

STATE CONSULTATION MEETING ON HUMAN RIGHTS AND LAW

Date: 20th October, 2019

Venue: HRDC, HALL, RANCHI

Organized by,



Agenda for the meeting on Human Rights and Law

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20.10.2019; Venue- HRDC, Ranchi**

Time	Topic	Speakers
9:00-9:15 am	Introduction: Human Rights violations in Jharkhand	Gunjan
9:15-10:15 am	Hunger Deaths in Jharkhand: Right to Food- In this session, speakers will discuss recent reported hunger deaths in Jharkhand and State's response. It will be followed by discussion on Legal Strategy for starvation deaths in Jharkhand.	Taramani Sahu- Activist James Herenj- Jharkhand NREGA Watch (TBC)
10:15-11:30	Mob lynching and Hate Crimes- This session will discuss recent cases of mob lynching in Jharkhand and legal strategy for pending cases.	Afzal Anees- United Milli Forum Ziaullah- Association for Protection of Civil Rights Raju Hembrom- Advocate

11:30-12:30	Pathalgadi Movement and Sedition cases- This session will discuss multiple sedition cases filed against thousands of tribals and social activists involved in Pathalgadi movement in Khunti, Jharkhand and legal strategy for these cases.	Aloka Kujur Kalyan Nag Gunjan
12:30-1:00	Human Rights violations in Chattisgarh and role of Lawyers and Social Activists.	Rajini Soren
1:00-1:45 pm	LUNCH	
1:45-2:45	Land Acquisition and Displacement- This session will discuss impact of land acquisition by proposed mega projects in Jharkhand which has/will cause displacement of millions of tribals in Jharkhand and legal strategy for such cases.	Jerome Gerard Kujur- Activists- Jan Sangharsh Samiti Dayamani Barla- Mulvasi Raksha Manch Deepak Ranjit- Jharkhand Jantantrik Mahasabha Punit Minj- JOHAR BIRSA (TBC)
2:45-4:30	Plan of action for litigation on Human Rights cases in Jharkhand.	Siraj Aloka Kujur Afzal Anees Ziaullah Jerome Gerard Kujur Deepak Ranjit Punit Minj
4:30-5:30 pm	HRLN District lawyer's presentation on most important issue in their region and strategy for legal intervention. Note: Lawyers are expected to collect relevant materials and documents regarding human rights violations in their region. They should also connect with social activists/NGO's working on the issue and request them to join for the meeting.	

The stage was occupied by **Advocate Gunjan Singh, Advocate Rajni Soren, Advocate Raju Hembrom, Taramani Sahu, Activist, James Herenj, Jharkhand NREGA Watch (TBC), Afzal Anees, United Milli Forum, Ziyaullah, Association for the Protection of Civil Rights, Alok Kujur, Activist, Kalyan Nag, Activist, Arun Singh, Jharkhand Viklang Manch, Jerome Gerard Kujur, Jan Sangharsh Samiti, Punit, Johar Birsa (TBC), Dayamani Barla, Mulvasi Raksha Manch, B B Choudhary and Siraj Dutta, Jharkhand Janadhikar Mahasabha.**

SESSION 1: Introduction: Human Rights violations in Jharkhand

Advocate Gunjan Singh

The session started with a brief introduction of all the participants to the meeting. Advocate Gunjan spoke of the work done by HRLN and its network across the country and across the globe, the objectives and functioning of HRLN as a pro-bono legal support organization. The objective of the introduction was also for the participants to get a grasp of the current scenario in the state, and the various human rights violations within it.

He also discussed about the rise in the mob lynching cases, as hate crimes, in which the people have become so intolerant towards each other that, even a small matter could spark hatred. And no one comes up in support as they believe that the mob can attack anyone in the name of theft for even small things like, clothes, utensils etc. Further, he discussed the malnourishment and starvation cases in Jharkhand, where even after the landmark judgement of the Supreme Court in *PUCL vs. UOI* (Writ Petition (Civil) 196 of 2001), the state government is not taking the matter seriously. Additionally, Advocate Gunjan spoke about the Pathalgadi movement and how it is affecting even the basic human rights of the poor villagers, because of the attitude of the government, who see Pathalgadi as against the government, whereas Pathalgadi is nothing but, the constitutional rights which the villagers are demanding.

Advocate Gunjan also talked about how HRLN has always organized Workshop on Human Rights and Law, Women and Law, Child and Law programmes. HRLN has always supported victims through litigation and preparing reports which have been used by standing committee of the Parliament for drafting of the laws. He also discussed about the quashing of the FIR against the four activists, which the High Court of Jharkhand did not entertain, and when the activists moved to the Supreme Court, the Supreme Court, found the case irrelevant, and had also asked the Jharkhand High Court to file an affidavit, to which till today no affidavit has been filed by the Court.

