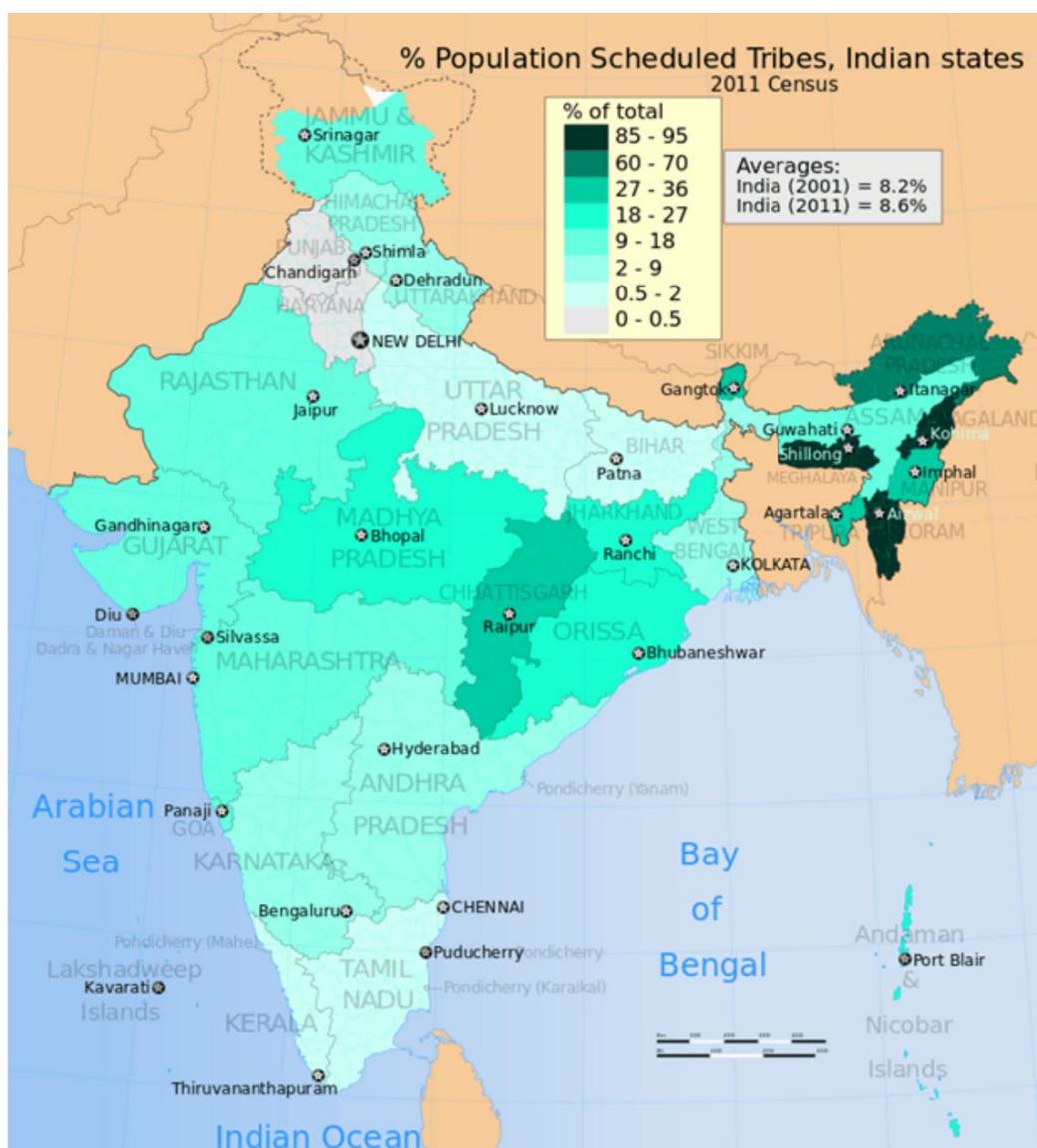


IMPUNITY AND CRIMINALIZATION OF INDIGENOUS PEOPLES IN INDIA



Crime Record against Scheduled Tribes (STs):

India has partially implemented two noted Universal Periodic Review (UPR) recommendations relating to the effective implementation of the Scheduled Caste and the Scheduled Tribes Actⁱ and prevention of and justice for violent acts against tribal minoritiesⁱⁱ. In 2015, India's Parliament passed the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Bill to provide for stringent action against those involved in crimes against STs. The Bill amends certain existing categories and adds new categories of actions to be treated as offenses, including wrongfully occupying land belonging to STs and assaulting or sexually exploiting an ST woman, among others, and makes further provisions on role of public servants and courts.ⁱⁱⁱ

However, as evident in the official reports, crimes against STs in India are only increasing every year. A total of 6,793 cases of crimes committed against STs were reported in the country during 2013 as compared to 5,922 cases in 2012, thus showing an increase of 14.7%. This increase was observed under crimes of rape, kidnapping & abduction, dacoity, arson, protection of civil rights act and the SC/ST Act^{iv}. The average conviction rate for crimes against STs stood at 16.4% compared to overall conviction rate of 40.2%.^v Crimes against STs further increased substantially by 68.6% to a total of 11,451 cases during 2014.^{vi} In 2015, the crimes saw a small decrease to 10,914^{vii} while the conviction rate was 27.6%, still way less than national rate^{viii}. These are only the reported cases of atrocities committed by non-tribals and do not include cases of human rights violations by the security forces.^{ix}

Racial Discrimination: At the same time, there has been growing concern over incidents of racial discrimination against people from the northeast in Indian cities. In August 2012, over 5,000 panic-stricken north easterners fled from the southern city of Bangalore after reports that their communities would be attacked to avenge sectarian violence between indigenous communities and Muslim immigrants in Assam, in which 74 lives were lost the earlier month.^x In February 2014, in what many described as “hate crimes” against north-easterners, a student died of internal injuries after shopkeepers, who had ridiculed his appearance, had beaten him.^{xi} The incident sparked protests of thousands in Delhi calling for justice against racism.^{xii} In the most recent incident, in August 2016, a student from Arunachal Pradesh was beaten in Pune while the police delayed to lodge the complaint of the case.^{xiii} Indigenous peoples’ organizations point to inadequate government efforts to prevent or address such incidents.^{xiv}

Violent acts against tribals at the hands of the State security forces and armed opposition groups have continued. The tribals are trapped in between the armed groups and security forces in areas of armed conflicts such as Maoist insurgency areas in mainland India. Particularly, in northeast India, there has been significant opposition to increasing militarization (*which are discussed under ‘Developments since the last review’*).

Highlight cases of Indigenous Women

a) India supported a recommendation to continue to promote the rights of women in their choice of marriage and their equality of treatment independently of tribe and other considerations.¹ **India has not implemented this recommendation.**

b) In 2014, CEDAW noted India’s efforts to enact a legal framework to prevent and respond to violence against women, including Adivasi women, and the establishment of a committee on amendments to criminal law to review existing normative gaps in 2013. However, it also expressed concern about the poor implementation of the Scheduled Castes and the Scheduled Tribes Act, the impunity of perpetrators of serious crimes against women, and that women from scheduled tribes face multiple barriers in gaining access to justice, owing to legal illiteracy, lack of awareness of their rights and limited accessibility of legal aid.

