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*Report*  
*People's Tribunal on Nandigram*  
*26-28 May 2007*



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*An All India Citizens' Initiative*  
*Kolkata*  
*August 8 2007*

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# People's Tribunal on Nandigram

26-28 May 2007

Report  
Presented to  
*Sri Gopal Krishna Gandhi*  
The Governor of West Bengal

## **An All India Citizens Initiative**

45 Beniatola Lane, 3<sup>rd</sup> Floor,  
Office of Janaswasthya Swadhikar Mancha  
Kolkata-700009  
August 8 2007

### *A Note about this Report*

*All attempts have been made by the All India Citizen's Initiative, within the constraints of resources available and prevailing circumstances, to collect factual information regarding the situation in Nandigram and its consequences. Despite this if there are biases and discrepancies in the conduct of the Tribunal, the responsibility is solely ours i.e. that of the organizers. We see our efforts as an attempt at impartial inquiry into the violent incidents in Nandigram and establishing the truth about what really happened in Nandigram in the interests of ensuring justice to all victims of severe human rights violations there.*

All India Citizens Initiative,  
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Justice **S.N.Bhargava**  
Former Judge Rajasthan High Court  
Former Chief Justice Sikkim High Court  
Former Chairperson Assam Human Rights Commission  
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**H.E. Gopal Krishna Gandhi**  
**Governor of West Bengal**  
**Raj Bhavan**  
**Kolkata**

8 August 2007

Dear Mr Gandhi

I am writing to you as Chairperson of the People's Tribunal on Nandigram organised by the All India Citizens' Initiative from 26-28 May 2007.

The Tribunal received 39 oral and 135 written depositions from the victims of the violent events of 14 March 2007 at public hearings held at Gokulnagar and Sonachura in Nandigram and 20 depositions in Kolkata.

Based on these depositions and our own investigations the jury members of the Tribunal have prepared a detailed report on the background, causes and consequences of such violence in Nandigram and surrounding areas.

On behalf of all jury members of the People's Tribunal I am pleased to submit this report to you for your kind perusal and any action, as you see appropriate.

Apart from analysis of evidence presented before the Tribunal the report also contains findings and recommendations of the jury. The recommendations are aimed at relevant state authorities to be taken up for immediate action, particularly in the context of the worsening humanitarian situation on the relief and medical front among ordinary people in Nandigram.

I sincerely hope this report, through its contents, documentation of evidence and suggestions for action will contribute to improving the current situation in Nandigram and help bring about both peace and justice to the people of the area.

Thanking you

With best wishes,

S.N.Bhargava

*Dedicated To  
The Victims of Human Rights Violation Everywhere*

## **CONTENTS:**

**Foreword**

**Introduction**

**Executive Summary**

**Chapter One: Background**

- West Bengal
- Special Economic Zones
- Nandigram
- History of Nandigram

**Chapter Two: Chronology of Events**

**Chapter Three: Incidents of 14-16 March 2007**

**Chapter Four: Medical Response**

**Chapter Five: Response of Administration**

**Chapter Six: Some Typical Cases for Legal Action**

**Chapter Seven: Findings and Recommendations**

**End Notes**

**Annexures in CD-RoM**

**Annexure-A-1-Depositions in People's Tribunal on Nandigram**

**Annexure-A-2: Copy of the Affidavits submitted to Balbir Ram's Enquiry Commission**

**Annexure-A-3: Copies of the depositions at Balbir Ram's Enquiry Commission**

**Annexure-A-4: Copies of Medical Documents**

**Annexure-A-5: Statements of eminent persons & organizations**

**Annexure-A-6: Interim Report of the Tribunal dated 28.5.07**

**Annexure-B: Copies of the documents for Endnotes**

**Annexure-C: Calcutta High Court's Own Petition**

**Annexure-D: Petition of Bar Association of Calcutta High Court**

**Annexure-E: Affidavit submitted by Govt. of West Bengal**

**Annexure-F: Shramajibi Swasthya Udyog Report**

**Annexure-G: Nandigram Swasthya Udyog Report**

**Annexure-H: APDR Report**

**Annexure-I: APDR Report Part-II**

**Annexure-J: MASUM report**

**Annexure-K: Copy of the names from Nandigram Hospital Register (14-16 March 2007)**

**Annexure-L: Youth Volunteers of Child Rights & You Report**

**Annexure-M: Forum of Artistes, Cultural Activists & Intellectuals**

**Annexure-N: Submission of Citizens' Solidarity report**

**Annexure-O: Submission of Little Magazine Samanyay (Prosthuti) Committee**

**Annexure-P: Report of Amra Iekti Sachetan Prayaash)**

**Annexure-Q: Kunal Chattopadhyay & others' submission**

**Annexure-R: Education Network report**

**Annexure-S: Copies of Ahalya publications**

**Annexure-T: Dibakar Bhattacharya's statement**

**Annexure-U: Abhijit Guha's submission**

**Annexure-V: Background on Singur**

**Annexure-W: Chief Minister Buddhadev Bhattacharya's speech in the Assembly on 15.3.07**

**Annexure-X: Documentary Film on Nandigram submitted by Pramod Gupta**

## FOREWORD

It was the developments around the Tata Group's acquisitions at Singur that first began to draw national attention to the issue of land acquisition for industrial purposes in West Bengal. And it should have alerted us that this marked a drastic departure from earlier CPI (M) positions on acquisition of land for corporate interests. There were mixed messages though emanating from the CPI (M) itself outside the state of Bengal – where they were joining hands and raising voices against SEZ in many areas.

It was therefore with a sense of total disbelief and shock that we watched and listened and read reports of the unfolding tragedy of Nandigram – especially after 14 March 2007. We were flooded with emails, often with conflicting accounts of the death toll, of missing and wounded, of sexual harassment – and the media's hyper intensive reportage did nothing to help or clarify our concerns and confusion.

Several groups, at different times, have actually visited the area, reconstructed the sequence and chronology of events, and spoken to the affected people. Their reports have been painstakingly compiled by the Secretariat of the All India Citizens' Initiative.

However, given the complex nature of local politics – and the high profile stand off between the Trinamool Congress (TMC) and the CPI (M) – which subsumed many urgent issues affecting people and the violence, which was visited upon them, it was felt that it might be useful to put together an independent Peoples Tribunal on Nandigram.

And it is as part of this group that I had the opportunity to spend three days in Kolkota and Gokul Nagar and Sonachura of Nandigram Block.

### THE DEPOSITIONS

Although the hearings were initially programmed to take place in Gokul Nagar Primary School – given the large number of witnesses who came forward to depose and the limitations of time – it was decided to divide the Jury into two sections on the second day – with one group continuing at Gokul Nagar and the other at Sonachura – near the now infamous Bhangabhera bridge leading to Khejuri.

During the course of the two days the members of the Jury had occasion to listen to depositions by a large number of men and women from the area. Due to shortage of time, a large number of depositions were also provided by the victims in writing.

Here is a brief summary of the main issues that surfaced from the verbal and written depositions, which were presented:

- 1. Continuing feelings of fear and insecurity – and total mistrust of police, government officials, and above all, of the party cadres – many of whom – according to almost each eye witness had worn police uniform and participated in the violence of the 14 March.*

2. We were struck by the closeness between the two major communities from this region – namely Hindu and Muslim. This was exemplified in the numerous accounts that described how both communities had jointly planned to hold the peace puja/namaaz upon hearing of the projected visit and ‘clean-up’ action by the police to their area on the 14 March.
3. While the actual number of deaths might have been limited to 14 – there were a very large number of wounded and injured – primarily bullet wounds, iron rods and lathi charge injuries. Witness after witness spoke of merciless brutality of the police – and especially of people who were apparently party cadre dressed in police uniform whom they identified because *‘they were in chappals as opposed to the boots worn by the regulars’*.
4. A significant number of the bullet wounds seemed to have been caused by firing from the back – while the crowd was running away.
5. We examined several medical/discharge slips from the local hospitals at Nandigram, Tamluk and Kolkota – there is not a single mention of injuries being caused by bullets, except in two cases. It was difficult not to draw conclusions as to the obvious linkages between the police, and the district medical and other authorities – all of whom apparently were covering up the true nature, cause and the extent of the violence.
6. ***Perhaps the most shocking aspect of the attacks on the villagers were the repeated allegations and accounts of the deliberate acts of sexual assault, including rape and other forms of unspeakable brutality. That women were prepared to speak in public about what they had been through – as in the case of forty year old Chhabi Rani Mondal of Adhikaripara in Gokul Nagar who had an iron rod pushed into her vagina after severe lathi beatings – is testimony to their anger and despair.***
7. ***Missing Children – this seems to be a grey area. Individual testimonies spoke of attacks on children – and many children who had disappeared. But it was difficult to find hard evidence – and it would be useful if a group could follow up on this more systematically.***
8. In response to questions regarding whether they had filed FIRs or other form of complaint – for the most part there was a clear evidence of total lack of any faith or trust in the police, or indeed in the system – since it would be tantamount to seeking help from the perpetrators. Many women referred to the police as ‘man-eaters’ and challenged us on the tribunal to answer the question how could they ever be expected to go to register complaints against those who had tortured and abused them.
9. To date, from all accounts, there has been no government compensation – and whatever little they have received has been from a few private parties. ***This is in itself inexplicable in a so-called democratic state where at least compensation for the families of those dead and injured is almost immediate. It appears that no formal visit was made, post the violence, by any senior ruling party members***
10. In response to questions inquiring whether any special groups representing the State Women’s Commission or other specialist group from the state set up had

visited or examined them – they answered in the negative. *All of us members of the Tribunal were struck by the fact that not even the women leadership in the ruling party's women's wing had thought it necessary or important to pay a visit to the affected areas and conduct an independent inquiry or to bring the guilty to book purely on the issues of violence against women.*

11. From a careful scrutiny of the testimonies we also realized that the absence of a woman doctor in the two hospitals – Nandigram and Tamluk – was a further deterrence to women taking their problems to the authorities.
12. Powerful expressions of anger and a sense of betrayal directed at the party to which they had been loyal and for whom they had voted for over 25 years – namely the Communist Party of India – [Marxist]
13. Despite all the fear, insecurity, brutal treatment, loss of dear ones, their own physical and sexual violation, there was an amazing, fierce sense of determination that they would not part with one inch of their land. On the contrary we heard the strong cry that they had already shed their blood – were willing to shed more, but they would not part with their land. .
14. Their final plea was for PEACE, JUSTICE – BUT ENDING WITH A DEMAND THAT BOTH CHIEF MINISTER BUDDHADEB BHATTACHARYA AND CPI (M) MEMBER OF PARLIAMENT LAKSHMAN SETH BE SENT TO THE GALLOWS. *'Lakhan Sheth, Buddha Deb – Phansi do, phansi do'- such is the depth of their emotions at this stage.*

**Lalita Ramdas**

## INTRODUCTION

The Peoples' Tribunal on Nandigram was set up in April 2007 by a group of concerned citizens from around India who felt the need for an independent investigation into the violent events of 14 March '07 that shocked West Bengal and indeed the entire nation.

The initiative was also inspired by a call given by eminent jurists like Justice Krishna Iyer and litterateurs like Mahashweta Devi, M.K.Vasudevan Nair, Rajendra Yadav and Ashok Vajpeyi for the restoration of peace to the disturbed area but a peace where 'justice is ensured to all those whose human rights have been violated in any form'.<sup>i</sup>

A sincere attempt has been made by the All India Citizens Initiative to conduct the Tribunal in as impartial manner as possible. All efforts have also been made, within the constraints of resources available and prevailing circumstances, to collect all factual information regarding the situation in Nandigram and the recent incidents that have occurred there.

We do not see our efforts as necessarily the final word on the violent incidents in Nandigram and hope there will be more such attempts at establishing the truth about what really happened in Nandigram in the interests of ensuring justice to all victims of severe human rights violations there.

Following are details of the composition and conduct of the Peoples' Tribunal on Nandigram:

### **I. The members of the Tribunal**

1. Justice Mr S. N. Bhargava, Retd. Chief Justice, Sikkim High Court
2. Mr. Prabhash Joshi, Founder Editor, Janasatta
3. Mrs Lalita Ramdas, Social Activist
4. Mr. John Dayal, Journalist and Human Rights Activist
5. Dr. Jyotirmay Samajder, Psychiatrist

### **II. Venue and Date of the Tribunal**

At Nandigram, District, East Midnapur, West Bengal, on 26<sup>th</sup> and 27<sup>th</sup> May, 2007 at Gokulnagar Gobindajiu Pratham Bidyalay and at Sonachura.

At Kolkata on 28<sup>th</sup> May 2007 at University Institute Library Hall.

On each day, the Tribunal resumed at 10.30 AM and continued up to 5 PM.

### **III. The terms of reference of the tribunal**

- (i) To inquire into the background, causes, course, nature and motive, if any leading to the incident of 14 March;
- (ii) To consider whether any organized group or groups of people or individual/individuals was/were involved in the incident and /or were behind the incident;

- (iii) To ascertain whether the reported state violence, sexual abuse on women and alleged mass killings were done or purported to be done for restoration of public order and for establishment of rule of law in the affected areas, and to find out responsibility of the state authorities, administrative as well as law enforcing agencies;
- (iv) To inquire into the nature of social, economic and medical consequences upon the victims in particular as well as the people of Nandigram and adjoining areas at large;
- (v) To examine whether there were any cases of disappearances/missing arising out of the police action/or state-supported actions and also to examine truthfulness of allegations of lapse or failure on the part of police and medical practitioners towards injured victims;
- (vi) To consider such other matters relevant or incidental to the aforesaid terms of reference, as the tribunal may deem fit and proper.

**IV.** In organizing the Tribunal a forum named, *All India Citizens' Initiative* was formed. A secretariat was then formed from among the persons involved in the said initiative. <sup>ii</sup>

**V. Formalities followed in holding the Tribunal:**

1. Notification in Newspaper <sup>iii</sup>
2. Press Conference
3. Circulating Leaflets inviting affected/concerned people to depose before the Tribunal. <sup>iv</sup>
4. Campaign about the Tribunal in the adjoining areas through loudspeaker.
5. Postering in Nandigram & Kolkata.
6. Informed all the administrative authorities from the bottom most level of Gram Panchayat to the District level and also to the state level about the fact of holding the Tribunal. Letter inviting Administrative authorities of different levels to depose. <sup>v</sup>
7. Letter inviting All Political Parties in state and local level to depose.
8. Letter of intimation to District Magistrate and SP regarding forthcoming Tribunal. <sup>vi</sup>
9. Invitation letter to individuals, organizations, political parties, newspapers, electronic media persons to witness the proceedings of the Tribunal. <sup>vii</sup>
10. To apprise Judge and Jury members of the Tribunal about the incidents in Nandigram and also to help them make sure that the formalities were followed according to convention, on arrival in Kolkata, they were provided with book containing relevant information and documents like the TOR and some investigation reports of Groups, available at the time. <sup>viii</sup>

**VI. Response of State Authorities:**

It is to be noted that the District Magistrate (East Midnapur) wrote a letter to the organizers requiring the organizers to intimate the said DM as to the provisions of law by which the DM is required to appear before the Tribunal. The organizers, elaborating therein the Constitutional Duties of Citizens for upholding the spirit of inquiry, replied to the said letter of the DM No.303/C dated 24.5.07. <sup>ix</sup>

## EXECUTIVE SUMMARY

### About the Tribunal

The People's Tribunal on Nandigram probing the violent events of 14 March 2007 in Nandigram, West Bengal has produced a final report with its findings and recommendations for presentation to concerned authorities as well as the general public.

The Tribunal, organized by a network of concerned citizens across India heard depositions from victims, witnesses, social activists, intellectuals, doctors, human rights groups and other concerned organisations. The hearings were held in both Nandigram and Kolkata from 26-28 May and headed by Justice S.N.Bhargava, former Chief Justice of the Sikkim High Court.

Tribunal members, which included Prabhash Joshi (Founder Editor, Jansatta), Lalita Ramdas (Social Activist), John Dayal (Journalist and Human Rights Activist) and Jyotirmoy Samajder (Psychiatrist), visited the site of police firing and other places in the Nandigram area relevant to understanding the circumstances and nature of the violence.

The Tribunal received 39 oral and 135 written depositions at the hearings held at primary schools in Gokulnagar and Sonachura and 20 depositions in Kolkata at University Institute Library Hall. In its final report the Tribunal has the following observations to make, based on prima facie evidence as well as a total of 194 depositions made before it:

### The Context

**Nandigram** is a rural area in East Midnapur district of West Bengal which has been the centre of peasant resistance against an attempt by the government to acquire agricultural land for setting up a Special Economic Zone. It is located around 150 km from Kolkata, on the south bank of the Haldi River, opposite the industrial city of Haldia. The area falls under Haldia Development Authority.

There are three Blocks in Nandigram – Block1, Block2, Block3 of which Nandigram Block 1 is the one most affected by the West Bengal government's proposed SEZ to set up a chemical industrial hub with investment from the Salim Group, an Indonesian multinational.

More than anything else the area is famous for its historical role in the struggle against British colonial rule and during the Tebgha movement in the mid-forties when peasants in many parts of pre-Partition Bengal captured vast quantities of land demanding it their right as tillers of the soil.

The population is predominantly a mix of Muslim and lower caste Hindus, who have lived harmoniously together for a long time. The area has been till recently a political stronghold of the CPI and the CPI (M).

## **The Road to 14 March 2007**

### ***How it all began***

The problems in Nandigram started with the Haldia Development Authority (HDA), headed by Laxman Seth, the CPI (M) MP from Tamluk, issuing a notice on **28 December 2006** identifying 27 *mouzas* of land in Nandigram and 2 *mouzas* of land in Khejuri. comprising about 25,000 acres of land for acquisition (measure of the land was not specifically mentioned in the notification). The land was to be acquired for setting up a chemical industrial complex, as part of a Special Economic Zone (SEZ), with investment from the Indonesian multinational Salim Group.

While there were many rumours circulating about the impending land acquisition in Nandigram there was no attempt by the West Bengal government or local administration to organise any consultation with the local people who would be affected by such a move. The local people, who had been following the unsuccessful agitation by farmers against land acquisition in Singur- where the government took over 947 acres of land for a car factory to be set up by the Tata group- were already quite apprehensive about being ousted from their land.

In the weeks preceding the HDA notification there is evidence to show that apart from the local people and opposition parties there were constituents of the ruling Left Front, like the Communist Party of India, also which were opposed to the proposed SEZ project.

The violence in Nandigram started on **3 January 2007** itself when Anti Land Acquisition Protestors demanded clarifications regarding the SEZ project from the Kalicharanpur *Panchayat Samity* office and the police were called in. Several people were injured in the police lathi charge that followed and a police jeep either caught fire due to either an accident or was set on fire by the mob.

Tensions escalated over the couple of days as the people of Nandigram put up roadblocks and cut off access to their area for the local administration and police. There were clashes between pro-government and anti-land acquisition groups and several supporters of the CPI (M) and their families left the area to take refuge in camps in neighbouring Khejuri which was still a ruling party stronghold.

On **5 January 2007** several opposition groups like the Trinamool Congress, Congress and Socialist Unity Center of India (SUCI) got together to form the Bhumi Uchched Pratirodh Committee (BUPC).

### ***Violence of 7 January 2007***

In the early hours of the morning of **7th January** at least five persons from Nandigram were killed as armed CPI (M) cadre allegedly hurled bombs and fired bullets. The five dead were Biswajit Maity, Bharat Mondal, Sk. Salim, Badal Mondal and Anukul Patra.

In retaliation the villagers set fire to a CPI (M) camp at Baratole in Khejuri and the house of Shankar Samanta, who was burnt to death in the incident. According to the deposition

made by the mother of slain Bharat Mandal the bombs and bullets were fired from the house of Shankar Samanta, a local CPI (M) leader.

The police and the administrative officials were nowhere on the scene when this violence was taking place and confined themselves to the Nandigram Police Station.

Chief Minister of West Bengal, Mr Buddhadeb Bhattacharyya, held Jamait Ulema-i-Hind, a Muslim cultural organisation and one of the constituents of the BUPC responsible by saying “ ..... *Jamait, in particular, started an ugly communal campaign. This is an unfortunate incident, no matter activists of which party perished in the clashes.*”

However Mr. Benoy Konar, State Secretariat Member, CPI (M) said: “... *But if they want to make things difficult for us, we are prepared to make life hell for them.*”

Following the incidents of 7 January the local administration held a peace meeting between representatives of both the ruling Left Front and the opposition. In the meeting it was unanimously resolved that all parties must cooperate with the administration to restore peace to the affected areas, damaged roads and bridges should be repaired and police camps set up wherever required.

The Chief Minister, Mr. Buddhadeb Bhattacharyya, conceded that “*It was a mistake*” on the part of HDA to have issued notice for the acquisition of land at Nandigram for the chemical hub project and instructed the District Magistrate to “*tear it up*”.

Mr. Bhattacharyya said that the HDA notice “*created all confusions*” even before land acquisition could start at Nandigram. “*Our first task is to restore normalcy in the area. Villagers have already started cooperating with the administration. .... Nothing will be done in haste. A micro study of land available would be undertaken keeping in mind the interest of all concerned.*”

The violence between CPI (M) supporters and the BUPC continued nevertheless on a regular basis, mostly at night when CPI (M) cadre would use the cover of darkness to attack Nandigram residents and the BUPC would strike back in retaliation.

On **7 February 2007** a sub-inspector of police Sri Sadhu Chatterjee was waylaid by an unruly mob, dragged away, assaulted and killed. His dead body was recovered subsequently on 10 February 07 after dredging parts of the adjoining river.

Following this West Bengal Home secretary, Mr. Prasad Ranjan Roy said, “ *Till now the police were instructed not to enter the villages at Nandigram, but in view of the prevailing situation, we have to think of taking different measures.*”

On **12 February 2007** the Chief Minister, West Bengal, addressed a public meeting at Haldia, a place adjacent to Nandigram, and stated that no land would be taken from those unwilling give it. However the very next day at a Press Conference in Tamruk Mr.

Lakshman Seth, CPI (M) M.P., said that the land mentioned in the “notice” issued by the Haldia Development Authority “*would be acquired*”.

On **10 March 2007** the District Magistrate, East Midnapur, convened a meeting of all political parties to take up the issue of repairing roads that had been dug up. The opposition parties boycotted the meeting on the basis that no steps were taken on the previous resolutions.

It was decided in the same meeting that the roads will be repaired and if any individual or any group of people or any organisation created any disturbance steps would be taken against such persons according to law.

On **13 March 2007** Mr. Subhendu Adhikari, MLA, TMC sent a fax message to the Chief Minister of West Bengal that the “*Police authorities have created panic among the common people of Nandigram.*”

People in Nandigram knew police would enter their area on 14 March. According to several depositions before the Tribunal, the BUPC met on the night of 13 March and decided:

- (1) To mobilise people to come for a *Puja* and Koran reading session at the two sites where the police would have to cross the cut in the roads or 'bund' made by protesting villagers;
- (2) To use women and children as a shield, under the assumption that the police would not fire on women and children.

## **What Happened On 14 March?**

### ***How the Police Firing Started***

On 14 March 2007 around 9.30 a.m. hundreds of policemen gathered at two entry points into Nandigram- one from the Tekhali Bridge, Gokulnagar, Adhikaripara and the other from the side of Bhangabera Bridge, near Sonachura. Apart from policemen local leaders and cadres of Communist Party of India (Marxist) were also present.

The deponents claim that the people were peaceful. Only one deponent said there was stone throwing by boys and girls. There is no evidence of the carriage of any arms by the villagers.

There was an announcement by the police party asking the villagers to allow them to repair the 'bund'. People replied that they would undertake this work themselves. There was very little dialogue over this issue and very soon the police went into the offensive.

Police fired tear gas and immediately followed with bullets & rubber bullets, chased the people, mostly women & children, hitting out with lathis and iron rods, and firing. They were chased, and many were caught and mercilessly beaten, with sexual assault, including rape.

The lack of parleying seems to suggest that the carnage caused by police firing on the retreating mass, mainly of women & children, was pre-planned.

The depositions before the Tribunal also clearly bring out that police went on firing after the people started to flee and that they were not firing towards the legs.

The police behaviour was brutal. According to one deposition Uttam Pal, after being shot down, was asking for water. Policemen spat in his face and beat up those trying to give him water.

Several depositions before the Tribunal accused policemen of rape. Apart from rape, many women have deposed about undressing, molestation (the breasts being frequent targets), indecent exposure, and filthy language.

One deponent accuses policemen of having slashed her breasts. Several accuse policemen of forcing rod/lathi/gunbarrel into sex organs and turning the insert in some cases.

The evidence definitely points towards serious sexual assault, including rape, by policemen.

#### ***CPI (M) Cadre Allegedly In Police Uniform***

The deponents charge the presence among policemen of others in police dress but wearing slippers (chappals), black masks and red arm/wrist bands. There is also reference to others in white dress (sari) and 'ghomta' (veil) pointing out people. These persons were also firing guns and assaulting people with iron rods. They were even more vicious than the policemen.

A large number of deponents agree that they were cadres of the CPI (M) and some of them identify and name the cadres too.

#### ***Impact On Women***

4 victims allege rape. 3 victims indicate rape. Their injuries are typical of rape. There are at least 5 cases of sadistic sexual assault on the private organs, leading to severe injuries.

A mother & daughter have deposed that they were raped, and have named the culprits as being CPI-M cadre. The mother and elder sister of a minor girl who was raped also deposed before the Tribunal.

The following deposition is typical: *"Three policemen pulled me away, I then fell unconscious. Consciousness returned in Tamluk hospital, saline was running. My sex organ was intensely painful and was bleeding. There was pain in my breasts and scratch marks. There was pain in my abdomen, so much pain that I could not urinate. I heard from a neighbour that I was unconscious in the jungle, village people took me to the hospital."*

Smt Rajashri Dasgupta of the Citizens Solidarity organization who deposed as a witness before the Tribunal observed, “*women were traumatized and unwilling to talk due to shame.*”

Dr Debapriya Mallick deposed before the Tribunal that in the medical camps in the Nandigram area he found women victims with injuries in the pelvic region, the back, the breasts and the vaginal region.

