

26 November 2015

To

Mr. Arun Jaitley,
Union Minister of Information & Broadcasting
Shastri Bhavan
New Delhi

Dear Sir,

We, the undersigned journalists and members of civil society, are deeply concerned about the reports of the arrest and custodial torture of two Hindi language journalists Santosh Yadav and Somaru Nag, in September and July this year, from the Darbha block of Southern Bastar in Chhattisgarh, on the charge of supporting Maoists.

Santosh Yadav, was arrested by police on September 29 2015 and Somaru Nag, an Adivasi journalist, was arrested on July 16 2015. Yadav used to report for multiple Hindi newspapers including Dainik Navbharat and Dainik Chhattisgarh. Nag was a stringer-cum-news agent with Rajasthan Patrika.

While Nag has been charged under the Indian Penal Code and the Arms Act, Yadav has been charged under the Indian Penal Code, the Arms Act, the Unlawful Activities Prevention Act and the Chhattisgarh Public Security Act (CPSA). There is no clarity as to the charges against them, or the evidence which the police hold about their alleged involvement with Maoists.

According to reports (see **Annexure 1**: <http://www.thehoot.org/free-speech/media-freedom/arrested-tortured-jailed-in-south-bastar-8956> and **Annexure 2**: <http://www.thehoot.org/media-watch/media-practice/truth-has-two-versions-in-bastar-8957>), Yadav's name was added to a case where 18 villagers were arrested and charged with an encounter, which took place on 21st August during a road-opening operation by the security forces in which a Special Police Officer was killed. Nag was charged with keeping a look out on the movements of the police, while a group burnt a crusher plant employed in road construction in Chote Kadma on 26th June.

Local lawyers and members of the People's Union of Civil Liberties said that police had been harassing Santosh Yadav for several months now, ever since he began reporting on the conflict between the police and the Maoists. While the police personnel state that he had links with the Maoists, civil liberties activists allege that the police was pressurising Yadav to become an informer for them.

The arrests have only brought to the fore the extremely precarious condition of journalists reporting from these conflict areas, in particular journalists who live and work in rural areas. They face a Hobson's choice, and their reportage as well as their independence and their very safety, is severely compromised. In this situation, police arrests end up intimidating and silencing all independent voices.

Somaru Nag and Santosh Yadav's arrests have contributed to a deep sense of insecurity amongst journalists in the state and a fear that, not just their work, but their own lives, will be in danger if they venture out to do any independent investigation, or stories that are critical of either the security forces or the Maoists. Either way, they face a threat, and these arrests

suggest that journalists cannot expect any protection under the law from police and security forces.

In order to protect their right to work and report freely, the local journalists have formed a Patrakaar Suraksha Kanoon Sanyukt Sangharsh Samiti (United Struggle Body for the Security of Journalists). This body has demanded

1. that Somaru Nag and Santosh Yadav be immediately released;
2. that the state create conditions for reporters to work and travel freely, and without fear or harassment;
3. that the practice of fake arrests stop and that the Chhattisgarh Public Security Act be repealed or not used against reporters;
4. And finally, an investigation into the methods adopted by senior police official S.R.P.Kalluri, who has created an atmosphere of terror in the Bastar region, especially against the media.

Sir, there is also a grave apprehension about the safety of the two arrested journalists amongst their colleagues in Chhattisgarh, and we urge you to ensure their safety and their release forthwith.

We also urge you to immediately intervene to investigate the causes that led to these arrests, and to respond to the above demands raised by the journalists of Bastar. We also demand that draconian provisions of the Chhattisgarh Public Security Act are not misused to criminalise the work of journalists, who are reporting on the legitimate issues and grievances of people.

We look forward to your speedy intervention in this matter.

