inquiry team that Karam Singh and a few others of their village have been charged for the murder of Birsa Munda (who was killed by the police during their raid on 27 June). There are other charges on them as well.

Several houses have been completely ransacked by the police in ‘kurki jabti’ (impoundment). In Birbanki, a person told the team, “Modi awas bhi diya and kurki japti kar ke bhi gaya” (Modi gave houses to people and then tooks them back by kurki jabti). Others present in the meeting agreed with the person.

The police camps have become a big source of tension for the villagers. The inquiry team saw two police camps – Kochang and Kurunga villages – that have been established in government schools. The people of Kochang and Birbanki said that the schools were running when the camps were set up. They were later shut and merged with other schools that are farther away from the villages. Neither the Gram Sabha nor the school management committee was informed or consulted before setting up the camp. The security forces have also taken over the building of the Gram Panchayat office (panchayat bhavan) in Kochang village. The team learnt that seven more camps have been set up in schools and community buildings in Khunti district.

Regarding the police camp, some people in Bhandra said “We know it was well intentioned, but they harass us for all sorts of things – like riding a motorcycle with shoes. Women are scared to go out to defecate because CRPF personnel are all over the place with their lotas. The CRPF jawans come into the villages at night looking for handia and knock on the doors of even single women. We were living peacefully before and didn't need any camp.”. In Habuidih, villagers said, “whenever we assemble for meeting, or even for a wedding, the police arrives from nowhere to harass us”. This was echoed by representatives of most of the villages that the team met.

In one of the villages, the people did not allow the team to take photographs. They clearly said that they would be harassed by the police if their faces come in the media. In Kochang, the people did not let the team record their testimonies. They said that they were always under watch.

3.8. Unfulfilled promises of police and administration

There is another Para-teacher, Gara Singh Munda, of Ghaghara. He told the inquiry team that he had gone to Khunti bazaar to buy supplies for the school when the police had come to the village on 8 October 2018 and arrested Karam Singh. Had he been there, he would have been arrested as well. Since that day, Gara Singh has stopped going to Khunti town. He continues teaching in the school but does not even go to Khunti to submit his report required for his remuneration. He is scared. He told the team that the DC had told him that cases against him would be withdrawn. But it is yet to be done.

Gram Pradhans of two neighbouring, who had come to meet the inquiry team in Kochang, recounted their ordeals in the police cases filed against them. They are not fully aware of all the sections imposed on them. They have been named in an FIR related to pathalgadi done in another village where they were not even present during Pathalgadi ceremony. The two Gram Pradhans, with the support of a local organisation, met the ADG of the police before the Lok Sabha elections. The ADG told them that he would instruct the police to discuss with the Gram Sabhas about the innocence of the accused named in the FIRs. The police would then announce in the Gram Sabha itself about closure of FIRs against the innocent people. But no action has been taken by the police since then.
4. Response of Khunti’s Deputy Commissioner to the observations of the inquiry team

Representatives of the inquiry team met the Khunti DC, Mr. Suraj Kumar on 6 August and appraised him of their observations. His responses to the observations were as follows:

**Police camps in schools**: Mr. Kumar responded that the schools where police camps had been set up were not functional as they had already been merged with nearby schools (as part of the government’s school merger policy). He also said that the police camps could not be removed from the area because of security concerns. He further added that the police also had to live somewhere as they too have human rights. However, the administration may withdraw the security forces depending upon the situation.

**Murder of Sukhram Soy**: Mr. Kumar informed the team that investigation was in progress and the process of disbursement of compensation and job for one of the family members had been started.

**FIRs**: According to Mr. Kumar, the police had to file FIRs on thousands of unnamed people to control mobocracy. Prosecution sanction has only been given against few prominent leaders of pathalgadi, who were actively involved in the movement and the state does not want to proceed against any other person. The administration is not following up on the unnamed others. He also added that the cases were being investigated by the police department and he was not sure how much he could do to close the cases and get closure reports filed.

**Police violence in Ghaghara**: Mr. Kumar vehemently denied the findings of the team - the police firing in Ghagra village resulting into the killing of an unarmed villager, torture of several villagers, regular harassment by police officials in the name of security check and other brutal violent acts of police. He categorically denied the incidence of police firing and said that only tear gas and sounds bombs were used.

**Opium cultivation**: Mr. Kumar said that there were vested interests behind the pathalgadi movement who were involved in opium cultivation. These people under the garb of pathalgadi movement want to put the state away from the region so that such illegal act can continue without any fear.

