

NATIONAL COMMISSION FOR WOMEN

**REPORT OF THE INQUIRY
IN RESPECT OF VIOLENCE, ARREST, AND USE OF FORCE
BY POLICE AND OTHERS AGAINST WOMEN DEMONSTRATORS
AT MAHESHWAR HYDEL PROJECT SITE
ON 22 AND 23 APRIL 1998.**

Background

While the members of the National Commission of Women were in Bhopal for a visit on 24/4/98, they were approached by representatives of many NGOs and women's organizations, such as Madhya Pradesh Mahila Manch, Janwadi Mahila Samiti, Mahila Federation, Ekta Parishad and Bhopal Gas Peedit Mahila Udyog Sangathan, etc. for redressal of their complaint in respect of incident of police violence against peaceful demonstrators at the Maheshwar dam site (Annexure- 1).

The next day, the Chairperson, Dr. Mohini Giri, and Member, Dr. Syeda Hameed were in Indore where they were met by some citizens of Indore and a delegation of men and women from the affected area who had been victims of violence. These people had definite visible physical injuries which could have been made by some blunt instrument. In all, seven people appeared before the Commission of whom five, namely, Durga Bai, Sita Bai, Dwaraki Bai, Shyama Bai and one Suresh Patidar had sustained injuries.

On the spot the Chairperson decided that the matter deserved investigation because women complained of being manhandled, abused, and battered at the hands of male police. Reports from the press indicated that hundreds of women had been jailed and at least eighteen were hospitalized.

Consequently, Dr. Syeda Hameed undertook a spot tour of the area on 25th of April 1998. She was accompanied by Ms Sandhya Vyas, District Women and Child Welfare Officer, Indore, and Ms. Kalpana Mehta. Hereinafter they are referred to as the Investigating Team.

Events leading to the current crisis

Maheshwar Hydel Power Project, approved by the State Government is coming up at Jalud, a village near Mandleshwar town on river Narmada in the Khargone District of Madhya Pradesh. Local people who are going to be affected by the project, and whose land is under threat of submersion have been protesting against the project for some months now, under the aegis of Narmada Bachao Andolan.

As per government estimates, 61 villages are expected to be partially or fully submerged involving loss of livelihood to 13000 people. According to Narmada Bachao Andolan these figures are a gross underestimate because they ignore the question of lives of landless and migrant

labour who find abundant earning opportunities in the valley. The land in the area is extremely fertile and other than their own needs, people are able to cultivate a number of cash crops. Those without land can contract patches of riverbed land seasonally for cultivation, even the sand quarries provide livelihood for many.

All through 1997, the people of the area held demonstrations and tried to engage in dialogue with representatives of the government and S.Kumars, the company handling the project, but received no information about the extent of displacement and arrangements for their rehabilitation. Finally, in January 1998, the villagers occupied the dam site and staged an indefinite sit-in. As a consequence, the State Government ordered a review of the project. A Task Force was set up and all construction, land acquisition etc. in respect of the dam site and the powerhouse were ordered to be halted till the review was over (Annexure - II). June 30 was fixed as the date for the submission of the report of the Task Force.

At the end of February, S.Kumars made a plea that they be allowed to construct a safety wall so that the digging work undertaken by them in the preceding months was not lost with the onset of the Monsoon. Narmada Bachao Andolan, which is a member of the Task Force, protested against this plea saying that this safety wall was unnecessary and was in fact a facade to continue construction even as the Task Force was carrying out its work.

Nevertheless, the State Government allowed the construction of the wall through an order issued on 11th March. This changed stance of the Government evoked a fresh round of protests by the villagers in March and early April. The Government kept making placating gestures but made its intentions clear in that men and machinery were allowed to be brought in for construction of the disputed wall. Consequently the villagers intensified their struggle and a thousand strong police force was deployed at the site from the beginning of April.

The villagers decided to launch a Satyagraha from 22nd of April 1998.