For further details, please contact Kamal Shukla, Patrakaar Suraksha Kanoon Sanyukt Sangharsh Samiti, Kanker, 9407940944 and Sevanti Ninan, The Media Foundation, Delhi, 011 24116200 and 9811126312

CC:

Rajnath Singh
Union Minister of Home Affairs
North Block
New Delhi

Jual Oram,
Union Minister of Tribal Affairs
Shastri Bhavan
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Raman Singh
Chief Minister, Chhattisgarh
CM House, Civil Lines,
Raipur

Signed:

1. Mrinal Pande, Chairperson, The Media Foundation, Delhi
2. Ravish Kumar, Senior Executive Editor, NDTV, Delhi
3. Shekhar Gupta, Host, NDTV and Senior Columnist, Business Standard, Delhi
4. Siddharth Varadarajan, Editor-in-Chief, The Wire, Delhi
5. Rajdeep Sardesai, Consulting Editor, India Today Group, New Delhi
6. Sagarika Ghose, Consulting Editor, Times of India, New Delhi
7. Vipul Mudgal, Common Cause & Foundation for Media Professionals
8. Dileep Padgaonkar, former editor, Times of India, Pune
9. Shoma Chaudhary, Editor-in-Chief, Catch News, Delhi
10. Bharat Bhushan, Editor, Catch News, Delhi
11. Nitin Desai, Economist and Columnist
12. Paranjay Guha Thakurta, Senior Journalist, Delhi
13. Pamela Philipose, Senior Journalist, Delhi
14. Harsh Mander, Social Worker and Writer, Delhi
15. Shailesh Gandhi, former Central Information Commissioner, Mumbai
16. Kalpana Sharma, Journalist, Mumbai
17. Seema Mustafa, The Citizen, Delhi
18. Sevanti Ninan, Thehoot.org, Delhi
19. Raman Kirpal, Editor, DNA
20. Siddharth Dube, Contributing Editor, Caravan Magazine
21. Subir Bhaumik, Former BBC Correspondent, Kolkata
22. Mannika Chopra, Managing Editor, Social Change, New Delhi
23. Dr Shujaat Bukhari, Editor-in-Chief, Rising Kashmir, Srinagar
24. Sujata Madhok, Delhi Union of Journalists
25. M J Pandey, Brihanmumbai Union of Journalists
26. Aruna Roy, Mazdoor Kisan Shakti Sangathan
27. Nikhil Dey, Mazdoor Kisan Shakti Sangathan
28. Ammu Joseph, Senior Journalist, Bengaluru
29. Shubhranshu Choudhary, CGNet Swara, Raipur
30. Jyoti Punwani, Journalist, Mumbai
31. Nupur Basu, Filmmaker and Journalist, Bengaluru
32. Ashis Kothari, Pune
33. Dunu Roy, Hazards Centre
34. Madhusree Mukherjee, Writer, Germany
35. Ravi Rebbapragada, Editor, Dhimsa
36. Chitrangada Choudhury, Journalist, Bhubaneswar
37. Geeta Seshu, Journalist, Mumbai
38. Pushpa Achanta, Journalist, Bengaluru
39. Manisha Sethi, Academic, Delhi
40. Arudra Burra, IIT, Delhi
41. Kamayani Bal Mahabal, Independent Journalist, Mumbai
42. Rohit Chopra, Professor, Santa Clara University
43. Kaveri Gill, Independent Researcher
44. Ishan Tankha, Photographer, Delhi
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47. Manoj Gopalkrishnan, Tata Institute of Fundamental Research
48. Kiran Shaheen, Independent Journalist, Delhi
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50. Aritra Bhattacharya, Tata Institute of Social Sciences
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Arrested, tortured, jailed in South Bastar

BY **CHITRANGADA CHOUDHURY** | IN **MEDIA****FREEDOM** | 08/10/2015

Nag was a rare Adivasi journalist in the region. Yadav was a very active reporter, and villagers often approached him for help since he knew Gondi and Hindi.

Being a reporter in Bastar means getting rough treatment both from the police and from Maoist insurgents, says **CHITRANGADA CHOUDHURY**



Pix: (left) Santosh Yadav, (right) Somaru Nag

Picked up in July and September end, two Hindi language journalists from the Darbha block in southern Bastar have been under arrest, charged with supporting Maoist rebels, and subjected to custodial torture. The lack of clarity around their alleged offences and the lack of clear evidence, highlight the perils of being a rural reporter in the militarized and polarized resource-rich region of South Chhattisgarh where the state and Maoists have been locked in a decade-long battle.

Santosh Yadav, who used to gather news for multiple Hindi newspapers including *Dainik Navbharat* and *Dainik Chhattisgarh*, was arrested by the police on September 29th. His name was subsequently added to a case where 18 villagers are in prison, charged with an encounter on 21st August during a road-opening operation by the security forces in which a Special Police Officer was killed.