SESSION 2: Hunger Deaths in Jharkhand: Right to Food:

Taramani Sahu, Activist



The speaker greeted and welcomed the participants. Sahu started off with asking the audience about their opinion on hunger deaths, because the government here does not believe in hunger and starvation deaths. She then discussed about a teenage girl Santoshni who unfortunately died on 28.09.2017, at a very young age. At the age when she was supposed to go to school, have the privilege of free education, she was suffering from the ailments of starvation. Santoshi could not even go out and play, as she had to help out her mother, as her mother was only looking after the

whole family. Her family did not even have a proper home, and were staying in the bushes with torn plastic shelter, let alone electricity or food facilities. Their condition was so bad that they could not even buy kerosene oil for the lamp. And the ration card they had was of no use, as they were not getting ration for months. They did not have any proper or basic employment in order to keep the family alive and functioning, and being dalits, no one used to employ them, for their beliefs in untouchability.

Sahu also discussed about how she tried getting this family's problem addressed in the Janta Darbar, directly to the DC, but to no avail, because the next day when she went with all the documents of the family to the department, their name was not even in the ration list, along with some other thousands, for no reason, and no queries were answered. And interestingly, Rajbala, Secretary, State of Jharkhand, had asked all the districts to not issue ration if the ration card is not linked with aadhar card, even when there is entitlement. The state is not following the Supreme Court Judgement on the starvation issue.

Santoshni died on ashtami day, that night she asked her mother for some food, but as her mother was not able to get food for her. Santoshni asked her mother to make tea with salt, and after having that she slept and passed away in her sleep.

Santoshni's death became a national news, and her mother was not allowed to meet anyone. The villagers accused her of spoiling the name and reputation of the village, and even the activists were not allowed inside the village. The villagers even wanted to kill the people who wanted to help the family of Koiri Devi. The speaker herself was threatened, and an arrest warrant was issued in her name, and even her family was tortured.

That Santoshni's mother was taken to Delhi by the speaker, where she met with the HRLN team, and the PIL was filed in the Supreme Court, the next date for which is in November 2019.

James Herenj, Jharkhand NREGA Watch (TBC)

Herenj discussed about the starvation situation in Jharkhand, which is much worse, and spoke of how down the years the situation has not improved. Bhokul Vasant, a journalist had reported

many cases of starvation in the district of Lasliganj, Garhwa, and later the order of the Jharkhand High Court came in which it said that the Chief Secretary of Jharkhand will be held responsible in case of starvation deaths. And because of that now people have started targeting the government. Even the media's opinion has changed on hunger and starvation deaths, but the government is still not ready to believe that people can die of hunger and starvation.

The speaker even pointed out the study conducted by ICMR, according to which the minimum requirement per person a month is 14 kg of food grains, and the government only gives a ration of 5 kg of food grains per person each month. Which is in contradiction to the study conducted by the ICMR, and it is also not fulfilling the minimum requirement. And it is after the enactment of the National Food Security Act, 2013, that the government is providing 5 kg food grains to the ration card holder for a month, but the ICMR clearly points out that for proper nutrition and for the basic diet, an individual needs at least 14 kg food grains for a month. That means accordingly the five kg food grain will be consumed within days, and the person will still be devoid of proper nutrition.

That since 2017, 19 cases of starvation death has been recorded, whereas the actual count is even more, where the person dies due to complications as a result of starvation. And even after having a ration card, being entitled to ration, the people are still not getting their rations for months, the main reason being the non-linking of the aadhar card to the ration card. And in case of Ram Chand Munda, he was not getting ration for the last three months.

Though the aadhar card is not a mandatory document, even then in case of the changes to be made in the aadhar card, the Judicial Magistrate 1st class, is supposed to issue an application on the letter pad provided by the government for the same, but the concerned magistrate here himself is unaware about the letter pad or his power. Now, even if the authorities are ready, another problem is, for the correction in the aadhar card, the important documents required is the matriculation certificate, and our poor villagers are either school drop outs or matric fail. So here also the poor villagers are being affected at large, and the authorities do not want to take any responsibility.