### ***Impact On Children***

Children were not spared. Doctors have treated fracture cases due to police lathicharge. The rape of a 12-year old girl by a named CPI (M) cadre has the mother & sister as eyewitnesses. There are persistent reports of cruelty on very young children by the policemen. Eyewitness depositions accuse policemen of shooting and killing boys.

While no close relative of such victims deposed before the Tribunal from the eyewitness accounts it is clear that further investigation of these charges must be undertaken by relevant authorities.

Dr Debapriya Mallick encountered many cases of injury among children of 9-12 years age. He found two cases of brutal injury infliction on children in the medical camps attended by him. The youngest was 11 years old.

### ***Role Of CPI (M) Cadre After Violence Of 14 March***

There is a general complaint of open intimidation by CPI (M) cadres on the night of the 14 and on the morning of 15 March. According to deponents before the Tribunal CPI (M) cadres tried to threaten the people into submission and to make them join a CPI (M) organised ‘peace’ march. Police accompanied them in some cases. There was arson and general looting. One mother and her daughter complained of rape by cadres whom they named.

The intimidation continues outside the zone of influence of the BUPC. One deponent, Nilima Das, complained that her husband, who plies a van-rickshaw, is prevented from going to the market and their livelihood is threatened.

## **The Toll Of Dead, Missing And Injured**

### ***Dead***

1. Basanti Kar (F) of Kallicharanpur. Eyewitness saw her being shot.
2. Panchanan Das. He was shot in front of a close relative. Another deponent also witnessed his murder.
3. Imadul Khan (M) of Garchakraberia shot down in front of eyewitnesses.
4. Badal Mondal (M) of No 7, Jalpai, killed by bullets, witnessed by his wife.
5. Shambhu (Uttam) Pal (M) of Keshabpur, Sonachura, shot down in front of close relative. She tried to save him but police assaulted her. Shooting witnessed by a neighbour. Shambhu died later.

6. Gobinda Das, (M) of No 7 Jalpai, Sonachura. One deponent described his death by bullets. He was her son's friend.

These are the 6 names one can gather from the depositions before the Tribunal.

The Association for Protection of Democratic Rights (APDR), which deposed before the Tribunal on 28.5.07 at Kolkata, had the following 7 names in addition among the list of dead persons:

Sakila Bibi (F) of Garchakraberia;  
Imdadul Khan (M) of Garchakraberia;  
Sk Raja (M) of Garchakraberia;  
Raja Ram Das (M) of Garchakraberia;  
Praloy Giri (M) of Soudhkhali;  
Ratan Das (M) of Gangra; and  
Supriya Jana (F) of Sonachura.

The West Bengal Education Network in its deposition on 28.5.07 at Kolkata cites Krishnendu Mandal, who informed them of the death of his brother Pushpendu Mandal of Gangrapara.

So, the total toll of dead goes up to 14.

### ***Missing***

Pushparani Mandal (F) of Village No.7, Jalpai who deposed before the Tribunal and another person tried to remove Subrato Samanta, who had been shot down in the firing on 14 March. But the police assaulted them and took him away. He is missing. His wife is in dire straits with a one-month old baby.

This is the only clear cut case of a missing person to emerge from the depositions though claims of several persons still missing need to be further investigated.

### ***Injured***

People of Nandigram had a wide variety of injuries following the violence of 14 March. From among the deponents at the Tribunal 17 persons suffered bullet injuries.

From the various types of injuries it is to be concluded that:

- There was firing on the upper part of the body either wantonly or with intention to wound and kill, not satisfied with one or two shots but pumping as many as seven bullets in one case;
- There was sexual assault;
- The tear gas had persistent effect well beyond normal limits; and
- There severe trauma and panic among people due to the Nandigram massacre

## **The Medical Response**

The victims of the 14 March violence were taken to Nandigram hospital, Tamluk hospital and SSKM hospital, Kolkata, usually in that order. The medical attention was inadequate and there was a definite tendency of hiding facts and tampering with the records.

Two of the women Dr Subrata Sarkar (one of the deponents before the Tribunal) met at the Nandigram hospital, had told her that they had been raped. But for 72 to 80 hours they were not treated as rape victims, neither of them was examined for rape and nothing was recorded medically following accepted medical protocol.

Scores of dead bodies and injured persons were taken to the hospital, but the attending physicians were not recording the cause and nature of the injuries. It may be mentioned here that according to medico-legal viewpoint, the attending physicians are legally bound to record and to report the cause and nature of the injury to the police. The record keeping was not proper; rather it was illegal according to the law of the land.

The medical people told Dr Subrata Sarkar that they had not received any complaint of rape; hence no question of testing for rape arises. This is going to be their official response.

Dr Debapriya Mallick, who was active in medical camps at Nandigram, says, that, according to the statements of the patients of the hospitals, basic norms were violated everywhere. In Nandigram Hospital, basic facilities were absent. Operations were done under torchlight.

The Government has its own Hospital Establishment Act 2004. None of the clauses of the Act were in force there. No separate facilities for men and women exist. Nurse to doctor ratio is inadequate. Dr Mallick says that at SSKM, too, there was insufficient care and unethical medical response.

For instance, Haimabati Halder was forcibly discharged with two bullets still in her body. The patients were denied adequate food in the hospital. There were 6 patients in a room. The doctors and the administration refused to give any information and, on insistence, advised those who complained to go to court.

Discharge certificates were incomplete. Type of injury (bullet injury, head injury, fracture etc) was not clearly mentioned. Police case number was not given. The aim was to underrate severity of the injury and obstruct legal action.

### ***What is the current medical situation?***

There is only one block level Hospital at Nandigram and there is no other medical service provider in the area. Infrastructure of Nandigram Block Medical Hospital is also inadequate.

Except for the endeavours made by certain NGOs, the government has rendered no medical help to the villagers and the victims of the incident of 14 March 2007 in particular.

Due to lack of medical assistance the victims have been made to suffer serious consequences. Victims injured due to firing of tear gas shells indiscriminately are complaining of permanent irritation in their eyes, occasional blindness and various other visual disorders.

There are cases where the victims of burn injury required advanced medical treatment, but the government has not given/extended any medical assistance to the victims. Due to the situation prevalent in or around Nandigram it is not advisable for the villagers nor do they dare to go to Tamluk or to Kolkata for their treatment.

### **Developments After 14 March**

Following the incidents of 14 March 2007 a statement was issued by His Excellency, the Governor of West Bengal in which he said, among other things, that *“the news of deaths by police firing in Nandigram this morning has filled me with a sense of cold horror.”*

In response the Hon’ble Calcutta High Court passed an order on its own motion to initiate Public Interest Litigation. The order said *“Prima facie we are satisfied that this action of the police department is wholly unconstitutional and cannot be justified under any provision of law” and called for a special inquiry into the incident by the Central Bureau of Investigation (CBI).*

### ***CBI Enquiry Into March 14 Incidents***

The Central Bureau of Investigation (CBI), started an enquiry into the matter in terms of the order passed by the Hon’ble High Court, Calcutta. On 17 March 2007, the CBI raided the Janani Brick Field under the leadership of Shri D K Thakur, SP, CBI, and their team recovered arms and ammunitions and other documentary evidences from the Office Room of the Janani Brick Field and arrested ten persons.

On the basis of the arrest made by the CBI, the local SI started a criminal case, being Khejuri Police Station Case 20/07, dated 17.3.2007, U/S 25/27/35 of the Arms Act and 120B of the Indian Penal Code against the said ten persons.

However the state police framed no chargesheet within 90 days as a result of which all ten persons were let off on bail.

The West Bengal State Assembly was in session when the incident was happened. Chief Minister Buddhadeb Bhattacharya gave a statement in this regard on 15.3.07. The full statement of the CM can be seen in Annexure-w.

## **People Who Fled Nandigram**

It is alleged that people who did not take part in the movement against land acquisition was forced to leave their villages in the Nandigram area and are now living in camps in the Khejuri side. None of the people who left their villages appeared before the Tribunal to narrate their plight and the Tribunal jury also could not visit them due to lack of response from the administration or CPI (M) party officials for assistance.

However, Sri Kunal Chattopadhyay, Professor of Jadavpur University in a section of his written submission titled “*How About the Several Thousand Ousted from Nandigram?*” says the figure of such refugees being given by the CPI (M) and state government officials are contested and not very clear.

However, there was an acknowledgement that some people had left the area. Women in Sonachura remarked that the CPI (M) leader Joydeb Paik, who was once trusted by them, had assured them even on the evening of 6<sup>th</sup> January that there would be no violence, but had left the area. Such CPI (M) leaders were the ones who left. According to them, only five families of their locality had left.

Samad of Jamait Ulema-i-Hind (also Convenor of the BUPC) asserted that the total number of people who had left would be around 200-250. He challenged the CPI (M) to produce a list of names of those who had taken refuge in Khejuri.

Sri Chattopadhyay raises a question that needs to be clarified is, “*what will be the situation of the people, whatever their exact number, who are in the camps at Khejuri. Given the threats uttered by some people at least, it seems to be a difficult proposition to enable these people to return to Nandigram. ...Accordingly, investigation is needed in Khejuri as well, instead of depending solely on information given in Nandigram*”.

## **Findings and Recommendations**

### **Findings**

**Based on prima facie evidence as well as the numerous depositions made before it in its final report the People’s Tribunal on Nandigram has the following observations to make:**

- There is a general resentment in West Bengal, particularly in Singur and Nandigram, against the government’s policy of setting up Special Economic Zones (SEZ) by forcibly acquiring fertile agricultural land;
- Maintaining secrecy over the details of these SEZs, making contradictory statements about the scale and nature of land acquisition and lack of proper consultation with those likely to be affected by the project has created confusion and resentment about the intentions of the government in the minds of rural people;

- The actions of 14 March 2007 by the West Bengal government, particularly the District Administration, which engaged police forces along with armed ruling party hooligans against a peaceful, religious and lawful gathering of mostly women and children from Nandigram, can be described only as a state-sponsored massacre;
- The motive behind this massacre seems to be the ruling party's wish to 'teach a lesson' to poor villagers in Nandigram by terrorizing them for opposing the proposed Special Economic Zone (SEZ) project;
- There was unprovoked, indiscriminate firing without sufficient warning and without following the established procedure in accordance with law, thus resulting in a massacre of innocent people;
- There were also a disturbingly large number of incidents of sexual violence by both police and armed ruling party cadre against women, many of them carried out in the most cruel, degrading and inhuman manner;
- Despite the presence of large numbers of women in the religious gathering organized by villagers on the morning of 14 March 2007 there was virtually no presence of women police officers;
- There was further deliberate negligence in not attending to the victims and providing them immediate medical assistance, treatment and relief following standard universal guidelines;
- Only few complaints have been filed by victims against erring policemen and other culprits who resorted to firing, criminal assault and sexual offences and so far there has been no proper and independent investigation of the incident to bring those responsible for grave human rights violations to justice in the courts;
- In the aftermath of the incidents of 14 March 2007 there has been no compensation or assistance provided to the victims by way of rations, cash or medical support, which amounts to negligence in the duties of government officials so as to violate basic human rights and hence deserve punishment under the Human Rights Act (1993), which makes them personally responsible;
- The incidents of 14 March, 2007 could have been avoided provided adequate steps were taken by the Administration after the violent events of 7<sup>th</sup> January 2007 and the culprits and accused apprehended and taken to task;
- There are members and supporters of the CPI (M) who along with their families have been displaced from Nandigram due to intimidation by villagers opposed to the land acquisition, though their numbers are yet to be verified independently;

- The violence in Nandigram and surrounding areas since January 2007 and the posting of police camps inside school buildings has resulted in a loss of education for young and innocent children;
- As of writing this report in August 2007 regular firing and terrorizing of villagers in Nandigram by CPI (M) cadre based in Khejuri and counter violence by members of the Bhumi Ucched Pratirodh Committee was still continuing on an almost daily basis;
- The social and economic impact of such prolonged conflict on the villagers of Nandigram and adjoining areas, such as Khejuri, is bound to be extremely negative;
- The local administration, the District Magistrate or Superintendent of Police (of East Midnapur) as well as the state government and the ruling party members did not cooperate or put up their case regarding the 14 March 2007 incident before the Tribunal despite advance notice;

## **Recommendations**

**Further to these observations the Tribunal would like to make the following recommendations:**

### **Justice**

- The CBI investigation into the violent events of 14 March 2007, initiated on the request of the Calcutta High Court, should be allowed to continue and present a complete and comprehensive report at the earliest. Among other aspects, the investigation should include enquiry into the specific role played by members of the local and state administration in the unprovoked firing and killing of innocent people as well as other atrocities committed;
- The ten CPI (M) cadre arrested by CBI and let off on bail, due to the apparently deliberate laxity of the West Bengal state police in filing charges against them within the statutory period, should be re-arrested pending investigation of their role in the massacre of 14 March;
- The judiciary should consider setting up a special bench, headed by a woman judge, to hear all cases of rape, molestation and violence against women of Nandigram by both police personnel and armed cadre of the CPI (M);
- The Calcutta High Court should also appoint a “monitoring committee” to ensure there is no repetition of the violence of 14 March as there have been at least 25 incidents of armed “intrusion” by CPI (M) cadre into that Nandigram area and nobody has been arrested for the incidents of firing and bomb throwing even after 14 March;

- There is considerable evidence that wounds of injured villagers from Nandigram were caused not just by police bullets but also from private firearms, including sophisticated long-range rifles like SLRs. This should be thoroughly investigated and those responsible for using illegal firearms should be stringently punished in accordance with the law in such cases;
- A Habeas Corpus petition for missing persons should be filed especially in the case of Subrato Samanta, who is still missing following the police firing and assault of 14 March 2007. According to the deposition before the Tribunal by villagers and his family members he was last seen being taken away by police personnel after being gravely injured in the shooting;
- All CPI (M) cadres guilty of impersonating police personnel on 14 March 2007 should be identified on the basis of eyewitness accounts as well as photographic/video evidence from media reports and prosecuted.
- It is apparent that FIRS have not been filed by many of those who have been sexually assaulted and wounded or even in the cases of those who were killed by both police and armed CPI (M) cadre due to a lack of confidence in the state administration and police. However civil society organizations as well as leaders of the local organizations leading the struggle against land acquisition in Nandigram should encourage and assist local people to file FIRs to ensure justice through established procedure of law.
- There is considerable evidence of tampering with details on the medical discharge certificates of injured Nandigram villagers admitted to public hospitals with a view to distort incriminating information. After thorough investigation the erring medical superintendents/medical officers of these hospitals should be punished in accordance with law in such cases;
- Human Rights Courts as provided by the Human Rights Act (1993) should be set up in West Bengal at the earliest to provide justice in the cases of human rights violations that arise from conflicts between state and the people or among different political groups as in both Singur and Nandigram.

### **Relief and Compensation**

- The National Human Rights Commission should order immediate distribution of ex-gratia payment to all those killed or injured in the violence of 14 March 2007 relief to people affected by the conflict in the area. It should further undertake independent monitoring of such relief.
- Medical aid and assistance should be provided by the state to victims who are still suffering and who were not suitably treated or attended to so far. In particular, the primary health centres in Nandigram as well as Khejuri, and also the Tamluk

Hospital should be upgraded, sufficient doctors and nurses posted and proper facilities and equipment provided in order to deal with the medical needs of those injured;

- The people of Nandigram should also be assisted in obtaining compensation and damages for death, injuries or damaged properties from the government. The payment should be at least equal to the amount declared by the State Government to the family of the deceased police officer in Nandigram.

## **Peace**

- The disarming of both sides engaged in conflict in Nandigram and surrounding areas should proceed through talks, de-escalation and confidence-building measures under some effective independent agency/observers appointed by the Calcutta High Court.
- There should be an immediate end to the economic and physical blockade of the people of Nandigram by armed CPI (M) cadre in the surrounding areas who are preventing flow of essential supplies as well as safe movement of people in and out of the area;
- The supporters of the CPI (M) and their families from the Nandigram area who have been living in camps in Khejuri, as refugees should be provided full protection for return to their homes and to continue their livelihood, excepting those who have been accused of grave crimes against people of Nandigram on, before or after 14 March 2007. An independent body acceptable to the people of Nandigram as well as the refugees themselves can monitor the return.
- The local administration needs to create an atmosphere of trust by attending to day-to-day needs of people, helping victims and their family members;
- All peace efforts should fully involve all political parties at the local level in Nandigram and adjoining areas and not just their state level party leaderships;
- Police reforms need to be undertaken urgently in West Bengal to de-link the police from anti-social elements and interference from ruling party and politicians; the recommendations made by the Administrative Reforms Commission in its Fifth report in this regard should be implemented at the earliest;
- To prevent a repeat of the incidents of 14 March 2007 in any form the West Bengal government should make a solemn declaration that force would not be used against the local people for the so called restoration of law and order and control of administration.

## CHAPTER ONE

### BACKGROUND:<sup>x</sup>

**West Bengal:** West Bengal is on the eastern bottleneck of India, stretching from the Himalayas in the north to the Bay of Bengal in the south. The state has a total area of 88,752 square kilometers.

West Bengal has a population density of 904 people/km<sup>2</sup> making it the most densely populated state in India. The state contributes 7.81% of India's population. The gender ratio is 934 females per 1000 males.

The life expectancy in the state is 63.4 years, marginally lower than the national value of 64.8 years. The literacy rate is 69.22%.

About 72% of people live in rural areas. The state's 1991–2001 growth rate of 17.84% is slightly lower than the national rate of 21.34%.

The main players in the state's politics are the political alliance known as the Left Front led by the Communist Party of India (Marxist) or CPI (M) while the opposition consists of the All India Trinamool Congress (TMC), the Indian National Congress(INC), and other parties. Following the West Bengal State Assembly Election in 2006, the Left Front coalition under Buddhadeb Bhattacharya of the CPI (M) was elected to power.

West Bengal has been ruled by the Left Front for the past 30 years, making it the world's longest running democratically elected Communist government.

**Special Economic Zones:** The basic idea of a special economic zone is to create a small geographical reserve – a 'foreign territory' - inside a country where a different set of rules will apply to businesses. By offering less restrictive regulations, less burdensome tax or tariff regimes and a blank slate for made-to-measure industrial parks, the zone is supposed to attract companies that might not otherwise consider opening operations in the country - providing jobs and constructing an export base.

In February 2005 the Indian Parliament passed the SEZ Act and since then there has been a rush of applications- over 400 mainly domestic and some foreign companies- seeking to establish SEZs all over the country. As of August 2007 a total of 234 SEZs have been approved, covering an area of 0.34 lakh hectares. Another 162 have been given in-principal approval, for which as much as 1.5 lakh hectares will be acquired.

According to India's Commerce minister, Kamal Nath, SEZs are expected to attract around US\$5 billion in foreign direct investment by the end of 2007—and also help develop infrastructure and provide mass employment.

SEZs are however under fire on many fronts. The main one is that farmers are being forced to sell their land and lose their occupations, and that state governments and developers are profiteering.

Critics also say that many of the SEZs mooted may simply be property deals. Developers hope to acquire cheap land, put in a minimum of infrastructure and sell it. Only 35% of the land area of a SEZ must be used for production.

Even some within the industry think the incentives given to units setting up inside SEZs are too generous. They include a five-year holiday on profits tax, and exemption from import and excise duties and from some licensing requirements.

The fear of many economists is that rather than promoting new business, the SEZs will merely attract investment that would have been made anyway. Instead of finding fresh sources of money for its infrastructure, India would thereby have made things worse by depriving itself of tax revenue.

While the CPI (M) has opposed it at the national level and sought several amendments to the SEZ Act it has been an enthusiastic champion of the concept in West Bengal, which became the first Indian state to adopt the Act at the state level with similar provisions.

### **Nandigram:**

**Nandigram** is a rural area in East Midnapur district of West Bengal which has been the centre of peasant resistance against an attempt by the government to acquire agricultural land for setting up a Special Economic Zone. It is located around 150 km from Kolkata, on the south bank of the Haldi River, opposite the industrial city of Haldia. The area falls under the Haldia Development Authority.

There are three Blocks in Nandigram – Block1, Block2, Block3 of which Nandigram Block 1 is the one most affected by the West Bengal government's proposed SEZ to set up a chemical industrial hub with investment from the Salim Group, an Indonesian multinational.

The total area of Nandigram (all 3 blocks) is 413.74 sq. km. while the population is 439077<sup>xi</sup>

The total area affected by the proposed SEZ project was about 60 sq.km. with a population of about 65000 covering five Gram Panchayats. The affected areas are Bhangabera, Sonachura, Saudhkhali, Maheshpur, Gokulnagar, Adhikaripara.

Muslims and lower caste Hindus dominate the population.

Apart from agriculture, the people of Nandigram are engaged as labour in the garment industry and estuarine fishing. Betel leaves represent the only commercial crops and brick kilns constitute the only industrial activity.

Besides brick kilns Nandigram also had a ship-repairing factory, Jellingham Project, occupying over 400 acres of land in 1977. Although 142 families lost their livelihood only five got jobs in the factory but not for long as the project stopped functioning after five years.

Most villages here have no electricity, few pucca houses, and landholders subsist on three crops of rice and vegetables.

Annual incomes vary between Rs 18,000 and Rs 20,000. Many of Nandigram's youth travel up the river to the industrial hub of Metiaburz to work in low-paid jobs in the garment and other industries. Literacy rates here are as low as 27 per cent, against the West Bengal state average of 69 per cent.<sup>xii</sup>

### ***Politics***

The Communist Party of India, which is a constituent of the Left Front government in West Bengal, had a strong presence in the area. It not only holds Nandigram state assembly constituency but also neighbouring Patashpur, Panskura (West) and Tamluk.

Illias Mohammad Sheik is member of the state legislative assembly from Nandigram.

### ***History***

The modern history of Nandigram is the history of struggle for freedom since the days of British Rule in India.

The Civil Disobedience movement (1930) of the Indian National Congress gained a new momentum in Midnapur. In spite of torture and assault the movement spread like fire. Women played a very important role in the movement.

The SDO Midnapur Sadar wrote “... *I was informed that all the villages had been converted to good forts. Cutting up village roads, filling them with loose earth, thorn and rough sharp shells. .... , barricades with large bamboo trees and houses barricaded with thorns, removal of bamboo bridges and trenches dug into the middle of the fields.*”

In 1942, a parallel govt. was formed in Tamluk. The Jatiya Sarkar came into existence on 17<sup>th</sup> December 1942 and lasted till September 1944. The parallel Government was disbanded from 1<sup>st</sup> September 1944 at the request of Mahatma Gandhi.

### ***Tebhaga Movement (1946-47)***

In 1946 Krishak Sabhas began to be established in the District of Midnapur i.e., in Tamluk, Mahishadal, Sutahata, Kharagpur, Ghatal, Kanthi, Bhagabanpur, Keshpur and Nandigram. In late 1946, the share croppers (*Bargadars, Bhag chashis, Adhyars* ) of Bengal began to assert that they would no longer pay a half share of their crop to the *jotedars* but only one third and before division it would be stored in their *khamars* not in

those of the *jotedars*. Bengal Provincial Kisan Sabha gave a call to implement the Floud Commission (Bengal Land Revenue Commission) recommendation of Tebhaga.

The movement received a great boost in late January 1947 when the Muslim League ministry led by Suhrawardy published Bengal Bargadars temporary legislation bill in Calcutta Gazette on 22<sup>nd</sup> January 1947. One of the main centres of movement was Midnapur, namely Mahishadal, Sutahata and Nandigram). Bhupal Panda, Ananta Majhi, Pandit Jana led the movement. Many areas were converted to *Muktanchal*.

Women came forward and joined the movement as members of volunteer bahini of the Krishak Sabha. After the famine of 1943, *Mahila Atmaraksha Samity* was formed. The new mode of resistance and form of participation of the peasant women of Mohammadpur and Nandigram spread like fire. Women took up whatever they had in their domestic confine –broomstick, sickle, chopper, stick to protect them from the police and to save their men folk and their crops.

The women helped to develop surreptitious communication, guarded secret meetings, protected crops in the field, guarded villages, kept vigil on police, they blew conch shells and beat kansar (the bell metal gong) and shouted Bande Mataram to make people aware about the police. They formed *Jhata Bahini* (Broomstick Group) and *Gayen Bahini* (Singing Group).

In Nandigram, Bimala Majhi organised women to resist the police and administrative attack. In every village, besides volunteer bahini of men there was a *Nari Raksha Bahini* (Women's protection squad). When a Jotedar of Kendumari brought armed police Bimala Majhi came forward with her *Nari Raksha Bahini* armed with sickle, banti (a sharp instrument to cut vegetables), brooms in their hands and dust, chilly powder and salt tied on their clothes and hurled them at the police. The poor peasant women's resistance in the movements were mostly spontaneous and autonomous.

## CHAPTER TWO

### CHRONOLOGY OF EVENTS

#### *How It All Began*

##### **Around August 2006**

The Nandigram SEZ controversy started when the West Bengal government decided that the Salim Group<sup>xiii</sup> of Indonesia would set up a chemical hub under the SEZ policy at Nandigram.

##### **15 November 2006**

'Nandigram Gets Singur Jitters' said a report in the Statesman<sup>xiv</sup> referring to the way the agitation against state acquisition of agricultural land in Singur (see Annexure-V) had provoked apprehensions about the fate of their own land among people of Nandigram.

##### **16 November 2006**

A confidential message of superintendent of Police (DIB), East Midnapur to Special Superintendent of Police (I) gives a detailed account of how the people of Nandigram cutting across the party lines, including the Left Front constituent CPI, were mobilizing people against the land acquisition plan of the government. It gives the date, time and places where the street corner meetings of different parties were held.

