

Second Copy with Minor Corrections Only**

September 14, 2017

To,
Shri Pramod Kumar Upadhyay
District Magistrate, Sonbhadra
Lodhi, Sonbhadra – 231 2016
Uttar Pradesh
Fax: 05444-222190
Email: dmson@up.nic.in

Cc:
Shri Ram Pratap Singh,
Superintendent of Police,
Churk, Sonbhadra – 231206,
Uttar Pradesh
Tel: 05444-252614 Fax: 05444-25673
Email: spsbr-up@nic.in

Dear Shri Upadhyay,

As senior jurists and a human rights activist we are seriously concerned about the repression, violence and harassment being suffered by Adivasis and Dalits of the Sonbhadra district of Uttar Pradesh. Details of these cases are below and we urge that you, as senior officers of the administration look into the harassment being perpetrated in the name of, allegedly, *the forest mafia, often reportedly hands in glove with the local police.*

We would also like to humbly point out to you that all the persons, women and men who's complaints are included below have also organized themselves into the All India Union of Forest Working People (AIUFWP) and it is understood are facing re-doubled violence and repression because of the collective strength of their struggles to *reclaim rights and dignity as now statutorily granted under the Forest Rights Act of 2006.*

Some of us had visited the area and we have found that the struggling Adivasis and Dalits who have reclaimed the land as a matter of right are facing this violence and repression. We are including some details below, urging that as District Magistrate/Collector and Superintendent of Police you, in the interests of justice, ensure that the

- i) *Thana Prabbaris* (Police Station In Charge) of Chopan Thana (Police Station), (Mobile Nos 9454404275),
- ii) *Thana Prabbari*, (Police Station In Charge) of *Thana Dudhi* (Mobile Nos 9454404276),
- iii) *Thana Prabbari*, (Police Station In Charge) *Thana* (Police Station) Robertsganj (Mo- 9454404286), iv) *Thana Prabbari*, (Police Station In Charge) *Thana* (Police Station) Kon, Sonbhadra. UP (Mobile Nos 9454404289),
- v) *Thana Prabbari*, (Police Station In Charge) Pipri *Thana* (Police Station), Sonbhadra, UP, (Mobile Nos- 9454404284),
- vi) *Thana Prabbari*, (Police Station In Charge) *Thana* (Police Station), Vidhamganj, Sonbhadra. UP (Mo- 9454404287)

be intimidated about the fact that their police stations and areas under their jurisdiction, are, according to the distressed testimonies of the Adivasis/Dalits Survivors and Human Rights defenders seriously under attack. These are seven police station areas within the Sonbhadra district, Sir.

As a perusal of the brief details below will show you, these cases are trivial and yet, every week-ten days almost, the women and men are harassed and asked to report either to the Court of police station at great personal cost to them. Besides, there are also reports and allegations of violent and repressive methods being used against them. Consistently, it is alleged that the police and powerful vested interests are threatening these leaders because of their struggle for forest land that belonged to their ancestors, as is now their statutory right under the Forest Rights Act of 2006.

The cases go back a long way and involve what appear to be ridiculous and frivolous charges. ***What is a matter of concern is why, when the matter is being adjudicated in a Court of Law, where does the Police come in? Why are there repeated visits to their homes and alleged threats etc?***

- I & II. Case No. 971/2011 in which some reportedly frivolous charges of ‘offices being constructed and Sections 5/26, 3/52 of the Indian Forest Rights Act, 1927 and 27, 29, 50, 51 of the Wildlife Protection Act have been imposed. **There are 20 accused in this case.** Another second, similar case imposing Sections 351, 146, 446 has also been reportedly put against the same accused.
- III. The second case currently with the CJM court CR No. 146/2007 state v/s ROMA Jurisdiction Thana Kon has been charged under Sections 146, 148, 149, 427, 504, 506, 120 (B), 34 (IPC) - common intention, 7 CLA (Criminal Law Amend Act), 5/26 2/4 (wildlife Pro Act) and the Indian Forest Rights Act, 1927. The date of the alleged incident is 21.7.2007 and apart from the named accused Roma, Shyamlal, Lalti, Ram Naresh Ageria there are “200 others” who have been charge sheeted. **We have been told that Shyamlal and Lalti who are residents and have rightfully reclaimed 55 acres (under the law) that belonged to their ancestors are being harassed by the sections of the police and the forest mafia. What is a matter of concern is why, when the matter is being adjudicated in a Court of Law, where does the Police come in? Why are there repeated visits to their homes and alleged threats etc?** We urge you to look into these allegations being made and stop the harassment in the interests of justice.
- IV. Another case currently pending in CJM court (26/7/2017) is State V/s Shyamlal of 910/2007 (CR) in which Sections 143, 446 of the IPC and 7 of the CL Act have been imposed allegedly also to give it greater gravity. Here also there are 20 accused, the incident is of 14.7.2007 and relates to the encroachment of *gram sabha* land. The accused reportedly wrongly accused are all women belonging to the SC/ST and Ms Roma, the general secretary of the AIUFWP.
- V. The fifth case relates to Vidhamganj: CR Nos is 184/2007 in which Sections 143, 144, 446, 120 (B) IPC and 34 of the IPC, Sections 5/26 Indian Forest Rights Act, 1927 / 63 Indian Forest Rights Act, 1927 and Section 7 of the CL Act have been imposed. The incident is of 20.7.2007 and there are 41 accused.
- VI. The sixth such case is the State V/s Pankaj Mishra pending in the CJM Court pending as Case 608/2015 at Thana (Police Station) Pipli. In this case, Sections 143, 146, 342, 353, 181, 283, 504, 506 of the IPC and Section 7 of the CL Act have been imposed. The ‘offence’ for which such ludicrously serious charges have been imposed is for ‘creating a jam on the roads’, ‘attacking a public servant’, ‘not following orders’ etc. These have been vociferously challenged by the defenders. There are four accused including Smt ROMA, Rajinder, Pankaj Mishra and Shyamlal.