It must be noted that the other part of the 11th March order, which dealt with rehabilitation related work was not acted upon by the government. While pits were being provided with safety, people were being made to live with growing hardships and insecurities. The Government promised that it will provide land for every family to be displaced, people

suspected that the government land will be submerged even before their own land and that this promise is just an eye wash. Evidently, the government has not provided a master plan for protection of their rights. The only clearly laid down plan is for the rehabilitation of the people of Jalud. They are to be rehabilitated at Samraj ki Bairi, but people complained that they were being provided barren rocky tracts which are uncultivable, or are already allotted to Scheduled Caste families, or have already been encroached upon. Instead of getting rehabilitated, the residents of Jalud and Lepa, the two villages closest to the dam site, on either bank of the river, are facing new problems because blasts are causing cracks in the walls of their existing houses and fencing undertaken for construction work has cut them off from the river and their own fields.

Version provided to the Investigation team by Narmada Bachao Andolan and others

The team was informed that the demonstrators were fully aware that the area had been placed under Section 144. All the same the villagers peacefully occupied the construction site on the morning of 22nd at 5.A.M. The Satyagrahis were led by women. The Collector exercised undue repression and disallowed even water tankers to reach the site thus making people drink contaminated water from the pits. Only at 5 P.M in the evening a water tanker containing tepid water was allowed to reach the demonstrators. Soon afterwards, in the presence of Mr. Bhupal Singh, Collector, Khargone, the police started removing people forcibly from the site of the Satyagraha. Only 11 policewomen were present and the policemen manhandled women protesters who were present in large numbers. The policemen pushed and pulled women, tore up their clothes, raised their saris and blouses, their bundles of belongings were mercilessly thrown away. Women were beaten up and walked over by the police who pulled out their jewellery and abused them. This abuse and violence continued even after women were thrown into buses meant for taking them to the jail. Hundreds of women were arrested and jailed but proper arrest documents were not drawn up. Men and women were made to share quarters causing untold suffering to women (Annexures -III and IV).

The maximum number of women, 366 as per jail records (along with 329 men) were housed in Maheshwar jail, which had never been used till then and was devoid of facilities such as water, food etc. The Maheshwar Jail, meant to have a capacity of only a hundred convicts

housed more than seven hundred demonstrators for three whole days. The detainees were presented before a team of three officials where they recorded details regarding the loss of their belongings as well as of injuries. Copies of complaints were not provided to the detainees. No entries were made in the jail register either at the time of arrests or at the time of their release. Two women who were injured were not hospitalized despite repeated requests, (They also deposed before the Investigating Team). One of them was Sakhu Bai of village Mardana, who had her tooth broken because of being punched at by the police and the other was Rama Bai of village Behgaon who had a nasty gash from her Mangal sutra being yanked off. Nine women and one man were removed from the jail and hospitalized. Not all the arrests were made from the site. In fact, 18 men were arrested from Jalud from their homes or fields and were not even participating in the Satyagraha.

On 23rd April, once again a fresh batch of men and women entered the dam site to offer Satyagraha. Even as they were entering the area, the police became aggressive and started beating up people. Around 200 Special Task Force (STF) Police, a thousand odd policemen and some mounted police cornered women from two sides and drove them into the river beating them up very badly, charging at them on horses, and hurling sexual abuses at them while threatening them with sexual violence. Many women fell down and the police trampled over them. No policewomen were present. SDO(P) Shri Anjana was present on the spot when the police teargassed the crowd and fired in the air to disperse it. Finally, the women and men were driven into the river and were arrested from an island where they had taken refuge.

This whole incident was filmed by a video magazine group from Nasik by the name of Abhivyakti. The police seized the camera and beat up the media people (Annexure - V).

Khargone jail was used primarily for housing those arrested on the 23rd. The violence that day was much more severe as compared to the previous day but no one was hospitalized that day. In all 29 women and 224 men were kept in this jail. After their release NBA volunteers had to seek medical attention for them and one of them had to be hospitalized on the 25th. Fourteen people were brought directly to the hospital on the 23rd April without being jailed, ten by the police and four by villagers.