The report contains detailed account of the various meetings of CPI party where leaders like Illias Mohammad, MLA (Nandigram) and other leaders spoke "with a demand not to allow their lands for acquisition by the government". They have even reported the incident of 'karmi sabha' of CPI in the house of Illias Mohammad in this connection on 16.11.06 noon, where their leader Sri Prabodh Panda, MP, Midnapur was also present. Some of the dates of street corner meetings of CPI are 16<sup>th</sup>, 17<sup>th</sup>, 18<sup>th</sup> November 2006.<sup>xv</sup>

The supporters of CPI (M) party in the locality were also against such land acquisition. The aforementioned intelligence report mentions "*On 20.11.06 at 15.00 hrs C.P.I-M held a street corner meeting (3000 people attended) under the leadership of Shri Sunirmal Giri, Zonal Committee secretary and other local leaders at Nandigram Bus Stand under the banner of Krishi Bachao O Desh Bachao. Shri Giri, in his speeches, delivered that agriculture would be given priority but industries would also be set up and that was mainly aimed at all India basis. The meeting continued for near about 2 & half hours. Information revealed that due to adverse comments and protest from local people the speakers remained mum and avoided on Nandigram issue*".<sup>xvi</sup>

Thus the build up of the anti-government mood of the people of Nandigram cut across party lines and was not confined to those groups already opposed to the Left Front government.

### **27 December 2006**

In a speech delivered at a meeting at Nandigram Market Mr. Lakshman Seth, MP of Tamluk and district CPI (M) leader said that agricultural land would be required for the proposed chemical hub covering 27 *mouzas* in Nandigram and 2 *mouzas* in Khejuri.

### **28 December 2006**

A notice dated 28.12.2007 was issued by the Haldia Development Authority (HDA) (Nandigram Block 1 Office). The Notice stated that 27 *mouzas* of land in Nandigram Block1 and 2 *mouzas* of land in Khejuri would be acquired for the proposed chemical hub.<sup>xvii</sup>

## ***First Sparks of Conflict***

### **03 January 2007**

According to local people, a crowd gathered at Kalicharanpur *Panchayat Samity* office to demonstrate against the HDA notice on land acquisition. Samiran Bibi, *Panchayat Pradhan*, sought police help. According to a deposition made by Nabadwip Das Adhikari of Gokul Nagar without any provocation police lathi charged and fired to disperse the crowd. Few persons were injured.

The police jeep while retreating collided with a lamppost and set itself ablaze. People dug the roads and broke the bridges to prevent the police from entering the villages.<sup>xviii</sup>

However, according to the police version an angry mob attacked the Kalicharanpur Gram Panchayat office under Nandigram 1 *Panchayat Samity* and started brickbattering and ransacking the office

On receipt of this information, the Officer-in-Charge, Nandigram Police Station (PS), with some forces rushed to the spot but found that the mob had left the Gram Panchayat office. As the policemen were returning to the police station they were allegedly intercepted by a mob of about 3000 people armed with deadly weapons.

The mob turned violent and attacked the police party with brickbats, injuring some police personnel. They also set fire to the Police jeep and damaged two other vehicles and snatched one service rifle with 10 rounds of ammunitions from the injured constable, Srikanta Murmu of Nandigram PS. Seven rounds were fired from service rifles of the police party. 18 police personnel including the Officer-in-Charge, Nandigram PS, sustained injuries in this incident and two of the injured policemen had to be admitted in Tamluk Sadar Hospital, Nandigram. PS case Numbers 01/0702/07, 03/07&25/27 Arms Act and 3/4 PDPP Act were initiated.

Another Police party from Khejuri side was proceeding in a police jeep and was intercepted by a 2000 strong mob armed with weapons near Sonachura bazar. The mob set the police jeep on fire, detained the police personnel in a room and snatched two rifles with 60 rounds of ammunitions. The injured police personnel were treated in Janka Primary Healthcare Center (PHC).<sup>xix</sup>

On the same day as these incidents of violence in Nandigram the Chief Minister of West Bengal told the Press that no notification for acquiring 25,000 acres of land for Salim Group project had as yet been issued.<sup>xx</sup>

***Remarks: There are conflicting reports on what actually happened on 3 January 2007. Different government agencies contradict each other. This much is certain that there was a confrontation between the police and the demonstrators.***

#### **04 January 2007**

To protest against the notice issued by the Haldia Development Authority thousands of people gathered in front of Garchakraberia under the banner of *Gana Unnayan O Jana Adhikar Sangram Samity* and *Nandigram Jomi Uchhed Birodhi O Jana Shakti Raksha Committee*. But the crowd turned violent when they mistook Health Department officials who had arrived to carry out an inspection of public toilet and sanitation facilities.

The angry mob smashed windowpanes and pelted stones at the official's vehicle and then ransacked the Kalicharanpur Panchayat office. Police rushed to the spot and protestors clashed with the police. After the mob dispersed at around 2.30 PM some residents blocked the roads leading to Garhchakraberia and also demolished a bridge at Bankim More.<sup>xxi</sup>

A 12-hour *bandh*, called by the Indian National Congress (INC) & Socialist Unity Centre of India (SUCI) and supported by the Trinamool Congress (TMC), was observed in Nandigram. The *bandh* passed off peacefully.

The CPI (M) party office at Rajaramchak was set on fire and Nandigram PS case no. 05/07 was initiated. On the same day a trekker owned by a resident of Kendamari was damaged and PS case no 14/07 was started.<sup>xxii</sup>

In another incident on the same day the police arrested 12 persons.<sup>xxiii</sup>

Dibakar Bhattacharya in his deposition (No.K-7) narrated how Police detained their team of five social activists while going to Nandigram on 4<sup>th</sup> January '07. They were arrested at Tekhali Bazar and two police cases u/s 153, 147, 148, 149, 341, 323, 325, 307, 187, 353, 333, 332, 337, 338, 427, 435, 379 of IPC and 25, 27 of Arms Act were booked against them. Sri Bhattacharya said he was a member of the CPI (ML)-Liberation group.<sup>xxiv</sup>

#### **05 January 2007**

Nandigram continued to remain cut off from the rest of the state. According to Nandigram residents they resorted to such action as '*they had learnt the lesson from Singur*'.<sup>xxv</sup>

A large no of people, around 10000, proceeded to the Nandigram Police Station to demand release of the protestors of the land acquisition. The villagers were advised by the leaders to maintain peace and tranquillity in the area.

In the meantime several roads had been dug up and some bridges and culverts also were damaged.<sup>xxvi</sup>

In Kolkata Mr. Prasad Ranjan Roy, State Home Secretary said that deadly weapons had been dumped in Nandigram. A combing operation will be done first. Police can enter the place and take action but as the situation is still tense; such entry and invoking prohibitory orders under Section 144 are not being considered<sup>xxvii</sup>.

The Chief Minister held a high level meeting with the Chief Secretary, Home secretary, DGP, IG (Law and Order) and Industry Secretary to review the situation in Singur and Nandigram.<sup>xxviii</sup>

In Nandigram, Mr. Arun Gupta, IG, Western Range, held a meeting at the local Police Station with opposition parties and organisations who are opposing land acquisition. The representatives of the TMC, SUCI, INC and *Jamait-E-Ulema-Hind* attended the meeting and decided to do their best to diffuse the crisis. During the peace meeting convened by the govt. officials with the agitating leaders, the leaders were assured by the IG that they would be released if found not guilty.

It was reported that CPI (M) has started a “camp” at the frontiers of Khejuri and Nandigram.<sup>xxix</sup>

In the meanwhile, the Calcutta High Court directed the Government of West Bengal to file an affidavit stating its policy in regard to land acquisition including its Master Plan for Industrialisation of the state.<sup>xxx</sup>

## **06 January 2007**

The people of the locality gathered around Bhuta More to attend a general meeting on 5<sup>th</sup> January convened by the TMC, SUCI, INC, *Gana Unnayan O Jana Adhikar Samity* and collectively announced their decision to form a new anti-land acquisition forum in Nandigram called as *Bhumi Uchhed Pratirodh Committee* (BUPC). In the meeting people burnt effigies of the Chief Minister and Mr. Lakshman Seth while the TMC leaders and MLAs warned that - “*If the Government and the police do not desist from using violence we shall not remain silent.*”

Peace meetings were held at several places, such as Basanti Bazar, Garchakraberia and Sonachura by the leaders of BUPC urging the people to remain peaceful and to restore road transport.

BUPC along with a large number of Nandigram people went to the Police Station to protest against the illegal activities of the alleged cadres of the CPI (M).

Exchange of bombs between BUPC activists in Nandigram and CPI (M) cadre in Khejuri started from midnight.<sup>xxxix</sup>

## ***The Violence of 7 January***

### **07 January 2007**

At least five persons from Nandigram were killed as armed men allegedly backed by CPI (M) cadre hurled bombs and fired bullets. The five dead were Biswajit Maity, Bharat Mondal, Sk. Salim, Badal Mondal and Anukul Patra. The injured persons Mr. Nakul Mondal and Mr. Nishikanta Barman were transferred to SSKM Hospital.

According to the deposition made by the mother of slain Bharat Mandal the bombs and bullets were fired from the house of Shankar Samanta, a local CPI (M) leader.

In retaliation the villagers set fire to a CPI (M) camp at Baratole in Khejuri and the house of Mr. Shankar Samanta, who was burnt to death in the incident.<sup>xxxix</sup>

On 8 January 2007, Ms Farida Bibi, sister of Sk Selim lodged a complaint before the Officer-in-Charge Nandigram Police Station against seventeen persons with full details and twenty five persons with varying degree of details.<sup>xxxix</sup>

According to the deposition made by Pabitra Kumar Mandal, Sheik Selim was buried in the mud and the BUPC retrieved the body and handed it over to the relatives.<sup>xxxix</sup>

According to the deposition made by Lakshman Chandra Das the BUPC members also beat up a few policemen.<sup>xxxix</sup>

According to the deposition made by Mr. Tapas Kumar Kar, his mother Smt. Basanti Kar saw a bullet pierce Bharat Mandal's abdomen and also saw Biswajit Maity fall down with bullet injury. Basanti Kar herself was killed on 14 March 2007.<sup>xxxix</sup>

While all this violence was going on the police and the administrative officials confined themselves to Nandigram PS. Not a single officer visited the scene of carnage. Nearly 500 policemen were camping at the Police Station. Eyewitness said that the CPI (M) backed miscreants started throwing bombs and bullets from "automatic firearms" at Bhangabera from a position near Talpati Bridge. Police said they had no clue to the attack. An officer said: "*We generally manage to get information of such political attacks beforehand, but this time, we did not catch a whiff.*"

Mr. Arun Gupta, IG (Western Range), pleaded the inaccessibility of the area due to dug up roads, and said that the presence of policemen in Nandigram would only add fuel to the fire. "... *We generally depend on political parties to appropriately influence the people. But this time, influence has been wielded disregarding political and religious consideration.*"

DG of Police (Midnapur range) Mr. N.R.Babu told the reporters that *“Armed villagers are patrolling the fringes and we feared violence in case police try to move in.”* The DIG, IG (Western Range) and the East Midnapur SP met at 9pm to chalk out plans for the next day. Mr. Gupta said that an additional 300 paramilitary personnel from Durgapur and Kolkata were expected that night. <sup>xxxvii</sup>

The Chief Minister of West Bengal, Mr Buddhadeb Bhattacharyya, held Jamait Ulema-i-Hind, a Muslim cultural organisation and one of the constituents of the BUPC responsible by saying *“ ..... Jamait, in particular, started an ugly communal campaign. This is an unfortunate incident, no matter activists of which party perished in the clashes.”* <sup>xxxviii</sup>

Addressing a rally of the youth in Calcutta Chief Minister said, *“Since our people were cornered last night, they defended themselves.”* Virtually admitting his Party’s role in violence the Chief Minister said, *“I am not calling for retaliation. The administration and political parties together should take the initiative for peace.”*

Mr. Benoy Konar, State Secretariat Member, CPI (M) said *“We took up weapons in Keshpur<sup>xxxix</sup> to resist Trinamool attack. It will happen here if Trinamul continues its attack.”* <sup>xl</sup>

The hint of teaching the agitators a lesson was clear from the speech of Mr. Benoy Konar: *“... But if they want to make things difficult for us, we are prepared to make life hell for them.”* <sup>xli</sup>

## **08 January 2007**

A meeting was convened by the DM, East Midnapur, at Tamluk, for maintenance of peace at Nandigram 1 and Khejuri Block. The representatives of the CPI (M), RSP, FB, CPI, SUCI, BJP, NCP, TMC, SP and officials of the district administration and police attended the meeting. In the meeting it was unanimously resolved that all parties must cooperate with the administration to restore peace to the affected areas, damaged roads and bridges should be repaired and police camps set up wherever required. It was further clarified that no land acquisition process has yet been started and before starting any such process, all political parties would be consulted. <sup>xlii</sup>

Locals set a CPI (M) office at Basulichak ablaze at around 6 am. In the night of 8 January a police party on night patrolling duty at Basilica was gheraoed and pelted with stones and the police had to open one round of fire. Over this incidence Nandigram PS case no. 08/07 dated 08/01/07 ... was started. <sup>xliii</sup>

The Chief Minister, Mr. Buddhadeb Bhattacharyya, conceded that *“It was a mistake”* on the part of HDA to have issued notice for the acquisition of land at Nandigram for the chemical hub project and instructed the District Magistrate to *“tear it up”*.

Mr. Bhattacharyya said that the HDA notice “*created all confusions*” even before land acquisition could start at Nandigram. “*Our first task is to restore normalcy in the area. Villagers have already started cooperating with the administration. .... Nothing will be done in haste. A micro study of land available would be undertaken keeping in mind the interest of all concerned.*”<sup>xliv</sup>

### **09 January 2007**

The store of arms and ammunitions is increasing at the Khejuri camp. The camp was the operating area for the CPI (M) toughs. Locals burnt one of the camps in Khejuri.<sup>xlv</sup>

### **10 January 2007**

Ms Mamata Banerjee, MP and TMC leader said that it was not enough to tear up the notice of land acquisition, it would be better to scrap the Land Acquisition Act.<sup>xlvi</sup>

At the same time, the Land and Land Revenue Minister, Mr. Abdur Rezzak Molla, pleaded ignorance about the acquisition notice by the HDA. (The Statesman: 11/01/07)

### **13 January 2007**

Another meeting held at the instance of the SDO, Haldia at Nandigram1 Block Office on 13 January where it was resolved that restoration of roads would start from that very day and that an all party peace committee would be set up at sixteen places of the affected area.

Unfortunately, after these initiatives also the tension in the locality continued to mount and no political party submitted the names of their representatives to the SDO as decided in the meeting on 13 January. As a result the peace committees could not start functioning and the road restoration work also could not be taken up.<sup>xlvii</sup>

### **14 January 2007**

The Peasants’ Conference of the Revolutionary Socialist Party (RSP), one of the Left Front constituents, was held at Chandipur where the leaders said, “*CPI (M) is responsible for the terror*”, there “*should be a full fledged enquiry*”. The RSP leaders felt that if HDA is responsible for the violence they should also be punished. RSP would lend all possible support for the establishment of peace in the area.

The CPI State Secretary Mr. Manju Kumar Majumder, on return from Nandigram said, “*People are highly aggrieved. They are united on the question of land.*”<sup>xlviii</sup>

Meanwhile the CPI (M) state secretariat clipped the wings of Mr. Lakshman Seth by handing over the charge of East Midnapur to Mr. Dipak Sarkar.

State CPI (M) Secretary, Mr. Biman Bose said, “*We cannot disown our responsibility. If our activists and our leaders were cautious, last Sunday's (07/01/07) tragedy could have been averted.*”<sup>xlix</sup>

### **31 January 2007**

The local ferry service connecting Satkhand and Kachuberia was suspended causing an economic blockade and hindering free movement in the Nandigram area.<sup>1</sup>

A public hearing organised by 26 peoples’ organisations heard depositions about the incidents of Singur and Nandigram. The jury comprising of ex- justice Mr. V.S.Dave, Mr. J.C.Verma, Mr. P.C.Jain, and Mr. Malay Sengupta recommended that (a) No land should be acquired from the peasants in Singur without their consent, (b) That human rights have been violated in the incident of firing (c) That the state government must initiate steps to normalise the situation.<sup>li</sup>

### **04 February 2007**

At a public meeting the Chief Minister of West Bengal said that “*no industry in Nandigram if people don't want it.*”<sup>lii</sup>

### **07 February 2007**

A sub-inspector of police Sri Sadhu Chatterjee was waylaid by an unruly mob, dragged away, assaulted and killed. His dead body was recovered subsequently on 10.2.07 after dredging parts of the adjoining river.<sup>liii</sup>

The Sahebnagar Mouza of Khejuri side witnessed a mass unrest. On the same day, the Home secretary, Mr. Prasad Ranjan Roy said, “*Till now the police were instructed not to enter the villages at Nandigram, but in view of the prevailing situation, we have to think of taking different measures.*”<sup>liv</sup>

### **12 February 2007**

The Chief Minister addressed a public meeting at Haldia, a place adjacent to Nandigram, and stated that no land would be taken from those unwilling to give it.<sup>lv</sup>

### **13 February 2007**

In a Press conference at Tamluk Mr. Lakshman Seth, M.P. said that the land mentioned in the “notice” issued by the Haldia Development Authority “*would be acquired*”.<sup>lvi</sup>

### **17 February 2007**

The ferry service between Nandigram and Haldia was suspended for some time. The Madhyamik examinees were badly affected due to the closure of the ferry service. About

16,000 examinees from and around Mohammadpur, Kendemari, Hossainpur, Sonachura, Kalicharanpur, Purusattampur and several other adjoining villages faced enormous difficulty in reaching Haldia and getting to the Examination Centre.

People who used to go to Metiaburz for tailoring work as daily labourers also could not attend their duties thereby losing their livelihood.

It was alleged that Mr. Lakshman Seth, M.P. & his wife Ms Tamalika Ponda-Seth, the Chair Person, Haldia Municipality, imposed an economic blockade on Nandigram by suspending the ferry services to Haldia where on an average 10,000 people from Nandigram go daily to sell fish, vegetables and milk products.

However, Mr. Biman Bose, State Committee Secretary CPI (M), and the Chief Minister earlier held commuters responsible for the trouble. Mr. Bose said that ferry services would be stopped unless BUPC restores normalcy in the area.<sup>lvii</sup>

### **19 February 2007**

The District Magistrate, East Midnapur, convened a meeting of all political parties and it was decided in the said meeting that restoration of peace is required, particularly during the Madhyamik Examination.

The Principal Secretary of the State's Industries Department, Mr. Sabyasachi Sen, said that the Mega Chemical Hub originally planned to be set up on nearly 22,500 acres of land, the bulk of which was to be acquired at Nandigram, may be scaled down and set up at Haldia, which has a strong chemical industry base.

### **01 March 2007**

The Chief Minister in a written reply to the Left Front partners admitted that "*We have made a mistake in Nandigram. We won't proceed a step further. But we want a chemical hub. Haldia is our future.*"

### **05 March 2007**

Mr. Nirupam Sen, state Industry Minister, stressed the need for setting up a Chemical Hub at Nandigram. He said, "*The project was needed to remove the economic backwardness of the minority population in the area, otherwise this segment of the population would remain steeped in poverty.*"<sup>lviii</sup>

## ***The Build Up to 14 March***

### **07 March 2007**

In the afternoon, Police fired two rounds in the air to disperse warring crowds at Tekhali and Sonachura in Nandigram.

Police had to open fire when CPI (M) supporters allegedly stormed Adhikaripara in Gokulnagar. The S.P. Mr. Srinivasan said “*More police personnel will be sent to the area to ease tension.*”<sup>lix</sup>

### **08 March 2007**

It was alleged that between 12 noon and 4 pm in the afternoon at Tulaghata area under Khejuri Police Station, the cadres of CPI (M) started firing. Two persons, namely, Nilima Das, a housewife and Ms Jharna Kajali, a student of class V of Sonachura High School were injured and were admitted to Nandigram Block Health Centre and both were subsequently transferred to SSKM Hospital. As a result of this incident Ms Jharna Kajali lost two fingers of her right hand.<sup>lx</sup>

### **10 March 2007**

The District Magistrate, East Midnapur, convened a meeting of all political parties to take up the issue of repairing the roads. The opposition parties boycotted the meeting on the basis that no steps were taken on the previous resolutions.

It was decided in the same meeting that the roads will be repaired and if any individual or any group of people or any organisation created any disturbance steps would be taken against such persons according to law.<sup>lxi</sup>

### **11 March 2007**

The Chief Minister, Mr. Buddhadeb Bhattacharyya, in a meeting at Brigade Parade Ground, reiterated the promise of a chemical hub at Nandigram and warned the opposition with dire consequences.<sup>lxii</sup>

### **12 March 2007**

Bullets were fired allegedly by the CPI (M) workers from the Khejuri side while a police contingent stood by watching.<sup>lxiii</sup>

At Kolaghat Thermal Power Guest House a meeting was held by Mr. Arun Gupta, IG (Western Range), for impending action in Nandigram by the police force. More than three thousand police personnel were brought from outside the district.<sup>lxiv</sup>

Superintendent of Police, East Midnapur writes to DM, East Midnapur (Memo No.72/c) that “*It is expected that on 13.3.07 Police will enter at Nandigram. You are requested to detail 3 Executive Magistrates to accompany Police Teams*”. [Annexure-E2-Gov-Affdvt/ Page-243]

### **13 March 2007**

Mr. Subhendu Adhikari, MLA, TMC sent a fax message to the Chief Minister of West Bengal that the “*Police authorities have created panic among the common people of Nandigram.*”

The TMC office at Fulni in Chandipur was ransacked by CPI (M) cadre. A huge contingent of police was posted near Talpati canal and in Sonachura, Tekhali and Bhangabera.<sup>lxv</sup>

On the same day the District Magistrate, East Midnapur issued an “order” stating that “*Superintendent of Police, East Midnapur has informed that the police will be moving in the areas where the roads, etc are dug up & the Bridge breach in Nandigram Block from different points. He also requested to deploy sufficient Executive Magistrates to accompany the Police Teams*”. [Annexure-E2-Gov-Affdvt/ Page-243]<sup>lxvi</sup>

### ***The Incidents of 14 March***

#### **14 March 2007**

On 14 March 2007 around 9.30 a.m. from the side of Tekhali Bridge, Gokulnagar, Adhikaripara under the leadership of Sri Debasish Boral, Additional Superintendent of Police, Tamluk, Shyamal Bhattacharya, Additional Superintendent of police, Headquarters, Sri Swapan Sarkar, Sub-Divisional Police Officer, haldia and 300 hundred police personnel with arms and ammunitions along with local leaders of Communist Party of India (Marxist) entered into the area.

At the same time from the side of Bhangabera Bridge (adjacent to Khejuri) under the leadership of Arun Gupta, Inspector General of Police (Western Range), Sri Tanmoy Roychowdhury, Additional Superintendent of Police, Haldia, Sri Amit Hati, Officer-in-Charge, Khejuri Police Station and Sandip Singha Roy, the then Officer-in-Charge, Sutamata Police Station and 500 police personnel along with the local leaders and 500 cadres of Communist Party of India (Marxist) who were clothed in khaki police dress along with sandals in their feet and having caps with a logo of Shaheed Bhagat Singh entered the area.<sup>lxvii</sup>

Police fired on crowd of Nandigram women and children followed by assault and sexual violence<sup>lxviii</sup>

Due to police action 14 persons died, one person went missing and more than two thousand persons were injured, of which a majority were female. A large number of women and girls were sexually assaulted or raped by police and their associates. But the local police did not record any FIR or report any of this to the Magistrate.

## ***Reactions***

### **15 March 2007**

Following the incidents of 14 March 2007 a statement was issued by His Excellency, the Governor of West Bengal in which he said, among other things, that “*the news of deaths by police firing in Nandigram this morning has filled me with a sense of cold horror.*”<sup>lxxix</sup>

Following this the Hon’ble Calcutta High Court passed an order on its own motion to initiate Public Interest Litigation. The order said “*Prima facie we are satisfied that this action of the police department is wholly unconstitutional and cannot be justified under any provision of law*” and called for a special inquiry into the incident by the Central Bureau of Investigation (CBI).<sup>lxx</sup>

There were reports that human rights groups while moving towards Nandigram for fact finding faced obstruction on the way from CPI (M) cadre. It was also found that there was urgent need for medical and material help for the people of Nandigram from the civil society. The Calcutta High Court came out with an order allowing free movement of the people for the purpose of relief work. So, the relief teams carried copies of the HC order during their journey to Nandigram.

The Times of India reported that media persons trying to get to Nandigram were roughed up by CPM Activists: “*In a brazen display of muscle power, thousands of CPM men sealed off all access points along a 30-km radius around Nandigram and prevented journalists from entering the area, while the police carried out a bloodbath on Wednesday morning. In a carefully orchestrated plan, the administration stayed away from Digha Road — the highway from which several roads meander into Nandigram.*

*Instead, CPM supporters took position, setting up checkpoints at strategic points to flush out mediapersons from vehicles headed towards Nandigram....*” (Source: Subhro Niyogi, The Times of India News Service, 15 March 07)

### ***Developments after 15 March 2007***

#### **16 March 2007**

Healing touch, shaky hand - *The Statesman*<sup>lxxi</sup>

CPI (M) blames ‘outsiders’ –*The Telegraph*<sup>lxxii</sup>

HC seeks Nandigram details- *The Times of India*<sup>lxxiii</sup>

#### **17 March 2007**

Buddha Bends –*The Statesman*<sup>lxxiv</sup>

### ***Response of Calcutta High Court***

High Court Orders CBI probe - *The Statesman*<sup>lxxv</sup>

Shoot- to-kill shocker –One bullet for every four –*The Telegraph*<sup>lxxvi</sup>

Lathis, then rape: women point finger at cops -*The Telegraph*<sup>lxxvii</sup>

Historian returns award -*The Telegraph*<sup>lxxviii</sup>

**18 March 2007**

Stockpile with CPI (M) flags -*The Telegraph*<sup>lxxix</sup>

Nandigram: CBI finds guns, books 10 - *The Statesman*<sup>lxxx</sup>

Stockpile of arms... -*Dainik Statesman*<sup>lxxxii</sup>

FIR salve on 'raped' duo -*The Telegraph*<sup>lxxxiii</sup>

**19 March 2007**

The damning report that went ignored - *The Statesman*<sup>lxxxiiii</sup>

**20 March 2007**

Missing badges cop it all -*The Statesman*<sup>lxxxv</sup>

DM halts land acquisition -*The Statesman*<sup>lxxxvi</sup>

**29 March 2007**

Nandigram was a mistake: CM - *The Statesman*<sup>lxxxvii</sup>

**4 April 2007**

What actually happened -writes SM Murshed, a retired IAS official - *The Statesman*<sup>lxxxviii</sup>

**12 April 2007**

State files affidavits on Nandigram 'No need for CBI inquiry' - *The Statesman*<sup>lxxxix</sup>

**14 April 2007**

Holes in Nandigram claim - *The Telegraph*<sup>lxxxix</sup>

**16 April 2007**

State-sponsored terrorism: RSP - *The Statesman*<sup>xc</sup>

**1 May 2007**

'Nandigram,' live bombs - *The Telegraph*<sup>xcii</sup>

'Revenge' Brigade beats a retreat - *The Telegraph*<sup>xciii</sup>

## CHAPTER THREE

### THE INCIDENTS OF 14-16 MARCH 2007

#### *The Impending Police Assault*<sup>xciii</sup>

People in Nandigram knew police would enter their area on 14 March. According to several depositions before the Tribunal, the BUPC met on the night of 13 March and decided:

- (1) To mobilise people to come for a *Puja* and Koran reading session at the two sites where the police would have to cross the cut in the roads or 'bund' made by protesting villagers;
- (2) To use women and children as a shield, on the assumption that police would not open fire on women and children.<sup>xciv</sup>

#### *The "Puja" And "Namaz" Ceremonies On 14 Morning*

From the depositions, two kinds of narratives emerge about how people were mobilized: In one group, people say,

A. *"No one forced us, no one brought us. The leaders called us so we came."*

B. *"It is our land which we don't want to give up, naturally we came."*

The implication of these statements is that they knew the dangers of participating in the mobilisation.