Somaru Nag's Rajasthan Patrika press card

Somaru Nag, an Adivasi journalist who was a stringer-cum-news agent with the *Rajasthan Patrika* was arrested on July 16th. He has been charged with keeping a look out on the movements of the police while a group burnt a crusher plant employed in road construction in Chote Kadma on 26th June.

Nag's younger brother, Sonaru, said Nag had been picked up from their mobile phone shop on the outskirts of Darbha town by policemen in plainclothes on the 16th of July, and was shown as being arrested on the 19th of July at the Parpa police station. Sonaru said the family subsequently met Nag in prison. "We saw that he had been beaten up very badly. He told us, 'please speak to the other journalists and ask them to help me get released.'

"Subsequent to Nag's arrest, his village of Tirathgarh held a special gram sabha, passed a resolution and wrote to multiple editors in the district headquarters of Jagdalpur, saying that Nag was a reporter and innocent "

"When he has committed no crime, how can he admit to the crime the police are pressurising him to...", their letter of 25th July said. Sonaru says the family has no clue why the police arrested Nag: "Someone pointed to him, and that was enough for them to pick him up. They also took away his bike."

कार्यालय ग्राम पंचायत तीरथगढ़
कार्यवाही बैठक की नकल

दिनांक 24/7/15
सत्य प्रतिलिपि

क्रमांक	उपस्थित पंचों के नाम	विषय	बैठक की कार्यवाही का संक्षिप्त विवरण	प्रस्ताव जो पास हुआ	पंचों के हस्ताक्षर
			बैठक दिनांक 26/7/2015 को ग्राम पंचायत तीरथगढ़ में विशेष आम सभा में आयोजित किया गया बैठक का प्रयास करके सभी सदस्यों को उपस्थित करने का प्रयास किया गया।		
	श्री. प्रेम शर्मा के साथ /पंचों का नाम लिखें	श्री. सोमराज नाग पिता श्री कोपा सोम नाग को दिनांक 1/7/2015 को अज्ञात रूप से लो जने के स्वयंसेवक में	श्री. सोमराज नाग पिता श्री कोपा सोम नाग को दिनांक 1/7/2015 को अज्ञात रूप से लो जने के स्वयंसेवक में पिता को बताया और पिता को सोमराज नाग जानि सुरा तीरथगढ़ (पेरगाड़ा) की प्रत्यक्ष रखा गया जो कि पितापुत्र के विक्टर सभा के सदस्यों के निर्णय के अनुसार श्री सोमराज नाग निर्दोष है जो कि सोमराज नाग अपना पिता को गालन गेषा हेतु कारावास में भेज दिया है, नव फोर कापी दुरुस्त गे डियाना बुकान चला रहा कोर सभ परिक्रम समारंभ में श्री सोमराज नाग शामिल हुए निर्दोश सोमराज को कोर सभ पुलिस स्टार दिनांक 16/7/15 को रिहा करने का प्रयास करेंगे।	प्रस्ताव पास हुआ श्री सोमराज नाग को कारावास से रिहा करने में सहायता प्रदान करने का प्रस्ताव पास हुआ।	
			श्री सोमराज नाग पिता श्री कोपा सोम नाग को दिनांक 1/7/2015 को अज्ञात रूप से लो जने के स्वयंसेवक में		

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सचिव
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सरपंच
ग्राम पंचायत तीरथगढ़

Tirathgarh gram sabha resolution for Somaru Nag, July 26, 2015

Yadav had been harassed and tortured by the police for over a year, before his arrest last week - a fact highlighted by **the August 2015 bulletin of the PUCL (People's Union for Civil Liberties)** though it does not name him. On 25th May 2013, Yadav, a Darbha resident, was one of the first reporters to reach the section of the valley where armed Maoist rebels assassinated and injured over 50 people, from Congress politicians to migrant Adivasi labourers.

According to Kamal Shukla, a journalist based in Kanker district of North Bastar, Yadav's speedy presence on the scene following the killings was reason enough for the police to believe that he was tied to the Maoists. "Your editor says rush to the spot, and a stringer has to do that. Just doing our job makes us suspect in the eyes of the police and the Maoists," said Shukla.