SESSION 3: Mob lynching and Hate Crimes:

Afzal Anees, United Milli Forum

Afzal Anees's main focus of work presently is the mob lynching cases, also known as hate crimes against the minorities. It all started in the name of "gow raksha", and now has turned into something more atrocious. As the innocent people are lynched today in the name of small theft cases, making them chant "jai shri ram, jai hanuman", thus showing the dictatorship of one particular caste of people. And this is a violation of complete human rights. But we need to understand the situation here that, these mobs are not here to bring justice to either the sentiments or the emotions of a particular group of the society, because, they are not there for the whole process of justice. And these mobs have managed to terrorise the innocent people to such an extent that, that they don't want to raise their voice against them, knowing that they are wrong and doing wrong to the innocent people. These mobs can attack anyone and everyone in the name of "gow raksha", and now for even the small issues.

There have been many cases of child lifting in Jamshedpur and other districts, where the person though being someone related to the child was lynched or beaten up. Ramesh Minz of Garhwa, was cooking some meat at his home at night, when suddenly the police came and arrested him, for no specific reasons, and even beat him up so mercilessly that, it became a matter of custodial death. Then again in the month of April, one Prakash Lakra was lynched to death, and two others were grievously injured, in the name of cow slaughter, whereas it was a dead ox of Prakash Lakra himself, which had died due to old age, and it was being skinned near the river, a public place. Now had they been doing something wrong, why they would do it in a public place, when it was their own ox and the whole locality consumes the meat, they could have easily done everything inside their residential area, and none would have come to know about it.

Then again in the month of July, one Tabrez Ansari was mercilessly beaten up, tied to a pole, in the name of motorcycle theft, and was also made to chant "jai shri ram, jai hanuman", once the mob discovered that, he was a muslim. Out of fear even his family couldn't come to his rescue,

and the motorcycle theft was never established. Tabrez Ansari died a few days after the incident, due to cardiac arrest, having multiple injuries and a cracked skull.

And of recent, on September, one especially abled, Kelemtus Barla, and two others were attacked by a mob when they were bathing in the nala, and one had come to see his fields. Later Kelemtus Barla died due to internal injuries. In this case the villagers were celebrating, “balgadi”, and Kelemtus Barla was only visiting his elder sister from another village.

There are many such cases, which go unreported, and people are so afraid that they don’t raise their voices or even come for the rescue of these victims. And the strength of these perpetrators lies in the support that they get from the political parties, who share the same ideologies with these mob lynchers. And it has risen to such an extent that, now even the hindus are being lynched and that too for petty crimes.

Ziyaullah, Association for the Protection of Civil Rights

The speaker greeted the participants, and started off by describing mob lynching as a political murder. He firmly believes that, these mobs are trying to instill feelings of hatred in the innocent people against particular sections of the society. The speaker having been part of many facts finding teams in the said matter, has found that these mobs targets anyone and everyone who does not share the same ideologies as theirs. And also the videos that are circulated in these incidents are directed in a particular manner, that it has to provoke the other members of that community against the victim. The people also don’t come up in support of the victims, here the people are to be made aware of their rights, and the role of the judiciary, NHRC, JHRC, panchayats and the villagers in these matters. And it is now only that the people are coming up, raising their voices, as earlier they were so afraid that they wouldn’t talk to anyone, even if inquired. And now they also need to made understand that, how in such cases people need to file cases and bring justice to the people, because mobocracy is not actually bringing justice to the people, just because others don’t share their ideologies does not give the mob the right to hurt the beliefs and feelings of other communities to safeguard their own.

The speaker also discussed some of the cases, like, one Zubaida Khatoon, whose only fault was that she was shifting her home, and all her belongings including her cattle was loaded in the truck. And seeing this a mob attacked her, in name of transporting cattle for slaughtering purposes, but in the process looted all her belongings, even her jewellerys, and the Police was not ready to file an FIR on her intimation. Leaving the woman homeless and hopeless at the same time.

And in another case, one Maulana Manzar, who used to teach in the mosque was beaten up by the mob, for no particular reason, other than him being a muslim minority. Then there was another case of Ramgarh, where Tauhid Ansari, a paralysed person, who had gone out to take medicine at 5 am, and he was beaten up by the mob and thrown in the railway tracks. Then again in Palamu, one Wakil Khan was killed by the mob, who had only gone to sort out the matter of her sisters molesters.

Then he lastly discussed the Majlum Ansari case, who has a family of old and infirm parents, wife and five kids. Here the speaker believes that the family needs to come in contact with the NGOs for their emotional and mental support, as the time is very crucial for the family, because the people are not there to support them out of fear, and because of the lack of support, the perpetrators tend to torture the victim's family even more, further victimising the whole family.