Human rights defenders

India noted two UPR recommendations in relation to protection of human rights defenders, including through enacting a law, with particular emphasis on those defenders facing greater

risks, such as the rights of scheduled tribes. **India has not implemented this recommendation.** No step has been taken to enact such law. While UN Special Rapporteur on the situation of Human Rights Defenders have reported on particular risks of human rights defenders working on the rights of indigenous peoples in India¹, indigenous women human rights defenders such as Soni Sori and Dayamani Barla, who are facing criminal charges, are confronted with additional challenges including sexual violence or risks thereof, including in custody, lack of legal support as well as access to justice and effective remedy.

Crackdown on Civil Society:

Civil society organizations in India have been facing a worsening crackdown, involving an intensification of judicial harassment, arbitrary arrests and intimidation. In April 2015, Ministry of Home Affairs cancelled the registration of 8,975 Non-Government Organizations (NGOs) working in India, on the basis of violating reporting requirements under the draconian Foreign Contributions (Regulation) Act (FCRA). Many organisations targeted by the FCRA have been deemed as ‘anti-national’ and the cancelled registrations unfairly target a number of environmental NGOs, particularly those working on accountability in the context of mining, dams and nuclear projects.¹ Many of those projects primarily concern number of indigenous groups in India.

Alienation of tribal land and repression under forest laws

a) Despite stringent constitutional provisions and state laws for protection of land belonging to tribal peoples, land alienation has continued unabated. While the latest data on alienation of tribal land is not available, in April 2012, the Government informed the Parliament that 437,173 cases of tribal land alienation had been registered, covering 661,806 acres of land in the country, out of which 217,396 cases were disposed of in favor of the tribals, and 190,573 cases were decided against the tribal landowners in the courts. The lack of seriousness of the Government towards the alienation of tribal land is reflected in the delay in implementing the recommendations of the report submitted in May 2014 by a High Level Committee that was formed to look into the issue.

b) Meanwhile, touted as a path breaking law for recognition of forest rights of STs and other traditional forest dwellers, the Forest Rights Act 2006 (FRA) has suffered from poor and misguided implementation. As per the Ministry of Tribal Affairs, as of 31 July 2016, around 4.2 million claims received across India under the Act, a total of around 3.7 million claims (88.1%) had been disposed off, and for which 1.7 million titles were distributed. This means that a majority of the claims have been rejected or are pending.¹In 2014, 52.87% of the total claims disposed off were rejected.¹A study revealed, in July 2015, that the Act has the potential to recognize the rights of approximately 150 million tribal and forest dwelling communities over at least 40 million hectares of forested land – half of India’s forests.

c) In 2016, the government of India introduced a new law called the Compensatory Afforestation, Management and Planning Authority (CAMPA), to boost reforestation across the country ignoring the FRA and the requirement of consent of the village councils for afforestation and the importance of indigenous people in conserving forests.

d) Furthermore, tribal peoples are facing serious threats of or are being subjected to forced evictions from their forests. A phenomenon of evicting tribals for saving tigers has emerged in India.¹ In Madhya Pradesh, more than 200 Gondtribals are being forcibly evicted in a village for expansion of Panna Tiger Reserve since August 2015.

In January 2015, a forest official threatened a tribal leader and allegedly asked his fellow villagers to attack him or drive him out of Similipal Tiger Reserve in Odisha if he did not agree to their relocation. The tribals who are evicted often receive little if any compensation. Around 450 Gond and Baiga tribal families in the Kanha Tiger Reserve in Madhya Pradesh, who were evicted in June 2014, had neither been resettled nor provided with any source of income as of January 2015. Some families received a fraction of the agreed compensation, while others received nothing.

Increasing development induced land dispossession

Dispossession or displacement of indigenous peoples from their lands has continued in India in the name of energy, infrastructure development and mining projects. Many of these projects are opposed for their human rights and environmental impacts as well as other ramifications.

Mega-dams and other infrastructure

India is aggressively pursuing construction of over 100 large hydroelectric dams in its northeast in a bid to establish first-use rights on the waters of the rivers originating in China. India's National Action Plan on Climate Change includes construction of dams as so-called clean energy, especially in the northeast, with several dams already cleared to receive carbon credits under Clean Development Mechanism of the UNFCCC. All the while, anti-dam protests in the northeast have only intensified.

For more than 15 years, indigenous communities in northeastern Manipur state have resisted the proposed 1500 MW Tipaimukh Dam on the Barak river over India's failure to undertake public consultations and information sharing.¹ In July 2013, the Forest Advisory Committee of India's Ministry of Environment and Forest rejected forest clearance for the dam after concluding that the dam will submerge large area of forestland disproportionate to its power generation and also cause very high environmental and social impacts.¹

In 2014, India's Central Water Commission recommended scrapping 14 of the 44 dams planned across the Siang river in Arunachal Pradesh for the environmental impacts of the dams meant to generate 18,293 MW electricity. Indigenous communities have demanded scrapping all mega dams over the river while the issue was pending in the State Court.¹ The communities had obstructed the government's efforts to conduct three public hearings, citing that the hearings fall short of the basic requisites of free, prior and informed consent (FPIC) that the indigenous Adi and Galo peoples demand. The Assam government has also rejected the dams due to community opposition in the state, where there will be downstream impacts.

In similar case, indigenous Khasi people of Meghalaya, who will be affected by the 240 MW Umngot Dam, also opposed the dam and the public hearings conducted for the project. Earlier, indigenous communities boycotted public hearings of Tipaimukh hydel project, the

3,000 MW Dibang multipurpose project in Arunachal Pradesh, which was also rejected forest clearance in 2013 with the Tipaimukh project¹, and Teesta dams in Sikkim, where the 520 Teesta IV hydropower is being considered for environmental clearance after community efforts have resulted in the state government cancelling a total of 10 dams¹. Other controversial projects include the Lower Subansiri hydroelectric project in Arunachal Pradesh, whereby number of activists were arrested after agitations in 2015, Mapithel dam of the Thoubal multipurpose project in Manipur, reannounced in July 2016 despite much community opposition¹. The blocking of the Thoubal river since January 2015 has already caused negative impacts to the livelihoods and lives of the indigenous communities¹ similar to the earlier projects in the region¹ while the Government of Manipur plans to build at least four new hydropower dam projects in the state.

Other infrastructure development such as trade and transportation projects have also caused concerns for the rights of indigenous peoples. For example, Mizo people in India and communities in Arakan and Chin states Myanmar have continued their movement demanding community consultations and respect of human rights in the implementation of Kaladan Multimodal Transit Transport project between the two countries since the project was founded in 2008. In another case, six tribal chiefs have petitioned in the court against government agencies and Asian Development Bank for implementing and financing the North Eastern State Roads Investment Program without providing necessary information. The court has notified the agencies and the bank to provide assessment of the Program.