**Rejection of ration cards, Aadhaar etc**: According to the DC, the pathalgadi movement is now taking an anti-administration turn with the rejection of ration cards, Aadhaar etc. In his opinion, this was the result of the brainwashing of innocent villagers by few individuals, who are working in the region for personal gain.

**Development projects**: Mr. Kumar told the team that development projects are necessary in the area and acquisition of land is essential for that. Protests hinder the process of land acquisition and growth. He added that the district administration wanted to engage with the villagers and implement projects selected by the Gram Sabhas. He added that the administration had tried to dialogue with the people of pathalgadi villages on their interpretation of the Constitution. The governor had invited the Gram Pradhans to a meeting in Ranchi with an expert Subhash Kashyap. But they insulted the expert by calling him ‘tu’ and told him that he knew nothing. The DC also said that civil society groups were welcome to help in bridging the gap with the villagers.

5. Conclusion

The fact-finding team found that pathalgadi is non-violent response to specific policies of the government, primarily attempts to change land laws, inability to understand and respect the worldview of the Adivasis, lack of Adivasi centric development, imposing schemes on people,

---

8For more details on the merger policy, read this report in the Frontline– ‘Primary schools: Merger muddle’, [https://frontline.thehindu.com/cover-story/article28259500.ece](https://frontline.thehindu.com/cover-story/article28259500.ece)
implementing schemes without consent of Gram Sabha, non-implementation of PESA and provisions of 5th schedule in letter and spirit and long standing grievances of exploitation and human rights violations. While most of the interpretations of Constitutional clauses written on the pathals may be wrong or far-fetched, they are based on the valid issues and demands of the people and the basic idea about the supremacy of Gram Sabha is not wrong.

The team also found that the local administration and police responded with severe repression and violence to the pathalgadi movement. Gross violations of human rights took place. The team could sense both fear and anger in the people. Police camps have been set up in schools and community buildings without the consent of Gram Sabhas. For this, functional schools were shut and merged with ones farther from the respective villages. There are attempts by the government to forcefully acquire land for construction of a permanent camp in Kochang. It is likely that the situation is similar in several other Pathalgadi villages of the district.

Based on the findings of the fact-finding team, the team and Jharkhand Janadhikar Mahasabha demand the following from the government:

- The government must immediately withdraw all FIRs filed against the thousands of unnamed residents of Khunti and activists on charges of sedition. It must also undertake judicial inquiry into the charges framed against the named people in the FIRs within a stipulated timeframe. It must make public all the evidence that formed the basis for these FIRs and the evidence collected in all related inquiries since then.
- The government should undertake judicial inquiry into the violence unleashed by security forces in Ghaghra and other villages and ensure punitive action against the personnel responsible for the human rights abuses. It must ensure compensation to victims of police atrocities and violence in these villages.
- Remove all police camps from the nine schools and two community buildings – (Adrki, Kochang, Kurunga, Birbanki (Arki); Kitahatu, Kewra (Murhu); Hut (Khunti))
- The government should initiate dialogue with representatives of the Pathalgadi villages, Adivasi organisations and experts on the interpretation of Constitutional provisions written on the pathals.
- The government must ensure immediate implementation of all provisions of Fifth schedule and PESA in letter and spirit.
### Annexure 1 – Constitutional sections and interpretations written on pathals