Advocate Raju Hembrom

Advocate Hembrom discussed not only about the mob lynching cases, but also the problems faced by the lawyers and the activists, who only want to help these victims. He further discussed that the advocate alone cannot deal with the case, he first needs to be mentally prepared to take up such cases, and face the various challenges posed by the communities.

Further, he discussed about the famous Ramgarh case, the speaker had read about the incident in the news paper, and from that brief read, it had somewhat become clear that, everything was pre planned. The lawyers leave the case, as they are not ready to take up such cases, and cannot handle the pressure.

He further discussed about the case study that he did in that case, how in most of the cases local people are provoked by outsiders, because of which they attack their own acquaintances, here their parts may be little but the major part is played by the perpetrators who are outsiders, and they are only called for taking part in the mob. As in that way it becomes easy for the perpetrators to commit the crime and then vanish into thin air. Because, the investigation will be done in the local level, and the perpetrators will never be caught. Even the weapons are brought from other states, and interestingly, sometimes it is the police lathi, that are used in the crime, and are seized and sealed and kept in the maalkhana.

Once the case proceedings start, the activist has to play an important role, as they have to prepare the victims for giving evidence and supporting their case, because in many cases, due to non appearance of the witnesses and the lack of evidence, the accused persons get acquitted. And since the activists are involved in the facts finding in the cases, here they are the experts, to tally their own findings to that of the investigation officers findings as shown in the case diary. Also in most of the cases during the registration of the FIR, the main sections are left out, so at a later stage it is important to see that the relevant sections are also added for the prosecution of the accused. The guidelines laid down in the Tehseen S Poonawalla case for the government, is not being complied with by the government.



SESSION: 4 : Pathalgadi:

Aloka Kujur, Activist

The speaker started off with the discussion about how the Khunti district of Jharkhand comes under the 5th Schedule of the Indian Constitution, and also the Mundari Khuthkati area. Pathalgadi is a tradition of the tribals and it has been practiced for years, but recently, even more instances of pathalgadi is coming up as a result of the oppression of the government. She discussed about the gangrape of the five woman, where on the basis of the fact finding report, it came out that, the victims were not even taken to the hospital and were kept in some organization for 15 days, but on the other hand the matter was so serious that, the Women Commission, Delhi had to intervene, and for that they had come down to Jharkhand the Civil Surgeon had also confirmed the rape of the victims. And in the same matter, one Father Alphons, and one sister are made accused, and in three police stations the case was filed, and two cases were filed on behalf of the gangrape victims, for which no bail has been granted yet. After this incident alone, cases were filed against 30,000 people under the charge of sedition, and against 15,000 unknown persons. And in these cases, till now no case diary are being submitted, or bail is being granted, and people are rotting in jail, and every now and then arrest warrants are issued, kurki-zabti order is issued, against persons who are not even residing in Jharkhand, the Judges and the Public Prosecutors are also being changed very often, making it impossible for the innocent people to get justice at all. A meeting was also held with the District Commissioner, Khunti but to no avail, as he straightaway said that no action will be taken either to stop the random arrest or sorting out the pathalgadi matter. In the High Court a petition was also filed by the four activists for quashing of the FIR, which was rejected by the Jharkhand High Court. Subsequently, a petition was filed in the Supreme Court, in which the Justice Nageshwar Rao has asked the Jharkhand state to file an affidavit, but till now no compliance of the order is done.

Now even according to the speaker, it is important for the government and the courts to see that pathalgadi is nothing anti national, and it is simply the carving of the constitutional provisions and supreme court judgements which favour the rights of the tribals, because the tribals are being

exploited to the core. CRPF camps have been set up in 9 functioning schools and 2 samudayik bhawans. Pathalgadi movement is nothing but land acquisition by the government in the name of development and protection from Maoists, but with the hidden intention of extracting minerals and letting big companies set up establishments, with all the profits settled with the state government.

