



NAJAR National Alliance for Justice, Accountability & Rights

*[An initiative of the National Alliance of People's Movements (NAPM),
collectivizing progressive legal professionals for democratic causes]*



 National Alliance for Justice, Accountability and Rights (NAJAR)



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Urgent Appeal from 100 Lawyers and Law Professionals across India:

**Revoke the Arbitrary and Unjust Ban on Moolvasi Bachao Manch,
Release All Its Imprisoned Members and Repeal the draconian
Chhattisgarh Special Public Security Act, 2005**

Date: 12th June, 2025

To,
Hon'ble Droupadi Murmu,
President of India,
Rashtrapati Bhavan,
New Delhi

To,
Hon'ble Governor,
Chhattisgarh,
Raj Bhavan, Raipur

To,
Chief Minister
Chhattisgarh, Mantralaya,
Civil Lives, Raipur

Sub: Urgent Appeal to Revoke the arbitrary and unjust ban on Moolvasi Bachao Manch, Release All Its Imprisoned Members, and Repeal the draconian Chhattisgarh Special Public Security Act, 2005

Respected Madam and Sirs,

We, the undersigned members of the National Alliance for Justice, Accountability and Rights (NAJAR)—a collective of hundreds of lawyers, law students, and legal professionals—write to register our unequivocal opposition to the Chhattisgarh Government's declaration of Moolvasi Bachao Manch (MBM) as an "unlawful organization" under the Chhattisgarh Special Public Security Act, 2005(CSPSA), via Notification No. F-4-101/Home-c/2024 dated 30th October, 2024.

This proscription constitutes a direct and dangerous attack on the right to freedom of association and reflects the State's increasing tendency to criminalize peaceful democratic organizing by adivasi communities in Scheduled Areas. As lawyers and law professionals committed to constitutional rights, we appeal to you to immediately intervene and revoke the arbitrary and unjust ban on Moolvasi Bachao Manch, release all its imprisoned members, and repeal the draconian Chhattisgarh Special Public Security Act, 2005.

This letter is prompted by the 3rd May, 2025 re-arrest of Moolvasi Bachao Manch (MBM) members Suneeta Pottam and Dasru Podiyam by the National Investigation Agency (NIA). At the time, both were already in judicial custody, having been arrested last year in separate, pending cases unrelated to the present NIA investigation. On 4th May, they were remanded to five days of NIA custody for interrogation in connection with a 2023 case under the UAPA - Unlawful Activities (Prevention) Act. On 9th May, they were returned to judicial custody. This is the same case under which MBM's former president, Raghu Midiyami, was arrested on 27th February, 2025, and two other MBM members—Gajendra Madavi and Laxman Kunjam—were implicated in 2024. These arrests suggest a concerted effort to incarcerate individuals solely for their association with MBM and for engaging in constitutionally protected socio-political activity.

Moolvasi Bachao Manch (MBM) was founded in the aftermath of the 2021 Silger firing, in which security forces opened fire on peacefully protesting Adivasi villagers, killing four. Emerging from that trauma, MBM built a decentralized, democratic platform of Adivasi youth committed to peaceful methods of protest. Through petitions, memoranda, sit-ins, padyatras, and public meetings, MBM demanded accountability for state violence, recognition of forest and land rights, and respect for Gram Sabha consent. In its actions, it consistently invoked constitutional frameworks such as PESA, FRA, and the Fifth Schedule. It was neither underground nor unlawful.

Since its formation in 2021, MBM has faced unrelenting state persecution. At least 30 of its members have reportedly been arrested in fabricated criminal cases. The first known enforcement of the ban came with the arrests of Bhogam Rama and Madvi Ritesh on 19th November, 2024. Neither they nor other MBM members had been informed of the organization's proscription until after their detention. They were charged under Section 8(1)(3) of the Chhattisgarh Vishesh Jan Suraksha Adhiniyam (CSPSA) for allegedly convening a village meeting and providing food and shelter to participants. Notably, there was no allegation of incitement, violence, or any other proscribed activity that could legally justify arrests. Although MBM dissolved soon after, individuals previously associated with it continue to face escalating repression. Among them are Raghu Midiyami—and now, Suneeta Pottam and Dasru Podiyam—all targeted solely for their prior association with MBM and for actions that predate the ban.

Raghu Midiyami was arrested by the NIA in February 2025. He stands accused of founding MBM and organizing protests against road construction and the establishment of paramilitary camps. The NIA claims he mobilized villagers “at the behest of Maoists”—a charge as incendiary as it is unsubstantiated. This forms part of a long-standing state strategy to delegitimize constitutionally grounded Adivasi dissent by branding it as externally orchestrated subversion. The suggestion that Adivasi youth can only articulate political demands under outside influence not only denies their agency but criminalizes autonomy itself.