In another group, people say,

A. *"The leaders called us, so we came; they told us to bring water and cloth with us to soothe our eyes as gas might be used."*

B. We assumed *"The police wouldn't fire on women"*

C. *"We were taken aback when firing started"*.

In a few depositions of this group there is a complaint that the BUPC leaders assured them, nothing harmful would happen, and after the carnage did not take responsibility.

In all depositions, even in the critical ones, there is the general feeling - *'it is our land, and we had to save it.'* But, many people were not taken into confidence regarding the full danger and the BUPC leaders also could not gauge the extent to which the administration would go. There is no evidence of coercion but there was a definite tendency to bring people to the appointed place by playing down the dangers. The massing of women was a part of the plan to stop the police from firing.<sup>xcv</sup>

#### *How the Police Firing Started*

On 14 March 2007 around 9.30 a.m. hundreds of policemen gathered at two entry points into Nandigram- one from the Tekhali Bridge, Gokulnagar, Adhikaripara and the other from the side of Bhangabera Bridge, near Sonachura. Apart from policemen local leaders and cadres of Communist Party of India (Marxist) were also present.

The deponents claim that the people were peaceful. Only one deponent says there was stone throwing by boys and girls.<sup>xcvi</sup> **There is no evidence of the carriage of any arms by the villagers.**

There was an announcement by the police party asking the villagers to allow them to repair the 'bund'. People replied that they would undertake this work themselves. There was very little dialogue over this issue and very soon the police went into the offensive. One deposition refers to stone throwing by boys & girls<sup>xcvii</sup>.

Police fired tear gas and immediately followed with bullets & rubber bullets, chased the people, mostly women & children, hitting out with lathis and iron rods, and firing. They were chased, and many were caught and mercilessly beaten, with sexual assault, including rape.

**The lack of parleying seems to suggest that the carnage caused by police firing on the retreating mass, mainly of women & children, was pre-planned.**<sup>xcviii</sup>

**The depositions also clearly bring out that police went on firing after the people started to flee and that they were not firing towards the legs.**

The police behaviour was brutal. According to one deposition<sup>xcix</sup> Uttam Pal, after being shot down, was asking for water. Policemen spat on his face and beat up those trying to give him water.

Several depositions before the Tribunal accused policemen of rape.<sup>c</sup>

There are other such depositions and there is the obvious possibility that shame has kept some more from making open accusations. Apart from rape, many women have deposed about being stripped, molestation (the breasts being frequent targets), indecent exposure, and filthy language.

One deponent<sup>ci</sup> accuses policemen of having slashed her breasts. Several<sup>cii</sup> accuse policemen of forcing rod/lathi/gunbarrel into sex organ and turning the insert in some cases.

**The evidence definitely points towards serious sexual assault, including rape, by policemen.**

The only point of hope is the testimony of one deponent<sup>ciii</sup>, who says that a few policemen came and asked other policemen who were shooting and beating people up to stop and exhorted the people to run away.<sup>civ</sup>

#### ***CPI (M) Cadre Allegedly In Police Uniform***

The deponents charge the presence among policemen of others in police dress but wearing slippers (chappals), black masks and red arm/wrist bands. There is also reference

to others in white dress (sari) and 'ghomta' (veil) pointing out people. These persons were also firing guns and assaulting people with iron rods. They were even more vicious than the policemen.

A large number of deponents agree that they were cadres of the CPI (M) and some of them identify and name the cadres too<sup>cv</sup>.

**There were non-police personnel with arms in the police contingent who participated in gunfire, lathi charge and assault. There is evidence that there were CPI (M) cadres among them.**<sup>cv</sup>

## Impact On Women

A mother and daughter have deposed that they were raped, and have named the culprits as being CPI-M cadre<sup>cvii</sup>.

The mother and elder sister of a minor girl who was raped also deposed before the Tribunal.<sup>cviii</sup>

A 33-year-old woman from Kalicharanpur also alleges rape.<sup>cxix</sup> From the depositions of another three women it is clear that they were raped, and it is shame, that does not allow them to utter the word<sup>cx</sup>.

The following deposition is typical<sup>cx</sup>: *"Three policemen pulled me away, I then fell unconscious. Consciousness returned in Tamluk hospital, saline was running. My sex organ was intensely painful and was bleeding. There was pain in my breasts and scratch marks. There was pain in my abdomen, so much pain that I could not urinate. I heard from a neighbour that I was unconscious in the jungle, village people took me to the hospital."*

Smt Rajashri Dasgupta of the Citizens Solidarity organization who deposed as a witness before the Tribunal observed, *"women were traumatized and unwilling to talk due to shame."*<sup>cxii</sup>

At Nandigram hospital, on March 16, Dr Subrata Sarkar<sup>cxiii</sup> examined two women, who complained of rape by men in police dress, chappals & black masks. She found haematoma on the buttocks, thighs and breasts.

Dr Debapriya Mallick deposed<sup>cxiv</sup> that in the medical camps in the Nandigram area he found women victims with injuries in the pelvic region, the back, the breasts and the vaginal region.

Apart from rape there was sadistic sexual assault. Rods/lathis/gunbarrels were inserted into the sex organ and even turned.<sup>cxv</sup>

Undressing, molestation by assault on the breasts, indecent exposure and filthy abuse was common. Assaults on the breasts were serious for the rape victims, and one of them, had her breasts slashed<sup>cxvi</sup>. Sexual violence and the threat thereof was used as intimidation by CPI (M) cadres, *"Tell your women we are coming "*.

**There was indiscriminate and widespread sadistic sexual violence against women including rape. Both policemen and CPI (M) cadres have been accused by the victims, some of the cadres even by name.**<sup>cxvii</sup>

## **Impact On Children**

Children were not spared. Fracture cases due to police lathicharge have been treated by doctors. The rape of a 12-year-old girl by a named CPI (M) cadre has the mother & sister as eyewitnesses. There are persistent reports of cruelty on very young children by the policemen. Eyewitness depositions accuse policemen of shooting and killing boys.

While no close relative of such victims deposed before the Tribunal from the eyewitness accounts it is clear that further investigation of these charges must be undertaken by relevant authorities.

Dr Debapriya Mallick encountered many cases of injury among children of 9-12 years age. He found two cases of brutal injury infliction on children in the medical camps attended by him. The youngest was 11 years old. A medical team, which ran camps at Nandigram, report nine injured children. Among them were fracture cases, due to police 'lathicharge'.

Even after 14 March 2007 the presence of police camps in the area, located mostly in the local schools, has had a negative impact on the education and welfare of children. As Youth Volunteers Of Child Rights And You (YVCRU), an NGO working among children in Nandigram and surrounding areas, said in its deposition before the tribunal at Kolkata<sup>cxviii</sup>:

*"Maheshpur High School (763 on the rolls) found 80% absent after 14 March. Those who were coming were tense and fearful. The annual examinations were postponed twice. Still, many could not appear, and were subsequently examined orally and half-yearly results also taken account of to decide (their) promotion. Teachers felt that 70% of examinees were affected by the unrest.*

*Gokulnagar High School is a police camp. Policemen occupy 11 out of 22 classrooms. The school has been forced to open two shifts. Science practical classes are taken in the open ground as policemen occupy the labs.*

*The policemen naturally smoke, sing, move about in a state of undress. Lessons are disturbed and girl students are uncomfortable. The policemen are not worried about sanitation and the toilets give off a stench. There is scarcity of water because so many are consuming it.*

*This is the only HS school and pupils travel long distances. This is considered unsafe. Also fares have shot up from Rs 7-8 each way to Rs 15. Attendance suffers.*

*The volunteers spoke to children, among them Bharat Mondal's children (8,10), Biswajit Maiti's brother (7/8), Sankar Samanta's niece (17), all of them close relatives of murdered people. Sushanta Pal (12), says he saw a child taken from the mother & killed. They are traumatised, suffer sleepless nights, and imagine haunting ghosts. Sushanta has dropped out. Sivaprasad Mondal (16) has to stay in other people's houses for safety.*

*The volunteers found overcrowding in the camps on the Khejuri side. One girl said that she was afraid of 'bad men' in her house, and added that there were 'bad men' in the camp too. Was she talking of molestation? Some mothers tried to send daughters away at night to sleep with village women instead of sleeping in the camps among men.*

*Nobody is worried about the toll the unrest is taking on the mental health of the young and on their studies.”<sup>cxix</sup>*

### **People Who Fled Nandigram**

It is alleged that people who did not take part in the movement against land acquisition were forced to leave their villages in the Nandigram area and are now living in camps in the Khejuri side. None of the people who left their villages appeared before the Tribunal to narrate their plight and the Tribunal jury also could not visit them due to lack of response from the administration or CPI (M) party officials for assistance.

However, Sri Kunal Chattopadhyay<sup>cxx</sup>, Professor from Jadavpur University, in his written submission to the Tribunal says - “*How About the Several Thousand Ousted from Nandigram?*” According to him the figure of the number of such refugees being given by the CPI (M) and state government officials are contested and not very clear.

However, there was an acknowledgement that some people had left the area. Women in Sonachura remarked that the CPI (M) leader Joydeb Paik, who was once trusted by them, had assured them even on the evening of 6<sup>th</sup> January that there would be no violence, but he too had left the area. Such CPI (M) leaders were the ones who left. According to them, only five families of their locality had left.

Samad of Jamait Ulema-i-Hind (also Convenor of the BUPC) asserted that the total number of people who had left would be around 200-250. He challenged the CPI (M) to produce a list of names of those who had taken refuge in Khejuri.

Occasionally a different voice emerged. Some of us visited the house of a CPI (M) sympathiser in Adhikaripara who had fled. The villagers themselves identified the house. When asked she replied that her husband had been staying in the Tekhali Bazar ever since ‘*terror had been unleashed from both sides*’. He had a shop in the market and left after the first procession of the ‘Bachao Committee’ had come out due to ‘fear’. Though

initially she said that she was not under any pressure from the opposition party as she stayed with her in-laws, she later deposed that she did not leave the house fearing that it might be damaged in her absence. She had sent her daughter to her natal home for safety.

In another case, Rekha Das, former member of the Adhikaripara Panchayat, and wife of a CPI (M) man who had fled, was urged by Khokon Adhikari to leave the village since her husband was not coming back. This was evidently a form of pressure on pro-CPI (M) people to leave Nandigram”.

Sri Chattopadhyay raises a question that needs to be clarified, “*What will be the situation of the people, whatever their exact number, who are in the camps at Khejuri. Given the threats uttered by some people at least, it seems to be difficult proposition to enable these people to return to Nandigram. ...Accordingly, investigation is needed in Khejuri as well, instead of depending solely on information given in Nandigram*”.<sup>cxxi</sup>

Another point of view was raised by Abhijit Sengupta in his written deposition<sup>cxxii</sup> in Kolkata. He demanded that a door-to-door survey should be made before making any conclusion regarding the number of missing persons from Nandigram. There is no point in assuming that the members of all the vacant houses in Nandigram have fled to Khejuri. He writes that, “*Any house found locked requires careful investigation as it could be possible that all members have died in the action and leaving no body to report missing*”.<sup>cxxiii</sup>

## **Role Of CPI (M) Cadre After 14 March**

There is a general complaint of open intimidation by CPI (M) cadres on the night of the 14 and 15 of March, in fact, till the CBI team, sent on the orders of the Calcutta High Court, arrived. The night of 14 and 15 mornings were used by the CPI (M) cadres to threaten the people into submission and to make them join a CPI (M) ‘peace’ march. Police accompanied them in some cases. There was arson and general looting. The intimidation continued outside the zone of influence of the BUPC. One deponent, Nilima Das<sup>cxxiv</sup>, complained that her husband, who plies a van-rickshaw, is prevented from going to the market and their livelihood is threatened.

One mother and her daughter<sup>cxxv</sup> complained of rape by cadres whom they named.

The shop of Ganapati Mandal<sup>cxxvi</sup> was looted. Namita Das Adhikari<sup>cxxvii</sup> names cadre who looted and torched their shop. Fish was looted from the pond of another deponent<sup>cxxviii</sup>.

**Rape, indecent exposure, looting of shops & houses, arson, and general intimidation, including beating up people, especially on the night of the 14 and the morning of the 15, indicate the level of criminalisation of the CPI (M) cadre in this area. There was an attempt at forcing people to join a ‘peace’ march by the CPI (M).**<sup>cxxix</sup>

## CHAPTER FOUR

### THE TOLL OF DEAD, MISSING AND INJURED

#### *Dead*

1. **Basanti Kar (F)**, 50, of Kallicharanpur<sup>cxxx</sup>. Eyewitness saw her being shot.<sup>cxxxi</sup>
2. **Panchanan Das (M)**. He was shot in front of a close relative. Another deponent also witnessed his murder.
3. **Imadul Khan (M)**, age 20, of Garchakraberia shot down in front of eyewitnesses.
4. **Badal Mondal (M)**, of No 7, Jalpai, killed by bullets, witnessed by his wife.
5. **Shambhu (Uttam) Pal (M)**, age 30, s/o Rabin Pal, Keshabpur, Sonachura, shot down in front of close relative. She tried to save him but police assaulted her. Shooting witnessed by a neighbour. Shambhu died later.
6. **Gobinda Das, (M)**, age 30, of No 7 Jalpai, Sonachura. One deponent described his death by bullets. He was her son's friend.<sup>cxxxii</sup>

These are the 6 names one can gather from the depositions before the Tribunal.

At Tamluk hospital, on March 15, Dr Subrata Sarkar saw seven severely mutilated dead bodies in the morgue. In the dark inner chamber could be seen another three or four bodies.

The copy of the 14-16th March case register at Nandigram hospital records a stab injury in the chest of Gobinda Das. The copy of the 14 March case register at Nandigram hospital submitted to the Tribunal on 28.5.07 at Kolkata<sup>cxxxiii</sup> shows that Gobinda Das was brought dead with a stab injury in the chest.

The Association for Protection of Democratic Rights (APDR), which deposed before the Tribunal on 28.5.07 at Kolkata, had the following 7 names in addition among the list of dead persons:

- Sakila Bibi (F)** of Garchakraberia;
- Imdadul Khan (M)** of Garchakraberia;
- Sk Raja M (M)** of Garchakraberia;
- Raja Ram Das (M)** of Garchakraberia;
- Praloy Giri (M)** of Soudhkhali;
- Ratan Das (M)** of Gangra; and
- Supriya Jana (F)** of Sonachura.

The West Bengal Education Network in its deposition<sup>cxxxiv</sup> on 28.5.07 at Kolkata cites Krishnendu Mandal, who informed them of the death of his brother **Pushpendu Mandal** of Gangrapara.

So, the total toll of dead goes up to 14.<sup>cxxxv</sup>

### ***Missing***

Pushparani Mandal (27) of Village No.7, Jalpai who deposed before the Tribunal<sup>xxxxvi</sup> and another person tried to remove Subrato Samanta, who had been shot down in the firing on 14 March. But the police assaulted them and took him away. He is missing. His wife is in dire straits with a one-month old baby.

*Ekti Sachetan Prayas*<sup>xxxvii</sup> in their deposition before the Tribunal on 28.5.07 at Kolkata say that they spoke to Subrato's father Pranab Samanta, who says a close relative also saw Subrato being shot down.

This is the only clear cut case of a missing person to emerge from the depositions though claims of several persons still missing need to be further investigated.

### ***Injured***

From among the deponents at the Tribunal bullet injuries were suffered by:

Moni Rana;  
Kanchan Mal (she had 7 bullets in her body);  
Sukumar Das ;  
Salil Das Adhikari;  
Dilip Das Adhikari;  
Banasree Acharya;  
Pushparani Mandal;  
Tublu Samanta;  
Pranati Maity;  
Sonali Das;  
Parixit Maity;  
Sreemanta Mandal;  
Minoti Das;  
Renuka Bala Kar;  
Prithwis Das;  
Shyamoli Mahato;  
Bhabani Giri.

From the type of injuries it is to be concluded that:

- The police fired, without any provocation, on the retreating and fleeing mass;
- There was firing on the upper part of the body either wantonly or with intention to wound and kill, not satisfied with one or two shots but pumping as many as seven bullets in one case;
- There was sexual assault; and
- The tear gas had persistent effect well beyond normal limits.
- There severe trauma and panic among people due to the Nandigram massacre.

### ***1. There were bullet injuries in the upper part of the body.***

On March 15, Dr S Sarkar visited the victims brought to SSKM hospital, Kolkata. She speaks of fractures on upper part of the body. She saw Kanchan Mal, who said she had been shot in the shoulder while trying to help a friend who had been injured.

Dr S Sarkar submitted to the Tribunal on 28.5.07 at Kolkata<sup>cxxxviii</sup> a xeroxed copy of the 14-16th March case register of Nandigram Block Hospital.<sup>cxxxix</sup> The case register shows 26 bullet injuries of which 15 or 16 were in the upper part of the body, including head, chest and abdomen.

Of the four brought dead, two were shot in the abdomen, and one in the head, the fourth being recorded as having a stab injury in the chest. Most of the rest were recorded as "Blunt trauma", lathi being mentioned in one or two cases.

In 7 cases the seat of injury was mentioned as the Head, and, in two cases, as the Chest. There were 5 cases of eye pain due to tear gas, and one of earache from the same cause.

Laxmi Barman, F (30) of No.7 Jalpai was admitted with a bullet injury on the right shoulder. Kajal Gharai was admitted with bullet injury in back of right shoulder. A bullet is still lodged in the abdomen of one of the deponents at the Tribunal<sup>cxl</sup>. He was discharged from SSKM hospital, Kolkata.

According to the SSKM discharge certificate, "a metallic foreign body" was removed from the left arm of another deponent.<sup>cxli</sup> It is evident that the term "a metallic foreign body" was used to avoid mentioning the term "bullet". There is no reason to believe that a doctor cannot distinguish between a 'bullet' and "a metallic foreign body". The motivation is all clear.

Dr D Mallick<sup>cxlii</sup> saw Kanchan Mal at SSKM hospital, Kolkata. She had 3 bullet injuries in the hands and 4 bullet injuries in the chest. At the SSKM he also saw Salil Das Adhikary with a bullet injury on his nose, Swarnomoyee Das with bullet injury (fracture) on the humerus bone in the arm, Haimabati Halder, discharged with bullets still lodged in abdomen and diaphragm, Swapan Giri, Swapan Adhikari & Bhabani Giri with bullet injuries.

### ***2. Almost all deponents were victims of the lathi charge. Iron rods and boots were also used.***

14 lathi injuries were serious. 6 of these were head injuries. One iron rod injury case<sup>cxliii</sup> necessitated plaster on the left hand and an operation in the right foot and insertion of a steel rod near the knee.

### ***3. Fall injuries were common.***

Some of these cases were serious.

**4. Most of the deponents complain of eye trouble due to the tear-gassing, with this condition persisting even after 45 days.**

The composition of the gas used in teargas shell demands investigation.

**5. There are quite a few cases of injuries typical of sexual assault including rape.**

4 victims allege rape. 3 victims indicate rape. Their injuries are typical of rape. There are at least 5 cases of sadistic sexual assault on the private organs, leading to severe injuries. The details are discussed in the section on 'Impact On Women', Chapter 3. In a case of wanton sadism a tear gas shell was introduced into the mouth of one of the injured patients, with attendant injuries.

**6. Mental trauma was common with a few cases of severe anxiety and depression.**

On March 16, at Nandigram hospital, Dr S Sarkar found a woman, Sabitri Bijali who was mute for 48 hours. She was from Sonachura. She was picked up by the police in front of her house. She did not know about her family.

Dr Chandana Mitra also made similar comment in her deposition in Kolkata<sup>cxliv</sup> that she found many seriously injured cases even after one month after the incident. She found that, "*men and women were suffering from tremendous anxiety*".

The Medical Team says: "*We have seen patients of bullet injury, patients not properly treated by Govt. Hospital, children with fracture due to police 'lathicharge', people with 'Tear Gas' affected eyes that do not heal even after 6 weeks. We have seen women who have lost their husband or child. We have seen people injured when trying to save his/her neighbour. We have seen people with deep anxiety and terror; we have seen women assaulted by police and 'cadres', men and women with acute mental stress and Post Traumatic Stress Disorder (PTSD). We have seen a woman who had tried to commit suicide.*"

Premangshu Dasgupta<sup>cxlv</sup> in his deposition observed that –"*On 17<sup>th</sup> April we went to Gokulnagar and visited the house of Emadul, a sixteen year old boy, who was shot dead by police on 14 March. His mother was crying inconsolably and the entire family was fuming with rage, anger and fury. No peace process can be successful unless the group of people responsible for the murder is not punished.*"<sup>cxlvi</sup>

### **The Medical Response<sup>cxlvii</sup>**

The victims of the 14 March violence were taken to Nandigram hospital, Tamluk hospital and SSKM hospital, Kolkata, usually in that order. The medical attention was inadequate and there was a definite tendency of hiding facts and tampering with the records.

## ***1. Case of Imadul Khan, who died due to police firing on 14 March 2007<sup>cxlviii</sup>***

The post-mortem report of deceased revealed several discrepancies amounting to tampering and improper reporting in complete violation of accepted legal and medical protocol.

- a. The impression of the physician performing the post-mortem of the deceased says, inter alia, “*In my opinion, the cause of death is due to the effect of gun shot injury ante-mortem and homicidal in nature*”.
- b. In the report, the time since death was not mentioned, although one of the objects of medico-legal autopsy is “to find out the time since death<sup>cxlix</sup>”. This was all the more important because at the end of the official autopsy report it was mentioned that *the death was homicidal in nature*.
- c. The report mentioned that there were dried blood marks all over the body of the deceased. The source of the blood was not mentioned anywhere in the report, but it definitely required explanation from the forensic point of view. Again, a number of bruises were found all over the body, but it was not clearly mentioned whether these bruises were ante-mortem or post-mortem in nature. However, vital reaction was positive in the lacerated wounds found over toes of both feet, which confirmed their ante-mortem nature. Again, fractures of the body of L3-L4 were found. So, it might be suggested that the deceased was hit by a blunt instrument on the back from behind at the level of the L3-L4 vertebrae and then the deceased was dragged towards the front side.
- d. Sub-scalp haemorrhage over the frontal area was found which also suggests that the victim fell on the ground with the face downwards.
- e. Now according to the Post-Mortem (P/M) report, one bullet entry wound was present in the epigastria with abrasion and grease collar and one bullet exit wound was present at the lower part of the back about 4.5 inches left and above L3-L4 vertebrae. Again, both walls of the stomach were found to be perforated.

Thus, the trajectory of the bullet can be described as follows: abdominal wall over epigastria → penetrated upper part of the anterior wall of stomach → penetrated lower part of the posterior wall of stomach → exited through the back.

It is rather strange that although the bullet entered the body of the deceased from the frontal side, as reported in the P/M report, other P/M findings suggest that the deceased fell on the ground with face downwards, instead of leaning backwards.

### *f. Analysis of the bullet wound*

According to P/M report, one bullet entry wound (2cm x 1.8 cm) was found over epigastria surrounded by abrasion and grease collar. It is well known in Forensic Practice that abrasion collar of an entry wound may be developed in a very close shot (even as close as 6 inches to 12 inches, irrespective of the length of the barrel of the rifle gun).<sup>cl</sup>

### *g. A few words on the findings in the thorax*

According to P/M report, it was observed that:

- 1) The thoracic cavity contained blood;

- 2) Both pleurae were ruptured;
- 3) Both lungs were ruptured and blood mopped;
- 4) Pericardium – blood mopped;
- 5) Heart – within normal limit.

It is interesting to note that no injury to rib cage or diaphragm was mentioned in the P/M report. It is rather difficult to explain the cause of rupture of both lungs and pleurae and the presence of blood in the thoracic cavity as the information available from the existing P/M report did not point to or suggest any possible cause of rupture of lungs and presence of blood in the thoracic cavity.

It is well-known in Forensic Practice that “ *Blunt force applied to the chest may cause abrasions and concussions of chest wall and injuries to the lungs, heart, lung, blood vessels or the oesophagus which may or may not be accompanied by external wounds of the chest wall or fracture of the ribs.... Severe blows on the chest wall may produce concussion of the chest, shock and death even when the viscera are not injured*”.<sup>cli</sup>

- h. Therefore, it can be strongly argued that the victim might have suffered from compression injury by a heavy blunt force over thorax that was not clearly mentioned in the P/M report. Even it cannot be ruled out that the death, to say the least, was precipitated by the blunt injury over thorax resulting in the rupture of both the lungs. This hypothesis might be tenable as there was no contrary indication in the existing P/M report.
- i. As it was documented and well known from the press reports and other administrative disclosures that firearms of the nature of SLR were used by the police forces on the date of incident and as such it might well be possible that multiple ‘tandem’ bullets entered the body of the deceased.
- j. No X-ray was done before P/M examination, even when it was known that the deceased might have had multiple bullet injuries.

