

Criminal Justice and Police Accountability Project

Narrative Report (April 2022 – June 2022)

Submitted to

Thakur Family Foundation



GRANT TIMELINE

April 2022 to June 2022

Focus Area:

- I. Research into laws criminalising the livelihood of persons from DNT and nomadic communities: 1) Wildlife Protection Act; 2) Excise Act Advocacy.

GRANT PROGRESS

I. Status of Research:

1. In the previous quarter we began the process of drafting our analysis of the FIRs that were scraped from the MP Police Online Portal on offences under the Wildlife Protection Act. In this quarter we finished the drafting process.
2. In the previous quarter we had started the analysis and verification of approximately 1400 cases that were identified and scraped from the MP Forest Department Forest Offence Management System. We have analysed and verified the data in this quarter and are currently writing our findings.
3. We are in the last legs of our field work. We have conducted over 32 interviews so far and we still have some left. Over the past and the quarter for this reporting period we visited both Mandla and Balaghat districts thrice. We have interviews with 11 members of the Forest Department at all hierarchies all the way from the Beat Guard to the Field Director of Kanha National Park. We have also met with 2 officials from the Police Department – one SHO each in Mandla and Balaghat. However, the bulk of our time has been devoted to meeting and interviewing members of the communities living in these areas. We have conducted around 15 interviews of accused persons in WPA cases and also met with other members of the community to understand the general living conditions under the supervision of the forest department in both revenue and forest villages. We have also interviewed 2 activists who are helping these communities in asserting their rights under the Forest Rights Act and 2 lawyers who are representing the accused persons in the local district courts.

4. In addition to this, we are currently interviewing other stakeholders including conservationists, journalists who report on wildlife conservation and lawyers specialising in wildlife law. So far we have interviewed 6 persons falling in this category and are left with a few more. This is the only remaining portion of our field work and will be completed by the end of this month.
5. In May 2022 we held a two-day intensive workshop with external speakers on advocacy and policy building. Since then we have also spoken with individual org/researchers who do advocacy on forest rights and are in the early stages of finalising our advocacy plan for this research report. We also plan to submit a policy brief to members of Parliament and the Standing Committee of Parliament on Environment and Forests on the proposed amendments in the Draft WPA Amendment Bill which will be tables in the monsoon session.
6. The research is in final stages as we progress towards writing the bulk of our report. We plan to finish writing the report by end of July and launch the report by August 2022.

II. **Publications:**

1. *Technology can make policing better — and also more dangerous*, THE INDIAN EXPRESS, 25 March 2022, <https://indianexpress.com/article/opinion/columns/technology-can-make-policing-better-and-dangerous-7835030/> (This op-ed is on the increasing reliance on technology for policing in MP since the launch of the commissionerate system in Bhopal and Indore in December 2021.)
2. टेक आधारित पुलिसिंग के खतरों पर भी सोचने की जरूरत है, DAINIK BHASKAR (in print), 13 April 2022 [[link to photo of the printed piece](#)] (This op-ed in *hindi* talks about the perils of increasing reliance on technology for policing in light of passing of the Criminal Procedure (Identification) Bill, 2022)
3. *Criminal Procedure Act's grand tech vision comes with dangers of police power, data violation*, THE PRINT, 22 April 2022, <https://theprint.in/opinion/criminal-procedure-acts-grand-tech-vision-comes-with-dangers-of-police-power-data-violation/925952/> (This op-ed is co-authored with Internet Freedom Foundation on perils of the recently

enacted Criminal Procedure (Identification) Act, 2022 on the right to privacy of individuals)

4. *Why it's important to know background of those killed in 2019 Hyderabad police encounter*, THE INDIAN EXPRESS, 25 May 2022, <https://indianexpress.com/article/opinion/hyderabad-police-encounter-2019-killed-important-background-7936268/> (This op-ed is on the report submitted by Justice VS Sirpurkar on the probe into the extrajudicial killing in Hyderabad in 2019. It questions why the report is silent on the question of social background of the accused persons.)

III. **Litigation:**

1. We continued to appear in our 40 regular cases before the different forums in Bhopal including the District & Sessions Court, Juvenile Justice Board, the court of the Sub-Divisional Magistrate(s), and courts of various police officers under the newly launched Commissionerate system.
2. We are assisting the prosecution in a two POCSO case involving sexual violence committed against a minor belonging to the Dalit community. In both these matters we have filed the compensation application for the victim under Protection of children from sexual offences rules, 2020. Court has sent the letter to the Collector and District Legal Service authorities respectively. Both the matters are at the stage of final arguments and we are submitting written submissions in one of them.
3. In the appeal where we challenged the conviction of a child in conflict with law we have made our final arguments and the judgment is expected on 25 June 2022.
4. This child in conflict with law was unlawfully picked up by the Police in connection with another case in April 2022 and later the JJB allowed his judicial remand in an Observation Home due to his case history. We successfully appealed this decision of the JJB rejecting him bail citing the irregularity in his detention and other factors and secured his released last week after he had spent about 53 days in the Observation Home.
5. We await the next hearing before the Madhya Pradesh High Court in Writ Petition 8391/2020 (Madhuri Krishnaswami v. State of Madhya Pradesh) to push for prison decongestion, adequate testing and vaccination of prisoners and prison staff, restoration of prisoners' due process rights and improving health infrastructure in prisons. After

the pronouncement of the judgement the matter was listed for further orders on the basis of the prison visit reports that are now on record.

