

# **amnesty international**

## **INDIA**

### **SOME ALLEGATIONS OF TORTURE AND ILL-TREATMENT OF TRIBAL LEADERS IN RAJASTHAN**

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**SUMMARY**

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Amnesty International has received a number of reports in recent years that underprivileged members of Indian society, notably members of Scheduled Castes and Scheduled Tribes have been victims of unlawful arrests and detentions, of ill-treatment and torture and of unlawful killings at the hands of police and others in authority.

Allegations of torture have been received by Amnesty International from all over India but this paper focuses attention on particular allegations concerning tribal people from Rajasthan where the state government appears to have failed to take effective measures to redress alleged abuses. The case concerns allegations of torture of nine tribal leaders by police of the Dhambola police station, Rajasthan, in August 1987.

Amnesty International believes that the investigation of credible complaints of torture and ill-treatment by an impartial and independent body can serve to prevent the further occurrence of torture, particularly if prompt action is taken to bring to justice those found responsible of such illegal acts.

This summarizes a three page document, India: Some Allegations of Torture and Ill-treatment of Tribal Leaders in Rajasthan (AI Index: ASA 20/01/88), issued by Amnesty International in March 1988. Anyone wishing to have further details or to take action on this issue should consult the full document.

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Amnesty International  
International Secretariat  
1 Easton Street  
London WC1X 8DJ  
United Kingdom

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## INDIA:

### SOME ALLEGATIONS OF TORTURE AND ILL-TREATMENT OF TRIBAL LEADERS IN RAJASTHAN

#### Introduction

Amnesty International has received a number of reports in recent years that underprivileged members of Indian society, notably members of Scheduled Castes (many calling themselves "Dalits" but generally referred to as "Harijans" or traditionally as "Untouchables") and Scheduled Tribes (who call themselves "Adivasis") have been victims of unlawful arrests and detentions, of ill-treatment and torture and of unlawful killings by police and others in authority. Allegations of torture have been received by Amnesty International from all over India but this paper focuses attention on particular allegations concerning tribal people from Rajasthan where the government appears to have failed to take effective measures to redress alleged abuses.

The case concerns allegations of torture of nine tribal leaders by officers of the Dhambola police station, Rajasthan, in August 1987. In November last year, Amnesty International asked the state government to conduct an independent investigation into these allegations and requested that police officers found responsible for torture and breaches of established legal procedures be brought to justice. Having failed to receive a reply, Amnesty International has renewed its appeal to the new Chief Minister who took office on 8 February 1988.

Amnesty International believes that the investigation of credible complaints of torture and ill-treatment by an impartial and independent body can serve to prevent the further occurrence of torture particularly if prompt action is taken to bring to justice those found guilty of such illegal acts. In appropriate cases, adequate compensation should be granted to the victims. It draws attention to these allegations in the hope that such action will now speedily be taken.

#### Allegations of torture and ill-treatment of tribal leaders in Rajasthan in August 1987.

Amnesty International has received allegations of torture and ill-treatment of nine tribal leaders in Dungarpur District in southern Rajasthan by personnel of the Dungarpur Thana (Police Station) in August 1987. The nine were members of the Rajasthan Kisan Sabha, an organization not affiliated with a political party, which works for the welfare and protection of the rights of landless and other poor peasants (see background below).

According to a report in the Statesman, New Delhi, of 29 August 1987, several thousand tribal people and others converged on Dungarpur City on 14 August, the 40th anniversary of Indian independence, in order to demonstrate against what they saw as inadequacies and irregularities in drought relief in the area; they requested improvements in relief work and proper payment of minimum wages. The demonstrators were stopped by police, some were beaten and many fled. Police arrested nine men who were

considered to be the leaders of the demonstration. The names of seven of the arrested men are: Ram Prasad Dindod (son of Dhanji, resident of Thambolia), Lal Shankar (son of Bhura, resident of Sendola), Halji (son of Manji, resident of Gundlara), Sardara (son of Kalji, resident of Dharampuri), Lakshman (son of Natha, resident of Dhangaon), Sardara (son of Bhura, resident of Palsar) and Ghattur (son of Dhanji, resident of Thambolia).

The nine men arrested on 14 August were taken to Dhambhola Police Station and kept there overnight. According to reports received by Amnesty International they were severely beaten during the two days following their arrest by police officers of Sagbara Thana, Dhambhola Thana and of the Dungarpur police, of whom Amnesty International has four names.

Although the law requires that those detained by the police be brought before a magistrate within 24 hours of arrest, this requirement was apparently not met. On 15 August, the nine men were charged with participating in an assembly after it had been ordered to disperse, under sections 107 and 151 of the Indian Penal Code (IPC), and were remanded to judicial custody in Dungarpur Jail. They appeared before the Sub-Divisional Magistrate on 18 August. Ram Prasad Dindod reportedly asked for paper in order to register a formal complaint about the conduct of the police but was refused. The nine men were then returned to Dungarpur Jail. They were released in mid-September 1987, shortly after a petition had been brought in the Supreme Court in Delhi on 28 August 1987 on behalf of seven of them. In the petition a request had been made to the Court to order their release because they had not committed the offences as alleged.

Amnesty International wrote to Mr Harideo Joshi, the Chief Minister of Rajasthan on 25 November 1987 asking whether inquiries had been conducted into the allegations of torture and making recommendations to the government as listed below. No response was received. Amnesty International then wrote on 8 February 1988 to the new Chief Minister of Rajasthan, Mr Shiv Charan Mathur, shortly after he had replaced Mr Joshi, referring back to its letter to Mr Joshi. To date no reply has been received.