<table>
<thead>
<tr>
<th>Article in Constitution</th>
<th>Constitutional provision</th>
<th>Interpretation written on pathals</th>
</tr>
</thead>
<tbody>
<tr>
<td>244(1)</td>
<td>The provisions of the Fifth Schedule shall apply to the administration and control of the Scheduled Areas and Scheduled Tribes in any State other than the States of Assam, Meghalaya, Tripura and Mizoram.</td>
<td>Extension of administration’s executive powers to scheduled areas has not been done according to Constitutional safeguards for these areas by the Governor. Hence, it is unconstitutional.</td>
</tr>
<tr>
<td>244(1) Part A(2)</td>
<td>Executive power of a State in Scheduled Areas.—Subject to the provisions of this Schedule, the executive power of a State extends to the Scheduled Areas therein.</td>
<td>General state and central laws do not apply in scheduled areas.</td>
</tr>
<tr>
<td>244(1) Part B 5(1)</td>
<td>Law applicable to Scheduled Areas.—(1) Notwithstanding anything in this Constitution, the Governor may by public notification direct that any particular Act of Parliament or of the Legislature of the State shall not apply to a Scheduled Area or any part thereof in the State or shall apply to a Scheduled Area or any part thereof in the State subject to such exceptions and modifications as he may specify in the notification and any direction given under this sub-paragraph may be given so as to have retrospective effect.</td>
<td></td>
</tr>
<tr>
<td>13(1)</td>
<td>Laws inconsistent with or in derogation of the fundamental rights.—(1) All laws in force in the territory of India immediately before the commencement of this Constitution, in so far as they are inconsistent with the provisions of this Part, shall, to the extent of such inconsistency, be void.</td>
<td>Traditional and natural Gram Sabha and laws are the primary laws governing people of scheduled areas.</td>
</tr>
<tr>
<td>13(1) 3(a)</td>
<td>(3) In this article, unless the context otherwise requires.— (a) —law includes any Ordinance, order, bye-law, rule, regulation, notification, custom or usage having in the territory of India the force of law;</td>
<td></td>
</tr>
<tr>
<td>19 (1)</td>
<td>Protection of certain rights regarding freedom of speech, etc.—(1) All citizens shall have the right— (a) to freedom of speech and expression; (b) to assemble peaceably and without arms; (c) to form associations or unions 1 [or co-operative societies]; (d) to move freely throughout the territory of India; (e) to reside and settle in any part of the territory of India; and (g) to practise any profession, or to carry on any occupation, trade or business.</td>
<td>In scheduled areas, outsiders or non-original inhabitants are not allowed to move freely, settle down, work or conduct business.</td>
</tr>
<tr>
<td>19(5)</td>
<td>(5) Nothing in sub-clauses (d) and (e) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, reasonable restrictions on the exercise of any of the rights conferred by the said sub-clauses either in the interests of the general public or for the protection of the interests of any Scheduled Tribe.</td>
<td></td>
</tr>
<tr>
<td>19(6)</td>
<td>(6) Nothing in sub-clause (g) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, in the interests of the general public, reasonable restrictions on the exercise of the right conferred by the said sub- clause, and, in particular, nothing in the said sub-clause shall affect the operation of any existing law in so far as it relates to, or prevent the State from making any law relating to, — (i) the professional or technical qualifications necessary for practising any profession or carrying on any occupation, trade or business, or (ii) the carrying on by the State, or by a corporation owned or controlled by the State, of any trade, business, industry or service, whether to the exclusion, complete or partial, of citizens or otherwise.</td>
<td></td>
</tr>
<tr>
<td>SN</td>
<td>P.S./FIR</td>
<td>Named/ Total Accused</td>
</tr>
<tr>
<td>----</td>
<td>----------</td>
<td>---------------------</td>
</tr>
</tbody>
</table>
| 1  | KHUNTI 102/17 24.06.17 At 16.30 | Total Named: 8 person Unnamed: 20-25 | Kudatoli, Gutwa, Bhandra, Marandih | IPC 109, 114, 117, 186, 290, 353 | # Accused No.1-4 mislead the locals in the name of 5th Schedule and the other named Accused are involved too.  