According to reporters in the region, from June this year, the police pressure on Yadav grew. Harjit Singh Pappu, the Jagdalpur-based Bureau Chief of the *Dainik Chhattisgarh*, a paper for which Yadav used to gather news and take

photographs, said “The last time I met Santosh was two to three months ago. He told me that the police had kept him in custody, stripped him, and threatened to beat him.”

According to the PUCL bulletin, and a 4th October representation to the National Human Rights Commission (NHRC) by the Human Rights Defender Alert organisation, Yadav was under great pressure from the police to become an informer.

Bastar’s Superintendent of Police Ajay Yadav denied allegations of torture and police pressure on Yadav and asserted that the arrest was a legitimate one: “We had been continuously watching his movements. He was very active in that area, and had links with the local (Maoist) commanders. He used to supply material to them.” The SP said he had no information on Nag’s arrest.

“Police na-khush toh giraftaari, aur Naxal na-khush toh maot (Upset the police, and face arrest. Upset the Naxals, and face death.)”

Both reporters have had little support from the publications that used their work. Sonaru says they met the *Patrika* editor in Jagdalpur who told them that, since Nag was already under arrest, there was nothing he could do. In a front page **written piece**, Sunil Kumar, the Raipur-based editor of the *Dainik Chhattisgarh*, said Yadav used to work for them in the past, and since the matter was in the court, due process demanded that the police get an opportunity to prove their allegations, but also demanded that the state government disclose the basis of Yadav’s arrest. He acknowledged that reporting in the villages of Bastar was rife with danger: “*Police na-khush toh giraftaari, aur Naxal na-khush toh maot* (Upset the police, and face arrest. Upset the Naxals, and face death.)”

Nag and Yadav are being currently represented by an all-woman legal aid team called Jag-LAG, which is based in Jagdalpur. Nag has been charged under the Indian Penal Code and the Arms Act; Yadav under the Indian Penal Code, the Arms Act, the Unlawful Activities Prevention Act, and the Chhattisgarh Public Security Act (CPSA). Their lawyer, Isha Khandelwal added, “When the police presented Yadav in court on October 1, they claimed that he had confessed to being allied to the Maoists. Along with the other villagers, he has been booked

under acts, which make getting bail very difficult. It is likely to be a long haul.”

Enacted by the Chhattisgarh state government in 2005, ostensibly to aid the fight against the Maoists, **the CPSA designates a range of activities as ‘unlawful’**, including representations by an individual or an organization “...which interferes or tends to interfere with the maintenance of public order.” Worryingly for journalists and rights defenders in the state, all offences registered under this act are non-bailable, and sweeping powers and discretion are given to the district officials, while framing charges.

“I fear for Yadav’s life. Even if he is released, there is a great likelihood that he will be targeted by the Maoists,” said Shukla, recalling prior assassinations by Maoists of two journalists in the region - **Sai Reddy** (also booked by the police in 2008 under the CPSA), and Nemichand Jain. The Maoists justified both killings saying the journalists were police informers, though they subsequently **apologised for Jain’s death, in the face of a media boycott**. In prior communications to journalists, the rebels have argued that the **concept of neutrality does not hold in a class war**.

Such extreme views mirror that of the state security forces. Pappu said, “You have to go to villages, go to the jungles, meet people. You have to report the other side also. But the police thinks that if you are meeting them (the Maoists), you must be a part of them.” Simultaneously, the police do not hesitate to deploy local journalists to reach out to Maoists when they feel the need, such as to carry out negotiations for the release of kidnapped officials.

In this dangerous reporting landscape, rural stringers are especially vulnerable by virtue of having little social capital, and living and working on the frontlines. Sudha Bharadwaj, a Bilaspur-based human rights lawyer and PUCL member pointed out, “They don’t get the immunity, protection or working conditions that journalists in the national media get (even though no outside journalist can really report in these areas without a local journalist’s assistance for travel, and interpretation of the local Adivasi language).”

“I fear for Yadav’s life. Even if he is released, there is a great likelihood that he will be targeted by the Maoists.”

Nag was a rare Adivasi journalist in the region. Yadav was a very active reporter, and villagers often approached him for help since he knew Gondi and Hindi, according to Khandelwal. “Many villagers came to us for legal aid, via him,” she said. Nag and Yadav’s are among a string of arrests of villagers made in the Darbha area by the police in past weeks, she added.