Kalyan Nag, Activist

The speaker is actively involved with the pathalgadi people, he made the participants aware of the situation in the pathalgadi villages of khunti district, and how they tried to have many meetings with the family, but to no avail, as the poor family also does not know who all are hiding away, or are arrested, or even dead, so a proper number could not be met. Their dear ones are hiding in the jungles, and the family members only hang tiffins on the trees, and leave in the hope that they will come and have their food. Kurki-zabti is being conducted indiscriminately, in a way creating fear/terror in the minds of the family members, so that they give up on the hope of saving their lands, and save their family instead. He also disclosed that a total of 246 cases are pending against the villagers, as the police has not yet submitted the chargesheet in the respective cases, giving way to the lapse of the 90 days period, but still bail is not being given to the accused villagers. And Kalinath Munda was only bailed out because he is a teacher, and the others are still rotting in jail because they are only farmers and in their spare time they sit and conspire against the government, such is the belief of the officials. And the situation is such that people residing in the various parts of the country, who had only supported the pathalgadi movement in the social media, by expressing their views, or even sharing pictures of the news paper article have been charged under sedition, and raids and kurki-zabti is being done in their houses also. It would be even more interesting to know that, the people arrested for pathalgadi, in the sedition cases, are not kept in the khunti jail, or even in the nearby district jails. But after roaming around in the police jeep the whole night, the accused are either kept in the Dhanbad jail or Hazaribagh jail or the Deogarh jail or Kamdara jail or the Chhanho jail etc,. So here again the question rises as to what could be the reason behind, not putting the accused in the Khunti jail, when it has the jurisdiction. It was suggested that, at least through the RTI, we can find out the

whereabouts of the accused in these cases, so that they can be provided the legal aid, which the authorities seems to have clearly bypassed. And bring justice to the accused, the real victims in the case and their poor families.



SESSION: 5: Human Rights violations in Chattisgarh and role of Lawyers and Social Activists

Advocate Rajni Soren

The speaker praised the network of the Jharkhand HRLN team, as the state has advocates in almost all the districts, and activists also, which the speaker's state lacks, but she also showed concern about the poor functioning of the state. The speaker showed concern about the Pathalgadi issue, and shared the situation in Chhattisgarh, where a number of sedition cases were filed against the innocent people of Chhattisgarh. But interestingly, the Chhattisgarh High Court has even stayed the case and granted bail to the accused persons, in cases involving social media posts. Unlike Jharkhand, where the accused are put behind bars, without providing any legal aid, in various jails, pending chargesheets, no bail even on the lapse of 90 days period, but kurki-zabti is being conducted indiscriminately, and definitely. In Jharkhand the police and the court are not even taking into account the provisions laid down in Section 167 of the CrPC,

which clearly states that, that the investigation ought to be completed within the period prescribed. Ideally, the investigation, going by the provisions of the Code, ought to be completed within the first 24 hours itself. The purpose of the provision was that the basis of the material relating to investigation, the Magistrate ought to be in a position to proceed with the matter. It is thus clearly indicated that the stage of investigation ought to be confined to 90 or 60 days, as the case may be, and thereafter the issue relating to the custody of the accused ought to be dealt with by the Magistrate on the basis of the investigation. That matters and issues relating to liberty and whether the person accused of a crime ought to be confined or not, must be decided by the Magistrate and not by the Police. And here in Jharkhand, it is the Police, who under the directions of the Government are pressed on deciding the fate of the poor accused/villagers.

The speaker even showed her concern about the starvation deaths in Jharkhand, the direct relation with the pending ration cards, no pensions, which forces the people to go without food for days, and weeks, and the innocent children who are already malnourished then face serious health issues and ultimately starve to death. The speaker also talked about the poor health care services, despite the government spending such huge sum of money in the health care departments. The speaker shared her personal experience on the lack of health care services in the district of Sukuma, Chhattisgarh, and how through the PIL, the proper health care services were provided to the people of the district, whose condition was such worse that, even having a health care center they were deprived of their basic human right, to live a healthy and dignified life.

The speaker also expressed her concern over the fake encounter, in which the poor tribals are first falsely implicated in the cases, and then killed in fake encounters, with no one to hear their pleas. And the police by doing this is only closing the cases against various accused persons, whereas the crime rates are not going down, instead it is shooting more north, as the real criminals are still on the loose, and the innocent who are encountered, their near and dear ones take up to crime, being fed up of the system. Also there are many such innocents, who even though escaped the fake encounters, are still rotting in jails, and the convicts who have served a

period of 14 years in jail, completing their term of life imprisonment sentences are supposed to be released, and in this matter every state has their own jail manual. And the speaker had gotten released a number of such prisoners from jail in Chhattisgarh.

In the matter of the Forest Rights Act, where many innocent people are put behind the bars for no specific reasons, their pending claims is a separate issue, though important, but also it is the immediate concern to see that the bail and release of the innocent people who were jailed by the police, only because these villagers were trying to make a point with the officials, under the charge of, prohibiting the public officials in the discharge of their duties.

The cases of bonded labour, who are working for months, but are not paid any wages, need to be looked into as the wage is not that much, in the first place, being only Rs. 169, and they are not even given that, is a serious issue, because in the Payment of Wages Act, it says that, due will be settled ten times to that of the due amount, within 15 days from the claim. As they are poor, and the government if providing a livelihood to them, taking their service, should also look after the needs of these poor people, who only hope to provide something for their family. She also talked about the importance of the re-prison reform.