The other jails used were Mandleshwar, which had 221 men and 120 women, Kasravad jail which had 84 men arrested on the 22nd and 14 on the 23rd. The food in the jail was insufficient. There was delay and reluctance in providing medical attention. In Kasravad seven people were forced to provide bonds for Rs. 500/- for their release.

NBA representatives expressed a fear that S.Kumars are paying for the upkeep of the police whose task is not to maintain law and order for the people but to provide protection to the company and its operations.

Official version

The Investigating team met the I.G., the Collector and the S.P. who stated that the arrests were peaceful. They had filmed the entire incident and insisted on showing the video recording to the team. It showed the S.P. giving detailed instructions to his men not to even touch the women. They said that they had distributed sweets to the demonstrators and had provided them with water. The Collector also stated that he had no role in issuing of prohibitory orders. The official video ended showing the demonstrators peacefully walking straight to buses and entering them without the use of any force. The team was informed that contrary to NBA's claim there were thirty policewomen in all.

The administration had suggested that violence had been initiated by a stone pelting mob and the police had just acted in self defense. There was no firing whatsoever. The government had also claimed that several policemen had been injured due to mob violence, but the Collector and the S.P. did not make a mention of these injuries. The M.O. in-charge stated that some policemen had been brought in but none of them had serious injuries.

Findings from the field:

The investigating team visited the dam site, Mandleshwar jail, Mandleshwar hospital and Maheshwar hospital.

Visit to the Dam Site

At the site they were informed that the safety wall of 18.5 crores was being built to save pits which had cost just 14 crores to dig. The team noted that this safety wall was being constructed despite the fact that the review was far from complete which did not seem logical unless the

end result of the review were already known. The contracting company for the construction was from Hyderabad, who had brought all the way from there more than two hundred unskilled workers. They told the Investigating Team that this was because their labour was reputed for doing good masonry work at dam sites, hardly a plausible explanation considering that a mason not an unskilled worker! Every one the team spoke to at the dam site had no awareness of what had gone on during the two days in question. STF jawans were walking around when the Investigating team visited the site. They insisted that as soon as the violence had started they had got into their vehicles and sat tight. They told the team that the police force had been increased by another five hundred men in the intervening period of two days.

A few persons said that they had been around on the 22nd till 4P.M but had not witnessed any violence. It must be noted that due to the prohibitory orders there are no independent witnesses to the scene.

Visit to the Jail

By the time the investigating team reached Mandleshwar Jail the demonstrators had been freed, as per the functionaries present at the jail and the record that were examined by the team, the demonstrators had been brought in starting at 2:30 pm on 22nd. The release started on 25th morning and had got over just before the investigating team arrived at the jail. The team was informed that the process of release was still continuing at Maheshwar jail. In order to meet the demonstrators the Investigating team decided to go straight to Maheshwar.

Visit to the Mandaleshwar Hospital

Enroute they found a large crowd waiting for them at Mandleshwar hospital. This basically comprised of people who had been released from Mandleshwar jail. Among those present, several women showed their torn saris and complained of having been beaten up and manhandled by the police. They had bruises similar to the ones shown by those who had appeared before the Commission in Indore. Men and boys were also injured in large numbers. People who were slightly or moderately injured numbered in the hundreds. Rama Bai of village Behgaon and Saku Bai of Mardana showed their injuries to the Investigating team. The team was then taken to the wards where there were fourteen men still admitted. Some of these had been brought there by the police, some from the jail and some by other villagers. The Investigating team visited a ward where five of them were lodged.

These men were seriously injured, some on the crown, and some on the soles of their feet and on their legs. One of them wore a shirt which was caked with blood.

Three other men occupied the beds in the corridor of the hospital. Two of them had very peculiar injuries on the top of their feet as if they had been trampled upon. When the team asked the M.O. in-charge how such injuries could possibly be sustained, he replied, among other things, possibly by a fall. When asked whether he had witnessed such injuries arising out of a fall he did not answer the question but called the surgeon on his team to explain the injury. When asked whether he had seen injuries suffered in a stampede he said "no". According to the M.O. in-charge no policeman had been injured seriously and, in all only three had come to the center for treatment. None of the demonstrators had suffered serious injuries either according to the doctor.