Mining

Mining has remained as one of the most serious challenges to the rights of indigenous peoples across India. Particularly, across central Indian tribal belt, a number of mining operations have displaced tribals or are being opposed by the tribals for such threats, however with only rare success. In a report in 2016, Amnesty International said that adivasi has suffered disproportionately from India's push for coal, with one in 6 of the 87,000 Indians who have been displaced over the past 40 years by state-owned Coal India Ltd being an adivasi.¹ Many of India's coal reserves are located in the central and eastern states of Chhattisgarh, Jharkhand and Odisha where more than a quarter of the country's Adivasi population lives. In one representative case in Chattisgarh state, about 400 adivasi Kavar families have been forced out from their ancestral lands due to blasting and water contamination from the Chaal coal mine of India's largest coal producer, South Eastern Coalfields Limited. The mine began in 2003 and is being expanded with growing steel and other plants in Chhattisgarh.

In a rare victory, in 2015, tribal communities of Mahan forest in Madhya Pradesh blocked attempts to mine coal in their forest after internal wrangling among government ministries and two years of campaign.¹ Earlier, in 2014, Indian authorities also rejected British mining company Vedanta Resources' plans to mine the Dongria Kondh tribe's sacred Niyamgiri hills after almost a decade of campaigning by the 8,000 strong community people. However, the tribe does not feel safe yet as the company's refinery still sits at the foot of their hills¹, while the community leaders have been criminalized under various charges.

Indigenous peoples in northeast India face similar challenges with mining operations. In Meghalaya, limestone mining project of a subsidiary of the French firm Lafarge to feed its cement plant in Bangladesh has pitted indigenous communities against the tribal advisory

council. In 2010, the council supported the mining project in a case filed at India's Supreme court while indigenous communities claim the legal provisions do not allow for transfer of lands that belong to the tribals, not the government. Earlier, in 2007, the Court had stayed the mining project on the basis of the report of the Ministry of Environment and Forest, which said the company was mining forestland.¹ As a result, in 2015, India's government has announced initiating forest mapping in the northeast.¹

In Meghalaya, the state government in 2016 revoked its earlier decision that granted permission to the Uranium Corporation of India Limited to conduct pre-mining activities in southwest Khasi hills in the state.¹ The indigenous communities, concerned with the impacts of radiation and toxic waste of the mining, have demanded for a complete cancellation of the project. On the other hand, there are many cases where indigenous peoples continue to face the impacts of past mining operations, such as the oil spills from the Oil and Natural Gas Corporation well sites in Nagaland.¹ On the other hand, the Government has awarded new contracts for oil exploration and drilling in Manipur¹ while North East India Hydrocarbon Vision 2030 has been introduced in 2016 to drill oil and gas all over the region.¹

Continued militarization and human rights abuses

Large areas of central and northeast India have remained affected by armed conflicts. State security forces including the Indian Army and armed opposition groups have continued to violate human rights of indigenous peoples in those areas. The security forces allege tribals of having links with armed groups such as Maoists in central India and ethnic militants in the northeast while opposition groups also charge innocent tribals of being "police informers" or not obeying their diktats. Or, they are caught in alleged crossfires.

As a result, there are numerous cases of killings, including of children, sexual violence against women, torture and injuries of tribals every year – more at the hands of security forces than armed groups, and many are not even reported.¹ In July 2016, six tribal and Dalit villagers, including a two-year old boy, were shot dead and at least five injured in Odisha in an alleged crossfire between police and the Maoists¹ while human rights activists accuse the police of deliberate killings.¹ Two months later, the government is yet to initiate the judicial inquiry in the case despite its promise.¹

In northeast India, the government continues to apply Armed Forces Special Powers Act (AFSPA), 1958, despite recommendation from 2nd UPR cycle to repeal the Act. The Act gives special powers to the Indian armed forces in "disturbed areas" and blanket protection for their abuses. It has exposed the whole population of the northeast to abuses, including extrajudicial killings ('fake encounters'), disappearances, etc. in the name of counter-insurgencies. Arbitrary detentions, in particular, have been a common practice, which is accompanied by torture and other degrading treatment and even disappearance.¹ In July 2016, the Court held that armed forces could not use excessive force even in areas that come under the AFSPA and ruled that over 1,500 cases of alleged fake encounters in Manipur, over the last 20 years, "must be investigated". Earlier, in 2013, a Commission, set up by the Court, had probed six "sample cases of alleged fake encounters" in that year and found that every one of them "had not been an encounter" 'and had not been carried out by the security forces in self-defense.

All the while, concerns that India relies on armed forces to control many of its own people and capture mineral rich lands of the tribals and the poor for its geo-political aspirations gained strength with reports that the Government manipulated figures to prove increase in militants in Manipur to persuade the Supreme court to dismiss pleas that sought probes into the alleged fake encounters in the state in a case in 2013. This is further evident in the Government's decision to continue Nagaland as "disturbed area" for six months in July 2016 despite falling insurgency-related incidents and opposition from Nagaland government and people so as to keep the state under AFSPA. The AFSPA has also been extended in Manipur and Arunachal Pradesh.

Continued militarization has also been opposed in other north-eastern states. For example, in Mizoram, a governmental committee asked the state government to stop the plan to set up an Indian Army headquarters citing impacts on forests and livelihoods. The Tripura government also rejected Indian Army's request for land for a firing range that would have displaced 32 villages.

Non- Implementation of Constitutional Provisions

Tribal communities in India face widespread breach of constitutional guarantees and protective legislations such as the Panchayat Raj Extension to Schedule Areas (PESA) Act 1996 and The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006.

The Constitution entrusts the State Governors the task of ensuring 'peace and good governance' in Fifth Schedule areas. However, Governors have been neglecting their duties to uphold constitutional provisions for protection of tribal communities and effective administration of tribal areas.

Forcible Displacement

Development-induced displacement by acquisition of land by the State without 'land for land' rehabilitation. In India's North East alone, more than 200 mega dams are still being pursued without recognizing rights and consent of indigenous peoples. Similarly, 30 major, 135 medium, and 3000 small dams, were granted approval for construction, including raising the height of the Sardar Sarovar Dam in Madhya Pradesh. These dams already submerged vast tract of indigenous peoples' agriculture land, wetlands and forest¹. Oil exploration is also pursued in North Eastern states.

Non implementation of protective legislation

The implementation of the Forest Rights Act has been poor, often contrary to its empowering provisions and it's potential to achieve livelihood security, strengthen forest conservation and governance has hardly been achieved.

Violation of tribal rights by forest administration and forestry programs

Number of laws, policies and programs implemented by the Ministry of Environment and Forests potentially dilute protective legislation (FRA, PESA) and violate rights of tribals. Notable ones are the Compensatory Afforestation Act, 2016, the proposal for privatization of forests, notification of Village Forest Rules in the states of Maharashtra and Madhya Pradesh,

promotion and strengthening of the Joint Forest Management, plantation in land occupied and used by tribals for livelihoods.