# They misinterpreted the provisions of the Constitution and created hurdles for the administration.  
# They closed down the Panchayat Bhavan, and took hostage officials who went into their village.  
# They stopped people from taking benefits of the welfare schemes of the Govt. and stopped officials from going to these villages.  
# They installed stone slabs in about a dozen villages and inscribed wrong interpretations of the Constitution on them.  
# They instigated locals to create hurdles for the governmental schemes and create problems for law and order situation. They created a situation where life and property of govt. officials were in threat. |
| 2  | KHUNTI 17/18 05.02.18 At 16.00/19.00 | Named - 15 Unnamed - 15-20 | Cholagora, Haludhani, Jamshedpur, Mandra, Mahuatoli, Gutuwa, Karge, Saridkel, Jikeelata, Kanki, Bhandra, Chikor, Chamdi | IPC 109, 114, 117, 124 –A, 186, 290, 353/34 | # Commanding Commoners not to participate in National Festivals and all kinds of elections.  
# Threatened about punishment by gram sabha.  
# Social hostility provoked against the democracy, administration and against the soul of the Constitution.  
# Due to this hostility many development works got struck.  
# They threatened officers, workers and local people.  
# They provoked the local people against the Government, illegally installed pathargadi and wrongly interpreted the Constitution, affecting in the works of development and hindrance in the law and order. |
| 3  | ARKI No.6/18 19.02.18 At 14.45 | Named - 13 Unnamed – 15-20 | Kurunga, Tintila, Banjiuli, Sabhaadykhsh – Tubil, Kochang, Hendhessa | IPC-109, 114, 117, 124-A, 186, 353, 290/34 | #The accused in the name of custom and gram sabha entered villages and performed “Pathalgadi” and instigated common people against the govt.  
#Inscribed provisions of the Constitution in big stone slabs and interpreted them wrongly and misled the innocent common people.  
#Stopped officials from entering villages  
#Did not allow the implementation of govt. welfare schemes.  
#They demanded that permission of Gram Sabha had to be taken in order to enter villages. |
<table>
<thead>
<tr>
<th>No</th>
<th>District</th>
<th>Date</th>
<th>Time</th>
<th>Location</th>
<th>Accused</th>
<th>Details</th>
</tr>
</thead>
</table>
| 4  | ARKI     | 8/18 | 21.02 | Named - 14, Unnamed - 200 | Kurumba, Birbangi, Totkoda, Kudadah, Sonpur, Sake, Bahanda, Sebad, Sinjuri | # Commanding common people not to participate in National Festivals and imposed fines if objected to.  
# Planned to take Police and Officials hostages in the villages. |
| 5  | KHUNTI   | 33/18| 09.03 | Named - 27, Unnamed - 1000-1500 | Chirubeda, Kurunga, Daugadha, Murhu, Udburu, Kanki, Chikor, Jikeelata | # The accused in the name of custom and gram sabha Adiwasi sangathan installed big stone slabs and inscribed slogan against the State government, administration, democracy and Constitution.  
# They provoked the local people and forced them to hinder the works of governments and created an atmosphere of sedition.  
# They have decided not to celebrate national festivals. |
| 6  | MURHU    | 20/18| 13.03 | Named: 11, Unnamed: 300 | Kewda | # They mobilised a big crowd equipped with local weapons without any information or permission, captured the police station and snatched the weapons from the hands of police officers.  
# Provoked the people with their inflammatory speech against government and administration.  
# Created obstacles in governmental progressive works and disturbed law and order. |
| 7  | MURHU    | 23/18| 20.03 | Named - 29, Unnamed - AROUND 3000 | Kurunga, Kasmar, Arki, Hadadlama, Arki | # They mobilised a huge equipped with local weapons without any information or permission, captured the police station and snatched the weapons from the hands of police officers.  
# Created an insecure situation, misbehaved with government officers. |
<table>
<thead>
<tr>
<th>Case</th>
<th>District</th>
<th>Date</th>
<th>Time</th>
<th>Name</th>
<th>Location</th>
<th>IPC</th>
<th>Charges</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>8</td>
<td>ARKI</td>
<td>10/18</td>
<td>25.03.18</td>
<td>Tilma, Khunti Gegey, Murhu Daugada, Murhu, Shomradhih, Arki Tutdih Sake, Arki, Dera, Dasamfall Tubil, Arki Haddalama Muchiya, Arki Kuriya, Arki Banapidhi, Arki Kurunga</td>
<td>Sonpur Baruhatu, P.S. Arki Udburu, P.S. Murhu</td>
<td>353, 120-B</td>
<td>Provoked the people with their inflammatory speech against government and administration. Created obstacles in governmental progressive works and disturbed law and order.</td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>ARKI</td>
<td>13/18</td>
<td>21.04.18</td>
<td>Kochang Kurunga Udburu</td>
<td>Others (Figure not mentioned)</td>
<td>IPC-353, 121, 121-A, 124-A, 387/34 &amp; Prevention of Damage to Pub Property Act Sec.3(1)</td>
<td>Closed down the Anganwadi at Kurunga &amp; Middle School, Kurunga &amp; Primary School, Pahantoli. Removed the writings on these institutions. Did not allow the Polio Vaccination at Anganwadi and chased away the ANM doing the same.</td>