Arun Singh, Jharkhand Viklang Manch

The speaker is an active member of the disability community in Jharkhand, and he himself being a disabled person can understand the problems faced by the community people. He showed his concern over the accessibility to the disabled people that how prior to the enactment of the PWD Act, the community faced a lot of problems, and even post the Act the problems have not reduced for them. He feels that everything is on the paper, whereas the ground reality is that, the disabled people are still facing problems in their day to day lives, as proper implementation is not there.

He even discussed how earlier the disabled people were unable to cast their vote, and exercise their rights in the democracy of the country. And how to address this crisis a PIL was filed just a few days prior to the Lok Sabha Elections of 2009 for the accessibility of the voting booths to the

disabled people, and order came in favour 2 days prior to the 1st phase of the election, it was implemented from the 2nd phase of the election. And it happened for the first time in years that steps were taken for the proper facilities for the access of the voting rights of the disabled people, making them a part of choosing their own government.

The speaker further discussed about the problems of the disabled people faced by them in the various aspects of their lives daily, in different institutions or public setups. The responsibility of the government or such institutions, in providing the facilities, and how the affected person can file an RTI seeking answer from the various departments, in their matter, or by doing jan samvad, and even then if no solution comes up, then the disabled person can approach the Disability Commission, for their redressal. And even if the concerned person is not satisfied by the decision of the Commission or he feels that justice has been denied then he can very well approach the respective High Court for that matter.

The speaker showed his concern about the sexual harassment cases, when the maximum sexual harassment cases with the normal women goes unreported, then one can only imagine the case of the disabled women. Here also, in almost 99% of the cases, the victims family members only try and suppress the matter, as they think that their disabled child is a burden on them, and they don't want an unnecessary extra burden of filing a case and wasting their time on that. And it is only 1% of the cases that get reported, with the full support of the family, but the problem does not end here also as because the authorities don't respond well to the situation, and instead harass the victim and the family even more.

The speaker also discussed about the disability pension given to the disabled persons on a monthly basis, making them independent in a way, so that they don't have to depend totally on others for everything. But here also we will see that even though the intention of the government was good, but the problem is in the implementation, because there are lakhs of disabled persons in the state/country, but only a fraction of the disabled people is paid the pension, and no accountability is there for the other deprived disabled persons. There is also provision for the free travel for the blind person in the state bus, but the State of Jharkhand does not even have the

facility of state buses. That even after the implementation of the Act, the disabled persons were not provided with the tools in the respective examinations, for which a PIL was filed, and in that the order was passed by the Jharkhand High Court, that all necessary tools to be provided to the disabled persons for proper and just conduct of the examination. Every year the Parliament has to issue Rs. 20 Lakhs for the betterment of the disabled people, but in that also the government is not taking the matter seriously, as in that they can provide them with transport facilities like, motorless scooters etc,. But the government is spending that money on camps for bringing artificial limbs, in Jamshedpur.

The speaker then went on to discuss about the health care facilities, like Thalesemia patients, who have to get a blood transfusion on a daily basis, and in that process alone a majority of the patients get affected with Hepatitis B, and the medicine for treating that alone costs Rs. 18,000, for which no help is provided either at a lesser rate or free of cost. People have golden cards, which provides free health care services, but to no avail, as the people who can afford, tend to get admitted in private hospitals. But the main problem here is that the hospitals do not have cure for grave diseases yet, and are also not equipped to treat such diseases, due to which most of the patients die, even though they have access to the golden cards and private hospitals.

And lastly, according to the RPWD Act, there is a reservation of 4% in education sectors, but the problem here is that, even if the educational institutions reserve seats for the disabled people in their respective institutions, they fail to provide any basic facilities for these disabled people. And there is also 5% reservation in various employment sectors for the disabled people, but the problem here again is that, for the respective posts the institution does not provide for any training. Hence almost everything enacted in the RPWD Act, is on papers, and for its implementation almost every time a PIL has to be filed in the respective courts.



SESSION: 6: Land Acquisition and Displacement:

Jerome Gerard Kujur, Activists, Jan Sangharsh Samiti

The speaker first greeted the participants, and expressed his concern over the land grab issues which is prevalent in the state in the name of development. He then goes on to discuss, about Netrahat, and how the government is trying to set up a firing range over there, and if it happens it will be 29th firing range. And earlier only five villages were notified, but later a total of two hundred villages were notified, and the right for practicing firing has been given upto the year 2022. That earlier the troops were practicing their firing above the Netrahat area, but gradually they have come down to Mahuadadh. There was a public function, where the Chief Minister of Jharkhand had said that a firing range would be set up in Netrahat, but when inquired, the Home Ministry of Jharkhand right away denied the fact.

