

IN THE SUPREME COURT AT NEW DELHI

CIVIL ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) NO. 250 OF 2007

IN THE MATTER OF:

NANDINI SUNDAR AND ORS

...PETITIONERS

VERSUS

STATE OF CHATTISGARH

...RESPONDENTS

ADDITIONAL AFFIDAVIT

I, Swami Agnivesh, aged 72 years, resident of 7 Jantar Mantar Road, New Delhi, do hereby solemnly affirm and state on oath as under:

When I got the news on my mobile on 20-21 March, 2011 from Himanshu Kumar, a dedicated social activist, who had spent 18 years of his precious life in Dantewada forest working among the tribals, that 300 houses had been burnt down in Dantewada region in three villages, Morpalli, Tadmetla and Timapuram and 3 tribal women had been raped and three men had been killed, I was in total disbelief because I had not seen any news media on this issue. But I picked up my phone on 21 March and called Dr. Raman Singh, Chief Minister of Chhattisgarh to find out about this incident. He feigned ignorance and said he will get back to

me when he gets some more information about these villages.

After reading newspaper reports in *The Hindu* and *Times of India* on 23rd March 2011, I again called the Chief Minister to say I wanted to go and verify the situation and provide some humanitarian assistance which I had been assured by some philanthropist. Since the Chief Minister had asked me not to go because of landmines laid by the Maoists, I requested him to provide me with his helicopter to which he said he has only one helicopter which is under repair and will take a minimum of 5 days to repair.

The next day on 24th March, I went from Raipur airport to Dr. Raman Singh's official residence. I was told he was still in the Vidhan Sabha participating in some *kavi sammelan* and it would not be possible for me to meet him. But he spoke to me on the phone and assured me that I could proceed to Dantewada and wherever I wanted and he would provide full security and he would be in regular contact with me. I thanked him for that and the next day proceeded early morning to Bastar along with two senior Acharyas of the Art of Living Foundation whom Shri Shri Ravi Shankar ji had deputed along with some relief material. Rishi Milind accompanied me from Raipur and Acharya Ajay Singh joined me from Jagdalpur.

The first thing we did in Jagdalpur was meet with the Commissioner, Mr. Srinivasulu. During my one hour conversation with him I could easily notice his discomfiture about the obstructions being put by his own SSP and DIG Dantewada, Mr. SRP Kalluri, although he would not say that openly. The same evening we proceeded to Dantewada driving another two hours and had a two hour long meeting with the Collector in his office, Mr. R. Prasanna. Although he too was obstructed

from taking relief materials to those villages, I was impressed by his ideas to reach out to the poor villagers particularly the tribals and he wanted co-operation from civil society. He said he had hardly been there for six months and would need a minimum of 2-3 years to show some change. We appreciated his efforts and promised him fullest co-operation. Late in the night we reached Sukma forest guest house. By now we had been warned by Mr. Manish Kunjam, former MLA , and a few others that there would be stiff protest against us at Dornapal by the Salwa Judum people. I was confidentially told that the DIG/SSP Mr. SRP Kalluri was camping in Dornapal and instigating the locals to put up a protest demonstration. I couldn't believe this because the Chief Minister was in fact providing me with full security and assistance. I was accompanied by a police vehicle from Raipur.

The next day early morning 26th March at 5.30 am when we set out accompanied by SDOP Mr. Tarkeswar Patel, there was a young man suspiciously moving around taking videography of our movements despite the dark and a light drizzle. Immediately after we sat in our vehicle, he rushed on his motorcycle to Dornapal as if to inform some people there. The *Indian Express* journalist, Mr. Joseph John, and some other journalists accompanied us.

When we reached Dornapal, a motley crowd of 100-150 people led by some non-tribal looking, well built men, shouting filthy abuses in chaste Hindi, pulled all three of us out of the car. The driver was also threatened and the car tyres deflated. We had to face untold humiliation and unspeakable manhandling and pushing etc. This continued for nearly forty minutes or more. We wanted to hear them if they had any grievance but they were shouting: "where were you when 76 jawans were killed and

when the Maoists perpetrate their acts of violence.” To which I tried my level best to tell them that it was I who last year led a peace and justice march from Raipur to Dantewada, 5-10 May 2010, denouncing Maoist violence. We had paid flowing tributes to the soldiers who had been killed. But they were not in any mood to listen and kept shouting at us and pushing us. They pushed some women, who they said were widows, in front and forced them to fall upon us. In the process of one of the women being pushed at me, my turban was pulled off. The Art of Living Foundation people had a car load of clothes and other materials to be distributed to the victims of the burnt villages but the whole consignment was taken over by this crowd. Luckily our driver managed to pump air into the tyres. As we sat in the car to retreat, eggs were thrown on our car. The journalists accompanying us were also manhandled and badly treated and shouted at. The SDOP, Mr. Tarkeswar Patel tried to give us some protection but he was also pushed aside.

On our way back to Sukma we contacted the Chief Minister and spoke to his personal secretary, Mr. Arun Bisen, who told us to wait for the Chief Minister’s message. Around 10.30 am the Chief Minister called me on the mobile of Acharya Ajay Singh. Dr. Raman Singh insisted that I should proceed again and this time he would provide me and my convoy utmost security of 100-150 security personnel and I would be able to go to the affected villages. I felt enthused by his message and waited for the police party to arrive. It took several hours for them to come. At 3 pm finally Addl. SP, DS Marawi, himself a tribal, came to take us. We told him that we are here on a humanitarian mission and therefore would like to avoid confrontation with the locals, be it Salwa Judum/SPOs. He assured us that he had already spoken to the leaders of Dornapal and that we had been promised safe passage. We shared with him our latest information

that the crowd had swelled to 3000 and they had blocked the traffic on both sides.