Cultural Genocide of Adivasi Children in Schools^{xv}

The world's biggest boarding school known as KISS (Kalinga Institute of Social Sciences) in Bhubaneswar, Odisha, India houses about 27,000 children from all 62 of Odisha's Scheduled Tribes (STs). Parents are enticed into sending their children to this distant school, even though the experience often alienates them from their families, communities and natural environment. This happens through recruitment agents throughout Odisha and beyond, with tribal development agencies, principals of local schools and even police officials persuading parents to send their children to KISS for a free education, with extravagant promises. Children at KISS are allowed to go home only once a year. Special foods that their families send with them back to school are automatically thrown away in front of the children when they arrive in the school premises. Mobile phones through which they could keep in touch with their families are reportedly completely forbidden, and if found on children are confiscated or even broken in front of them. Since children can only go home once a year, this banning of mobile phones, even to older children, who cannot call home easily even when they fall ill, greatly accentuates children's sense of isolation and incarceration at KISS.

The institution has won accolades from all sides for the free education on offer 'from KG [kindergarten] to PG [post-graduate level]', and its founder Mr. Achyuta Samanta's claim to be doing a major social service to India's tribal people has won him a recent award from the National Commission for Scheduled Tribes. This promotion is being done by government officials, some very senior, even though the model is a private one. In effect, the government is abdicating its responsibility towards education, with day schools being closed in large numbers. In addition to the cultural genocide that boarding schools are contributing to, they are also directly damaging a huge number of individual children. Thousands have died in residential schools across India and sexual abuse has been reported repeatedly from tribal boarding schools in Odisha, Chhattisgarh, and elsewhere. What is particularly sinister about this trend towards large boarding schools is that much of this industrial scale, regimented schooling is being funded by the very mining companies that are seeking to grab tribal lands. Adani is setting up a tribal boarding school called 'Adani VidyaMandir' in Surguja district of Chhattisgarh, where it is grabbing tribal lands for coal mining, funded through its corporate social responsibility (CSR); with another project spreading computerised education in tribal schools in Godda district of Jharkhand where it is using forcibly acquire land for its power plant. The National Mineral Development Corporation (NMDC) that is expanding iron-ore mines and trying to set up a steel plant in south Chhattisgarh, has set up an 'Education City' in Dantewada district, with several more under construction.

As for KISS, it has Memorandum of Understanding (MoU) with Vedanta, Nalco, NMDC and Adani. The Vedanta MoU, for example, promises 20,000 rupees per year from the company for every Dongria Kondh child sent to KISS for education. In other words, it looks as though tribal children are being brainwashed and alienated from their communities so as to facilitate massive further land grabs in the near future. The mainstream world needs to start learning the values of sharing and sustainability from tribal communities, while education for Adivasi children has to become something that is fun and genuinely liberating, while serving their interests and under their own communities' control.

Criminalization and Impunity of Indigenous Peoples in India

There are many laws and policies that are used to criminalized indigenous peoples such as constitutional articles 13 (3) (a) i.e. customs as laws; 19 (5) free movement and residence in tribal areas; 244 (1) (2) control and administration of Scheduled Areas; 5th Schedule, Provisions of Panchayat Extensions to Scheduled Areas (P-PESA), Forest Rights Act (2006), Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, etc.

In Khunti district Jharkhand P-PESA law is being used to file false charges against the tribals who are putting up stone plaques to assert self-governance and control on land, water, forest and mineral resources in their territory. As per P-PESA any governmental plans, policies, projects and programs need the permission from Gram Sabha. This is equivalent to taking Free Prior Informed Consent (FPIC) from the indigenous peoples according to the UNDRIP. More than 10,00,000 false legal charges are put against the chiefs of different tribes and villages. Since 2016 they are being jailed and the number is increasing. Fr. Stan Swamy who is the strong defender of tribal rights is also falsely charged in a sedition case.

Military camps Primary Schools

Severe violation of Right to Education (2005) is experienced in the Khunti district, block Bhandra where military camps have been established in the primary schools campuses. The Central Reserve Police Force (CRPF) occupied school campuses in such a big number that it has affected the functioning of the school very adversely. Primary schools in Ghagra, and Kochang blocks have been occupied by the Jharkhand Police Force. This is also the violation of the SDG Goal 4. Children are scared to go to school and the tribals are scared that the government may cause harm to them if they go out. Children are denied of access to education.

Mob Lynching

Between March 2016 and November 2019, at least 23 incidents of mob lynching against Adivasis and minority communities were reported.

In April this year, 55-year-old Prakash Lakra, a member of a Christian Oraon tribe, was lynched by a mob of Hindu villagers who suspected him of slaughtering a cow in the central Indian state of Jharkhand. Three other tribals from his village were also attacked, leaving them grievously injured. Now, a police investigation has shown that Lakra's death might have been as much a result of police complicity as it was of the violent mob. The investigation revealed how Lakra and the three other victims were ignored by the police for over an hour and a half, as they lay on the street, writhing in pain, after having been attacked for over four hours.

The police, however, have now gone on to charge the three victims on charges of cow slaughter, an offense under local laws that can lead to 10 years of imprisonment, or a fine of 10,000 rupees (€126, \$140). The complaint against them was lodged by the mob that lynched Lakra. The lynching itself and the official response to it are symbolic of the Indian state's inept handling of these crimes and the long road to justice for victims.

Naxalites Issues in India

Over 3,700 people were killed in Naxal violence in 10 states, the highest in Chhattisgarh, in the last nine years, the Ministry of Home Affairs said in its annual report. In its report for 2018-19, the ministry said the CPI (Maoist) continues to be the most potent among various Left Wing Extremism (LWE) outfits in the country and responsible for more than 88 per cent of the total violent incidents and resultant deaths. As many as 3,749 people lost their lives in 10,660 incidents of violence in 10 states since 2010. The highest number of casualties due to the LWE took place in Chhattisgarh where 1,370 people were killed in 3,769 violent incidents perpetrated by the Maoists between 2010 and 2018. Altogether 997 people were killed in 3,358 LWE violence in Jharkhand in last nine years while 387 people lost their lives in 1,526 similar violent incidents in Bihar during the same period.

The 10 Naxal-hit states are Chhattisgarh, Jharkhand, Bihar, Odisha, West Bengal, Maharashtra, Telangana, Andhra Pradesh, Madhya Pradesh and Uttar Pradesh.

Kashmir Tribal issues

The Government of India scrapped Article 370 of the Constitution that has created turmoil in India specially to the minorities and tribes residing in Kashmir. The constitutional changes approved by the Indian parliament on August 5 revoking autonomy and separate citizenship law for Indian-administered Kashmir has become operational on October .

Ever since India's home minister Amit Shah announced the scrapping of the restive Indian state's special status (Article 370 of the constitution), people are struggling to come to terms with the new reality—one where their identity and the demographic composition of the state is no longer shielded by law.

There is now a sense of paranoia about what might be in store. The lockdown in the state has heightened the uncertainty. People have suddenly been transported to a pre-communication era. There are no phones and no internet. Landlines, which have just been partially restored, are of little use as their penetration is negligible.

People can move within the interiors of their localities and only some private transport ply the area, but only up to a small distance. In many cases, a place just 10 kilometres away seems like another country, reaching which involves crossing many security barricades and possibly stone pelting by knots of protesting youth.