He then goes on to discuss about the Palamu Tiger Project, which earlier had notified only 38 villages, but later a total of 168+205 villages have been notified. And in 2017, the forest department had sent letters to eight villages for evacuation, but without any resettlement clause. The Gram Sabha denied the offer. And now even after being denied by the Gram Sabha, 21 more villages will be sent the evacuation letter. And now a total of 770 villages have been notified, for

the six corridors, but without asking the land owners. The CPM leader Vrinda had informed that, sanction has been made for the core area development. And also a false case has been filed by one P Mahto in the Jharkhand High Court, in the matter of the Tiger Project, on behalf of the government.

Punit, Activist, Johar Birsa (TBC)

The speaker started discussing about the increase in the mining process, and how it is not only affecting the environment, but also the health of the people, their lives, their employment opportunities. He further goes on to discuss, how and why these needs to be addressed. He shared about the importance of the public hearing at various stages, through which a check can be kept on the various companies, and their workings. Like when the company's concept note is filed/issued, people can raise questions as to their benefits from the project, or the community's or the areas benefit from that etc., the job creation for the local people in that project, which is always in the negative. To approach the CAT for the redressal in the respective matters. Like in the region of West Singhbhum, even after promising job creation for the locals, TISCO went ahead and employed people from outside. Then there is the issue of environment degradation due to the uranium leakage. And the impact of coal mining on the health of the local people, as it affects the water they consume and the air they breathe, and due to the pollutants affect the health of the people have been going on deteriorating, and in this only by doing a health camp in that area, the issues the problems itself will spring up, as to the cause of the various diseases.

Then he went on to discuss about the Devalgadda land acquisition, in which the affected people as promised by the government are still not paid their compensation, and their land was acquired by the government for road construction. The Pradhan Mantri Khanij Kshetra Kalyan Yojna (PMKKY) was launched in September 2015 to provide for the welfare of areas and people affected by mining related operations, using the funds generated by District Mining Fund (DMFs), but the problem here is that how to have access to it, because the people don't know about it and the government is diverting the collected fund in different states, and for other projects, and the poor people who have a right in that fund don't have access to it. The speaker

also showed his concern on the impact on women on being displaced. Precarious economic conditions forced them to live in an unhealthy environment and, occasionally, to adopt the role of head of household. In this role, many of these women, particularly young women, faced great difficulties in ensuring that the family's needs were met. Young women and teenagers reported behavioral changes due to displacement, including reproduction of violence in the home. The main self-perceived health problems among displaced women were mental health, access to food, infections and gynecological alterations. Displaced women identified the main factors hindering their access to health services as their economic situation and home responsibilities.

Dayamani Barla, Mulvasi Raksha Manch

The speaker firstly greeted the participants. She needs no introduction as Dayamani Barla is a tribal journalist and activist from the Indian state of Jharkhand. She became notable for her activism in opposing Arcelor Mittal's steel plant in Eastern Jharkhand that tribal activists say would displace forty villages. And in the same Mittal case there was no adherence of the R&R policy. The list is never ending, and in Surahi jalasha, the courts do not want to interfere in the matters concerning public welfare, but in the process, fails to see that even larger population is being affected badly. Then again in 2009, 13 acre land was being acquired for the ring road, the judgement was passed for 227 acre of land, but the true owners have still not got the compensation, for which the speaker was also involved in the various protests. The speaker also believes that the amendments made to the FRA, CNT Act, and all is mainly for the government, and no relief is sought for the villagers, as the acts are tried to be moulded according to the requirements of the government and not the poor villagers. Then the speaker goes on to say that how in Kamdarra and Karra, 0.01 dm land was taken showing it to be 4 acres, and the concerned company had made a down payment of Rs. 8 crore to the government, but here interestingly, the governor being the custodian of the 5th schedule area, did not take any action, and a total of 27 lakh acre land was given away by the government to the company in the name of developmental project. The speaker further expressed her concern about everything becoming online, because the villagers are mostly illiterate, they don't know how to read and write let alone going online and making transactions. Even the land registration and the payments is to be done online. And

the next concern of the speaker is the land bank, where the government is registering the common and uncultivated lands with the land bank. The government claims that it is a big leap forward in development as it would help in facilitating land allocation to industrial units. The government is using a trick to grab the forest, community and religious land to hand over to corporations who exploit these resources in the name of development projects to make a profit.