<td>They misinterpreted the provisions of the constitution to the people. In the name of the 5th schedule and its provision, they provoked people. They attacked police officers with weapons.</td>
</tr>
<tr>
<td>10</td>
<td>ARKI</td>
<td>15/18</td>
<td>27.04.2018</td>
<td>Udburu, Murhu Karunga Sonpur Baruhatu Banjuli Hendhassa Kulapote</td>
<td>Others (Figure not mentioned)</td>
<td>IPC-147, 148, 149, 353, 109, 114, 115, 117, 121, 121-A, 124-A, 186, 290, 120B</td>
<td></td>
<td>They provoked people against government and administration. Illegally attempted Pathalgadi and spread wrong interpretations of the provisions of the constitution. Created obstacles in governmental progressive works and disturbed law and order. Created an insecure situation for officers. Commanded common people not to participate in National Festivals and imposed fines if objected to.</td>
</tr>
<tr>
<td></td>
<td>Place</td>
<td>Date/Time</td>
<td>Named</td>
<td>Unnamed</td>
<td>Location</td>
<td>Charges</td>
<td>Details</td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>-------</td>
<td>-----------</td>
<td>-------</td>
<td>---------</td>
<td>----------</td>
<td>---------</td>
<td>---------</td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>ARKI</td>
<td>13.06.18/00.30</td>
<td>7</td>
<td>Others (Figure not mentioned)</td>
<td>Sonpur</td>
<td>109, 114, 115, 117, 121, 121-A, 124-A, 186, 290, 353/34</td>
<td># Planned to take Police and Officials hostages in the villages. They installed stone slabs and inscribed wrong interpretations of the Constitution on them. They instigated locals to create hurdles for the governmental schemes and created problems for law and order situation. They created a situation where life and property of govt. officials were under threat.</td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>KUNTI</td>
<td>28.05.18/10.30/10.00</td>
<td>15</td>
<td>1500 persons from Khunti District</td>
<td>Hakaduba, P.S. Khunti Habuidih, P.S. Khunti Kurkuta, P.S. Khunti Totadag, P.S. Khunti Lobodag, PS. Khunti Sukandih, P.S. Khunti Sonpur, P.S. Arki Udburu, P.S. Murhu Gutigada, P.S. Murhu</td>
<td>IPC-147, 148, 149, 341, 342, 109, 114, 124-A, 153-A, 153-B, 295-A, 186, 353, 290</td>
<td># They instigated locals to create hurdles using local weapons without any information or permission, captured the police station and snatched weapons from the hands of police officers. They created an insecure situation, misbehaved with government officers. They provoked the people with their inflammatory speech against government and administration. They created obstacles in governmental progressive works and disturbed law and order.</td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>KUNTI</td>
<td>26.06.18/15.05</td>
<td>4</td>
<td>250 persons from Khunti District</td>
<td>GHAGHARA</td>
<td>IPC-147, 148, 149, 341, 342, 323, 324, 307, 452, 379, 364, 353, 290, 120B</td>
<td># They attacked police officers with weapons. They kidnapped officers or body guards of the MP with well-planned conspiracy.</td>
<td></td>
</tr>
<tr>
<td>14</td>
<td>KUNTI</td>
<td>27.06.2018/20.00</td>
<td>11</td>
<td>2000-3000</td>
<td>Udburu, Khatangatoli, Buruhatu, Jikeelta,</td>
<td>IPC-147, 148, 149, 341, 342, 323, 324, 325, 307, 109, 114, 124-A, 153-A, 153-</td>
<td># They instigated locals to create hurdles equipped with local equipment without any information or permission, captured the police station and snatched the weapons from the hands of police officers. They created an insecure situation, misbehaved with government officers.</td>
<td></td>
</tr>
<tr>
<td>No.</td>
<td>Location</td>
<td>Names</td>
<td>Charges</td>
<td>Details</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>-----</td>
<td>----------</td>
<td>-------</td>
<td>---------</td>
<td>---------</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
| 15  | Anidih, Sosodih, Mandra Putkaltoli, Chamdi, Kanki & Kekai | B, 295-A, 186, 353, 290, 120B, 302 & 27 Arms Act | #Provoked the people with their inflammatory speech against government and administration.  
# They created obstacles in governmental progressive works and disturbed law and order. |
| 15  | KHUNTI 124/18 26.07.2018 At 11:30 | IPC-121-A, 121, 124-A  
IT Act- 66A, 66F | #In the name of Adiwasí Mhasabha and A C Bharat Sarkar, they misinterpreted the provisions of the Constitution and created hurdles for the administration to the simple people.  
# They forced people, with their inflammatory speech, to join Pathalgadi.  
# They spread social hostility against the democracy, administration and against the soul of the Constitution through the social media, facebook etc.  
# They instigated locals to create hurdles for the governmental schemes and created problems for law and order situation. |