A long-time grassroots organizer and petitioner in a 2016 High Court case on extrajudicial killings in her village, Suneeta Pottam has been central to local resistance against militarization and displacement. She has worked with national networks such as Women Against Sexual Violence and State Repression (WSS) and the People's Union for Civil Liberties (PUCL), and has led sustained campaigns for justice in Bastar. Despite being acquitted in nine out of twelve fabricated cases, her imminent release was deliberately thwarted by a fresh arrest in the NIA's

2023 case. This calculated move appears designed to keep vocal dissenters behind bars through prolonged procedural incarceration. The re-arrest of Dasru Podiyam, a young organizer from Bijapur similarly reflects the use of UAPA as a dragnet to incarcerate Adivasi voices without trial. There is a growing fear that this case will become a legal black hole, absorbing all former MBM members the State views as politically inconvenient.

It is crucial to note that this intensified crackdown comes amid mounting public outrage over extrajudicial executions, custodial torture, and the unrestrained militarization of Bastar. These arrests are not merely acts of retaliation for past mobilization—they are part of a broader strategy to eliminate dissent and shield these unlawful state practices from public scrutiny. In this context, the fear of further arrests—of other prominent MBM members—is not speculative; it is immediate and deeply felt.

We also wish to raise serious concerns about the grounds cited to justify the ban. The notification alleges that "the organization Moolvasi Bachao Manch is continuously opposing and 'instigating' the general public against "development works" and "the security force camps being built to conduct these development works."

MBM's opposition to road/railway construction and security force camps was not rooted in any anti-development agenda, but in their community's legal and constitutional rights. In Scheduled Areas, the law requires that development works—including those involving forest land or impacting local governance—receive prior consent from the Gram Sabha. This is explicitly mandated under provisions of the Fifth Schedule of the Constitution, the Panchayats (Extension to Scheduled Areas) Act, 1996 (PESA), and the Forest Rights Act, 2006 (FRA).

The proviso to Section 3(2) of the FRA in particular bars the diversion of forest land for non-forest purposes without a Gram Sabha's recommendation. What the State characterizes as 'obstruction' is in fact protected by law and the Constitution. The Gram sabhas and village communities have a constitutional and legal right to participation in decisions over land, resources, and governance, especially at a time when the entire region is being ravaged by mining and deforestation, ostensibly to facilitate the business interests of large corporations. It is indeed unacceptable that adivasis who have been protecting the forest ecosystems for centuries are being uprooted from their lands, violating their human rights and accentuating the climate crisis.

That such constitutionally grounded activity can be penalized at all is a direct consequence of the deeply flawed law under which the ban was imposed. The CSPSA is antithetical to the values of constitutional democracy and the rule of law. It violates the letter and spirit of constitutional provisions, FRA and PESA. It allows the executive to declare organizations unlawful without requiring any direct link to acts of violence or incitement. Mere association with a proscribed organization becomes criminalized, even absent intent or unlawful conduct. The Act offers no independent judicial oversight prior to or after proscription, and lacks even the minimal procedural safeguards.

We are deeply alarmed by the direction of state action in Bastar. The criminalization of a peaceful Adivasi platform like Moolvasi Bachao Manch signals a deepening hostility of the state towards even peaceful and lawful assertion of constitutional and statutory rights and

grassroots dissent. The attempt to target every visible member of MBM's decentralized leadership appears aimed at dissuading an entire generation of young Adivasis from exercising their democratic rights.

The Hon'ble President and Hon'ble Governor are required as per the Constitution to ensure peace and good government in all the scheduled areas. We urge the Hon'ble President of India, Hon'ble Governor of Chhattisgarh and Chief Minister of Chhattisgarh to:

- 1. Revoke the Ban:** Immediately withdraw Notification No. F-4-101/Home-c/2024 dated 30th October, 2024, declaring Moolvasi Bachao Manch (MBM) as unlawful. The ban lacks a factual basis, violates constitutional and procedural safeguards, and criminalizes peaceful political organizing.
- 2. Release All MBM Members:** Ensure the unconditional release of all MBM members detained under false or politically motivated charges—including those arrested under UAPA, CSPA, IPC, Arms Act, and Explosives Act provisions. Charges based solely on association or protest activity must be withdrawn.
- 3. Repeal the CSPA:** Initiate legislative steps to repeal the draconian Chhattisgarh Special Public Security Act, 2005, which permits arbitrary proscription and violates the principles of legality and proportionality.
- 4. End the Criminalization of Adivasi Protests:** Stop suppression of Adivasi mobilizations for constitutional rights. Recognize peaceful protest as protected democratic activity, not a threat.
- 5. Halt Further Arrests and Harassment:** Immediately stop the arrest, surveillance, and harassment of individuals previously associated with Moolvasi Bachao Manch. Ensure that no person is criminalized solely for exercising constitutionally protected rights.

We urge your offices to act without delay to restore the rule of law, uphold constitutional values, and respect the rights of Adivasi communities in Bastar and across scheduled areas of India.

Looking forward to fair action from your end,

Thanking you,

Members of National Alliance for Justice, Accountability and Rights (NAJAR)

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