### Background Information

The Rajasthan Kisan Sabha (RKS) was founded in 1980. It is particularly active in the tribal areas of south Rajasthan in the districts of Udaipur, Banswara and Dungarpur. The last two areas have a high proportion of tribal people or Adivasis from the Bhil tribal group, one of the largest tribal groups in India with members also in Gujarat, Maharashtra and Madhya Pradesh. The RKS also attracts support from the Scheduled Castes ("Untouchables") and other "low caste" peasants and labourers.

In recent years southern Rajasthan has been subject to severe drought conditions and in 1987 agricultural conditions were especially bad. The RKS and others have been critical of the amount and distribution of famine relief, and made allegations about official corruption and inefficiency. During the present drought it had campaigned for adequate relief work in areas affected by the drought so that at least one member of the family is in employment. It has also argued that payment should be in the form of food grains, so that affected families can survive. The RKS has also taken up the cases of tribal and other poor women who have undergone sterilization operations on the promise of substantial payments of cash, food and medical care from the government but in a number of cases have apparently received little or nothing.

The RKS organized a series of demonstrations in April 1987 which mainly involved tribal women, and which resulted in the arrest of two non-tribal activists, Srilata Swaminathan and her husband Mahendra Singh Choudhury. As far as AI can determine these demonstrations were peaceful and were pressing for longstanding RKS demands. Srilata Swaminathan and Mahendra Singh Choudhury were jailed on 21 April but released on 5 May.

## Amnesty International's Concerns

Amnesty International has on many occasions raised the use of torture and other forms of cruel and degrading treatment in police stations with local and central authorities in India. It has urged that steps be taken to stop torture and ill-treatment, that all complaints about torture and ill-treatment by police be fully and impartially investigated, that the outcome of inquiries be fully published and that those guilty of such abuses always be brought to justice. It has also requested that the prohibition against torture by police personnel involved in the detention, interrogation or treatment of detainees be emphasized in police training, as the United Nations Convention against Torture requires and as the UN Declaration against Torture provides. Amnesty International has also consistently emphasized that victims of torture should be given due compensation.

The Indian government has itself repeatedly reaffirmed its commitment not to permit torture. In 1977 the Indian government co-sponsored United Nations General Assembly Resolution 32/62, which asked for the drafting of a convention against torture and other forms of ill-treatment. It also sponsored resolution 32/64, which called on member states to reinforce their support for the Declaration against Torture by making unilateral declarations against torture and other ill-treatment. In 1979 India made such a unilateral declaration, in which it declared that it would comply with the principles contained in the Declaration against Torture and would "implement, through legislation and other effective measures the provisions of the Declaration". The need for such measures was recognized by the then Prime Minister, Indira Gandhi, who, in early 1980, was quoted as saying that there must be "basic faults in police training to make them so inhumane". The present Prime Minister Rajiv Gandhi has however denied that torture occurs in India. In January 1988 he told the British Broadcasting Corporation: "We don't torture anybody and you can check on that. Whenever we have had complaints of torture we have had it checked and we have not found it to be true."

Amnesty International is concerned by reports suggesting that members of the Scheduled Castes and Scheduled Tribes appear to be particularly vulnerable to torture and ill-treatment in police custody. Amnesty International is also concerned that, rather than taking effective measures to prevent torture, local officials have often refused to receive complaints of police abuses or have denied that such abuses have occurred and that, in those cases where torture has been given publicity, they apparently sought to cover up crimes committed rather than take measures to redress them.

## Recommendations

In the case of the nine tribal leaders in Rajasthan, Amnesty International recommends that the state government establishes an impartial and independent investigation and that any police officials found guilty of torture or breaches of established legal procedures are brought to justice. Amnesty International further recommends that, if indeed it is established that the nine were wrongfully detained and tortured, that they be granted adequate compensation.

Amnesty International also recommends that the central and state governments issue strict instructions to all police personnel and police training schools that arrested persons should always be brought before a magistrate within 24 hours as required by law, and that the torture and ill-treatment of detainees is a criminal offence which will invariably lead to criminal prosecution.

## APPENDIX : THE SCHEDULED TRIBES OF INDIA

The tribal people of India once inhabited the whole subcontinent. Since Aryan invasions over three thousand years ago, they have gradually been driven into the more remote and mountainous areas, where most are living today. Many tribal people are different from the majority of the Indian population ethnically, culturally, and in their religion, language and way of life.

According to the last census held in 1981, the number of the tribal population in India was put at over 51 and a half million. Some of them live in the north-eastern states, where they constitute a majority. But most are a minority in the states they live in, among them Bihar, West Bengal and Orissa (mainly Mundas and Gonds), Madhya Pradesh (Mundas, Gonds and Bhils), Gujarat and Rajasthan (Bhils) and Andhra Pradesh (Gonds).

Since Independence the Indian government has acknowledged that, in economical and social terms, Tribal peoples in India are at a disadvantage. Most of them are designated as members of a "Scheduled Tribe" and given special safeguards under the Indian Constitution. Their members are entitled to special "reservations" or quotas in education and employment and, sometimes, financial help. In addition, some parliamentary seats at central and state levels are reserved for them. The Constitution also provides that Tribal Advisory Councils can be set up to safeguard tribal rights and interests.

Traditionally tribal peoples have lived in collective groups in the forests, living off forest lands and products and carrying out "slash and burn" agriculture. But today the forests of India are rapidly disappearing and many tribal people are becoming small and marginal farmers and agricultural labourers.