Ten Gond Adivasis Indiscriminately Shot Dead Over Land Dispute in Sonbhadra, Uttar Pradesh^{xvi}

On 17th July, a group of over 300 armed men from the dominant Gurjar cast community attacked and shot dead ten people (3 of whom were women), while injuring 25 others—all from the Gond indigenous community—in Umbha, Murtiya village of Sonbhadra district in Uttar Pradesh. The attackers were led by the village head PragyaanYagyaduttBhuria, who has been trying to forcefully occupy Adivasi land which has been cultivated by Gond families for generations. The accused had been trying to capture the land for the last two years. Ironically, Yagyadutt's family are plain settlers who migrated from western Uttar Pradesh and settled in

the areas only 50-60 years ago, while the Gond Adivasis have been living on the 90 bigha of land for generations but have not been given ownership titles. The upper caste dominated media, reflected its inherent biases towards Adivasi communities while reporting this incident. Most news outlets invisibilized the fact that the deceased were Gond Adivasis, while the culprits belonged to the dominant Gurjar community. Many media channels also termed the incident a “clash” due to a land conflict between two nameless communities, even though it’s apparent that the attack was a planned massacre for the occupation of ancestral Gond land.

In 2018, Adivasi activists Sukalo and Kismatiya Gond (women leader), of this district were arrested and jailed on false charges for leading a protest movement for tribal rights and the implementation of the Forest Rights Act against local authorities. Sonbhadra Adivasis has also had a history of displacement and land grabbing. They have paid a heavy price for Sonbhadra to receive the label of being the “energy capital of India”, wherein industrial projects such as the Rihand dam, Birla’s aluminium plant, power plants, coal mines and cement factories have alienated them from their ancestral land. In 2006, the district was identified amongst 250 of the most backward districts of the country by the Ministry of Panchayati Raj.

Assam Adivasis – Stateless People

Lakhs of Adivasis, the indigenous peoples of India who were brought to Assam from the Chhotanagpur belt of central India by the British to work in the tea estates in mid-19th Century, are apprehensive of being turned into stateless people because of certain provisions in the National Register of Citizens (NRC) 1951. The Adivasis with a population of 70 to 80 lakh constitute the third biggest community after cast Assames Minorities. The adivasis of Assam has greatly contributed in the formation of the Assam states and economic growth of country. They also play a key role in electoral politics as they are the deciding factor in 26 of the 126 assembly constituencies. The name of the many adivasis and their ancestors have neither been enlisted in the NRC of 1951 nor entered in the voters’ lists till 1971, without which they cannot prove their relationship with their forefathers, who were settled in the state about 175 years ago.

Non-recognition of IP languages

Language plays a crucial role in our daily lives. They are not only our first medium for communication, education and social integration, but are also at the heart of each person’s unique identity, cultural history and memory. It is through language that we communicate with the world, define our identity, express our history and culture. Through language, people preserve their community’s history, customs and traditions, memory, unique modes of thinking, meaning and expression. They also use it to construct their future.

In India there are two languages namely Santhali and Boro, which are classified as part of the 22 scheduled languages recognised by the state. Often it has been seen that the languages which have script, are included in the list of scheduled languages. The assimilation and integration process of the state creates social and economic pressures for the once-isolated communities to assimilate and adopt the popular languages of the region. Any language becomes endangered if it is spoken by a minority and is held in low esteem, making it appear

irrelevant and forcing its speakers to avoid using it or to even pass it on to their children. Thus the intangible heritage faces serious threats for its existence. The extinction of a language is the biggest blow to society since a language serves as a repository of the history of the land, culture and knowledge system associated with their environment like land, forest, water and pass on the knowledge from one generation to another through the oral traditions. The process of modernization has negatively impacted the relevance and use of such languages spoken by marginalized indigenous peoples in India.

Recommendations:

To address or at least minimize the various human rights violations against indigenous peoples in India, it is essential that the Government of India implement major actions, including:

- Official recognition of the Tribals/Adivasis/ Scheduled Tribes/ as 'Indigenous Peoples'
- Ratify ILO Convention 169
- Implement UNDRIP 2007 as India is a signatory member in letter and spirit.
- Organize separate Governance Administrative Structure for indigenous peoples as per the Fifth and Sixth Schedule of the Constitution and not to mix with General Administration as today with district, Block and Panchayats.
- Strengthen the Tribes Advisory Council (TAC) including the provision of fiscal power and creation of special secretariat in the Governor office inclusive of Tribal experts, and a system be created for annual monitoring and evaluation.
- For real Democracy and participation of the Tribals/Scheduled Tribes/Indigenous Peoples the Autonomous District Council (ADC), Regional Council, Gram Sabha, Hamlet Sabha, Jati Sabha inclusive of all Tribal heads be created.
- The existing laws e.g. The Forest Rights Act 2006, LARR Act 2013, SC/ST Prevention of Atrocities Act 1989, PESA Act 1996 be implemented in all Scheduled Areas, Modified Area Development Approach (MADA), Clustered and Tribal Villages in Letter and in Spirit without resulting to displacement or other form of rights violations against indigenous peoples.
- Dismiss trumped up or false charges and release indigenous peoples currently jailed due to their political beliefs and participation.
- Implement the recommendations of the CEDAW related to indigenous women.



National Level Protests of Adivasis/Tribals against Supreme Court Judgement on Forest Right Act and Eviction from Forest. Demand for implementation of Laws, Acts and Rules in the Tribal Areas . Nov. 21st 2019, at Delhi.



Adivasis/ Tribals/ Indigenous Peoples of India Demand for implementation of UNDRIP and other National Laws and Acts meant for Tribals. 13th September 2019 at Mysuru, Karnataka, India.

ⁱA/HRC/21/10, Para. 138.73 (Japan)

ⁱⁱA/HRC/21/10, Para. 138.118 (USA)

ⁱⁱⁱIWGIA 2016 yearbook, Page 329-331

^{iv}Crime in India-2013, Page- 111

^v Crime in India-2013, Page- 116

^{vi} Crime in India-2014, Page - 112

^{vii}<http://ncrb.gov.in/StatPublications/CII/CII2015/FILES/Table%207.7.pdf>

^{viii}<http://ncrb.gov.in/StatPublications/CII/CII2015/FILES/Table%207.10.pdf>

^{ix} IWGIA 2016 yearbook, Page 331

^x<http://www.dw.com/en/thousands-flee-bangalore-for-fear-of-persecution/a-16170977>

^{xi} The same month, two northeastern students were allegedly beaten in Delhi in another ‘hate crime’ incident. <http://www.bbc.com/news/world-asia-india-26131423>

^{xii}<http://www.aljazeera.com/news/asia/2014/02/outcry-india-after-hate-crime-incident-20142195232434750.html>

^{xiii}<http://indianexpress.com/article/india/india-news-india/aranachal-teen-beaten-up-takam-todo-north-eastern-beaten-hit-with-a-stone-on-campus-in-pune2983888/>

^{xiv}<http://indianexpress.com/article/pune/a-plea-from-n-e-people-in-pune-call-us-indians-treat-us-equal/>

^{xv}*Extreme repression, corporate loot, cultural genocide "characterise" India's tribal belt*, Gladson Dung Dung, March, 2019 <https://www.counterview.net/2019/03/extreme-repression-corporate-loot.html>