***2. Fraud in the discharge certificates of the patients injured due to the incident of 14 March 2007. Out of several such examples let us examine the cases of the following:***<sup>clii</sup>

***Ms Renuka Kar***

The date of discharge has been overwritten and changed from 23.3.07 to 24.07. She was admitted on 17.3.07 .

The diagnosis mentioned was “injury”. However, it was mentioned in the advice that crepe bandaging and splinting were done (though the site was not mentioned). It is customary to treat a patient with splint who does not suffer from a fracture.

***Ms Gitanjali Bijali***

The date of discharge has been overwritten and changed from 26.3.07 to 31.3.07. She was admitted on 16.3.07.

The diagnosis mentioned was “Multiple Injury” and the sites were not mentioned.

CT scan of brain was done, but there was no mention of the indication. Probably the patient was suffering from a head injury.

***Ms Angurbala Dolui , Ms Sandhyarani Singh and Ms Chhabirani Mandal.***

The date of discharge has been changed and overwritten.

***Ms Tapasi Das***

Date of admission: 15.3.07

Date of Discharge: 20.5.07 from SSKM Hospital, Kolkata.

Final diagnosis: Lacerated injury in right buttock with fracture Ischiopubic Ramus (Rt).  
CT scan pelvis: Fracture Ischiopubic Ramus (Rt) with bulky uterus.

No history of such severe injury was mentioned though there is the comment: “extensive necrotic tissue dibuded”. On 19.3.07 at EROT under GA over right buttock was done.

The cause of fracture of ischropubic ramas (RE) was not mentioned. However, this type of fracture can happen when efforts are made to separate both legs forcefully. It may be argued that the patient suffered from sexual assault keeping in mind the reports of sexual assault on the day of incident. It is to be mentioned that “*No treatment needed*” was the opinion of the gynaecologists.

***3. Violation of Basic Norms***

Dr Subrata Sarkar makes the following comments regarding the medical response at Nandigram hospital.

Two of the women, she met at the hospital, had told her that they had been raped. But for 72 to 80 hours they were not treated as rape victims, neither of them was examined for rape and nothing was recorded medically following accepted medical protocol.

Scores of dead bodies and injured persons were taken to the hospital, but the attending physicians were not recording the cause and nature of the injuries. It may be mentioned here that according to medico-legal viewpoint, the attending physicians are legally bound to record and to report the cause and nature of the injury to the police. The record keeping was not proper; rather it was illegal according to the law of the land.

The medical people told Dr Subrata Sarkar that they had not received any complaint of rape; hence no question of testing for rape arises. This is going to be their official response.

Dr Debapriya Mallick, who was active in medical camps at Nandigram, has to say that, according to the statements of the patients of the hospitals, basic norms were violated everywhere. In Nandigram Hospital, basic facilities were absent. Operations were done by torchlight.

The Government has its own Hospital Establishment Act 2004. None of the clauses of the Act were in force there. No separate facilities for men and women exist. Nurse to doctor ratio is inadequate. Dr Mallick says that at SSKM hospital too there was insufficient care and unethical medical response.

For instance, Haimabati Halder was forcibly discharged with two bullets still in her body. The patients were denied adequate food in the hospital. There were 6 patients in a room. The doctors and the administration refused to give any information and, on insistence, advised the protestor to go to court.

Discharge certificates were incomplete. Type of injury (bullet injury, head injury, fracture etc) was not clearly mentioned. Police case number was not given. The aim was to underrate severity of the injury and obstruct legal action.

### **What is the current medical situation?**

There is only one Block level Hospital at Nandigram and there is no other medical service provider in the area. Infrastructure of Nandigram Block Medical Hospital is also inadequate.

Except for the endeavours made by certain NGOs, the government has rendered no medical help to the villagers in general and the victims of the incident of 14 March 2007 in particular.

A good number of victims are still confined to their huts in their respective villages and could not even go to Nandigram Block Medical Centre due to various reasons as already indicated.

Due to lack of medical assistance the villagers in general and the victims in particular have been made to suffer serious consequences. Injured victims due to firing of tear gas shells indiscriminately are complaining of permanent irritation in their eyes, occasional blindness and various other visual disorders.

Women and children at large are the victims of injury due to firing of teargas shells. A large number of victims have received burn injury from those teargas shells. There is no arrangement in the Nandigram Block Hospital for taking care of these burn injury victims.

There are cases where the victims of burn injury required advanced medical treatment, but the government has not given/extended any medical assistance to the victims. Due to the situation prevalent in or around Nandigram it is not advisable for the villagers nor do they dare to go to Tamluk or to Kolkata for their treatment, which situation is in the active knowledge of the local administration, but the governmental authorities have not taken any step for providing required medical assistance to the villagers.

**It must be concluded that the government has shown a callous indifference to its constitutional obligations in the matter of providing medical help to the victims of the carnage of 14 March.**

**On the part of government medical personnel, at best there was helplessness due to the magnitude of the task faced by them. At worst, medical negligence, improper record keeping and inconsistencies amount to tampering of vital medical records of the victims of Nandigram firing.**

**All these are symptoms of wilful or forced participation in the attempted cover-up of the carnage, rape, and the role of the police and their accomplices in slippers and masks.**

## CHAPTER FIVE

### ADMINISTRATION'S INDIFFERENCE – SOME EXAMPLES

#### All-Party Decisions

##### *8 January 2007*

District Magistrate, East Midnapur convened a meeting of all political parties which was attended by DM, ADM, ASP, SDO from the administration's side and the political parties like CPI (M) (4 representatives), RSP (1), FB (1), CPI (2), SUCI (2), BJP (1), NCP (2), TMC (3) & SP (1).

The following unanimous decisions were arrived at:

- a. Peace be restored in the locality – all political parties will cooperate with the State Administration towards this end.
- b. To restore peace, free movement of police and administration is urgently required. Thus the roads, bridges need to be repaired on an urgent basis. If the local people take up the initiative towards this end, then the Administration will not have any objection. Otherwise, these tasks will be done by the administration. All the political parties will cooperate towards this end.
- c. Police camps in the locality be placed at specific locations. It is not desirable that camps organized by the political parties be in place within the 5 km of frontier of the various localities.
- d. The acquisition of land in the concerned area has not yet been started officially. Before such a process commences, an all-party meeting be initiated at the district level. However, the TMC objected to this proposal ONLY.

THE ADMINISTRATION DID NOT IMPLEMENT THESE DECISIONS.

##### *10 January 2007*

DM, East Midnapur convened an all-party meeting when a single agenda of road repairing was taken up.

This meeting was not attended by TMC, INC, SUCI and BUPC on grounds that no steps were taken by the administration on the basis of resolutions taken in the earlier meetings.

#### Incidents of Violence

##### *7 January 2007*

Following the violent incidents of 7 January 2007, in which Sheik Selim, Bharat Mandal, Biswajit Maity and Shankar Samanta died, on 8 January 2007, Ms Farida Bibi, sister of Sheik Selim lodged a complaint before the Officer-in-Charge, Nandigram Police Station,

against seventeen persons with full details and twenty five persons with varied degree of details.

Following is an excerpt from the complaint:<sup>cliii</sup>

*“ ... On 7.1.2007, in the early hours at around 4.30 in the morning, (a mob) under the leadership of Rabiul Islam, village Kholabad crossed the Bhangabera bridge and entered the Jalpai-Sonachura village with deadly arms.*

*They started exploding bombs and also opened fire from rifles and pistols.... A lot of villagers gathered in the meantime. Then Anup Mandal, S/o Dhiren, Naba Kumar Samanta, S/o Sudhansu, Arjun Maity, S/o Sudhkrishna, started identifying people and the remaining accused persons started firing towards the identified persons.... Bharat Mandal, S/o Dhananjay, died from the firing of Anup.*

*Rabin Giri, S/o Hrishikesh and Rabiul Badal identified Sheik Selim, S/o Sk Fajal Rahaman, Village Jadubarichak, Nandigram. Soon after Rabin, Pratap Sahu, (S/o Atul), Rabiul, Prajapati Das, Pasupati Das, started firing towards Sheik Selim, aiming at his head and his entire body, as a result of which he died...*

*Rabin Giri and Rabiul fired towards Biswajit Maity, as a result he died..... They started indiscriminate firing as a result of which Mr Nakul Mandal and Mr Nishikanta Barman were injured and were admitted to SSKM Hospital at Kolkata. Several other persons were injured and died, whose bodies could not be traced.*

*... I pray to your goodself to institute appropriate punishments to the persons mentioned in my complaint letter”.*

IT MAY BE MENTIONED HERE THAT NO ACTION, ARREST OR OTHERWISE, HAD BEEN TAKEN AGAINST THE MISCREANTS.

### ***16 January 2007***

One Mr Sreekanta Paik lodged a complaint against 13 accused persons for loot, arson and causing injury.

Following is an excerpt from the complaint:

*“On 7.1.2007, Sunday, at around 7 o'clock, all accused persons were assembled with lethal weapons and gathered in front of my tailoring shop, which also had a STD Booth. Accused number 1, Anup Mandal instructed the other accused persons to break open my shop – some persons threw bombs*

*inside the shop.... I was injured (at right hand) and goods worth Rs 55,000/- were taken away by the accused persons....”<sup>cliv</sup>*

No action had been taken so far.

Subsequently, Gaur Hari Pal (17 January 2007), Khokan Maity (17 January 2007), Bijoy Krishna Jana (17 January 2007), Ashoke Maity (17 January 2007), Gautam Kumar Bera (25 January 2007), Bablu Das (26 January 2007) lodged complaints with the police against several miscreants, purported to belong to CPI (M).

NO ACTION WAS TAKEN AGAINST ANY OF THE ACCUSED PERSONS.

### ***8 March 2007***

Cadres of CPI (M) at Tulaghata area under Khejuri Police Station attacked Ms Nilima Das and Jharna Kajali (a student of class V). They were severely injured and were subsequently admitted in Nandigram PHC. Finally they were transferred from Nandigram PHC to SSKM Hospital, Kolkata. As a result of this episode, Jharna Kajali lost TWO FINGERS of her right hand.

COMPLAINTS WERE LODGED AGAINST THE MISCREANTS BUT NO ACTION WAS TAKEN.

### ***14 March 2007***

Mr Arun Gupta, IG (Western Range) used microphone and declared that assembly of persons in the northern side of Bhangbera Bridge was illegal. HOWEVER NO ORDER UNDER SECTION 144 OF THE CRPC WAS IMPOSED.

There was no unlawful assembly in the area warranting action under Regulation 153(ii) of the Police Regulation Act, Bengal, 1943.

There was no attempt to arrest at any point of time; therefore no ground exists for invoking power under Regulation 153(iii) also of the said Regulation.

No warning was given by the police authorities under Regulation 154(a) of the said Regulation.

There was no compliance of Regulations 154(b), (c) and (d) of the said Regulation, 1943.

Regulation 155 of Police Regulation, Bengal, 1943 had not been followed by the police authorities at the time of firing.

Despite lodging of complaints by various members of the BUPC, no step was taken by the police personnel on the basis of the said complaints and there was no arrest of the miscreants who are members of the CPI (M).

THE EVIDENCE ON HAND CLEARLY SUGGESTS THAT THE POLICE HAVE RESORTED TO ACTION ON 14 MARCH 2007 IN COMPLETE BREACH OF ARTICLE 21 OF THE CONSTITUTION.

### **CBI Enquiry Into March 14 Incidents**

The Central Bureau of Investigation (CBI), started an enquiry into the matter in terms of the order passed by the Hon'ble High Court, Calcutta. On the 17 March 2007, the CBI raided the Janani Brick Field under the leadership of Shri D K Thakur, SP, CBI, and their team recovered arms and ammunitions and other documentary evidences from the Office Room of the Janani Brick Field and arrested ten persons.

On the basis of the arrest made by the CBI, the local SI started a criminal case, being Khejuri Police Station Case 20/07, dated 17.3.2007, U/S 25/27/35 of ARMS ACT and 120B of IPC against the said ten persons.<sup>clv</sup>

NO CHARGESHEET WAS FRAMED BY THE STATE POLICE WITHIN 90 days as a result of which all ten persons were let off on bail.

## CHAPTER SIX

### SOME TYPICAL CASES WITH LEGAL IMPLICATIONS

#### Cases of Death due to Firing

**Kamala Das<sup>clvi</sup>**; Village: Keshpur

Kamala is the mother of Panchanan Das who died in the police firing on 14 March 2007.

*“...My son was in the front line when a bullet hit him and he fell on the ground. I ran towards him for help and was deterred from helping him. My son called me for water and I was in desperation. After that, I was in a senseless condition. When I regained my consciousness, I went to my son and fell on his body. I was crushed under the boots and put in a sack in a senseless condition. Somebody then took me away. I do not know anything more.”*

Panchanan Das left behind his wife and a one-year old daughter.

**Kabita Mandal<sup>clvii</sup>**, age 37, Village No. 7 Jalpai, Garhchakraberia<sup>clviii</sup>

Kabita is the wife of Badal Mandal a farm labourer who died in the police firing.

*“My husband Badal Mandal went to Bhangabera on 14 March. He was shot in the leg at about 1 pm. On 17<sup>th</sup> March his body was found in the Tamluk morgue. The police did not inform us. I have 4 children, the eldest daughter is married. Our neighbours brought the dead body of Badal Mandal and he was cremated. I have the post mortem report.”*

**Abdul Kayial Khan<sup>clix</sup>**, age 58, Village No.7 Jalpai,

Abdul, a farmer in Nandigram, is the father of Imadul Khan of age 16, who died in police firing on 14 March 2007. He has three sons and three daughters. Imadul studied in class 9. The other children are also school going age. The eldest son worked in a tailoring shop.

*“14 March Sonachura: There was arrangement for puja near Talpati. I walked 10 km to go there. The Muslims were offering Namaj. We saw about 30 police cars arrive. Next 20 Jeeps came. They talked among themselves. They asked people to leave the place and also said to allow the police to do its work. Police immediately started firing teargas shells. Imadul was among us. Suddenly firing was started and Imadul was shot with bullet. He was shot from the back when he was washing eyes with water in the pond. He was taken to Nandigram Hospital in a van. He was declared dead at Hospital. Post mortem report could not be collected”.*

**Pabitra Maity<sup>clx</sup>**, Village Saudkhali, Riksha-Puller

Pabitra is the brother of Biswajit Maity who died on 7<sup>th</sup> January 2007 at the hands of CPI (M) cadre. He mentions a few names of those who allegedly took part in the killings.

*“On the morning of 7<sup>th</sup> January it was announced over microphone that Bharat Mandal was shot dead. Bombing and firing took place at Bhangabera bridge, and I was near the bridge. Biswajit was at a distance of about 1 km from there. There was firing and we retreated. Mother asked me, ‘Where is Biswajit?’ But I came back when firing started. Someone told me that Biswajit had been shot at with bullet. People took him to Hospital. There, he was declared dead. They did post mortem. He was brought back and cremated. In the post mortem report his age is recorded as 18. (Biswajit was in fact just 14 years old)*

*Arjun Maity, Jaydeb Paik, Lakshman Mandal were there in the operation from Khejuri-side. Sheik Selim was shot dead and left at the side of the Canal at Sonachura. The dead body was found in the afternoon. We cannot sleep in the night. Bombing and firing continues in the night. They are trying to gain control over Nandigram like Khejuri. My grandfather was a CPI worker. He was in Tebhaga Movement. My father was a CPI (M) worker. I too was also a CPI (M) worker.”*

**Tapas Kumar Kar<sup>clxi</sup>** (40), Village Kalicharanpur

Tapas, an agricultural worker, learnt about his mother Basanti Kar’s death only on the 16<sup>th</sup> and found her in the hospital morgue.

*“I heard the news of police operation in the radio news. Police came around 10.20 in the morning. I suddenly saw smoke and also saw that two men were carrying a woman. I then started searching for my mother. I didn’t find her either at home or in Nandigram hospital till evening. I saw bodies being brought on motorcycle and by van. I then went to the house of maternal uncle at Hariipur. The next day was a bandh day. I enquired about my mother at Khejuri thana and Kamardah hospital over phone. There was no news. Enquired at SSKM hospital as well. On 16<sup>th</sup> from Nandigram hospital I came to know that her body is there in the morgue. The body was brought from Janka. Post-mortem of the body of my mother was done on 16<sup>th</sup>.”*

## **Cases of Sexual Assault and Rape**

**Written Deposition Number 13 on 26 May 2007<sup>clxii</sup>, Age: 33, Village Kalicharanpur**

*“She was beaten with lathi on hands and legs, the signs of which are still there. Ran into a house where many other women took shelter. Police broke open the door and started beating all. They used abusive language. One of them took her to a side and came over her, tortured and raped. Fell unconscious. Got treated at Maheshpur H.C. But didn’t divulge the incident of rape there.”*

**Written Deposition Number 19 on 26 May 2007<sup>clxiii</sup>**, Age 40, Village Gokulnagar

*“One of the policemen twisted my left breast with all force. Another one came and forced a rod into vagina and started twisting.”*

**Written Deposition Number 20 on 26 May 2007<sup>clxiv</sup>**, Age 25, Village Gokulnagar

*“She lost consciousness while three policemen dragged her to some place. Regained consciousness at Nandigram Hospital. She was given saline. Having pain in abdomen, vaginal area and the breast. She was told by others that she was found in the jungle and brought to the hospital by the villagers.”*

**Angurbala Das<sup>clxv</sup>**, Age 45, , Village Dhikaripara Gokulnagar

Angurbala Das deposed before the Balbir Singh Administrative Enquiry set up by the West Bengal Government and filed an affidavit there regarding the atrocities she and her family underwent on 14 March 2007 and subsequent days.

*“On 15 March around 1/1:30 pm about 10/12 men in plain dress came to our house and started beating me and my eldest son severely. They turned a deaf ear to all our entreaties. I still have pain in my chest and abdomen and carry nail marks on my breasts. I turned unconscious. They then dragged Kabita Das (age 20) and Ganga Das (age 12) to the cowhouse; beating and otherwise torturing them all the time. Kabita was raped by two cadres and Ganga was raped by one. Kabita has a daughter of 8 months whom she cannot breastfeed even now. Ganga was held forcibly by the throat during the rape. As a result she still has pain in the throat. Kabita has identified some of the miscreants who were her acquaintances; among them Badal Garu and his son Khokan Garu, Sudarshan Garu (elder brother of Badal) and his son Kalipada Garu. Also Gopal Garu, Raju Garu, Dulal Garu, Ratan Garu, Sunil Bar, Rabin Das, Anukul Sheet. Kabita was raped by Anukul Sheet and Sunil Bar while Ganga was raped by Anukul. The daughter’s arm was broken and has still not healed.”*

**Kabita Das<sup>clxvi</sup>**, Daughter of Angurbala Das, Age 20

Kabita Das deposed before the Balbir Singh Administrative Enquiry set up by the West Bengal Government and filed an affidavit there regarding the atrocities she and her family underwent on 14 March 2007 and subsequent days.

*“They entered our house while I was serving food to my father and brother. Anukul Sheet kicked my 8 month old child. They started beating my father and mother. I went to their rescue. Anukul Sheet started beating my husband and me. Then he dragged me by holding my hair to the cowshed and undressed me. Then he came over me and started beating me. He threatened my husband by saying that he will cut my child into pieces if he approaches towards me. Very soon I became unconscious. After an hour or so my husband came to me to help to mend my dresses. On leaving me, Anukul Sheet caught my*

*younger sister and tortured her like me by scratching and biting her breast. I'm still suffering from pain in my chest and back.*

*Few days after the incident, Kabita identified one of the rapists in Meshpur bazaar and made some hue and cry. The people surrounding her helped to get hold of him and take him to local Police Thana where he confessed his crime. Later police released him from the Thana.*

*The women of her locality are regularly threatened with sexual assault by the goons of the bazaar area who say that each one of them would be raped by five people.”*

**Ganga Das<sup>clxvii</sup>, daughter of Angurbala Das, Age 12**

Ganga Das also deposed before the Balbir Singh Administrative Enquiry.

**Written deposition Number 40 on 26 May 2007<sup>clxviii</sup>, Age 35, Village Saudkhali**

Police chased and beat her up throughout the body. Then they beat her on the waist and in vaginal area. Became unconscious. Later, after regaining consciousness found herself in the betel field.

## **Cases of Severe Injury**

**Porikkhit Maity<sup>clxix</sup>, Village Kalicharanpur**

- Bullet remains in the abdomen.
- Hospital certificate & X-ray can be the evidence.

*“They chased people with bamboo sticks and started beating. Suddenly a bullet hit his abdomen and he fell down. He was taken to Nandigram first, then to Tamluk Hospital and finally to SSKM Hospital at Kolkota. He was released after 1 month and 14 days. But the **bullet could not be operated out,** because of deep penetration.”*

**Tapasi Das<sup>clxx</sup>, age 30, Gokulnagar, mother of 3 children.**

She was shot at from the back and suffered severe injury, which may make her incapacitated for life. Her relative witnessed that she was shot at from the back.<sup>clxxi</sup>  
Her discharge certificate may be critical evidence.

*“We thought that if the women and children are in the front the police would not attack. The women entreated the police not to enter. The police burst tear gas shells; everybody started running. Suddenly I felt intense pain in the back and blood started flowing; I was hit in the back, there were lacerations. I could not lift my legs. I was transferred from Nandigram to Tamluk and finally to SSKM hospital. Admitted on 15 March and operated on three times; once in Tamluk and twice in SSKM. . On 20<sup>th</sup> May I was released from*

SSKM hospital. It took so long because the injury was great. I will have to go back for review in 4 weeks. A single tube of ointment costs Rs.1400/-. I was sent Rs.25000/- from the Governor's relief fund but the authorities of SSKM did not receive the money. The Governor came to see us; also the lawyers. We have written to the Governor's office about the money but so far received no reply."

**Kabita Das Adhikari**<sup>clxxii</sup>, Age 55, Village Gokulnagar

"Police started firing tear gas and bullets. My eyes were affected. I ran away and hid in a nearby room. There were many other women hiding too. From a distance I could see police beating up everybody. Many girls and women were bleeding from head injuries. Two persons were hung from bamboo poles. Then three policemen came to the room and by force opened the door and started beating us up. I was hit all over the body. I fell down unconscious. When I regained consciousness I returned home. Nandigram Hospital gave first aid and released me. Later I remained in Tamluk Hospital for two months. Police broke my arm and leg. My left arm was in plaster. My right leg had to be operated upon. A steel plate had to be inserted. My vision is still hazy. I have not received any government aid or any other help."

**Moni Rana**<sup>clxxiii</sup>, Age 22, Village Gokulnagar

She suffered bullet injury. She also saw how Kanchan Mal was shot with several bullets when she came out of her home to help her.

"Police came after sometime. They chased us with lathis. We started fleeing. Police started firing teargas shell. Felt burning sensation in the eyes. Suddenly heard the sound of firing and a bullet struck my leg. I fell down. There were others too surrounding me who fell down with injury in hand, leg or body. I was having severe pain in my leg and it was flooded with blood.

After sometime we were loaded on three vans by some police and we were taken towards Tekhali Bridge. They were taking us towards Janka on a trekker. Then, after receiving phone call from 'Choto-babu', we were taken to Tamluk Hospital. Later on some of us were transferred to Kolkata Hospital. While carrying us by trekker they abused us in filthy language. Later, I heard that many among us died.

When I fell down after being hit by bullet, our neighbour Kanchan didi came to give me water. I could not see anything. Kanchan didi was shot at with many bullets. She also fell down adjacent to me. She is still lying in bed in PG Hospital."

**Lata Mandal**<sup>clxxiv</sup>, Age 32, Village Gokulnagar

Saw others who were shot and named CPI (M) cadre who threatened her sons for her participation in movement. She also deposed before the Balbir Singh Administrative Enquiry set up by the West Bengal Government.<sup>clxxv</sup>

*“They beat us with the batons. Then they beat me so severely on my legs so that I couldn’t walk. Then they threw me into the dug out section of the road. They abused me by saying, ‘let the ditch be filled over the body of this bitch’. Many police were in boots and slippers walked over me. My whole body was badly bruised. My sister in law and some of my neighbours picked me up from the ditch. They washed my eyes and body with water. When I could see a little better I found Basanti Kar and Panchanan Das was lying on the ground with bullets. I also saw Mani Rana with bullet injury on leg. He was lying in a pool of blood. Kanchan Mal went to pick him up. She was shot at before my very eyes. Some persons of our mohalla picked me, Kanchan Mal and Mani Rana and put us in a van and took us to Nandigram Hospital. After three days I was taken to Tamluk Hospital. My husband and two sons of 10 and 12 years of age remained in the house. My sons were threatened by Pratap Sahu, Sambhu Adhikari, Pranab Lai, Mrinmay Das and Ashok Guria, all belonging to CPI (M) with words, ‘we will take you to your mother and shoot you down in front of her. Only then she will stop her activities in the movement.’”*

### **Case Six**

**Gourirani Das, age 40**<sup>clxxvi</sup>

Bullet injury in Head. Hospital Certificate can be the evidence.

*“My husband is a farm labourer. On 14 March conch shells were blown at 4am. Everybody ran to the puja place at Malipara. On seeing the police we decided not to let them enter. The police fired tear gas shells and later bullets. I was hit on the head by a bullet. After washing of head and fanning, I regained consciousness.”*

### **Police Brutality**

**Sabita Pramanik, 24, Gokulnagar**<sup>clxxvii</sup>

*“...I was hit with lathi on the head. I was dragged, abused and kicked by heavy boots all over the body. I saw two boys being hit by shots. I hid in a room with other women. Police entered by breaking the door and started beating the inmates and abusing with obscenities.”*

**Sabitri Das Adhikari, 50, Gokulnagar Adhikaripara**<sup>clxxviii</sup>

*“I hid in a toilet with four other women. Police kicked open the door and beat us and abused with obscene language.”*

**Jayasri Mandal, 30, Keshabpur**<sup>clxxix</sup>

Observed neighbour Uttam Pal hit by a bullet in the leg in Malpara police action. Together with Pal’s aunt Tapati Pal tried to help Uttam but both were severely beaten. When Uttam asked for water the police spit on his face. Later she heard that Uttam died in Tamluk hospital.