6. We had filed a domestic violence case for custody, protection and maintenance on behalf of a Gond woman before the District & Sessions Court, Bhopal. In the previous quarter she had secured the custody of her baby with the help of police and we obtained an interim *ex-parte* protection order for her and her baby. We are now trying to help our client in the reconciliation she wants to have with her husband.
7. Research and drafting are underway for the criminal writ petition challenging surveillance notices received by our clients for providing excessive personal details without any basis in law. We hope to file the petition by the beginning of the next quarter.
8. We represented 3 members of Bhim Army before the Court of the Special Executive Magistrate, Assistant Police Commissioner, TT Nagar, Bhopal. We received a judgment that went against us and in the process of trying to file an appeal we were procedurally directed to file a revision petition instead which would have limited the scope of change. We met with the District Judge of Bhopal in this context and explained through the use of legal provisions why the appeal was legally maintainable and we needed file a revision petition. The District Judge agreed with our averment and our appeal is now listed before an Additional Sessions Judge for arguments.
9. We are representing a Gond minor boy in bond proceedings initiated against him for breach of peace under Section 110 of the CrPC. He was issued notice by Spl Ex. Magistrate, Deputy Commissioner of Police, Zone-2 Bhopal for being a habitual offender on the basis of 4 FIRs that have been registered against him and where trial is pending. We have submitted our written submissions and are now awaiting an order from the DCP.
10. By the end of this quarter, we are filing a Section 482 CrPC quashing petition challenging the criminal proceedings initiated against two minor Pardhi boys. They have been accused of theft and house-breaking after their mothers were acquitted in the same case. The trial is ongoing in the JJB and is at the stage of examination of evidence.
11. We conducted an intensive litigation workshop for ourselves where we invited an external speaker to talk to us about pre-trial processes as a part of our capacity building process for the litigation team.
12. We have filed an application for discharge on behalf of one Pardi client who has been accused by members of his extended family. Challenging this motivated FIR and the

evidence submitted by the Police in the chargesheet we have made oral as well as written submissions and await an order on charges in the next quarter.

Advocacy:

1. The investigative piece pitched to Article 14 on the nexus between liquor vends, politicians and police, and its repercussions on the Vimukta mahua-brewing communities of MP was published [here](#) as ‘How MP’s New Excise Law Criminalises Traditional Liquor Brewers, Even Contains A Death Sentence’ by Anil Kumar Tiwari for Article 14 on 05 May 2022 based on our inputs.
2. We have pushed the deadline for our academic paper sharing our field notes on the MP Excise Act in a reputed journal to next quarter as we are currently finalising our WPA report and focussing on building a strategy for WPA advocacy.
3. First of our three-part video series on communications project to share Vimukta oral histories was released by Scroll.in on 25 May 2022. The title of this video was: ‘How the mahua flower shapes the life and culture of tribal communities in Madhya Pradesh’. <https://scroll.in/video/1024723/watch-how-the-mahua-flower-shapes-the-life-and-culture-of-tribal-communities-in-madhya-pradesh>

IV. Collaborations:

1. One of us participated as a panellist at Center for Women's Rights at Jindal Global Law School’s webinar series named "Ear to the Ground" on ‘intersectionalities and incarcerationities’ on 30 March 2022.
2. One of us participated in a workshop hosted by a UK-based student led organisation - No Tech for Tyrants and contributed to their ongoing research on their India case-study on challenges of police abuse of technology on 31 March 2022.
3. One of us appeared on the podcast ‘Clear Blue Skies’, sharing thoughts with Riya Talitha on ‘Carceral Casteism’ on 04 April 2022.
4. We hosted a small celebration on Dr. B. R. Ambedkars’ birth anniversary on 14 April 2022 in Gautam Nagar Basti with community members and then went to participate in a procession organised by Bhim Army Bhopal.

5. In collaboration with NCDHR and Twitter India, featured in Dalit History Month feature offered by Twitter to NCDHR, The Blue Dawn, ADRF, DalitDesk and CPA Project as an anti-caste organisation on 14 April 2022 on Twitter.
6. We are in the process of building and creating the network of like minded civil society organisations in Bhopal.