^{xvi}*Ten Gond Adivasis massacred by Gurjars for their land in Sonbhadra, Uttar Pradesh*, <http://www.adivasiresurgence.com/ten-gond-adivasis-massacred-by-gurjars-for-their-land-in-sonbhadra-uttar-pradesh/>

“Construction of Hydro-electricity dam in North Eastern Region Towards Economic Development”,

<http://meghalayatimes.info/index.php/writer-s-column/3260-construction-of-hydro-electricity-dam-in-north-eastern-region-towards-economic-development>

Fact Sheet on Mega Dams in Manipur, Peoples Goals for Development Justice, June 26, 2015

<http://peoplesgoals.org/devjustice/campaigns/manipur/fact-sheet-on-mega-dams-in-manipur/>

“Top Mega Dams of NE India”, NE Live, Jul 25, 2016, by [Moupee Debroy](#)

<http://www.nelive.in/north-east/business/top-mega-dams-ne-india> “Petroleum Minister releases Hydrocarbon Vision 2030 for North-East”, Press Information Bureau, Ministry of Petroleum & Natural Gas, Government of India, 9 February 2016

<http://pib.nic.in/newsite/printrelease.aspx?relid=136255>

Union Government releases Hydrocarbon Vision 2030 for North-East February 10, 2016

<http://currentaffairs.gktoday.in/union-government-releases-hydrocarbon-vision-2030-north-east-02201630359.html>

Manipur Hydro Power Policy, 2012, the 24th October, 2012

http://manipurgovtpress.nic.in/uploads/EOG_264_29-10-2012.pdf

^{xvi} An Assessment of Dams in India's NE seeking Carbon Credits under CDM of UNFCCC by Jiten Yumnam published by the International Rivers, USA, March 2012

<http://www.internationalrivers.org/resources/an-assessment-of-dams-in-ne-india-seeking-carbon-credits-from-clean-development-mechanism>

^{xvi} A/HRC/21/10, Para. 138.5 (Iraq), and Para. 138.26 (Ghana)

^{xvi} As per the report, the Ministries of External Affairs, states, “[the] government has taken a stand that the concept of indigenous people is not relevant to India.” It further contends, “the ratification of the Convention 169 would, therefore, immediately open the gates to [such] offers of cooperation from other State parties to the Convention, in spite of any declaration/reservation Government of India might make on interpretation of who constitute ‘indigenous people’”. At the same time, the Ministry of Home Affairs asserts, “Article 7 of C-169... would create administrative problems in the formulation of development plans and may distort the planning process in the country. It also comments, “Article 15 (of C-169) envisages fair compensation for the indigenous and tribal peoples when the State retains the ownership of mineral of sub-surface resources. The existing laws in the country safeguard the surface resources rights and the owner of the land for the tribals as well as non-tribals. However, the existing laws do not recognize the right of the landholders, whether tribal or non-tribal, over sub-surface resources.” Further, the Ministry for Tribal Affairs asserts, “there is [also] no need for another UN body to evaluate our tribal development programmes.” See National Commission for Scheduled Tribes, Special Report on Good Governance for Tribal Development and Administration, May 2012, Pages 9-13

<http://www.tribal.nic.in/WriteReadData/CMS/Documents/201409181141029304179SplReportInnerCoverPage.pdf>

^{xvi} ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning Indigenous and Tribal Populations Convention, 1957 (No. 107), 2010, Geneva, doc. No. (ILOLEX) 062010IND107, third para.

^{xvi} http://articles.economicstimes.indiatimes.com/2014-08-01/news/52327716_1_national-tribal-policy-rural-development-lwe

^{xvi} A/HRC/21/10, Para. 138.75 (Ghana) & A/HRC/21/10/Add.1, Page 4

^{xvi} A/HRC/21/10, Para. 138.73 (Japan)

^{xvi} A/HRC/21/10, Para. 138.72 (USA)

^{xvi} IWGIA 2015 yearbook, Page 328-332, Also see

<https://paperwallah.wordpress.com/2015/01/03/kind-attention-ias-aspirants-summary-of-the-high-level-virginus-xaxa-committee-on-socio-economic-health-and-educational-status-of-tribal-communities-of-india/>

^{xvi} Further, there is no reservation policy in the private sector for weaker sections of the community, including the STs but only a commitment of affirmative action, which the Prime Minister had instructed must not remain simply a paper exercise, but a living reality. See, IWGIA 2014 yearbook, Page 343-344

^{xvi} Ibid.

^{xvi} Ibid.

^{xvi} IWGIA 2014 yearbook, Page 336-339

^{xvi} Ibid.

^{xvi} These include Kerala, Tamil Nadu, Karnataka, Uttar Pradesh, Goa, West Bengal and Jammu and Kashmir.

^{xvi} The Government of Manipur, for example, passed three controversial bills (the Protection of Manipur People Bill, the Manipur Land Revenue and Land Reforms Bill (Seventh Amendment) and Manipur Shops and Establishments Bill (Second Amendment)). The three bills would directly undermine the existing constitutional safeguards for scheduled tribes in the hill districts of Manipur regarding their identity and rights over their land and natural resources. These bills were passed without prior consultation and consent of the tribal people. In the aftermath of the passing of these three bills by the Government of Manipur, the tribal people launched an agitation where 9 civilians, including an eleven-year-old boy were killed by the security forces in Churachandpur district, Manipur. There has been no probe into the killing conducted so far except for a magisterial inquiry that was commissioned which was stopped by the scheduled tribes. Ever since, the scheduled tribes in Manipur under the aegis of Joint Action Committee against Anti-Tribal Bills in the five hill districts of Manipur

and in the national capital of Delhi, have been demanding for justice while the dead bodies lie in the district hospital morgue in Churachandpur. In response to the continued protest and demand for withdrawal of the bills by the scheduled tribes of Manipur, the Central Govt conceded that experts will examine the first two bills for a 'reasonable conclusion' and as to the third bill, legal and constitutional experts shall re-examine the bill for new legislation taking into consideration all aspects of the hill and valley people of Manipur. However, nothing concrete has happened until date.

^{xvi} A/HRC/21/10, Para. 138.73 (Japan)

^{xvi} A/HRC/21/10, Para. 138.118 (USA)

^{xvi} IWGiA 2016 yearbook, Page 329-331

^{xvi} Crime in India-2013, Page- 111

^{xvi} Crime in India-2013, Page- 116

^{xvi} Crime in India-2014, Page - 112

^{xvi} <http://ncrb.gov.in/StatPublications/CII/CII2015/FILES/Table%207.7.pdf>

^{xvi} <http://ncrb.gov.in/StatPublications/CII/CII2015/FILES/Table%207.10.pdf>

^{xvi} IWGiA 2016 yearbook, Page 331

^{xvi} <http://www.dw.com/en/thousands-flee-bangalore-for-fear-of-persecution/a-16170977>

^{xvi} The same month, two northeastern students were allegedly beaten in Delhi in another 'hate crime' incident. <http://www.bbc.com/news/world-asia-india-26131423>

^{xvi} <http://www.aljazeera.com/news/asia/2014/02/outcry-india-after-hate-crime-incident-20142195232434750.html>