When we reached close to Dornapal naka we saw trucks and long route buses stranded and a huge menacing crowd assembled there. We immediately contacted ASP Marawi and told him to retreat because we sensed trouble to which he said, no, everything will be fine. In his over-confidence, he got down from his vehicle and approached the crowd to negotiate safe passage. But instead he too was pushed down by the slogan shouting marauding mob who then swooped on us from all sides and surrounded our car with sticks. This time the ASP had provided us with his personal vehicle, a brand new Scorpio. The crowd wanted to pull us out and lynch us, failing which they were also determined to set the vehicle on fire. They started pelting the car with huge rocks weighing around 1 kg, on all sides, and all the window panes shattered to pieces. The rocks started hitting us. The driver was also pulled out and beaten. One big rock hit me on the back of my head, and I was saved only because of my turban. Rishi Milind was saved because he took the blow on his right elbow, which was injured, but it saved him from brain injury on his right side. All this happened between 4.45 and 5.00 pm.

The 15-20 security men who had accompanied us (not 100-150 as promised by the Chief Minister) stood by silently. There is a CRPF camp right there and they also did nothing. The journalists with us were also being attacked. Then the driver got into the vehicle again and pulled us out of that murderous attack. With great difficulty he manoeuvred the car around and drove back. The Salwa Judum/SPOs chased us for around 15 km on the road back.

I sincerely believe that God Almighty saved us and enabled us to

return to Sukma or else we would have been either charred to death or lynched by the mob. We could all see the tell tale marks of instigation and incitement by Mr. Kalluri who had for two days and nights been giving people mutton and liquor in the camps.

ASP Marawi, a very upright officer was badly shaken, and gave an interview to the media that he knew the people who were behind the attack and he would lodge an FIR against them, and would not let them go scot free. Later we came to know that the police in Sukma hesitated to lodge the FIR for fear of Mr. Kalluri. The FIR has since been lodged.

From Sukma, we returned to Jagdalpur and overnight drove to Raipur. On 27th morning at 10.30 am we met the Chief Minister at his residence. He had not a word of remorse. I reminded him of the joint press conference with me on 12 February 2011 where he thanked me profusely for negotiating the release of 5 policemen from the Maoists after 18 days of captivity and also of his statement that violence was not the answer and dialogue was the only way out.

I told Chief Minister Dr. Raman Singh he has to take moral responsibility for all the incidents that had happened from 11 March to 26 March. Second, a high level judicial enquiry by a retired Supreme Court judge should be instituted to look into the cases of burning of houses, rape and killing in those three villages and also the murderous assault on us. Third, in order for the enquiry to be impartial, DIG SRP Kalluri should be suspended forthwith and an FIR filed against him. Fourth, he should review all cases of alleged Maoists languishing in Chhattisgarh jails and wherever possible, give them bail.

But the foremost we insisted was that he should send relief material to the affected villages. As a Chief Minister it was his duty to visit the villages himself with all the relief material. To which he said that the Collector Dantewada had constituted an enquiry committee headed by an SDM, Surendra Vaidya, and a journalist and a college lecturer. I told him that such a small time enquiry would not do justice and therefore I insisted that an enquiry has to be by a high powered retired Supreme Court judge. He told me his officers were taking care of the relief. I shared with him what I had learnt from both the Commissioner and Collector that even their efforts were being frustrated by the Salwa Judum SPOs.

Finally, I shared my deep anguish at the way Salwa Judum had been created in Chhattisgarh and when the Honourable Supreme Court called for disbanding such a private militia the same was renamed SPOs and now the young men in their early 20s have been recruited with hardly any training and armed with rifles and renamed Koya Commandos. They are being told to confront the Maoist guerrillas. I told him that this is using these poor tribal village youth as cannon fodder, and is tantamount to unleashing a civil war among adivasis. Instead they should be properly rehabilitated with some proper economic activity. I told him that Salwa Judum is still very openly active in this area. There is a big board in Dornapal, saying Salwa Judum Zindabad. The Chief Minister differed with me and said they are the best people to take on the Maoists.

In conclusion, I would like to state the following:

1. Salwa Judum is still very active in the form of SPOs and Koya Commandos who are armed and are engaged in combing operations and burning villages and stopping

people from travelling freely, and is fully supported by the top police administration.

2. The rule of law has completely broken down in Chhattisgarh, so much so that even the Collector, Commissioner and the ASP are not safe from the SPOs and are unable to move about freely or lodge FIRs.
3. I find the Chief Minister himself following a policy of double speak, running with the hare and hunting with the hounds.
4. The Supreme Court now should take the initiative and constitute a judicial enquiry into all the cases of killing, rape and arson since 2005 so that truth can come out and a long term policy of peace and development can be initiated.

VERIFICATION

I, the deponent above named, do hereby verify, on this 31 day of March 2011, that the contents of the above affidavit are true and correct and no part of it is false and nothing material has been concealed therefrom.

DEPONENT