Bastar’s journalists are planning a meeting on October 10 in the state capital of Raipur. Shukla and Pappu said the aim of the meeting was to demand recognition by media organisations and state and security officials of journalists working in the conflict zone, to devise a strategy for greater safety and protection against arbitrary police action, and to protest the incarceration of their colleagues.

“Over the years, the situation in Bastar has become such that if you want to be a journalist”, said Shukla, “the expectation is that you be dishonest with yourself, close your eyes, and pretend that you can’t see anything.”

Chitrangada Choudhury is a Orissa-based multimedia journalist and researcher, and a Fellow with the Open Society Institute (suarukh@gmail.com).

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Truth has two versions in Bastar

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| 08/10/2015

Did villagers seek police help against Maoists or did they visit the police station to secure the release of villagers wrongly accused by police of being Maoists?

ARITRA BHATTACHARYA reports on the propaganda war in Bastar and Santosh Yadav's arrest



The Maoist memorials at the periphery of the Badrimahu village, near its

entrance. Security forces across Bastar routinely demolish these memorials. That these are still standing speaks volumes about their lack of 'domination' in this area.

Listen to the villagers of Badrimahu and they say they visited Darbha police station in the Bastar district of Chhattisgarh on 29 September to 'secure the release of five villagers' who had been picked up by the police on charges of being Maoists over the last three to four months.

Read the newspapers in Jagdalpur, the district headquarters, on 30 September, however, and it seems the entire Badrimahu village turned up at the Darbha police station 'seeking protection against the Maoists'. This is **one such report**.

Newspapers also printed photographs of villagers at the police station with officials. Villagers had reached out to the police, and there, in the photograph, was proof of the villagers' faith in the otherwise feared and hated police machinery in these parts.

"That's certainly not how it was," says Narayan*, one of the residents of Badrimahu. Instead, he says, it was police officials who were trying to reach out to the villagers. "Don't run away when you see us...We will not cause you any harm...We will not chase you away either,' the officials were all telling us during their *bhashan* (speech)," says the young man who is in his mid-20s.

29 September, for the record, was when the Darbha police station in Bastar was engaging in a civic action programme, as **this** report in *The Hindu* pointed out. 'We never asked police for protection', villagers told the journalist of that day's event.

29 September was also, incidentally, the day when journalist Santosh Yadav was forcibly picked by Chhattisgarh police from his house. In more ways than one, Yadav's story is closely linked with that of Badrimahu and its people.

Village under siege

From Darbha police station to Badrimahu is an arduous journey through the forest. There's a narrow motorable road that goes till Kakkalpur, located 5 km off the main road. From there to Badrimahu is a 10 km rocky track. The

alternative way through the forest is shorter, at 4-5 km long. “It takes about 40-45 minutes but we hardly go there these days,” says a Kakkalgur resident. “The security forces have been in Badrimahu regularly. If they find us in the forest while on patrols, they threaten us: ‘If you see the people from Badrimahu, tell them we’ll pick all of them up...We’ll teach them a lesson. Don’t maintain any ties with them and don’t even think of visiting the village...Tell them we’ll wipe off their village’.”

Badrimahu is a ‘new’ village. Its first residents moved into the area in the 1980s; the last of the people came in 2000. In all, say villagers, there are 130 households, all tribals from the Gond community. Since the early years, its people have been enterprising: It was here, in 1989, that possibly the only Gondi language school in Bastar began. The school was run by local villagers, some of whom also doubled up as teachers. It was funded and overseen by the Adivasi Harijan Kalyan Samiti.

“A couple of villagers who had studied up till class 8 in formal schools were teaching there. The fact that instruction was in their language and about their surroundings ensured the students were engrossed,” says Arjun Nag, one of the forces behind the Samiti. Two years later, as funds ran out, the school closed down.

It was also in the 1990s that Maoists, ‘dadalog’ in local parlance, started frequenting the village. Like most villages in the forest, there was support for the ‘movement’ in Badrimahu. The harassment started when security forces started visiting the village with regularity.