^{xvi} <http://indianexpress.com/article/india/india-news-india/arunachal-teen-beaten-up-takam-todo-north-eastern-beaten-hit-with-a-stone-on-campus-in-pune2983888/>

^{xvi} <http://indianexpress.com/article/pune/a-plea-from-n-e-people-in-pune-call-us-indians-treat-us-equal/>

^{xvi} A/HRC/21/10, Para. 138.118 (Holy See)

^{xvi} See "NGO Shadow Report on Status of Adivasi/Tribal Women in India" for the 58th session of CEDAW, submitted by Inter-State Adivasi Women's Network (ISAWN) of Mainland India, Indigenous Women's Forum of North East India (IWFNEI) and Asia Indigenous Peoples Pact (AIPP), June 2014 <http://aippnet.org/india-ngo-cedaw-shadow-report-and-status-of-ativasi-tribal-women-in-india-for-the-58th-session-of-cedaw/>

^{xvi} CEDAW/C/IND/CO/4-5, Para. 10

^{xvi} A/HRC/19/55/Add.1

^{xvi} See "NGO Shadow Report on Status of Adivasi/Tribal Women in India" for the 58th session of CEDAW, submitted by Inter-State Adivasi Women's Network (ISAWN) of Mainland India, Indigenous Women's Forum of North East India (IWFNEI) and Asia Indigenous Peoples Pact (AIPP), June 2014 <http://aippnet.org/india-ngo-cedaw-shadow-report-and-status-of-ativasi-tribal-women-in-india-for-the-58th-session-of-cedaw/>

^{xvi} This is despite the Delhi High Court on 21 January 2015 striking down a government order to block overseas funds to the organisation, citing a lack of proof to justify the restrictions. In a confidential leaked report prepared for the Prime Minister's Office in 2014, India's Intelligence Bureau accused 109 NGOs and individuals of 'subversive links', 'retarding development' and of 'serving the strategic foreign policy interests of Western Governments'. See India: End legal restrictions against civil society, International Service for Human Rights (ISHR), 26 April 2015, <http://www.ishr.ch/news/india-end-legal-restrictions-against-civil-society>

^{xvi} The Prime Minister's Office had called for comments on the report in December. However, the Committee report has not been made public yet. See IWGiA 2016 yearbook, Page 332-333

^{xvi} See "Status report on implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 [for the period ending 31 October 2015]" of the Ministry of Tribal Affairs, <http://www.tribal.nic.in/WriteReadData/CMS/Documents/201609090359457165839MPRJuly2016.pdf>

^{xvi} Further, state governments' recognition and vesting of community rights and community forest resources under the Act was very low, with only 37,000 off 111,000 community rights claims recognized, as reported in May 2015. See IWGIA 2015 yearbook, Page 335-336

^{xvi} <http://www.forestpeoples.org/topics/rights-land-natural-resources/news/2015/07/rri-study-reveals-india-s-tribal-and-forest-commun>

^{xvi} The law would give state governments more than USD 895 million a year to conserve and protect forests and wildlife. See <http://www.reuters.com/article/us-india-law-forest-idUSKCN10919X>

^{xvi} <http://www.survivalinternational.org/about/tigers>

^{xvi} In August 2015, the authorities disconnected electricity lines and shut other social services to the village and let elephants loose to force the tribals to flee after they did not accept compensation <http://iphdefenders.net/india-communication-to-un-special-procedures-for-immediate-intervention-to-stop-forced-evictions-of-gond-tribals-in-panna-tiger-reserve/>

^{xvi} See "Tribal leader targeted for resisting eviction from Similipal", Odisha Channel, 27 March 2015, <http://odishachannel.com/index.php/3778/tribal-leader-targeted-for-resisting-eviction-from-similipal/>

^{xvi} See "Survival International", "India: Tiger Reserve tribe faces eviction", 14 October 2014, <http://www.survivalinternational.org/news/10488>

^{xvi} See "Tribals evicted from Kanha Tiger Reserve must be allowed to return to their forest homes: Right group", The Economic Times, 15 January 2015, <http://economictimes.indiatimes.com/news/politics-and-nation/tribals-evicted-from-kanha-tiger-reserve-must-be-allowed-to-return-to-their-forest-homes-rights-group/articleshow/45897969.cms>

^{xvi} Indian NGOs Urge China and India to Protect Himalayan Rivers, 13 September 2010, <https://www.internationalrivers.org/resources/indian-ngos-urge-china-and-india-to-protect-himalayan-rivers-3748>

^{xvi} Asia Report on Climate Change and Indigenous Peoples, Asia Indigenous Peoples Pact, 2015, <http://www.cmin.aippnet.org/attachments/article/1338/Asia%20Report.pdf>

^{xvi} The dam has also sparked controversy in Bangladesh where there will be downstream impacts. The dam will submerge more than 275 sq.km. of forests and displace 60,000 people in Manipur, including the indigenous Zeliangrong and Hmar communities, and negatively impact 40,000 people in Bangladesh. <https://www.internationalrivers.org/resources/tipaimukh-high-dam-3499>

^{xvi} http://www.telegraphindia.com/1130726/jsp/frontpage/story_17158266.jsp#.V96jC5N95E5

^{xvi} <http://indiatoday.intoday.in/story/ngo-appeals-centre-against-mega-dam-on-siang-river/1/490830.html>

^{xvi} <http://www.thehindu.com/news/national/other-states/assam-opposes-mega-dam-on-siang-river/article7287798.ece>

^{xvi} <http://meghalaytimes.info/index.php/26-archive/front-page/july-2012/1997-villagers-oppose-240-mw-umngot-hydro-power-project>

^{xvi} http://www.telegraphindia.com/1130726/jsp/frontpage/story_17158266.jsp#.V96qjJN95E5

^{xvi} <https://www.internationalrivers.org/campaigns/teesta-river>

^{xvi} <http://timesofindia.indiatimes.com/city/guwahati/Lower-Subansiri-project-in-trouble-yet-again/articleshow/49330817.cms>

^{xvi} The Forest Clearance for Mapithel dam was accorded under Forest Conservation act, 1980 without the consultation and consent of affected communities.

^{xvi} "Mapithel Dam: Stop violating international standards", Imphal Times, 11 April 2015 <http://www.imphaltimes.com/it-articles/item/2502-mapithel-dam-stop-violating-international-development-standards>; Also <https://www.change.org/p/prime-minister-of-india-stop-the-commissioning-of-mapithel-dam-in-manipur>

^{xvi} <https://www.internationalrivers.org/blogs/328-22>

^{xvi} See Loktak hydro project turns agricultural land into swamps, 20 October 2011, The Hindu <http://www.thehindu.com/news/national/other-states/loktak-hydro-project-turns-agricultural-land-into-swamps/article2554768.ece>

^{xvi} The Government of Manipur signed four new Memorandum of Agreement on 28 August 2014 with the North Eastern Electric Power Corporation (NEEPCO) for construction of 60 MW Irang HEP, 51 MW

Tuivai HEP, the 67 MW Khongnem Chakha and 190 MW Pabram HEP projects without recognizing Indigenous peoples rights and consent.