**Kamal Lata Das, 35, Kalicharanpur<sup>clxxx</sup>**

*“A bullet pierced through the elbow of my left hand. There was extreme pain and I somehow remained standing by holding a palm tree. Police came to me and started beating my back and waist with a plastic rod. One among the two policemen had plastic chappals on his foot. Those who were coming behind me entered into cowshed in Mal’s house. I could see through the slits of the wall that police were beating the women inside indiscriminately and at the same time they were trying to pull their saris.”*

**Rina Ari, 45, Gokulnagar<sup>clxxx</sup>**

*“They hit me with lathi on my back and right neck. I fled to a nearby house along with about 10-15 women. About 7-8 policemen came inside and started beating us. Among us there were 2 or 3 aged-women of about 70-80 years. Outside I saw a boy aged about 10 shot with a bullet and his mother while coming to his rescue was being beaten up by police. Later we saw there were 2 women lying dead.*

*I saw through the slits of the wall that police were beating the women hiding within a bathroom. I along with 2 or 3 women fled into the bamboo scaffolding of a betel leaves garden. But police traced us there and started poking with the barrel of the gun into our sex organs. Somehow I escaped from there and ran to my house and fell unconscious.”*

**Manju Ari, 50, Gokulnagar (Dakshin Palli)<sup>clxxxii</sup>**

*“A teargas shell came down on my lap. The cloth caught fire. Somehow I managed to throw away the shell. My face and eyes started burning. Police chased us shouting filthy abuse. I fled from the place and entered into a toilet. They broke open the door and pulled me out and beat indiscriminately shouting abusive words. There were three more women along with me. They beat all of us. Then somehow I managed to escape from them and fled into the bamboo structure of a betel-leaves garden.”*

**Arati Sahu, Kalicharanpur<sup>clxxxiii</sup>**

*“A young man, who was my neighbour, was hit by a bullet. When I went to give him some water police hit me with lathi on my left shoulder and leg. They grabbed my sari and tried to strip me. Somehow I managed to bring the wounded young man to the bund. But the police were after me. They kicked me and hit me on my belly repeatedly with the barrel of the gun. They also used extremely obscene language.”*

**Kajol Majhi, 35, Kalicharanpur<sup>clxxxiv</sup>**

*“...they dragged me by my hair into a cowshed. I was there for a night. I was unconscious. I am ashamed to show my face. How shall I arrange marriage for my daughter?”*

**Shibani Das, 21, Keshabpur<sup>clxxxv</sup>**

*“I was watching from a distance. When firing started and people started falling on the ground I ran away. Neighbours said that there were a lot bad things done to many women. A young woman, who is a BA pass graduate from our locality, had been raped. An iron rod had been inserted into her vagina.”*

**Raghu Dolui, 27, s/o Kanai Dolui, Saudhkhali<sup>clxxxvi</sup>**

*“Children & women started crying fleeing. I was also running. Anjali Mandal was also at my side. I halted for a while to put water in my eyes. Suddenly police started firing and came close to us. One of them caught Anjali and she somehow escaped leaving behind her cloth and jumped into the pond. I fled to the banana garden. From there I could see the incident. They were beating women, taking away their clothes to make them naked.”*

**Bidur Rani Mandal, 30-35, Gangra, Sonachura<sup>clxxxvii</sup>**

*“I saw the police and the cadres lift kids by their legs and throw them into the canal. They were beating mercilessly. In order to avoid them, I jumped into the water and managed to flee home.”*

**Dhatri Mandal<sup>clxxxviii</sup>**

*“Although I was not feeling well I brought the boys who were hit with bullets to the pond and was giving them water to drink. Then Tublu Samanta whom I know was hit with a bullet. Three or four persons of us brought him down. Then Puspendu and Khokon Manna were hit with bullets. We brought them too. Police chased us and in our attempt to flee we fell into the pond. Even then police didn’t stop beating us. While swimming, my sari came out. My legs were trembling. Somehow I managed to reach home. Around 1.30 in the afternoon Police entered my house. They threatened me and took away all the valuables in our house.”*

**Jyotsna Das, 60, Gangra, PO Sonachura<sup>clxxxix</sup>**

*“I was hit on my hand by a lathi. When trying to escape I fell into the pond. I hid in a cluster of banana trees. There was excruciating pain in my hand and was bleeding profusely. Police started roughly poking into the injured part of my hand with lathi. With much difficulty I swam across the pond and reached home.”*

**Bharati Maity, 34, Kalicharanpur, Garchakraberia<sup>cxc</sup>**

*“I went to Adhikaripara on 14 March. Police fired tear gas at us and beat us with lathis. A boy was shot by bullet. I went to help him. Police beat me with lathis for helping him. I fell down losing my senses.”*

**Renukabala Kar**, 45, Kalicharanpur<sup>cxci</sup>

*“...I was shot when I tried to save a child. The bullet pierced my skin. The plaster is to be opened after one and half months.”*

**Sister Mary**, (Sevakendra/Kolkata) Bardhaman<sup>cxcii</sup>

*“I came to Nandigram on 29<sup>th</sup> May 2007. We visited 18 localities and have examined 1397 patients. ... Tear gas mixed with some chemicals might have been used. People were having pain on the backside of head. Many parts of their body appeared to be paralyzed. They were having burning sensation. Children who were in front were badly affected.*

*...A woman came. Her breast is abscessed with iron rod. She is a pregnant woman of 3 months. We met another woman who was raped. After rape a bullet was inserted into her vagina. At Adhikaripara, a girl of 13 years old was also raped. Initially, none wanted to say anything. Later, gradually they narrated all these. The most painful thing is that those who raped are known to them. “*

## **Brutality by CPI (M) Cadre**

**Renukabala Kar**<sup>cxci</sup>

*“We tried to hide in a bathroom of a house along with few other women. The cadres tried to break open the door. On failing, they climbed up on the tiled roof. They removed few tiles and poked us with rods.”*

**Satyewar Das Adhikari**, s/o Late Shyamacharan, Gokulnagar<sup>cxci</sup>

*“I saw Salil Adhikary fall on the ground with bullet injury. I took him with me to send to hospital and I left the place. Police chased me to my house and I fled from my house. On coming back the next day I heard that police along with cadres again came to my house in the afternoon. They broke open the windows of my house and looted all my belongings. I made a complaint at local police station bearing number 68-2/4/07. Besides looting, I also heard the news of the incidents of torture.”*

**Kamala Ari**, w/o Sahadeb Ari, Gokulnagar<sup>cxci</sup>

*“...To cool the burning sensation of eyes I descended to the nearby pond. On returning I saw that the police are chasing all. I ran back to my house. The next day some outsiders came to our house and threatened me and my husband to join CPI (M) rally. But we refused.”*

**Ajay Kumar Gayen**, s/o Bijoy Krishna Gayen, Gokulnagar<sup>cxci</sup>

*“... We only returned on 16<sup>th</sup> March and came to know that in almost all houses women were tortured and molested. This can be verified from the victims if enquired in privacy. ....I also demand that the Himangshu Das, Sk Rabiul, Bijon Roy, Sambhu Maity and Jagadish Ghosh, the king pins of the harmad bahini be sentenced for life long imprisonment. I’ve seen with my own eyes Sambhu Das Adhikari and Pronijit Mal were shooting with gun at us from among the police pretending to be police.*

**Janaki Das Adhikary, 55, Gokulnagar (Adhikaripara)<sup>cxvii</sup>**

*“I saw my sister’s daughter Tapasi was hit on her back by a bullet and she fell. As I fled I fell down and was hit on the fingers of my right foot by a rubber bullet and it started bleeding. Somehow I managed to reach home. Later on 15 March the CPI (M) cadre and police came together and attacked our home. They stole fish from our pond and threatened us. ...I still can’t go to Tekhali Bazaar out of fear.”*

**Ganapati Gura, Gokulnagar<sup>cxviii</sup>**

*“...On March 14 evening some local CPI (M) members came with other cadres to our house and threatened us saying unless we join the party we will be killed. Next day on 15 they looted many families setting the houses on fire. The modesty of women was outraged by CPI (M) cadres.”*

**Puspa Mandal, 35, Gokulnagar<sup>cxix</sup>**

*“We came back home on 15 March. Our neighbor Sri Harekrishna Das told us that - “Come back. Nothing will happen to you. If you do not come today then we will not allow you to come ever.” We came back. As soon as we returned Badal Garu, Harekrishna Das, Kalipada Garu, Sudarshan Garu, Gurupada Patra and other CPI (M) cadres started beating us and took us to Pre Primary School. They told me that ‘we will behead your husband and make you a widow. And if you talk more we will take you to Janani Bhata and hand you over to harmad bahini’. In the school Rafiul, Pratap Sahu and Rabin Giri threatened me saying, -“you will have to join the peace procession with red flag. Otherwise we will take you to the camp.” I didn’t reply to any of them and I remained silent. After I returned home, again Harekrishna Das came and threatened us by saying that -‘the administration will remain for two more years. And if you don’t behave you will face the consequences’. Till now I do not go to Tekhali Bazaar out of fear.”*

**Sutapa Das Adhikari, Gokulnagar<sup>cc</sup>**

*“I was hit by an iron rod on the right side of my head which cracked. I ran to a local doctor who made a stitch over there. I came back around 2 in the afternoon and was about to partake some food when I saw some CPI (M) cadres shouting and running towards our house. We fled to Sonachura leaving our house behind. On 15 March we heard the sound of motorcycles and we went hiding to a nearby bush. From there we saw Bijon Roy, Rabiul, Badal Garu Das, Sudarshan Garu Das, Kalipada Garu Das, Rabin Das and many others are moving house to house and threatening to*

*join their rally. On that day they tried to break open the door of our verandah. We could not return to home on that day.*

*On 16<sup>th</sup> March while returning home we saw some policemen and some CPI (M) people like Badal Garu Das, Kalipada Garu Das, Sudarshan Garu Das, Rabin Das, Harekrishna Das, Pratap Sau, Rabin Giri and others. They chased us. Out of panic we crossed the canal towards Sonachura. On looking behind we saw that 4 policemen unzipping their pants and making obscene gesture towards me. They were shouting filthy words. I returned home on 17<sup>th</sup> March.”*

### **CPI (M) cadre with Police Force**

**Tulsi Das Adhikari**, 65, Adhikaripara, Gokulnagar<sup>ccii</sup>

*“There were people among the police with slippers on their feet and black mask on the face.”*

**Ajay Kr. Gayen**, s/o Bijoy Krishna Gayen, Gokulnagar<sup>ccii</sup>

*“Time was around 10 in the morning. People ran helter skelter. At this point some persons from among the police wearing chappals, with red bands on their arms and with faces covered in black clothes started firing bullets.”*

**Gautam Das Adhikari**, s/o Mahadev Das Adhikari, Gokulnagar<sup>cciii</sup>

*“Police came around 10 in the morning and without listening to us started firing teargas shells and bullets. There emerged a group of armed men in police uniform, but in slippers and a red bandana on their head who took a crouching position and immediately started firing bullets.”*

**Balai Lal Mandal**, Sonachura<sup>cciv</sup>

*“We were unarmed and were doing puja in front of Sri Gobinda Jiu. Suddenly the police and cadre bahini came and fired teargas and bullets and I was injured by the lathi charge.”*

**Sindhubala Mandal**, 50, Gokulnagar<sup>ccv</sup>

*“...Most of the policemen who had come wore chappals, had their faces covered by black cloth and had a red band on their hand.”*

**Sulata Das**, 30, Kalicharanpur<sup>ccvi</sup>

*“These policemen had red bands on their arms, chappals on their feet and black cloth tied around their face.”*

**Alaka Mandal, 50, No.7 Jalpai, Garchakraberia<sup>ccvii</sup>**

*“Among the police were some persons clad in white with their faces covered in white, rather looking like widows. They were indicating towards us with the fingers. I think they were cadres.”*

**Sampa Bera, 35, Kalicharanpur<sup>ccviii</sup>**

...Some of us took shelter in a house. The men-police entered it and grabbed us by hair. They abused us with filthy language. Dipak Das along with many other CPI (M) cadres were with the police.

**Chabirani Mandal, 57, Gokulnagar<sup>ccix</sup>**

*“One policeman started severely beating me with rod, injuring me on the chest. The policeman was wearing slipper, had a type of cap that one finds in a market and had a red belt. I pleaded with him to let me go. But he didn’t listen and continued beating.”*

**Sk. Arshad (25)<sup>ccx</sup>**

*“I had gone to Bhangabera on 14 March. Cadres were standing there in black dress and chappals in their feet. After sometimes, cadres came forward and the police went back. I was beaten by a rod and fell into a pond. My daughter rescued me from the pond and took me to Nandigram Hospital.”*

## **Cases Of Missing Persons**

**Pushparani Mandal<sup>ccxi</sup>, Age 27, Village No.7, Jalpai**

She had seen how Subrata Samanta was hit by bullets and saw policemen taking his body. Subrata Samanta is recorded as missing since then.

*“One shell landed on my lap. A young man picked it up and threw it away. He sprinkled water on my eyes and face from a pitcher. My whole body was burning as if it was rubbed with chilli paste. After applying water I got some relief. The police fired in air and almost immediately started firing bullets. One bullet hit my waist. There was terrible pain and bleeding. A young man was lying by my side hit with the bullet. His whole body was covered with blood. With the help of another person I was dragging him to the safety of the village when the police caught up with us. They started beating us mercilessly and as result we were forced to lay the injured boy on the ground. The police took the boy dragging his body. Till that time, though he was seriously injured, he was alive. Till now he has not been traced. His name is Subrata Samanta. His wife who has a one-month old child is in much distress. The bullet that had hit me in the waist has not been removed till now. The doctor said it needs surgery.”*

## **Mental Trauma**

**Suniti Mandal**, village Gangra.

Suniti is the aunt of late **Bharat Mondal**, who died on **7 January 2007** during police firing and **also the aunt of Bharat's cousin Pushpendu Mondal who was killed on 14 March 2007**. She also happens to be the mother-in-law of **Supriya Jana who was also killed on 14 March 2007**. She is in extreme despair due to loss of life of number of relatives. She was in the front line of the barricade on the morning of 14 March and still suffers from the tear gas affecting her eyes.

Suniti is also suffering from mental trauma as she had seen people dying due to bullet injuries and police and the "cadres" throwing babies into the nearby pond.

## CHAPTER SEVEN

### FINDINGS AND RECOMMENDATIONS

**In its final report the Tribunal has the following observations to make, based on prima facie evidence as well as the numerous depositions made before it:**

#### **Findings**

- There is a general resentment in West Bengal, particularly in Singur and Nandigram, against the government's policy of setting up Special Economic Zones (SEZ) by forcibly acquiring fertile agricultural land;
- Maintaining secrecy over the details of these SEZs, making contradictory statements about the scale and nature of land acquisition and lack of proper consultation with those likely to be affected by the project has created confusion and resentment about the intentions of the government in the minds of rural people;
- The actions of 14 March 2007 by the West Bengal government, particularly the District Administration, which engaged police forces along with armed ruling party hooligans against a peaceful, religious and lawful gathering of mostly women and children from Nandigram, can be described only as a state-sponsored massacre;
- The motive behind this massacre seems to be the ruling party's wish to 'teach a lesson' to poor villagers in Nandigram by terrorizing them for opposing the proposed Special Economic Zone (SEZ) project;
- There was unprovoked, indiscriminate firing without sufficient warning and without following the established procedure in accordance with law, thus resulting in a massacre of innocent people;
- There were also a disturbingly large number of incidents of sexual violence by both police and armed ruling party cadre against women, many of them carried out in the most cruel, degrading and inhuman manner;
- Despite the presence of large numbers of women in the religious gathering organized by villagers on the morning of 14 March 2007 there was virtually no presence of women police officers;
- There was further deliberate negligence in not attending to the victims and providing them immediate medical assistance, treatment and relief following standard universal guidelines;

- Only few complaints have been filed by victims against erring policemen and other culprits who resorted to firing, criminal assault and sexual offences and so far there has been no proper and independent investigation of the incident to bring those responsible for grave human rights violations to justice in the courts;
- In the aftermath of the incidents of 14 March 2007 there has been no compensation or assistance provided to the victims by way of rations, cash or medical support, which amounts to negligence in the duties of government officials so as to violate basic human rights and hence deserve punishment under the Human Rights Act (1993), which makes them personally responsible;
- The incidents of 14 March, 2007 could have been avoided provided adequate steps were taken by the Administration after the violent events of 7<sup>th</sup> January 2007 and the culprits and accused apprehended and taken to task;
- There are members and supporters of the CPI (M) who along with their families have been displaced from Nandigram due to intimidation by villagers opposed to the land acquisition, though their numbers are yet to be verified independently;
- The violence in Nandigram and surrounding areas since January 2007 and the posting of police camps inside school buildings has resulted in a loss of education for young and innocent children;
- As of writing this report in August 2007 regular firing and terrorizing of villagers in Nandigram by CPI (M) cadre based in Khejuri and counter violence by members of the Bhumi Ucched Pratirodh Committee was still continuing on an almost daily basis;
- The social and economic impact of such prolonged conflict on the villagers of Nandigram and adjoining areas, such as Khejuri, is bound to be extremely negative;
- The local administration, the District Magistrate or Superintendent of Police (of East Midnapur) as well as the state government and the ruling party members did not cooperate or put up their case regarding the 14 March 2007 incident before the Tribunal despite advance notice;

**Based on these observations the Tribunal would therefore like to make the following recommendations:**

### **Recommendations**

#### **Justice**

- The CBI investigation into the violent events of 14 March 2007, initiated on the request of the Calcutta High Court, should be allowed to continue and present a

complete and comprehensive report at the earliest. Among other aspects, the investigation should include enquiry into the specific role played by members of the local and state administration in the unprovoked firing and killing of innocent people as well as other atrocities committed;

- The ten CPI (M) cadre arrested by CBI and let off on bail, due to the apparently deliberate laxity of the West Bengal state police in filing charges against them within the statutory period, should be re-arrested pending investigation of their role in the massacre of 14 March;
- The judiciary should consider setting up a special bench, headed by a woman judge, to hear all cases of rape, molestation and violence against women of Nandigram by both police personnel and armed cadre of the CPI (M);
- The Calcutta High Court should also appoint a “monitoring committee” to ensure there is no repetition of the violence of 14 March as there have been at least 25 incidents of armed “intrusion” by CPI (M) cadre into that Nandigram area and nobody has been arrested for the incidents of firing and bomb throwing even after 14 March;
- There is considerable evidence that wounds of injured villagers from Nandigram were caused not just by police bullets but also from private firearms, including sophisticated long-range rifles like SLRs. This should be thoroughly investigated and those responsible for using illegal firearms should be stringently punished in accordance with the law in such cases;
- A Habeas Corpus petition for missing persons should be filed especially in the case of Subrato Samanta, who is still missing following the police firing and assault of 14 March 2007. According to the deposition before the Tribunal by villagers and his family members he was last seen being taken away by police personnel after being gravely injured in the shooting;
- All CPI (M) cadres guilty of impersonating police personnel on 14 March 2007 should be identified on the basis of eyewitness accounts as well as photographic/video evidence from media reports and prosecuted.
- It is apparent that FIRS have not been filed by many of those who have been sexually assaulted and wounded or even in the cases of those who were killed by both police and armed CPI (M) cadre due to a lack of confidence in the state administration and police. However civil society organizations as well as leaders of the local organizations leading the struggle against land acquisition in Nandigram should encourage and assist local people to file FIRs to ensure justice through established procedure of law.
- There is considerable evidence of tampering with details on the medical discharge certificates of injured Nandigram villagers admitted to public hospitals with a

view to distort incriminating information. After thorough investigation the erring medical superintendents/medical officers of these hospitals should be punished in accordance with law in such cases;

Human Rights Courts as provided by the Human Rights Act (1993) should be set up in West Bengal at the earliest to provide justice in the cases of human rights violations that arise from conflicts between state and the people or among different political groups as in both Singur and Nandigram.

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### **Relief and Compensation**

- The National Human Rights Commission should order immediate distribution of ex-gratia payment to all those killed or injured in the violence of 14 March 2007 relief to people affected by the conflict in the area. It should further undertake independent monitoring of such relief.
- Medical aid and assistance should be provided by the state to victims who are still suffering and who were not suitably treated or attended to so far. In particular, the primary health centres in Nandigram as well as Khejuri, and also the Tamluk Hospital should be upgraded, sufficient doctors and nurses posted and proper facilities and equipment provided in order to deal with the medical needs of those injured;
- The people of Nandigram should also be assisted in obtaining compensation and damages for death, injuries or damaged properties from the government. The payment should be at least equal to the amount declared by the State Government to the family of the deceased police officer in Nandigram.

### **Peace**

- The disarming of both sides engaged in conflict in Nandigram and surrounding areas should proceed through talks, de-escalation and confidence-building measures under some effective independent agency/observers appointed by the Calcutta High Court.
- There should be an immediate end to the economic and physical blockade of the people of Nandigram by armed CPI (M) cadre in the surrounding areas who are preventing flow of essential supplies as well as safe movement of people in and out of the area;
- The supporters of the CPI (M) and their families from the Nandigram area who have been living in camps in Khejuri as refugees should be provided full

protection for return to their homes and to continue their livelihood, excepting those who have been accused of grave crimes against people of Nandigram on, before or after 14 March 2007. An independent body acceptable to the people of Nandigram as well as the refugees themselves can monitor the return.

- The local administration needs to create an atmosphere of trust by attending to day-to-day needs of people, helping victims and their family members;
- All peace efforts should fully involve all political parties at the local level in Nandigram and adjoining areas and not just their state level party leaderships;
- Police reforms need to be undertaken urgently in West Bengal to de-link the police from anti-social elements and interference from ruling party and politicians; the recommendations made by the Administrative Reforms Commission in its Fifth report in this regard should be implemented at the earliest;
- To prevent a repeat of the incidents of 14 March 2007 in any form the West Bengal government should make a solemn declaration that force would not be used against the local people for the so called restoration of law and order and control of administration.

## **A WORD OF THANKS TO CIVIL SOCIETY GROUPS**

*The incident of killings in Nandigram created an atmosphere of deep anguish and sense of betrayal by the Government and the Parties in power among the people of West Bengal. There were huge spontaneous protest rallies and meetings in Kolkata and district towns as civil society initiatives.*

*Students, Teachers, Doctors, Lawyers, Office workers, Science Club organizers, Scientists, Artistes, Writers, Dramatists, Singers all staged protest marches & meetings and also raised donations to organize relief and rehabilitation works.*

*A good many number of eminent persons throughout the country raised their voices in protest. Many of them returned the decorations and awards they received from the Left Front Government of West Bengal as a mark of protest.*

*Eminent people like Justice Krishna Iyer, known to be a long time left supporter, demanded that Chief Minister of West Bengal should resign taking responsibility of the carnage.*

*A tremendous work was performed by various Doctor's Organisations. They sent medical relief teams consisting of Doctors, Nurses, and Social workers on regular basis to the villages of Nandigram. They received generous financial help from common people for organizing relief work.*

*They have taken an initiative to create a group of health workers by imparting training to local people with the ultimate aim of developing a Health Centre in the memory of the martyrs of Nandigram.*

*Documentary filmmakers also have made a good number of films on this issue. Poets and singers produced many good pieces of work during this time. Rights organizations made surveys and produced fact-finding reports. Literary magazines were flooded with reports of the massacre at Nandigram along with the analysis of the whole issue starting from the problem of land reform and development to the nature and mode of operation of the nexus between police, administration, political party and criminals.*

*The People's Tribunal on Nandigram would like to thank all those citizens and civil society groups that have responded in such a spontaneous manner to the incidents of 14 March 2007 and hopes they will continue in their courageous battle for justice on behalf of all those whose human rights were violated in any way in Nandigram.*

## ACKNOWLEDGEMENTS

The following persons were involved in different phases of work of the Tribunal:

Sanjay Mitra, Satya Sivaraman, Subhasis Mukherjee, Tarun Basu, Shantanu Chakraborty, Nilanjan Dutta, Naba Dutta, Rabin Chakraborty, Dipanjan Rai Chaudhuri, Gautam Sen, Krishna Bandyopadhyay, Partha Sen, Sujato Bhadra, Sadhan Roy Chowdhuri, Aditi Chaudhuri, Ruby Mukherjee, Debapriya Mallick, Sumen Guha, Santanu Tribedi, Ramen Saha, Uday Sen, Ashish, Soumitra (Nanu), Pramod Gupta, Gautam Sarkar, Sreyashi Bhaduri, Surasri Chaudhuri, Soma Ghosh, Ranjan Dutta, Punnyabrata Gun, Krishnendu Mukherjee, Sabyasachi Deb, Tarun Kanti Naskar, Premangshu Dasgupta, Anindya Bhattacharya, Amitava Bhattacharya, Manas Bhattacharya, Saswati Ghosh, Debal Kumar Deb, Goutam Chakraborty, Sanjay Prasad, Anindya Biswas, Kalpana Sen, Partha, Ashim, Swati, Prajyaparamita Dattaraichaudhuri, Meenakshmi Sen Bandyopadhyay, Sumita Samanta, Saurav Basu, Barnali Bhattacharya, Manidipa Nandi, Sandip Bandyopadhyay. Besides, there may be other persons whose name is omitted but who helped to make the Tribunal a success. All India Citizens' Initiative is indebted to all of them. We acknowledge the help of 'The Center for Interdisciplinary Studies' as well as of Pramod Gupta for making video recordings of the proceedings of the Tribunal at Nandigram. The photograph in the cover was taken at Nandigram by Bijoy Chaudhuri. We are thankful to him for allowing us to use it the cover of our report. We are indebted to Jana Swasthya Swadhikar Mancha for allowing us to use their office at 45 Beniatola Lane, Kolkata-700009 as the temporary office of the Tribunal. We are indebted also to those residents of Gokulnagar and Sonachura who helped us in organizing the sessions there.