“This was sometime around 2005,” say residents at the village square. “They first started coming here in 2002-03. But after 2005, they started coming here regularly, each time accompanied by local police. Nowadays, their patrol parties have surrendered Maoists; you can recognise them from their black masks.”

The chorus of voices narrates everyday tales of verbal and physical abuse, detentions for days on end, torture and dire threats. “Patrols have been coming every 2-3 days of late.

They enter our homes, misbehave with our women and throw things around...They break our things, kill poultry animals, take away all our liquor forcibly and make merry. But not before abusing us, beating us to pulp saying

‘you need to learn your lessons’.”

“That’s why we flee into the forest whenever we get news of their arrival. ‘But even then, we are not safe. They are particularly vicious when they find us in the forest,” a villager says, lifting his shirt to expose multiple blood clots on his back from a recent beating in the forest.

Villagers in Kakkalgur, 10 km in the direction of the main road, don’t complain of such severe and daily harassment. Kakkalgur residents, in fact, say the forces don’t enter the village most of the times. Maoists used to frequent Kakkalgur too, they say. “But they stopped after 2009, when the nearby police camp came up,” says a young man. “When the camp came up, we appealed to them not to hold meetings here. They suggested we hold meetings during the day instead of the night, but the villagers didn’t want to take a chance given the proximity of the camp. There were no meetings in the village after that.”

Now meetings do not happen in Badrimahu either, say residents. “But this is the last village the forces visit frequently. Kholeng is another 10 km inside the forest, but they go there rarely, especially during the weekly haat,” says a woman resident.

Badrimahu residents reckon the forces single them out because there’s no one from the village in the police or among the SPOs. This is an observation people in two other similar border villages made to me. Their statements taken together, as such, lay out in explicit terms how security forces are seen as operating in the area by the people. This is also a key factor, among other things, in the illegal detention and arrest of Santosh Yadav.

A messenger, a medium

Given the ‘targeting’, Badrimahu residents have stopped going to the Kholeng weekly market. ‘Security forces have threatened us not to visit the market inside’, they say. On the last occasion when they went there, they were beaten up with shepherd’s sticks.

“We go to the Darbha weekly market now,” says a woman who had been listening in to the conversation. The village has seen 10 arrests of ‘Maoists’ over the last year or so; villagers say all of them were civilians.

Santosh Yadav was one of the few local journalists who had visited Badrimahu and knew its people. He was also, crucially, the person who helped the

villagers get in touch with Isha Khandelwal and Shalini Gera from the Jagdalpur Legal Aid Group, Jag-LAG. They had heard of these lawyers who offer legal aid to tribals pro bono to relatives in jail.

Yadav had made the connection possible; in effect, he had facilitated a counter to the police story about Badrimahu's residents. In any case, he had been under tremendous pressure from the police for the last two years. As the HRDA note mentions, 'he had often been arbitrarily asked to report to police stations; in June 2015, the police took him to Darbha police station and stripped him'.

"On 29 September, according to eyewitnesses at Darbha police station, Yadav had an altercation with none other than IG Kalluri. "You're just a stringer and stringers are not journalists," Yadav was reportedly told by the senior official."

The invitation for the 29 September programme reached Badrimahu on 23 September. As villagers were travelling to the weekly market in Darbha in a mini-door truck, a patrol party stopped them near Kakkalgur. "We will release five people from your village whom we had arrested if you come to the police station on 29 September," they were told.

The matter was discussed at a village meeting, since all the residents had been called. As such, they saw no harm in visiting the police station 'especially since it involved the release of innocent people'.

A pandal and official paraphernalia greeted them at the police station after the long walk from the village that morning. There were official speeches in which the police asked them not to run away, and assured them that they meant no harm. Each villager was presented with an umbrella, a gamchha (towel), a sari/ lungi; the event, the first of its kind involving Badrimahu was adequately photographed. A vehicle arranged by the police dropped them back to the village, demonstrating amply how much the cops cared.

Before they left, the villagers asked Yadav to talk to the SHO Durgesh Sharma regarding the promised release of five arrested villagers. He was scolded and threatened by the SHO.

Later that same day, Yadav was picked up by the Darbha police from his house forcibly. The next day's local papers carried news of Badrimahu seeking police protection. The counter narrative had been removed.

**Name changed or withheld to protect identity.*

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