SESSION: 7: Plan of action for litigation on Human Rights cases in Jharkhand

B B Choudhary, Siraj Dutta, Activist, Jharkhand Janadhikar Mahasabha

The session was presided over by both B B Choudhary and Siraj Dutta, who greeted the participants, they started off with the various schemes of the government, which is being taken out for the betterment of the villagers and for the implementation of the schemes lakhs of rupees are funded, but the benefits never reach the poor villagers. They further discussed about the NREGA, according to which 100 days employment is to be given to the eligible households in a year, but the Jharkhand government only managed to provide for less than 50 days of employment. And it also fails in the payment of wages, which according to the act should be done within 15 days. There are thousands of cases going on in the various district courts for compensation of these daily wage labors. People are not aware of the Section 15 of the Payment

of Wages Act, which clearly says that the final redressed amount is to be 10 times to that of the due wage amount. That the minority scholarships of the school going children, was supposed to be provided to them, but the concerned nodal officer failed to identify the concerned children, and the poor children were here also deprived of their rights, because of somebody else.



SESSION: 8: Action Plan

1. All districts lawyers and social activist should prepare a list of prominent organizations/NGO's/individuals working on social issues in their area.
2. All new cases identified by district lawyers be communicated to Ranchi office and copied to Gunjan (Delhi) and Rajni (Chattisgarh) in the email chain.
3. All new cases should be registered in the office at the briefing/consultation (first) stage. Proper record of cases (either filed or not filed) to be maintained regularly. Responsible person- **Sonal and Mrinalini**.
4. Model petition for bonded labour cases/acid attack cases and other draft petitions will be sent to district lawyers to help them to draft new cases.

5. **Mumtaz** from Dhanbad will file PIL on poor status of health services in government hospitals.
6. Three new satellite offices will be established in Jharkhand under the leadership of Samuel Soren, Gulab Chand and Taramani Sahu.
7. **Mrinalini** will make an action plan (with a detailed monthly plan) for organizing student meetings in colleges in Jharkhand starting from Ranchi.
8. **Suchitra Jha** to organise meeting on Juvenile Justice Act. She will make a report on irregularities in the functioning of JJB in Deoghar district.
9. Requests for issuing HRLN letter for Jail visits.
10. **Sanjay Bharti** to draft PIL on
 - a. Demolition of houses of Scheduled Tribe in Garhwa.
 - b. Bokaro Steel Mines, Bhavnathpur
11. **Razi Ahmad** to make report on growing number of road accidents due to poor condition of highway in Chatra.
12. List of HRLN district lawyers will be shared with prominent organisations based in Jharkhand to maximize our outreach and exposure. **Sonal** to contact Siraj from Jharkhand Janadhikar Mahasabha for sharing of list of prominent organisations in different districts of Jharkhand and to share it with our district lawyer network.
13. Calendar for meetings (under various projects- Oak, Karuna, BfTW) will be prepared.
Responsible person- Gunjan, Rajni, Sonal and Mrinalini.

14. **Shams Tabrez** to file PIL on
 - a. access and availability of safe drinking water.
 - b. proper running schools
15. **Samuel** to file PIL on
 - a. regularization of contractual nurses, who are working for more than 10 years.
 - b. Writ for admission of children of BPL families in private school.
16. Notify the Unit, through mail about the awareness/action plan.
17. District level, advocate and ngo/activists conduct meetings, on identified issues of the area.
18. PILs for the inmates of jails, their release, in case of having served 14 years
19. Gmail group for Jharkhand HRLN
20. Separate claims for courts miscellaneous fees
21. The team going for fact finding, has to have the taxi receipts, on the basis of the meter reading.
22. The necessity for bills for claims
23. Internet cafes, if used for research or any other legal work, claims can be made by producing bills.
24. Phone bills
25. The work done by the advocates and the activists during the period of non-renewal of contracts
26. According to the new contracts, the salary will be based on the performance, for filing a new case in the district courts, it will be Rs. 500 and for filing a new case in the High Court, it will be Rs. 1500.
27. Monthly reports to be sent to the respective unit by the end of every month.
28. Defenders plan- A,B,C, if something happens
29. Siraj will provide booklets on the important laws

The district meeting was concluded by **Gunjan Singh, Rajini Soreng, Savio Pinto, Sonal Tiwary, Mrinalini Adela Tete**, the participants were once again facilitated and thanked. Further their role within the project and network was further emphasised. We spoke about the discussions that took place and the action plan.

Vote of Thanks by Sonal Tiwary