We would also like to acknowledge with sense of gratitude the help we received as donations from various individuals and organizations. We have spent so far about Rupees One Lakh Twenty Thousand on the organising and conduct of the People's Tribunal. The major portion of the amount was raised as individual donations from Kolkata and Delhi. Some of the expenditures like plane fare and a portion of the transport cost were borne by friendly organisations, namely, Human Rights Law Network, Other Media and INSAF. We are indebted to Calcutta Ahead for their financial help. We thankfully acknowledge the help of the volunteers of our friendly organizations Shromojibi Swasthya Udyog, Jana Swasthya Swadhikar Mancha and Nagarik Mancha.

## END NOTES

### <sup>i</sup> **Appeal on Nandigram Violence**

The continuing violence in Nandigram, West Bengal resulting in needless death and injury to innocent villagers, has become a cause of great concern to people all over India.

Whatever may have been the initial reasons for the start of the conflict it is clear from media reports and eyewitness accounts that the situation now is spinning out of control, resulting in a fratricidal war between different sections of the local population.

It is also evident that over the past several months of agitation and turmoil thousands of ordinary people- of all political hues- are unable to make a livelihood, go about their daily work or even enjoy the basic right to sleep without fear. Women in particular have been severely affected while many children are unable to attend school normally.

There is an urgent need to make all out efforts to restore peace in the area to prevent further loss of life. We the undersigned appeal to all those concerned, particularly the central and state governments to ensure that:

- a) Immediate peace talks be initiated between the different factions involved in the violence, if necessary under the aegis of an independent body acceptable to all;
- b) All differences between various factions, including state agencies, are settled in a democratic and responsible manner;
- c) An impartial inquiry conducted into the cause of violence and justice ensured to all those whose human rights have been violated in any form.

*Signed: Justice V.R.Krishna Iyer, Ashok Vajpeyi, K.Satchidanandan, M.T.Vasudevan Nair, Nandita Das, Lalita Ramdas, Admiral (Retd.) R.Ramdas, Nandini Sundar*

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<sup>iii</sup>

**People's Tribunal on Nandigram Incident of 14 March, 2007**  
**To be held during 26-27 May 2007 at Gokulnagar Gobinda Jiu Primary School premises and at**  
**University Institute Library Hall, Kolkata on 28 May 2007at 10 AM to 5PM**

**NOTIFICATION**

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WHEREAS on 14 March, 2007, a large section of people/local residents protesting against the entry of the huge armed contingent of police and other categories of armed forces in Nandigram area, East Midnapur, West Bengal, were attacked and killed, injured by the police firing;

AND whereas 14 people including women (according to the government version) were killed by the State violence/state supported violence, many women and men were severely injured by firing, lathi-beating and /or use of toxic materials;

And whereas there were also incidents of arson, carnage, violence, killings and flight from affected villages starting from the months of January, including the incidents of violence on 6 / 7th January;

And whereas there has been continuation of such violence even after 14 March incident, including 30th April;

And whereas there has been considerable public reaction, outcry and commotion over the 14 march incident; and other incidents of violence; and whereas it has been prima-facie established that the police action is violative of article 21 of constitution of India and various provisions of the laws of the land and of human rights.

And whereas the All India Citizens' initiatives are of the firm opinion that it is necessary to constitute a people's tribunal for the purpose of finding truth about the aforesaid matter(s) which is a definite matter of public importance;

And whereas no Judicial Inquiry Commission has been set up by the Government authorities to inquire into the aforesaid matter(s);

Now , in these circumstances, the All India Citizens' Initiatives comprising of eminent citizens from various sections of society of India, decide to set up a people's Tribunal consisting of some judges and juries namely Justice S. N. Bhargava, Retired Chief Justice of Sikkim High Court, Smt Lolitha Ramdas, Social Activist, Mr. John Dayal, Human Rights Activist, Dr. Jyotirmay Samajder, Psychiatrist  
(For Terms of Reference of Tribunal see Introduction, page six)

With this TERMS OF REFERENCE, the TRIBUNAL is now issuing a public notification [ref.no PTN-0/05/07 dated 16/05/07] inviting the State Government, District Administration, East Midnapur, including police administration of both State and District level, the Chief Medical Officer of health of the District and other doctors and sisters attached to health and hospitals of the district, political parties, associations /organizations /(mass and /or social)/NGOs, members of the public having knowledge or acquainted with the INCIDENT or other incidents or facts relevant to the above TERMS OF REFERENCE, to furnish to the tribunal Statements of Facts relating to the aforesaid incident or the above terms of reference, in the manner as will be mentioned in the second public notice to be published within a day or two. [B-iii: Find copy of the advt. ]

<sup>iv</sup> Find copy of the Leaflet as B-v-Leaflet in Annexure-B

<sup>v</sup> Copy of the letter to Home Secretary. Similar letters were sent to other administrative officers

<sup>vi</sup> Find copy of the FAX to DM, East Midnapur as B-vi in Annexure-B

<sup>vii</sup> Find copy of letter as B-vii in Annexure-B

<sup>viii</sup> Find the copy of the cover page of the Book as B-viii in Annexure-B

<sup>ix</sup> Find copy of the letter from DM, East Midnapur and its reply from the Secretariat as B-ix in Annexure B

<sup>x</sup> Adapted from Wikipedia (www.wikipedia.org)

<sup>xi</sup> Source: Census of India 2001

<sup>xii</sup> Source: Kanika Datta, Rediff news, 24.3.07

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xiii The Salim Group was founded by Sudono Salim, closely associated with Indonesian ex-president Suharto. Suharto has been accused widely, particularly by communists the world over including the CPI (M), of overseeing the murder of thousands of communists during his reign, helped Salim monopolize the Indonesian cement and flour industries. The group is best known as a producer of noodles.

xiv The Statesman, November 15, 2006 as B-xiv in Annexure-B

xv Annexure-E1-Gov-affdvt/P-178

xvi Annexure-E1-Gov-affdvt/P-179

xvii Copy of the notification issued by Haldia Development Authority as B-xvii-HDA Notification

xviii Deposition made by Nabadwip Das Adhikari of Gokul Nagar [Annexure-A-1 /WD-60/27]

xix Affidavit on behalf of state of West Bengal ; in the matter of AST No. 2007 as Annexure-E-1/Page 6-7

xx The Statesman : 04/01/07 as B-xx-SM-4-1-07 in Annexure-B

*“Mr Buddhadeb Bhattacharjee today parried questions on the mob fury and attack on a police contingent at Nandigram and said no notification for acquiring 25,000 acres of land for Salim Group projects had as yet been issued. The chief minister’s comment, however, did little to clarify the situation regarding the notice issued by the Haldia Development Authority to gram panchayats even though it is yet to be served on individual landholders.”*

xxi The Statesman: 04/01/07 as B-xx in Annexure-B-Notes

xxii Page 11 of the Gov. Affidavit in the matter of AST No. 2007 [Annexure-A-1/Page-11]

xxiii Dainik Statesman 06/01/07; Find the copy of the news as B-xxiii in Annexure-B

xxiv Annexure-T; Dibakar Bhattacharya

xxv Deposition made by Mr. Goutam Das Adhikari (Vide Written depositions No.WD-25/27)

Dainik Statesman: 06/01/07; Find the copy of the news as B-xxv-DS-6-1-07 in Annexure-B

xxvi Quote from page 8-9 of the Affidavit submitted by the Govt. of West Bengal – “ (v) Several meetings were held on 5.1.2007 by TMC leaders, BJP leaders, PDS leaders and in the banner of Jana Unnayan O Gana Adhikar Sangram Samiti protesting against the proposed acquisition of land and the local people became quite agitated. In the meantime, several roads had been dug up by the agitated mob and some bridges and culverts damaged by them.”

xxvii The Statesman 5.1.07; Find the copy of the news as B-xxvii-SM-6-1-07 in Annexure-B

xxviii The Statesman : 06/01/07; Find the copy of the news as B-xxviii in Annexure-B

xxix The Statesman : 06/01/07; Find the copy of the news as B-xxviii in Annexure-B

xxx The Statesman: 06/01/07: Find the copy of the news as B-xxviii in Annexure-B

xxxi The Statesman : 07/01/07; Find the copy of the news as B-xxxi in Annexure-B

xxxii Vide Written Deposition No. WD-83/27

xxxiii For copy see Page-42-43 of Annexure-C

xxxiv Vide Written Deposition No. WD-85/27 in Annexure A1

xxxv Vide Written Deposition No. WD-18/26 in Annexure A1

xxxvi Vide Written Deposition No. WD-42/26 in Annexure A1

xxxvii The Statesman : 08/01/07; Find copy of the news as B-xxxvii -SM-8-1-07 in Annexure-B

xxxviii The Telegraph 08/01/07; Find copy of the news as B-xxxviii-TG-8-1-07 in Annexure-B

xxxix Notes on the Terror and Violence in West Bengal [Keshpur etc.] in 2000

***In a letter dated 29th August, 2000, the Ministry of Home Affairs, Government of India informed West Bengal State Government of political clashes, terror and violence including —***

- On 21st August, a mob of 2000 armed CPI (M) supporters attacked Siribani, Bagakhali, Sriharipur, Bajuberia and Guaidaha villages under Keshpur Police Station.
- On 22nd August, 800/900 CPI (M) supporters raided villages viz. Baital, Ekdia, Palaschabri, Kursikala and Parsia under Chandrakona PS (Midnapur Distt.)

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- On August 26, 500-600 CPI (M) followers attacked villages of Simla, Radhanagar and Palash Chapri under PS Chandrakona Town and 300 CPI (M) supporters attacked villages Bamunbera Kribigha, Maharajpur and Agmura under PS Keshpur.
  - On August 27, 500 CPI (M) activists and 600 TC activists clashed intermittently at Akura, Rajagram, Maharajpur and Bela Villages under PS Keshpur.

A letter was sent by Jyoti Basu, the then Chief Minister, Government of West Bengal [No. 132-CM] dated September 13, 2000 to the Ministry of Home Affairs, Government of India, regarding the law and order situation in West Bengal. In reply a long letter dated 15 September, 2000 was sent to Jyoti Basu, by L.K. Advani, the then Union Home Minister, giving a description of the political clashes, terror and violence in West Bengal [Midnapur [Midnapur] etc.]. The letter was made available openly on 16 September 2000 by the Ministry of Home Affairs, Government of India.

***It was recorded [and the incidents have been reported by official agencies of the government] that —***

In the year 2000 [first 8 months], Midnapur district has witnessed 176 political clashes in which 64 people died, 707 were injured, and numerous left homeless. There have been 58 incidents in Hooghly, 28 in Burdwan, 20 in South 24-Paraganas and 16 in North -24 Parganas. In Midnapur district, in August alone there were 59 political clashes.

The Union Home Minister said — *‘I am dismayed to point out that our principal concern about continued political violence in certain parts of the States has remained largely unaddressed. If the State administration is taking effective steps to control the violence, there is very little evidence thereof by way of results.’*

The Union Home Minister’s letter described that many of these villages are inhabited by persons of the minority community and members of the Scheduled Castes, Scheduled Tribes and Other Backward Classes. Deputations from Confederation of OBCs, SCs, STs and Minorities, teachers and traders’ organisations have also met the Governor of West Bengal and submitted memoranda describing the gravity of violence and consequent danger to their lives. 25,000 to 35,000 persons are reported to have fled from their villages and are living in the open.

An opposition parties’ deputation submitted to the Governor, that, inter alia, large quantities of illegal arms were being procured from the Sirigbhum district of Bihar and transported to the Midnapur district of West Bengal under a plan allegedly evolved by a Minister, WB Government.

Thousands of villagers have been driven out of their homes and are living in make shift camps. About 2000 people who were taking shelter in Ramkrishna Mission Ashram in Kotalpur in Bankura Distt. were attacked with bombs.

<sup>xi</sup> The Telegraph :08/01/07 : Find copy of the news as B-xi-TG-8-1-07 in Annexure-B

<sup>xli</sup> The Telegraph: 08/01/07: Find copy of the news as B-xli-TG-8-1-07 in Annexure-B

*“This is a highly provocative statement” –is the reaction expressed by Sri Tarun Kanti Naskar in his deposition (No.K-3) in the Kolkata session of the Tribunal on 28.5.07. He stated that –“In accordance to the aforementioned leader’s claim, a sort of economic embargo was imposed on the people of Nandigram depriving them of their democratic rights to travel and carryout business in any part of the country whatsoever. ...-the ferry services over the Haldi river was suspended by the administration, preventing people of Nandigram from traveling to their workplaces on the other side of the river, and from carrying their goods and products in and out of Nandigram for business and for procuring their necessities. This is an infringement on the rights of the people of Nandigram; it is a direct repressive and condemnable action*



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*The news of deaths by police firing in Nandigram this morning has filled me with a sense of cold horror. We will soon know more details of the sequence of events that led to this tragedy. But the point uppermost in my mind is not 'who started it', who provoked it' or whether there were agent-provocateurs behind it. Investigations will reveal that. The thought in my mind and of all sensitive people now is –was this spilling of human blood not avoidable? What is the public purpose served by the use of force that we have witnessed today?*

*Force against anti-national elements, terrorists, extremists, insurgents, is one thing. The receiving end of the force used today does not belong to that order.*

*What I advised government over the last two days, as I received inputs of rising tension in Nandigram, government knows. It is not my intention to enter into blame-fixing. But I cannot be so casual to the oath I have taken as to restrict my reaction to a pious expression of anguish and outrage. I trust the government will not only go into the whys and wherefores of this tragic occurrence but will also ensure that it leaves no room for a repetition of the kind of trauma witnessed today.*

*I leave it to the conscience of the officials responsible to atone for the event in the manner they deem fit. But I also expect the government to do what it thinks is necessary to mitigate the effects of this bitter March 14, and to do it visibly and fast.*

**Gopal Krishna Gandhi, Governor of West Bengal**

(This statement was released from Raj Bhavan on Wednesday, 14 March 2007)

<sup>lxx</sup> IN THE HIGH COURT AT CALCUTTA  
Special Jurisdiction (Contemp)  
In the matter of : The Court on its own Motion

The court on its own motion issued an order stating that, -“All the newspapers throughout the Nation have today carried as lead article –description of the action which has been taken by the West Bengal police against agitating farmers and other villagers in Nandigram village. *Prima facie* in a wholly indefensible manner innocent people have been shot down by none other than the uniformed police officers. There are at this stage many conflicting versions as to what actually transpired, but one conclusion is echoed by all those who are present in the Court, the newspapers and the electronic media, that there have been a large number of deaths which are directly attributable to the prolonged gunfire by the police of the State of West Bengal.

It seems that if the Police Department which under the control of the Home Department is not aware of the existence of Article 21 of the Constitution of India; let alone the ambit of freedoms guarantees to the citizens of this country, under this article. This article specifically guarantees that –“No person shall be deprived of his life or personal liberty except according to procedure established by law”. Obvious of the aforesaid guarantee, the police has resorted to gun firing, on a large crowd, protesting against the proposal to acquire their land.

*Prima facie* we are satisfied that this action of the police department is wholly unconstitutional and cannot be justified under any provision of law. There are normal remedies available to the State as also to the owners of the lands for redressal of the grievances with regard to the acquisition of land. Such kind of force cannot be justified except in the cases of armed insurgency or warlike situation. Innocent farmers and villagers can hardly be put into the aforesaid bracket. We take serious note of the observations made by His Excellency, the Governor of West Bengal as reported in the newspaper –‘Hindustan times’, on the front page under the news item headlines –“Governor Reacts” which is quoted herein below:

*Prima facie* we are of the opinion that that these observations clearly depict the extent of the tragedy which has overtaken the population of Nandigram in particular and the population of West Bengal in general. We,

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therefore, issue notice to the State of West Bengal through the Ministry of Home Affairs to file detailed affidavit setting out the reasons for the action which has been taken against the population of Nandigram by resorting indiscriminate firing by the police. We have also received a communication by FAX from an institution 'National Alliance of People's Movements'. We direct that the aforesaid letter be marked as annexure-'A' and also treated as a Public Interest Litigation.

We also issue notice to this petition when it comes up.

The affidavit should clearly indicate the entire history and the steps taken by the Government for maintaining the law and order. The affidavit should also identify the dignitary or any official which actually issued the order to fire upon the population of Nandigram. The affidavit should also disclose the material on the basis of which the order for firing was issued. The affidavit should further state as to what proceedings in accordance with the departmental rules and under the general Criminal Law have been initiated against any official who is found to have *prima facie* transgressed the power vested in the official or the other dignitaries. In view of the absolutely volcanic situation created, we are constrained to direct the State of West Bengal to ensure the safety and well-being of all the general public in the area. The State is also directed to take adequate measures to provide medical facilities to the injured villagers.

In view of the emergent situation and the possibility of relevant evidence being lost/destroyed, we find it a fit case to direct that the matter be investigated by a Special Team, deputed by the Director of C.B.I. The team shall visit Nandigram area and any other surrounding affected area and collect the entire relevant material to be presented before this Court in the form of a report. Let the C.B.I. team be despatched to the Nandigram forthwith. The learned Standing Counsel for C.B.I., Mr. Ranjan Roy is directed to communicate this direction to the Director of C.B.I. for implementation forthwith.

Let both the matters be heard analogously.

Xerox plain copy of this order duly countersigned by the Assistant Registrar (Court) be given to the learned Counsel for the parties on usual undertaking.

Sd/- S. S. Nijjar, C. J.

Sd/- Pinaki Chandra Ghosh, J.

[Annexure-I-APDR & PBKMS Report]

- lxxi The Statesman: 16/3/07, Find copy of the news as B-lxxi-SM-16-3-07 in Annexure-B  
lxxii The Telegraph: 16/3/07, Find copy of the news as B-lxxii-TG-15-7-07 in Annexure-B  
lxxiii The Times of India: 16/3/07, Find copy of the news as B-lxxiii-TG-16-7-07 in Annexure-B  
lxxiv The Statesman: 17/3/07, Find copy of the news as B-lxxiv-17-3-07 in Annexure-B  
lxxv The Statesman: 16/3/07, Find copy of the news as B-lxxv-SM-16-3-07 in Annexure-B  
lxxvi The Telegraph: 17/3/07, Find copy of the news as B-lxxvi-TG-17-3-07 in Annexure-B  
lxxvii The Telegraph: 17/3/07, Find copy of the news as B-lxxvii-TG-17-3-07 in Annexure-B  
lxxviii The Telegraph: 17/3/07, Find copy of the news as B-lxxviii-TG-17-3-07 in Annexure-B  
lxxix The Telegraph: 18/3/07, Find copy of the news as B-lxxix as B-lxxix-TG-15-3-07 in Annexure-B  
lxxx The Statesman: 18/3/07, Find copy of the news as B-lxxx-SM-18-3-07 in Annexure-B  
lxxxi Dainik Statesman: 18/3/07, Find copy of the news as B-lxxxi-DS-18-3-07 in Annexure-B  
lxxxii The Telegraph: 18/3/07, Find copy of the news as B-lxxxii-TG-18-3-07 in Annexure-B  
lxxxiii The Statesman: 19/3/07, Find copy of the news as B-lxxxiii-SM-19-3-07 in Annexure-B  
lxxxiv The Statesman: 20/3/07, Find copy of the news as B-lxxxiv-SM-20-3-07 in Annexure-B  
lxxxv The Statesman: 20/3/07, Find copy of the news as B-lxxxv-SM-20-3-07 in Annexure-B  
lxxxvi The Statesman: 29/3/07, Find copy of the news as B-lxxxvi-SM-29-3-07 in Annexure-B  
lxxxvii The Statesman: 4/4/07, Find copy of the news as B-lxxxvii-SM-4-4-07 in Annexure-B  
lxxxviii The Statesman: 12/4/07, Find copy of the news as B-lxxxviii-sm-12-4-07 in Annexure-B  
lxxxix The Telegraph: 14/4/07, Find copy of the news as B-lxxxix-tg-14-4-07 in Annexure-B  
xc The Statesman: 16/4/07, Find copy of the news as B-xc-sm-16-4-07 in Annexure-B  
xci The Telegraph: 1/5/07, Find copy of the news as B-xci-tg-1-5-07 in Annexure-B  
xcii The Telegraph: Find copy of the news as B-lxxxv in Annexure-B

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xciii As revealed from oral & written submissions

xciv The persons who made such statement in their depositions are: [Find statements in Annexure-A1]

WD-18/26 & OD-3/26: Lakshan Chandra Das

WD-42/26: Tapas Kr. Kar

WD-45/26: Xxxx Yyyy

WD-3/27: Khokan Adhikari

WD-24/27: Ajay Kr. Gayen

WD-25/27: Gautam Das Adhikari

WD-60/27: Nabadwip Das Adhikari

WD-71/27: Sumitra Das Adhikari

WD-85/27: Pabitra Kr. Mandal

xcv Depositions with varied opinions: in Annexure-A-1

WD-53/27, WD-54/27, WD-55/27, WD-57/27, WD-58/27 –leaders didn't tell about the danger

WD-65/27, WD-66/27, WD-69/27 –responded to the call of the leaders.

WD-73/27, WD-74/27 –responded to the call of the leader Hari Samanta.

WD-37/27 –local residents assured that there will be no danger.

WD-38/27 –local leaders did not tell them of the possible danger.

WD-10/27, WD-11/27 –said that there was no coercion, they came voluntarily.

WD-37/26 –responded to the call of Hari Samanta. He allured with “prasad-bhog”.

\$ WD-38/26 –complained that she was misled, forced to join. Women sent out. Leaders did not take responsibility afterwards

\$ WD-42/26 -refers to a meeting of the BUPC on the night of 13th March in which it was decided to try to stop the police by mobilizing people around religious activity and minimise police action by keeping women in front.

xcvi See deposition of WD-92/27, Annexure A1

xcvii See WD-92/27, Annexure A1

xcviii The following deponents vouched for the above: Annexure A1

WD-1/26 & )D-11 Kabita Bhuyian, (F), Jalpai

WD-2/26 Madhuri Giri, (F), K'charanpur

WD-3/26 Renuka Sahu, (F), K'charanpur

WD-4/26 Rehati Pramanik,(F), G'nagar

WD-5/26 Gita Dinda,(F), Keshabpur

WD-6/26 Gobinda Paik, (M), Sonachura Jalpai

WD-7/26 Sabitri Jana, (M), K'charanpur

WD-8/26 Mamata Mandal, (F), G'nagar

WD-9/26 Jamuna Das, (F), G'nagar

WD-10/26 Arati Mandal,(F). G'nagar

WD-11/26 Pranati Maity,(F), Keshabpur

WD-12/26 Shankari Sahu, (F), K'charanpur

WD-13/26 Durga Maity, (F), K'charanpur

WD-14/26 Rita Bera, (F), K'charanpur

WD-15/26 Sheikh Eshaq, (M), Jalpai

WD-16/26 & OD-9 Angur Bala Bera, (F), K'charanpur

WD-17/26 & D-7 Rashida Bibi, (F), Jalpai

WD-18/26 OD-8 Laxman Chandra Das, (M), Jalpai

WD-19/26 & OD-6 Xx, (F), G'nagar

WD-20/26 Yy, (F), G'nagar

WD-21/26 Urmila Das, (F), G'nagar

WD-22/26 Sailabala Das, (F), G'nagar

WD-23/26 & OD-19/27 Sarika Bibi, (F) Garchakraberia No 7 Jalpai

WD-24/26 Arati Maity, (F), K'charanpur

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WD-25/26 & OD-18/27 Sabita Das, (F), G'nagar  
WD-26/26 Pushpabala Das, (F), Sonachura  
WD-27/26 Kalyani Das(F) K'charanpur  
WD-28/26 Archana Mandal, (F), G'nagar  
WD-29/26 Muktirani Das, (F), G'nagar  
WD-30/26 Gouri Mandal, (F), K'charanpur  
WD-30A/26 & OD-5Neharan Bibi, (F), No 7 Jalpai  
WD-31/26 Khahirun Bibi, (F), No 7 Jalpai  
WD-32/26 Shovarani Sing, (F), Southkhali  
WD-33/26 Sandhyarani Sing, (F), Southkhali  
WD-34/26 Namita Das, (F), Keshabpur  
WD-35/26 Asiran Bibi, (F), Jalpai  
WD-36/26 Parixit Maity, (M), K'charanpur  
WD-37/26 Nilima Das, (F), K'charanpur  
WD-38/26 Purnima Das, (F), K'charanpur  
WD-39/26 Radhakrishna Mandal, (M), G'nagar  
WD-40/26 Zz, (F), Southkhali  
WD-41/26 Poribala Dhapar, (F), Southkhali Jalpai  
WD-42/26 Tapas Kumar Kar, (M), K'charanpur  
WD-43/26 Sandhya Dhapar, (F), Southkhali Jalpai  
WD-44/26 Bhabani Giri, (F), Kallicharanpur  
WD-45/26 Name not to be disclosed.  
WD-46/26 Name not to be disclosed  
WD-1/27 & OD-20 Gourirani Das (F), Kallicharanpur  
WD-2/27 & OD-25 Sulekha Das, (F), Kallicharanpur  
WD-3/27 & OD-27 Khokan Das Adhikari, (M), Gokulnagar.  
WD-4/27 & OD-22 Renuka Bala Kar, (F), K'charanpur  
WD-6/27 & OD-21 Gitanjali Bijali, (F), G'nagar  
WD-7/27 Sabita Pramanik, (F),G'nagar  
WD-8/27 Sabitri Das Adhikari, (F), G'Nagar  
WD-9/27 Angur Bala Das, (F), G'Nagar  
\$ WD-9A/27 Kabita Das (F), w/o Nitai Das,G'nagar (The statement recorded in presence of Dr. Mrs. Amita Dasgupta, who accompanied the Jury-members on 27.5.07)  
WD-9/27 Ganga Das, G'nagar. (Signed in the statement of her mother Angurbala Das)  
WD-10/27, Babita Das, K'charanpur  
WD-11/27, Jayashri Mandal, Keshabpur  
WD-12/27 Jyotsna Giri, (F), G'nagar  
WD-13/27 Kamallata Das, (F), K'charanpur  
WD-14/27 Namita Das Adhikari, G'nagar  
WD-15/27 Reena Arhi, G'nagar  
WD-16/27 Manju Arhi, G'nagar  
WD-17/27 Satyeswar Das Adhikari, G'nagar  
WD-18/27 Kamala Arhi, Gokulnagar  
WD-19/27 Tulsi Das Adhikari, G'nagar  
WD-20/27 Anna Rani Das, K'charanpur  
WD-21/27 Arati Rani Sahu, K'charanpur  
WD-22/27 Roma Mandal, G'nagar  
\$ WD-23/27 Pushparanee Mandal, Jalpai  
\$ WD-24/27 Ajoy Kumar Gayen, G'nagar  
\$ WD-25/27 Gautam Das Adhikari, G'nagar  
WD-26/27 Pratima Maity, Jalpai  
WD-27/27 Sabita Das Adhikari, G'nagar  
WD-28/27 Balai lal Mandal, Sonachura  
WD-29/27 Janaki Das Adhikari, G'nagar  
WD-30/27 Chandana Das, K'charanpur, G'nagar

