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India: Police shootings and forced evictions target adivasi indigenous communities in Madhya Pradesh

Amnesty International today expressed concern over a continuing threat of forced evictions involving the excessive use of force by police in an intensifying pattern of land disputes involving *adivasis* indigenous communities.

Tension remains high in Ghateha village in Rewa District, Madhya Pradesh (central India) after violence erupted on 19 April 2007 as members of the *adivasi* community sought to protest against their forcible eviction by police and local officials. The confrontation and police firing occurred despite a reported pledge by the local authorities that the land dispute between local *adivasi* and the State Forest Department would be resolved soon.

According to local human rights organizations, on the morning of 19 April more than 50 police vehicles and bulldozers under the direction of state police and Forest Department officials arrived at Ghateha village to evict them in the absence of any order from a court. Local villagers gathered to resist the eviction and, during a subsequent five hour-long confrontation, police fired in the air to disperse the demonstrators who pelted stones at them. Later, the police fired teargas shells and live bullets injuring six persons, including a woman. Police also reportedly severely assaulted a number of *adivasis* including women, who were protesting the police action. Police said six police officials were injured in the pelting of stones.

At least 3,000 inhabitants fled the village in fear as police used bulldozers to demolish thatched huts and temporary structures, burnt them down and reportedly looted property. Police are also reported to have filed charges of unlawful assembly against 29 persons.

Amnesty International believes that these actions amount to forced evictions, which have been recognized as a gross violation of human rights. Forced evictions are evictions without adequate notice, consultation with those affected, without legal safeguards, and without assurances of adequate alternative accommodation. As a state party to the International Covenant on Economic, Social and Cultural Rights, India is under an obligation to desist from undertaking forced evictions and to protect the population from the threat of forced evictions.

With tensions continuing armed police officials are reported to be patrolling the district, preventing any movement to and from Ghateha village. The injured persons, numbering around 20, are still awaiting medical treatment and a large number of *adivasis* have not returned to the village fearing police assault and harassment.

The *adivasis* have been cultivating the land in question, amounting to 375 hectares and upon which their livelihood now depends, for at least four years. In December 2006, the Indian parliament passed landmark legislation recognizing the land rights of *adivasi* communities across India, following which, in March 2007, the *adivasis* lay claim to the land in Ghateha by erecting thatched huts.

While the *adivasis* claimed that, since 1974, the land had been categorized as non-forest land and they could therefore legally cultivate it, the State Forest Department claimed that the *adivasis'* action amounted to encroachment on forest land. On 5 April 2007, the state forest department framed charges of encroaching on forest land against 17 *adivasi* activists, nine of whom were arrested and sent to jail in Rewa town.

The police action on 19 April took place despite an assurance, on the previous day, from the Rewa district collector to the *adivasis* that efforts would be taken to speedily resolve the land dispute, and that they would be provided with alternate land if the Forest Departments assertion was found to be valid.

Amnesty International urges the Government of Madhya Pradesh to:

- o immediately cease all forced evictions;
- o immediately ensure that all victims of forced eviction receive emergency relief including shelter, food, water and access to medical assistance;
- o order a prompt, impartial and independent inquiry into the police action in Ghatela village on 19 April and promptly make the findings public.
- o The inquiry should cover the role of police and other forces in assisting evictions and the manner in which authorization was given for police units to participate in evictions which did not conform to the law;
- o ensure that all state officials, including Forest Department and police personnel, who are suspected of perpetrating human rights violations are prosecuted;
- o ensure that, while law and order should be maintained, those who are engaged in peaceful exercise of their rights to freedom of assembly and speech are able to do so without fear of violence, harassment or false accusation of involvement in criminal activities.
- o set up a commission of inquiry to investigate the way in which evictions in Ghatela were carried out and to make recommendations for effective remedies to victims of forced eviction. The terms of reference should require the commission to investigate
 - o the way in which evictions were carried out and whether they followed the requirements of national law and international human rights law and standards;
 - o the basis for the decisions to carry out evictions and whether alternatives to eviction were considered;
 - o the way in which the affected communities were informed of the decision;
 - o the consultation process prior to evictions;
 - o the registration of land under eviction;
 - o the composition of eviction teams and
 - o provision of alternative adequate housing to the *adivasi* victims of forced eviction who remain without shelter.
- o take prompt action to provide adequate alternate housing to the victims;
- o place a moratorium on mass evictions of *adivasis* till such time as a comprehensive human rights-based policy and a legal framework providing effective remedies have been adopted;
- o instruct to all relevant authorities that any other evictions may only be carried out on the basis of a court order after adequate consultation with those who may be affected and after prior arrangements have been made regarding adequate resettlement and compensation;
- o widely publicize this moratorium and the instructions on radio and television and in print media and place posters in offices of local authorities.

Background

In December 2006, the Indian parliament passed the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, which recognizes and records the rights of traditional forest-dwelling communities including *adivasis* to security of tenure and access to minor forest produce, and renders them as key stakeholders in the preservation of natural spaces.

A large number of *adivasis* in Ghatela are supporters of the *Birsa Munda Bhoo Adhikar Manch* (Birsa Munda Land Rights Forum), which affiliated to the National Forum of Forest People and Forest Workers (NFFPFW) which led the campaign for the enactment of the above legislation.

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