Those released from Maheshwar also arrived at the Health Centre while the team was there. All the people present there were the ones who had been arrested on 22nd and had little idea about what transpired on the next day.

While visiting the hospital, the Investigating Team met several people from Jalud. They informed the team that the arrangements made for them at Samraj ki Bairi were highly unsatisfactory. They said that the hillock was a stone face, uncultivable and a small part of it was already encroached upon. They also said that they had lodged a protest against this arrangement.

Visit to the Maheshwar hospital

From the Health Centre, the Investigation Team proceeded to the Maheshwar Hospital where the injured women were still admitted. They learnt that on 22nd April, nine women and one man were admitted to the hospital by the police. One of the women, Smt. Pramila Bai of Sulgaon could barely speak. She had clear injuries on her finger and toes and said that she had been hurt in her ribs. Five women were still in the wards when the team visited the hospital and were in a bad enough state not to be discharged. They were complaining of being abused, beaten up, having their jewellery snatched and their clothes torn off by the police.

visit to the district officials

From the hospital the Investigating team returned to Mandleshwar to meet the Collector and the S.P. who said that they were happy to meet them and only if the member of NCW (Dr. Hameed) had just asked for them, they would have come out and met her in the afternoon when she had come to the Rest House. It should be noted that the Investigating Team had made its first stop at the Rest House so that it could meet the officials before proceeding to the dam site. At that time, they only found the Additional Collector (Smt. Suraj Damor) who had stated that she had no intimation about the arrival of the NCW team. By their own admission, it is evident that the Collector and the S.P. were also present at the Rest House but for whatever reason did not come out to meet the team nor made their presence known.

The two officers were very keen to show the Investigating Team a video of the whole proceeding. They kept repeating that once they saw the film they would not have any further questions left !. By then it was already past eight in the night and Member had to return to Indore in order to catch an early morning flight to Delhi. Hence entire the video could not seen. The team watched for a total of 45 minutes. Excerpts were suggested by the Collector and the S.P. were watched. These included the briefing of the police and the STF on the evening of the 21st and various scenes at the Satyagraha site. The briefing was detailed and the policemen were told specifically not to touch any women with their hands. Some policewomen and STF personnel could also be seen at the briefing. The last scene was that of the demonstrators peacefully entering the buses well past 5 P.M as shown in the video clock. On the suggestion of the team, The Collector and the S.P. accompanied them part of the way back so that they could discuss matters more fully.

When the team was driving out of the gate, they saw some women waiting outside the Rest House. They got down from the car and found that these were women who had been injured in the violence perpetrated the 23rd. The women were emphatic that on that day no policewomen were present. They were beaten up by the STF, chased by mounted police and made to run into the river. They went to describe the incident of teargassing and firing in the air.

Findings

1. Violence:

The team found that there were a large number of men and women who had sustained extensive injuries on both the days in question. It was also established beyond doubt by records (such as the jail register) that a large number of women were present at the Satyagraha and the number of policewomen was highly inadequate to handle them even if the figure of thirty policewomen provided by the S.P. is taken to be the correct number. It is also clear that on the second day there was teargassing as was also admitted by the Chief Minister before the State Assembly.

On the question of when and how these injuries could have been sustained, the following needs to be considered. The administration claims that the whole operation on the 22nd was peaceful. If indeed this was the case, how did so many people get admitted to the hospital and how did many more have visible injuries? One possibility is that they got hurt later in the jail. But the jailer did not report any squabbles in the jail and also the people did not claim any violence by jail authorities. The second possibility is that they could have been injured after their release but this was also not the case either because the Investigating Team met them as they were coming out of the jail. Further more, a substantial number of those hospitalized was brought to the hospital either by the police or by villagers on the 22nd. In other words, there is every possibility that these hundreds of people who appeared before the Investigating Team had been injured at the dam site on 22nd. This raises serious doubts about the veracity of the official version which denied violence on 22nd altogether. Given the location of the injuries and the size and shape of bruises in most cases, it is difficult to accept the version of the Medical Officer that these injuries could have been sustained in the course of a fall.