^{xvi} <http://www.kaladanmovement.org/>

^{xvi} <http://timesofindia.indiatimes.com/city/guwahati/HC-notice-to-ADB-on-Manipur-road-project/articleshow/40385618.cms>

^{xvi} <http://in.reuters.com/article/india-coal-displacement-tribals-mining-idINKN0ZTOYP>

^{xvi} <http://www.aljazeera.com/blogs/asia/2016/07/displaced-india-indigenous-people-160707062855721.html>

^{xvi} <http://www.climatechangenews.com/2015/03/24/coal-mining-banned-in-indias-mahan-forest/>

^{xvi} <https://www.theguardian.com/global-development/poverty-matters/2014/jan/14/india-rejection-vedanta-mine-victory-tribal-rights>

^{xvi} <http://www.survivalinternational.org/tribes/dongria>

^{xvi} http://www.business-standard.com/article/companies/meghalaya-tribal-council-moves-sc-for-lafarge-project-110100800099_1.html

^{xvi} <http://www.theshillongtimes.com/2015/11/18/panel-to-study-forest-land-in-ne/>

^{xvi} The controversial plans for uranium mining project at Kylleng-Pyndeng-Sohiong in South West Khasi Hills of Meghalaya, a mountainous and ecologically fragile province in northeast India, has strongly been opposed by the Khasi indigenous peoples now for many decades. The India's Forest and Environment Ministry external link gave clearance to the Uranium Corporation of India Limited (UCIL) in the year 2012 to start uranium mining in Meghalaya with an investment of \$229 million to develop the uranium reserves despite indigenous peoples' opposition, who are concerned about resulting radiation and toxic waste. India's Department of Atomic Energy (DAE), the central governing body for all mining, processing and enrichment of atomic minerals, has estimated a uranium reserve of some 9,500 t in Meghalaya. However, plans for an opencast mine to extract the mineral from the have been hanging fire since 1992 on fears of radiation and environmental hazards. The Government of Meghalaya recently in 2016 decided to revoke its 2009 cabinet decision, which agreed to lease a land measuring 422 hectares for the uranium mine project at Kylleng-Pyndeng-Sohiong in Meghalaya to the UCIL for pre-mining activities. Indigenous peoples demand cancellation of the project and respect for their right to free, prior and informed consent. See <http://indiatoday.intoday.in/story/mukul-sangma-government-revokes-permit-to-ucil-for-exploring-uranium-mines-in-meghalaya/1/730005.html>

^{xvi} In Nagaland, the oil spills from the Oil and Natural Gas Corporation well sites, which it operated from 1973-94, have continued to destroy villages. Farmlands, forests and water sources, which more than two thousand people rely on for their survival, have been contaminated. Protesters, mainly students, have been demanding the state government to frame modalities for oil fields as the spillage has caused extensive environmental hazard in the area. A court case filed in 2011 seeking compensation has not yielded any result. The Nagaland government constituted a cabinet sub-committee on petroleum and natural gas to frame modalities but it is yet to complete the process. See <https://ejatlas.org/conflict/oil-spillage-in-nagaland-india>

^{xvi} The Government of India awarded contract to Jubilant Energy in 2010 for oil exploration and drilling in Tamenglong and Churachandpur District of Manipur without informing and consent of indigenous peoples.

xvi See "Petroleum Minister releases Hydrocarbon Vision 2030 for North-East", Press Information Bureau, Ministry of Petroleum & Natural Gas, Government of India, 9 February 2016

<http://pib.nic.in/newsite/printrelease.aspx?relid=136255>; Union Government releases Hydrocarbon Vision 2030 for North-East, February 10, 2016 <http://currentaffairs.gktoday.in/union-government-releases-hydrocarbon-vision-2030-north-east-02201630359.html>

^{xvi} See IWGIA yearbook

^{xvi} <http://indianexpress.com/article/india/india-news-india/two-year-old-among-6-killed-in-odisha-anti-maoist-ops/>

^{xvi} <http://www.countercurrents.org/2016/07/20/kandhamal-killings-special-operations-group-should-be-prosecuted/>

^{xvi} <http://timesofindia.indiatimes.com/city/bhubaneswar/Kandhamal-killings-Promised-judicial-panel-not-in-sight/articleshow/53609664.cms>

^{xvi} The continuous practice of arbitrary detention is a direct contravene to Article 22 of the Indian Constitution that codified (1) No person who is arrested shall be detained in custody without being informed, as soon as may be, of the grounds for such arrest nor shall he be denied the right to consult, and to be defended by, a legal practitioner of his choice. (2) Every person who is arrested and detained in custody shall be produced before the nearest magistrate within a period of twenty-four hours of such arrest excluding the time necessary for the journey from the place of arrest to the court of the magistrate and no such person shall be detained in custody beyond the said period without the authority of a magistrate.

India signed the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment, CAT on 14 October 1997 but yet to ratify it despite number of recommendations from the 2nd UPR. Indian obligation passing a related domestic torture legislation in the parliament is also pending. It is the same case for the International Convention for the Protection of All Persons from Enforced Disappearance (CED).

^{xvi} <http://indianexpress.com/article/explained/manipur-indian-army-afspa-supreme-court-fake-encounter-2905690/>

^{xvi} The commission further found that in all six cases, the perpetrators (security forces) were also the investigators and that police officials involved in an encounter would lodge an FIR against the victim. <http://indianexpress.com/article/explained/manipur-indian-army-afspa-supreme-court-fake-encounter-2905690/>

^{xvi} The Government's estimate of militants in Manipur shot up from 1,500 to 5,000 in a span of 10 days during the Supreme Court's hearing into the fake encounters in the north-eastern state but the spike may have just been on paper. The government had reported the two figures in affidavits filed on December 5, 2012, and December 15, 2012, to persuade the court to dismiss pleas that sought probes into the alleged fake encounters in the state. "It is emphasised that only around 1,500 militants are holding a population of about 23 lakhs in Manipur to ransom and keeping the people in constant fear," the government said in the case decided last week.

<http://www.hindustantimes.com/india-news/number-of-manipur-militants-shot-to-5000-from-1500-in-10-days/story-NX4qr7D0XYKWXIDAxPiN1J.html>

^{xvi} <http://indianexpress.com/article/india/india-news-india/govt-entire-nagaland-will-remain-disturbed-area-2888801/>; Also see <http://timesofindia.indiatimes.com/india/Home-ministry-declares-whole-of-Nagaland-as-disturbed-area/articleshow/47992195.cms>

^{xvi} AFSPA extended for a year in Manipur, The Hindu, November 30, 2013,

<http://www.thehindu.com/news/national/other-states/afspa-extended-for-a-year-in-manipur/article5408094.ece>

^{xvi} See Home Ministry extends AFSPA in Arunachal Pradesh, Assam-Meghalaya border, Economic Times, 10 November, 2015

http://articles.economictimes.indiatimes.com/2015-11-10/news/68165368_1_assam-meghalaya-border-national-socialist-council-afspa

^{xvi} <http://iphndefenders.net/zo-indigenous-forum-statement-on-propose-army-hq-in-siarang-of-aizawl-district-mizoram/>

^{xvi} <http://www.thequint.com/opinion/2015/10/02/people-want-fewer-jackboots-in-north-east-india>