- VII. This 2015 Case CR 126/2015 of the Dudhi Thana (Police Station) (State of UP v/s Roma) relates again to what seems like a frivolous charge 'of robbing/stealing diesel, engines and dacoity.' Sections 146, 149, 395, 397, 120-B of the IPC have been applied and the date of the incident is reportedly 13.4.2015 between 11 pm 12 midnight. The accused have been named as Smt Rajkumari, Smt Sukalo, Smt ROMA, Pankaj, Asharfi, Laxman, and Gambhira.
- VIII. This case, CR No. 125/2015 from also the Thana Dudhi cites the incident of 14.4.2015 in which 50 persons are named as accused. Sections 146, 148, 149, 307, 332, 335, 353, 395, 397, 504, 120 B of the IPC and 7 of the CL Act have been imposed.
- IX. The ninth such serious case causing harassment is CR 127/2015 also of the jurisdiction of the Dudhi, Thana. Allegedly the incident is of 18.4.2015 in which Sections 146, 148, 149, 332, 335, 395, 336, 120 B of the IPC have been imposed. There are 25 accused in this case.
- X. Another false case is Case Nos 3663/2010 under the SC / ST Atrocities Act (Sections 3, 10) and Sections 323, 504, 506 of the IPC relating allegedly to an incident dated 17.11.2009 at Rawas Kacheri (Court) in which Smt Roma and Smt Shanta are the two accused.
- XI. Another false case lies at the Court (Nyalaya) Civil Division Dudhi, Case No. 114/2013 State v/s Roma in which Sections 146, 148, 353, 342, 506, 504, IPC. There are a total of 15 accused in this case and the incident relates to 4.11.2012 at about 2 pm in which sections 146, 148, 353, 342, 506, 504 IPC have been applied. The incident is of the Thane (Police Station) Vidhamganj.
- XII. Another such false case is State v/s Basidhar, Case No. 283/2009 at the Thana (Police Station) Kon. The alleged incident relates to the killing of a Neel Guy and Sections 146, 148, 149, IPC + 429 of the IPC and Sections 3/11 of the Prevention of Cruelty to Animals Act has been imposed. The date of the incident is about 6 p.m. on 26/7/2009 and the accused are Rajinder Gond and 14 others (all Adivasis and Dalits of the area), all active with the AIUFWP.
- XIII. **These three cases are heinous and relate to Woman Leader and Activist, Shobha. Shobha was herself the Victim of a Brute Case of Rape (Gendered Violence) in 2006-2007***. This case where Influential Village persons were allegedly responsible is floundering in the courts and now her daughter is also being threatened with assault. Meanwhile as she continues to lead the struggle three cases have been slapped (all of which we believe are frivolous on her.
- a) The first such is at Court (Nyalaya) ACJM Sonbhadra, Case Nos 2324/2016. There are 12 accused in the case in which Sections 5/26, 41, 42 of the Indian Forest Rights Act, 1927, and Sections 9/51 of the Wildlife Act have been imposed. This case, in which this woman leader is being harassed is the result of a private complaint over land and not a case by the state. The complaint has been put in Chopan jurisdiction of Sonbhadra district.
 - b) The second case has been reportedly falsely foisted on Ram Ratan, Shobha's husband. This is ACJM court case no 61448/2016 (State V/s Ram Ratan, Smt Shobha's husband). There are five accused and is under Sections 5/26, 41, 42 Indian Forest Rights Act, 1927.
 - c) A third such case is also against Smt Shobha and Ram Garib. This is ACJM Court Case No.5/26. Sections 41, 42 of the Indian Forest Rights Act, 1927 have been imposed and Sections 9/51 of the Wildlife Act too. There are in all five accused apart from the two mentioned above.

The process of justice and the criminal justice system is meant to deliver justice Sir and not become a source of continued intimidation and harassment. We urge that as senior officers of the police and administration, you look into *all the allegedly false and frivolous cases* –with serious charges—put by an unrelenting administration against Adivasi and Dalit women leaders of Sonbhadra and their union leader Smt Roma.

We urge that violence and intimidation, reportedly in hand with the moneyed and powerful also is curtailed and stop.

We urge for a response to this communication.

Yours Sincerely,
In Anticipation



Justice P B Sawant



Justice BG Kolse Patil



Teesta Setalvad

*Details of the long pending rape and sexual assault case in which Smt Shobha was a victim will be sent to you shortly.

Details of Signatories

Justice P B Sawant, an esteemed retired Judge of the Supreme Court of India has been also Chairperson, Press Council of India and for decades associated with and an advisor and patron to several People's Movements for Land Rights. He is based in Pune.

Justice BG Kolse Patil, who retired from the Bombay High Court in 1990 is a patron of several rights movements across the country He is presently heading the Lokshashan Andolan (People's Movement), is based in Pune, Maharashtra and has supported country wide similar people's and rights movements.

Teesta Setalvad, a human rights activist, journalist and educationist has won several national and international awards for her work in journalism and activism. She is co-editor of Sabrangindia.in/Communalism Combat and Secretary, Citizens for Justice and Peace. She has been honoured with the Padmashri Award by the Indian government in 2007.

Telephone Contacts: Teesta Setalvad (09821314172); Landline: 022-26602288/26603927

**** The earlier letter by us dated September 8, 2017 had minor errors due to communication errors from the field coordinators and hence this corrected version is being sent.**