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WD-31/27 Minoti Das, K'charanpur  
WD-32/27 Satyabala Mandal, Southkhali, JalpaiE  
WD-33/27 Sitarani Das, G'nagar  
WD-34/27 Angur Dolui, Southkhali, Jalpai  
WD-35/27 Rekha Arhi, G'nagar  
WD-36/27 Lali Mandal, Southkhali, Jalpai  
WD-37/27 Kajal Majhi, K'charanpur, more than 1000 policemen  
WD-38/27 Sindhubala Mandal, G'nagar  
WD-39/27 Pratima rani Das, K'charanpur  
WD-40/27 Nilima Das, G'nagar  
WD-41/27 Sulata Das, K'charanpur, 400-500 policemen  
WD-42/27 Kabita Das, G'nagar  
WD-43/27 Sadhana Mandal, G'nagar  
WD-44/27 Kajol Das, Garchakraberia.  
WD-45/27 Shibani Das, Keshabpur  
WD-46/27 Kakoli Das, G'nagar, 3 dead bodies in sacks taken by police  
WD-48/27 Kabita Das Adhikari, G'nagar, 2 people assaulted and kept hanging on bamboo  
WD-49/27 Putul Das, K'charanpur  
WD-50/27 Sreemanta Mandal, G'nagar  
WD-51/27 Mahini Maiti, K'charanpur  
WD-52/27 Purnima Samanta, G'nagar  
WD-53/27, Santosh Kumar Maity, Kallicharanpur  
WD-54/27, Moni Rana, (Female) Gokulnagar. Bullet in leg  
WD-55/27, Putul Mandal, (Female), Jalpai  
WD-56/27, Nirmal Mandal, (Male), Gokulnagar  
WD-57/27, Kabita Das Adhikari,  
WD-58/27, Sumati Mandal, Jalpai,  
WD-59/27, Tulu Pandit, Kallicharanpur  
WD-60/27, Nabadwip Das Adhikari, Gokulnagar  
WD-61/27, Ganapati Gurya, Gokulnagar  
WD-62/27, Raghu Dolui, South Khali  
WD-63/27, M Avijit Giri, Kallicharanpur  
WD-64/27, PuspaMandal, Gokulnagar  
WD-65/27, Basanti Mandal, Jalpai  
WD-66/27, Dipali Mandal, Jalpai,  
WD-67/27, Shefali Mondal, Jalpai  
WD-68/27, Minu Mandal, Jalpai  
WD-69/27, Alaka Mandal, Jalpai  
WD-70/27, Lata Mandal, F Gokulnagar  
WD-71/27, Sumitra Das Adhikari,  
WD-72/27, Tararani Maiti, Kallicharanpur  
WD-73/27, Samparani Bera, Kallicharanpur-600-700 policemen & cadres, 200-250 policewomen  
WD-74/27, Saraswati Pal (Das?), Kallicharanpur  
WD-75/27, Chayan Maity, Kallicharanpur  
WD-76/27, Sukumar Das, Gokulnagar  
WD-77/27, Jyotsna Mandal, Gangra, Sonachura Bazar  
WD-78/27, Sutapa Das Adhikari, Gokulnagar  
WD-79/27, Brindabani Porua, Kallicharanpur  
WD-80/27, Chhabirani Mandal, Gokulnagar  
WD-81/27, Shyamali Manna, Gokulnagar  
WD-82/27, Mahamaya Das Adhikari, Gokulnagar  
WD-83/27, Bidur Rani Mandal, Sonachura, and  
Similar depositions from 30 women, 17 signed their assent  
WD-84/27, Tapati Giri, Sonachura  
WD-85/27, Pabitra Kumar Mandal, Gangra

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WD-86/27, Kalpana Muniyan, Gangra  
WD-87/27, Nilima Das, Sonachura, and  
Similar depositions by 6 women, signed assent  
WD-88/27 Chhabirani Das, Gangra  
WD-89/27 Madhura Arhi, Southkhali  
WD-90/27, Sujata Mandal, Gangra  
Similar depositions by 3 women, signed assent

WD-92/27, Renuka Middya, Gangra, mentions stonethrowing by boys and girls, immediately followed by gas & bullets.

WD-94/27, Dhatri Mandal

WD-95/27, Jyotsna Das, Gangra

<sup>xcix</sup> See WD-11/27, Annexure A1

<sup>c</sup> See WD-37/27, WD-12/26, WD-13/26, WD-20/26, WD-64/27, Annexure A1

<sup>ci</sup> See WD-11/26, Annexure A1

<sup>cii</sup> See WD-45/27, WD-19/26, WD-45/26, WD-46/26, Annexure A1

<sup>ciii</sup> See WD-77/27, Annexure A1

<sup>civ</sup> **The following are the nature of complaints by the deponents:** Annexure A1

WD-62/27 \*-undress, slash breasts

WD-77/27\* also refers to another sort of police

WD-92/27\* \*\*

WD-94/27 looting

WD-2/27\*

WD-54/27\*,

WD-55/27\*alleges bullet in chest

WD-60/27\*

WD-61/27\*

WD-62/27\*, alleges bullet in body

WD-3/27\*

WD-4/27\*

WD-7/27\*\*molested

\$ WD-11/27\*Uttam Pal with bullet injury, wanting water, hitting, spitting in his face

WD-20/27 \*\*pulled by the breasts

WD-37/27\*\*implies rape

WD-45/27\*\*Gouri Pradhan (BA) raped, iron rod inserted into sex organ, later torture on 2 others,

WD-12/26 raped

\$ WD-13/26\*\* raped by 2 policemen

\$ WD-19/26\*\* lathi inserted and turned in sex organ, assault on breast

WD-20/26\*\* rape

\$ WD-29/26\*\*-saw rod inserted in sex organ of Srabanti Adhikari

WD-33/26 diary, court case against police for injury

WD-45/26\*\* rod, gun barrel inserted in sex organ

WD-46/26\*\*bamboo lathi inserted into sex organ & turned

<sup>cv</sup> See WD-18/26(OD-8), WD-24/27, WD-94/27, Annexure A1

<sup>cvi</sup> **The following is the list of deponents who vouch for the above:** Annexure A1

WD-6/26, Gobinda Paik, M, Sonachura Jalpai. - chased by 'policemen' in slippers.

WD-9/26, Jamuna Das, F, G'nagar. -'policemen' in slippers.

WD-14/26, Rita Bera, F, K'charanpur. - black masks accompanying police.

WD-15/26, Sheikh Eshaq, M, Jalpai. - cadres with police in black dress and slippers.

WD-18/26 & OD-8, Laxman Chandra Das, M, Jalpai. - names suspects incl. Naba Samanta-alleged to have killed a child.

WD-22/26, Sailabala Das, F, G'nagar. -'policemen' in slippers.

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WD-25/26 & OD-18/27 S3D24 Sabita DasF, G'nagar -'policemen' in slippers, red wrist bands, black masks

WD-32/26, Shovarani Sing, F, Southkhali. -'policemen' in black masks decapitate children.

WD-36/26, Parixit Maity, M, K'charanpur.

WD-38/26, Purnima Das, F, K'charanpur. -'policemen' in slippers.

WD-44/26, Bhabani Giri, F, Kallicharanpur.

WD-46/26, Name not to be disclosed. - 'policemen' in slippers, red wrist bands, black masks.

WD-2/27 (OD-25), Sulekha Das, (F), Kallicharanpur, -'policemen' with slippers and black masks

WD-3/27 (OD-27), Khokan Das Adhikari, (M), Gokulnagar. -do

WD-4/27 (OD-22), Renuka Bala Kar, (F), K'charanpur

WD-13/27, Kamallata Das, (F), K'charanpur. - 'policemen' with plastic slippers

WD-19/27, Tulsi Das Adhikari, (F), G'nagar. -'policemen' with slippers and black masks

\$ WD-24/27, Ajoy Kumar Gayen, (M), G'nagar. -'policemen' with slippers, red arm band, black mask, firing; identify by name two such persons

\$ WD-25/27, Gautam Das Adhikari, (M), G'nagar. --'policemen' in slippers, red head band fired

WD-26/27, Pratima Maity, (F), Jalpai. - men in white saris and "ghomta"(veil) identifying for police

WD-28/27, Balai lal Mandal, (M), Sonachura

WD-38/27, Sindhubala Mandal, (F), G'nagar. -'policemen' in slippers, red wrist bands, black masks

WD-40/27, Nilima Das, (F), G'nagar. - do

WD-46/27, Kakoli Das, (F), G'nagar, -'policemen' in slippers.

WD-49/27, Putul Das, (F), K'charanpur

WD-60/27, Nabadwip Das Adhikari, (Male), Gokulnagar

WD-61/27, Ganapati Gurya, (Male), Gokulnagar -'policemen' in slippers firing

WD-62/27, Raghu Dolui, (Male), South Khali -'policemen' in slippers

WD-69/27, Alaka Mandal, (F), Jalpai --cadres? in white dress & widow's hoods, identifying for police

WD-70/27, Lata Mandal, (F), Gokulnagar, --'policemen' in slippers

WD-71/27, Sumitra Das Adhikari, (F), w/o Sushil Das Adhikari, --'policemen' with black headcloth

WD-73/27, Samparani Bera, (F), Kallicharanpur, -identifies cadres;

WD-77/27, Jyotsna Mandal, (F), Gangra, Sonachura Bazar, - with police

WD-78/27, Sutapa Das Adhikari, (F), Gokulnagar, -'policemen', in slippers and red ribbon around wrist, with iron rods

WD-79/27, Brindabani Porua, (F), Kallicharanpur, -'policemen' with black facecloths(masks) and slippers

WD-80/27, Chhabirani Mandal, (F), Gokulnagar, --'policemen' with slippers, ordinary caps, red belts.

WD-81/27, Shyamali Manna, (F), Gokulnagar, -'policemen' with slippers and red band on hand

WD-82/27, Mahamaya Das Adhikari, (F) Gokulnagar, -'policemen' with slippers and red bands.

WD-83/27, Bidur Rani Mandal, Sonachura, and

Similar depositions from 30 women, 17 signed their assent

WD-84/27, Tapati Giri, Sonachura, --'policemen' with slippers

WD-88/27, Chhabirani Das, Gangra, - some of the men had covered faces.

WD-89/27, Madhura Arhi, Southkhali, - policemen & cadres, police uniform and slippers.

WD-94/27, Dhatri Mandal (F), ---identifies cadres

<sup>cvi</sup> See WD-9/27, WD-9A/27, Annexure A1

<sup>cvi</sup> WD-9B/27 is the (minor) younger daughter of WD-9/27, Annexure A1

<sup>cix</sup> See WD-13/26, Annexure A1

<sup>cx</sup> See WD-12/26, WD-20/26 & WD-37/27, Annexure A1

<sup>cx</sup> WD-20/26, Annexure A1

<sup>cxii</sup> See Annexure-N

<sup>cxiii</sup> Oral deponent on 28.5.07 at Kolkata, K-1, Annexure A1

<sup>cxiv</sup> K-12: Deponent on 28.5.07 at Kolkata, Annexure A1

<sup>cxv</sup> WD-19/26 (OD-6), WD-45/26, WD-46/26 were victims of this, according to their depositions. WD-29/26 was a witness to this brutal act on WD-45/26. Annexure A1

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<sup>cxvi</sup> Case of WD-62/27. Another woman WD-70/27 also suffered severe assault on the breasts. Ann- A1

<sup>cxvii</sup> **Cases of Sexual violence in Annexure A1**

WD-10/26 -reports undressing

WD-11/26 -heard Gouri Pradhan was raped

WD-12/26 -raped

\$ WD-13/26 -raped

\$ WD-19/26 -lathi inserted & turned in sex organ, assault on breast

\$ WD-20/26 -pain & bleeding from sex organ, painful urination, scratches on breast-pain-rape

WD-26/26 -w/o Satyen Adhikari assaulted

WD-29/26 -saw rod inserted in sex organ of Srabanti Adhikari

WD-32/26 -assault on sex organ

WD-33/26 -Rod in abdomen

WD-45/26 -rod, gun barrel inserted in sex organ

WD-46/26 -bamboo lathi inserted into sex organ, turned

WD-7/27 -molested

\$ WD-9/27, WD-9A/27, WD-9B/27 -raped

WD-15/27- gun barrel poked at private parts

WD-20/27 -pulled by the breasts

WD-31/27 -undressed

WD-37/27 -implies rape

WD-45/27 -Gouri Pradhan (BA) raped, iron rod inserted into sex organ, latter torture on 2 others.

WD-62/27-police clutching breast, slashing breast, undressing

WD-92/27

<sup>cxviii</sup> Annexure L: Report of Child's right Group

<sup>cxix</sup> The following is the list of deponents who mentioned about children in their statements in Annexure-A-1:

\$ WD-1/26 -deposes that she saw a baby snatched from the arms of a woman and thrown down.

\$ WD-23/26 -saw a baby torn asunder by legs

\$ WD-32/26 -vividly recalls children 7/8 years old being slashed though at the neck.

\$ WD-2/27 -deposes that she saw a boy about 12 years old hit by a bullet, who died subsequently.

\$ WD-9B/27 -a 12 year old girl was raped by a known CPI (M) cadre, as deposed by her mother (WD-9/27)

\$ WD-15/27 -deposes that she saw a boy of 10/15 years shot down.

WD-28/27 -alleges cadres as policemen tore babies by two legs.

\$ WD-77/27 -deposes that she saw children being thrown into water by policemen.

WD-83/27 -and WD-23/26 -depose that they saw babies/a baby being torn asunder by the legs. WD-83/27 further deposes that the babies were then thrown into water.

<sup>cxx</sup> Deposition No.K-9, Annexure A1

<sup>cxxi</sup> Annexure-Q

<sup>cxxii</sup> Deposition No.K-20, Annexure A1

<sup>cxxiii</sup> Annexure-U

<sup>cxxiv</sup> WD-40/27, Annexure A1

<sup>cxxv</sup> WD-9/27, WD-9A/27, Annexure A1

<sup>cxxvi</sup> WD-61/27, Annexure A1

<sup>cxxvii</sup> WD-14/27, Annexure A1

<sup>cxxviii</sup> WD-29/27, Annexure A1

<sup>cxxix</sup> Following are the few statements made by some of the deponents: in Annexure-A-1

WD-8/26 –Mamata Mandal: On returning after 5 days in hiding, intimidation - threatening to break up things and set fire to house. Children cannot go to school.

WD-9/26 –Jamuna Das: CPI (M) leaders make intimidating comments, people fearful of going to market.

WD-26/26 –Puspabala Das: intimidation, abuse on 14 evening, night.

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WD-29/26 –Muktirani Das: on 15th CPI (M) leader tells women to be prepared, they were coming. Still threats are there while going to Tekhalibazar.

WD-38/26 –Purnima Das:-cadres exposed themselves to women

WD-45/26 -on 15th, intimidation to join the CPI (M) march, again assault with bamboos and lathis.

WD-7/27 –Sabita Pramanick: On 15th when they returned from hiding in a jungle, cadres forced them into her house and broke up things, and threatened them with consequences if they did not join their procession. \$ WD-9/27: Angurbala Das -raped by identified cadres on 15th (afternoon).

They had been drinking. Their house was surrounded for 4 days to prevent them from seeing a doctor. WD-9A/27 (the daughter of WD-9/27) says that they were threatened by saying that if women from this locality go to the bazar each of them would be raped by 5 persons.

\$ WD-14/27: Namita Das Adhikari: names cadre who looted and torched shop. When they returned from hiding after 3 days, they found everything had been looted.

WD-15/27 –Rina Ari: intimidation on 15th by outsiders -- 15-20 women spent 2 nights in the shrubbery.

\$ WD-17/27 –Satyeswar Das Adhikari: On returning from hiding on the 16th they found house looted (police cadres) Diary no.2.4.07

WD-18/27-Kamal Ari: intimidation by outsiders on the 15th to force them to join the CPI (M) march.

WD-29/27-Janaki Das Adhikari: intimidation by cadres and police on 15th March, looting fish from pond. They are still fearful of going to Tekhalibazar.

WD-40/27 –Nilima Das: cadres stop husband from plying van rickshaw to Tekhalibazar-livelihood jeopardised.

WD-61/27-Ganapati Gura: intimidation physical & mental on 14 evening at his house, arson, loot. His shop looted on 19th. Made written complaint at Tekhalibazar police outpost, no acknowledgement.

WD-64/27 -Puspa Mandal: intimidation physical & mental on 15th morning. CPI (M) cadres hit her & took her to a pre-primary school where there were others of the ilk. If she did not join their peace march with red flag in hand, her husband would be killed and she thrown to the *Harmads* at Janani brick kiln. On return she was told that this administration had two more years to run and they would be tightened up. She is afraid to go to Tekalibazar or the hospital. She names the cadres.

WD-78/27 –Sutapa Das Adhikari: intimidation physical & mental, on 14 March afternoon cadres attacked their empty house, and on 15th morning cadres (named) threatened every house with dire consequences if they did not join their march and tried to break into their house. On 16th when they were returning from hiding, cadres (named) and police chased them, and the latter exposed themselves indecently.

<sup>cxxx</sup> Post Mortem certificate of Tamluk hospital, date 18/3/07, Tamluk Police Station, U/D case No 79/07 dated 14/3/07.

<sup>cxxx</sup><sup>i</sup> WD-27/26. Annexure A1

<sup>cxxx</sup><sup>ii</sup> WD-44/27, Annexure A1

<sup>cxxx</sup><sup>iii</sup> K-1, Dr. Subrata Sarkar, Annexure A1

<sup>cxxx</sup><sup>iv</sup> K-6, Annexure A1

<sup>cxxx</sup><sup>v</sup> *Report of District Medical Officer, East Midnapur dated 18.3.07*

14 persons were dead. Among them identity of 9 persons could be ascertained. The names are 1. Supriya Jana, 2. Imadul Khan, 3. Gobinda Das, 4. Ratan Das, 5. Sambhu (Uttam) Pal, 6. Sk. Imdadul Islam (Raja), 7. Pralay Giri, 8. Panchanan Das, and 9. Rakhali Giri. Among the remaining 4 unidentified bodies one is of a woman of age around 50. In all the cases, except one, it is stated that the bodies were brought dead. Only the body of Ratan Das was brought with bullet injury. The report is given in the form of a table. In the column of 'Provisional Diagnosis', only 5 cells were filled up leaving rest of the columns vacant. In 4 cases it is mentioned that the bullet injury is either on head or in the abdomen. In one case it is stated the body contains stab injury in right chest. It is not mentioned whether there was any bullet injury in the said body. [Annexure-E2/ Page293]

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- Later names of another 4 dead persons could be known from other source. The names are: 10. Joydeb Pal, 11. Rakhali Giri, 12. Badal Mandal & 13. Basanti Kar(F). [Annexure-C/P-18]
- <sup>cxxxvi</sup> WD-23/27, Annexure A-1
- <sup>cxxxvii</sup> Annexure-P Amra (Ekti Sachetan Prayash)
- <sup>cxxxviii</sup> Oral Submission of Dr. Subrata Sarkar [Find in Annexure-A / K-1]
- <sup>cxxxix</sup> Find name of the persons admitted to Nandigram B.P. BHC on 14-16<sup>th</sup> July'07 in Annexure-K
- <sup>cxl</sup> WD-36/26, Annexure A1
- <sup>cxli</sup> WD-11/26- deposed that she had a bullet injury in her right elbow.  
WD-31/27- complained of a bullet injury in the right hand.  
WD-23/27- deposed that a bullet hit her in the pelvis.  
WD-13/27- deposed about a bullet injury in an elbow.  
WD-4/27(OD-22) - deposed about a fractured hand due to a bullet injury.  
WD-76/27- deposed about a head injury due to a bullet.  
WD-65/27- deposed that her son was hit in a hand by a bullet.  
At least 6 depositions allege rubber bullet injuries in the upper part of the body.  
WD-54/27- deposes that she saw a boy hit in the chest by a bullet. WD-2/27 deposes that she saw 2 boys hit by bullets in the abdomen and killed.  
WD-29/27- deposes that she saw her niece being hit by a bullet in the back.
- <sup>cxlii</sup> Oral Deposition of Witness No. K-12, Dr. Debapriya Malick, Annexure-A1
- <sup>cxliii</sup> WD-48/27 Annexure-A1
- <sup>cxliv</sup> No.-K-15, Annexure A1
- <sup>cxlv</sup> Deponent No. K-2, Annexure A1
- <sup>cxlvi</sup> Annexure-O Little magazine Mancha
- <sup>cxlvii</sup> *Based on Post Mortem Reports & Discharge Certificates submitted by the deponents as exhibits, press reports, and Dr Subrata Sarkar's deposition*
- <sup>cxlviii</sup> Find Photo copies of the Post Mortem Report in Annexure-A-4-Medical-Documents
- <sup>cxlix</sup> The Essentials of Forensic Medicine, by Dr K S Narayan Reddy, Ch 5, p-78, 16<sup>th</sup> Edition, 1997
- <sup>cl</sup> Principles of Forensic Medicine, Dr AEast Nandy, 1<sup>st</sup> Edition, 1995, p-250, Table 10.12
- <sup>cli</sup> Reddy, Ch 9, Regional Injury, p-217
- <sup>clii</sup> Photo copies of the Discharge Certificates to be included
- <sup>cliii</sup> Annexure-C- Court in its own Motion/Page-42-43
- <sup>cliv</sup> Copy of the complaint in Annexure-B-clv-Complaint-Srikanta-Paik [Annexure-C/Page-46-47]
- <sup>clv</sup> Annexure-C/ Page-59 to 76
- <sup>clvi</sup> Oral deposition before Tribunal; OD-3, Annexure A1
- <sup>clvii</sup> Oral deposition before Tribunal; OD-24, Annexure A1
- <sup>clviii</sup> See also the written deposition WD-5/27, Annexure A1
- <sup>clix</sup> Oral deposition before Tribunal; OD-26 Annexure A1
- <sup>clx</sup> Oral deposition before Tribunal; OD-28 Annexure A1
- <sup>clxi</sup> Written deposition before Tribunal; WD-42/26 Annexure A1
- <sup>clxii</sup> Written deposition before Tribunal; WD-13/26 Annexure A1
- <sup>clxiii</sup> Written deposition before Tribunal; WD-19/26 Annexure A1
- <sup>clxiv</sup> Written deposition before Tribunal; WD-20/26 Annexure A1
- <sup>clxv</sup> Written deposition before Tribunal; WD-9/27, Annexure A1. Also see Annexure -A-2/ Affidavit No.3 and Annexure -A-3/ Page-2-3
- <sup>clxvi</sup> Written deposition before Tribunal; WD-9A/27, Annexure A1. Also see Annexure -A-2 / Affidavit No.6 and Annexure -A-3/ Page-4
- <sup>clxvii</sup> Written deposition before Tribunal; WD-9B/27, Annexure A1. Also see Annexure -A-2 / Affidavit No.4 and Annexure -A-3/ Page-5

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- clxviii Written deposition before Tribunal; WD-40/26 Annexure A1  
clxix Written deposition before Tribunal; WD-36/26 Annexure A1  
clxx Oral deposition before Tribunal; OD-23, Annexure A1  
clxxi Deposition No. WD-29/27 narrates the incident; Annexure A1; Also see Annexure-A3/ Page-6  
clxxii Written deposition before Tribunal; WD-48/27 Annexure A1  
clxxiii Written deposition before Tribunal; WD-54/27 Annexure A1  
clxxiv Written deposition before Tribunal; WD-70/27 Annexure A1  
clxxv See Annexure-A3 /Page-7  
clxxvi OD-20. See also the written deposition list: WD-1/27; Annexure A1  
clxxvii WD-7/27, Annexure A1  
clxxviii WD-8/27, Annexure A1  
clxxix WD-11/27, Annexure A1  
clxxx WD-13/27, Annexure A1  
clxxx1 WD-15/27, Annexure A1  
clxxx2 WD-16/27, Annexure A1  
clxxx3 WD-21/27, Annexure A1  
clxxx4 WD-37/27, Annexure A1; Also see Affidavit No.A-2/1  
clxxx5 WD-45/27, Annexure A1  
clxxx6 WD-62/27. Annexure A1  
clxxx7 WD-83/27, Annexure A1  
clxxx8 WD-94/27, Annexure A1  
clxxx9 WD-95/27, Annexure A1  
cxc OD-17, Annexure A1  
cxci OD-22, Annexure A1  
cxcii OD-35, Annexure A1  
cxci1 WD-4/27, Annexure A1  
cxci2 WD-17/27, Annexure A1  
cxci3 WD-18/27, Annexure A1  
cxci4 WD-24/27, Annexure A1  
cxci5 WD-29/27, Annexure A1  
cxci6 WD-61/27, Annexure A1  
cxci7 WD-64/27, Annexure A1  
cc WD-78/27, Annexure A1  
cci WD-19/27, Annexure A1  
ccii WD-24/27, Annexure A1  
cciii WD-25/27, Annexure A1  
cciv WD-28/27, Annexure A1  
ccv WD-38/27, Annexure A1  
ccvi WD-41/27, Annexure A1  
ccvii WD-69/27, Annexure A1  
ccviii WD-73/27, Annexure A1  
ccix WD-80/27, Annexure A1  
ccx OD-10, Annexure A1  
ccxi Written deposition before Tribunal; WD-23/27 Annexure A1