In so far as the 23rd is concerned, the administration claims that the crowd became violent and started pelting stones which evoked a violent response from the police. If indeed the police were responsible for the violence, there should have been some signs of it. It is difficult to believe that it should be said that it is the duty of the investigating

Team did not see many stones which could have been pelted, although it did see huge boulders brought in for construction. Thirdly, NBA is a known and respected organization which adopts forceful but non-violent means of protest making it unlikely that the Satyagrahis would have brought stones with them for attacking police. Finally, this is not the first demonstration held by these people and on earlier occasions they have never shown violence. Hence it is not clear as to why the administration was expecting violence in this Satyagraha for which it was giving such detailed instructions to the police. All in all, it is difficult to accept the official version of violence being initiated by the crowd.

The making of a video of the police briefing in such detail also casts doubts about the official version. When the police force was so well prepared why did the S.P. not summon a larger number of police women? In the past also women have demonstrated in thousands in this area. The Satyagraha was not sprung as a surprise, then if a videographer could be organized why not an adequate number of police women be brought in to arrest women who were violating the prohibitory orders?. Prima Facie this seems to be an instance of misguided priorities in managing a law and order situation. Also if the police was being told not to be on the offensive with the women, and the situation was expected to turn violent then the police should have been provided with shields rather than with unlimited freedom to beat up demonstrators.

The briefing itself is a good example of how one sided the police and the administration were. In the briefing the S.P. told his men at length about the right of S.Kumar's and his labourers to continue with their work and compared it to the right of the activists to protest. Of course he did not mention or link the two to the breach of promise on part of the government which had brought these two parties to a confrontation, in the first place.

The investigating Team found a major discrepancy between the records of the police and these of the jail authorities. The jail records at Mandleshwar show the time of the arrival of the arrested people as 2:30 pm. As per the video shown to the Team and the verbal accounts of the S.P. the arrests are supposed to have taken place past 5 p.m. Given that the distance between the jail and the dam site, it would have taken at most half an hour for the detainees to have arrived at the jail. Which means that they should have arrived in Jail at 5.30 p.m. and not 2.30 p.m. How could they have arrived in jail at 2:30 pm and got

arrested 2 1/2 hours later at 5 p.m. Logical absurdity. If both records are correct then the only possible explanation is that arrests were not limited to the prohibited area alone. Seen in conjunction with the complaint of the NBA regarding Jalud residents being arrested from their homes and fields this becomes a serious matter. This discrepancy raises ~~more~~ doubts about the authenticity of the official version.

The full extent of the injuries suffered by people is still not known because of the different times at which people were released and because some managed to escape arrests. The NBA informed the NCW that by 27th it had lodged 49 FIRs which 15 relate to women.

When the Investigating Team asked the Collector why so many complaints were being made if indeed there was no violence, he said that the organization was trying to derive mileage out of the event. But even he had no explanation for the large number of people injured.

The Investigating Team requested a copy of the video from Shri Bhupal Singh. This was not received until the writing of this report.

2. Jail:

The release order was made on 24th as per the jail records. The Investigating Team was informed by them that this order reached the jail only on the 25th and then there was no delay in releasing prisoners. In comparison, those detained in Khargone which is at a distance of nearly 60-70 km from Maheshwar, were released on 24th evening itself and were transported back on 25th morning. People in Kasravad jail were released only on 26th. It should also be noted that all but the seven detenués in Kasravad jail were released unconditionally. This merits further investigation because it is indicative of attempts at intimidating activists while they are in jail.

The matter of keeping women and men in the same enclosure at Maheshwar jail is also a serious matter which requires explanation. The least the authorities could have done was to designate different jails as male and female jails rather than to subject women to this additional hardship.

Last but not the least, it needs to be noted that there was a six hour gap between the announcement of the visit of the NCW Investigating

Team and its arrival at Mandleshwar. It was during this gap that most releases from the jail as well as the hospital took place.

In addition to the above, there are complaints regarding insufficiency of food and water, intimidation by the jail authorities and problems with jail records.

3. Loss of belongings:

Many women complained of their clothes being torn by the police and their ornaments being snatched. A list of losses suffered in the Maheshwar Jail is annexed to this report. Besides this, there was a more universal complaint about people losing their bundles containing shoes and other sundry items. Jail records should be a good measure of who managed to arrive at the jail with their belongings.

Conclusions and recommendations

Conclusions :

1. The investigation so far reveals that violence was used extensively against peaceful demonstrators on 22nd and 23rd April 1998 at the Maheshwar Hydel Project site. The violence was not provoked by self defense or used a means to control an unruly mob. This violence was perpetrated against people who were protesting peacefully against the breach of promise by the government which has gone back on its order to stay all construction till the report of the Task Force is complete.
2. This violence, accompanied by vulgar and sexual abuses, is a big blow to the empowerment of women who have, for the first time, come out of their homes to protect their right to life. Their right to life cannot be equated with the financial losses which may have ensued if there was any damage to the pits.
3. It is pertinent that the administrative circumstances under which the police has acted be investigated formally. This is not the first time that the NCW has been requested to step into investigating excesses by the State in the Khargone district. The last incident was just about seven months ago and comprised of large scale violence looting and displacement of tribal women. Even at that time the NCW had warned the Government that unless the method and the means to deal with the demands of the people were modified and

and their grievances handled in a just and fair manner there was every chance of creating massive discontent and unrest.

There is every need at this point to handle the review process in a just and fair manner. The government has to abide by its own promise to wait until the report of the Task Force is submitted. Even if the project gets a clearance, a genuine effort has to be made to rebuild the life of people. They should not be left exposed to blasting and free access to their fields, if and when construction starts again. Alternative arrangements have to be made before any displacement occurs. The government has to be proactive and not wait for struggles to be launched before taking cognizance. In the entire process the government should continue to involve the NBA.

Every effort needs to be made to repair the breach of confidence and to redress any injustices done. Doctors should be instructed to examine anyone who comes to them with a complaint. Similarly the police must register complaints, no matter who complains.

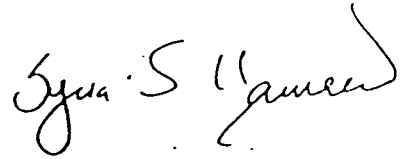
The district administration should not be given the responsibility of maintaining law and order without being involved in decisions which are bound to create problems. It needs to be understood that cost and benefits of a project cannot be seen in isolation from sacrifices being demanded from some of the people.

These recommendations are being made with a view to seeking a solution which prevents the recurrence of such events in the future. It must be recognized that unless status quo is restored with respect to staying all construction work pending the recommendations of the Task Force in this regard, violence will become a continuing reality in this otherwise peaceful valley.

Recommendations

1. That the State Government stops all construction including the construction of the safety wall, until the Task Force submits its report
2. That People of Jalud must be provided with immediate access to their fields and to the river by dismantling the fencing.
3. That the State Government must institute a time-bound judicial inquiry and take action against those responsible for widespread violence against people.
4. That the State Government should investigate the circumstances under which people spent their time in jail and take action against those responsible for intimidating them and also against those responsible for making them provide bonds for their release

5. That the State Government provides compensation to those who have suffered injuries and loss of ~~jewellery~~ and belongings. Jail and hospital records should be used as the basis for compensating people. An ex-gratia amount of Rs. 500/- should be paid to all those who were imprisoned., Rs. 5000 /- should be paid to women who have reported a loss of jewellery and to those hospitalized. Cost of medical treatment should be reimbursed to those who have filed FIRs.
6. That the State government should take action against those responsible for non-delivery of release orders which lengthened the detention of hundreds of people.
7. The state Government should ensure that the presence of police at the dam site is there to protect people, the police should be prevented from becoming a private army working against people.



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New Delhi
26th May, 1998