

Salwa Judum, Irresponsive Supreme Court, and Impunity in India

Understanding the Supreme Court's Dismissal of the Salwa Judum Case During the Ongoing State Violence in Bastar since January 2024

Puja, December 2025

Why Should We Know About the Salwa Judum?

- Bastar is one of India's most biodiverse regions. Seventy per cent of its population comprises several Indigenous Adivasi communities such as the Gond, Maria, Muria, Bhadra, Halba, and Dhurua. Bastar is part of the central Indian state called Chhattisgarh, which was formed in 2000.
- In 2005, the Indian state used the Salwa Judum vigilante militia to terrorise the Adivasi people of Bastar who have been fighting to protect their land and forests against extractive industries, i.e. mining and other developmental activities, since the British colonial period to present times.
- At the time of writing, the ongoing state violence in Bastar has led to the killing of hundreds of Adivasi people in the run-up to a "Naxalite-free" deadline¹ invoked by the Indian state. In the name of "counter-insurgency", the state has militarised every aspect of Bastar's social life.
- In the last few years, armed/militarised police forces under direct control of the Union Home Ministry have taken over all aspects of the state's responsibility related to the welfare of the people, including health care, medical facilities, and the food Public Distribution System (PDS). The armed police camps impose military structures on all aspects of public life. For example, in many places, public services like healthcare, police stations and schools are hosted inside the militarised camps, which makes even filing a police complaint or going to school a dangerous activity.
- According to government sources, 560 people have been killed in Bastar since the state launched "counter-insurgency" measures in the form of Operation Kagaar in January 2024.² But,

¹ The Naxalite movement originated among landless peasants in the Naxalbari area of North Bengal in 1967. While the original revolt was severely repressed by the state, the movement continued to live under various iterations of the Communist Party of India (Marxist-Leninist) (CPI (ML)). In the 1980s, the Naxalites took their movement to the Adivasi belt in central-southern-eastern India, where it has remained centred for the past 40 years. In 2004, the CPI (ML) People's War or People's War Group (PWG) and the Maoist Communist Centre merged to form the Communist Party of India (Maoist). Since then, Naxalite and Maoist have been used interchangeably and the Party undergirds the Janatana Sarkar or People's Government that administered large areas of the forested region of Dandakaranya, which extends across the mineral belt in several states including the Bastar Division of Chhattisgarh and Gadchiroli in Maharashtra. CPI (Maoist)'s armed faction, the People's Liberation Guerrilla Army, has been resisting the Indian state's intrusion in this region through its police/military/forest departments and the daily exploitation of Adivasis by traders/contractors, as well as small and big corporations.

² Government of India. Ministry of Home Affairs. Press Releases: 28 September 2025 Union Home Minister and Minister of Cooperation Shri Amit Shah addresses valedictory session of 'Bharat Manthan-2025 Naxal Mukta Bharat - Ending Red Terror Under Modi's Leadership' in New Delhi (<https://www.pib.gov.in/PressReleasePage.aspx?PRID=2172513>); 14 May 2025 Achieving a historic success in the resolve of a 'Naxal-free India', security forces kill 31 Naxalites in the biggest-ever operation against

the data about the number of people killed in Bastar cannot be trusted because the state chooses to keep the identities of those killed in the anti-Naxalite operations in Bastar hidden by referring to them as “unknown” Naxalites or dead bodies. This shows the state's complete lack of accountability towards those it is killing in the garb of a “Naxalite-free” deadline.

- The Indian state also uses a reward system as a counter-insurgency tactic to hunt down the Naxalite cadres in what are called “encounters” following search operations. That is, the reward system incentivises killing rather than arresting people. Families of those killed allege that many of those presented as reward-bearing Naxalites are villagers or non-combatants who have been killed in cold blood. The reward money, which is always announced posthumously, is distributed among the armed police forces involved in the encounter.³
- Another scheme, which is called “Poona Margham”, is supposedly a new rehabilitation initiative for “surrendered” Naxalites. But it has been reported that both villagers and ex-Naxalites cadres have been taken to skill training centres without their consent.⁴ This is, in effect, the abduction of villagers and ex-Naxalite cadres by the state. These conditions show that the state is operating with complete impunity in Bastar with no scrutiny of its actions. In this context, we analyse the Supreme Court's dismissal of the Salwa Judum case and whether it has abandoned its duty to make the executive accountable.

What is Salwa Judum

- Salwa Judum is one of the most egregious mechanisms used by the Indian state in its internal colonial assault against its own Indigenous Adivasi people.
- Salwa Judum literally translates as ‘purification hunt’. The Bastar region of Chhattisgarh state was affected by Salwa Judum in 2005.
- Salwa Judum was a violent vigilante militia sponsored by the Indian state, and the precursor to the “counter-insurgency” Operation Green Hunt to “supposedly” dismantle Naxalite resistance in the Bastar region of Chhattisgarh.
- Salwa Judum was engineered and promoted by the Indian state, political parties, police and military establishment and backed by the corporates trying to establish mining projects in the area.
- Members of the Salwa Judum militia committed brutal human rights abuses, which have been extensively documented and formally established after an investigation carried out by India’s National Human Rights Commission.⁵
- This included *en masse* burning of villages that were suspected of being Naxalite empathetic, killing people in large numbers, committing acts of mass sexual violence and rapes of Adivasi women, and mass displacement of Adivasi people living in Bastar.

Naxalism at Karreguttalu Hill (KGH) on Chhattisgarh-Telangana border
(<https://www.pib.gov.in/PressReleasePage.aspx?PRID=2128736>)

³ Malini Subramaniam (12 August 2024). Rs 5 crore bounty: Are rewards making anti-Maoist operations more deadly? Scroll.in (<https://scroll.in/article/1071794/rs-5-crore-bounty-are-rewards-making-anti-maoist-operations-more-deadly>)

⁴ Malini Subramaniam (22 August 2025) Skill training for surrendered Maoists or forced detention by Chhattisgarh police? Scroll.in (<https://scroll.in/article/1085674/skill-training-for-surrendered-maoists-or-forced-illegal-detention-by-chhattisgarh-police>)

⁵ What is the Salwa Judum? Campaign for Peace and Justice in Chhattisgarh Archive
(<https://cpjc.wordpress.com/what-is-salwa-judum/>)

- The state used the “strategic hamletting” tactic used by the USA in Vietnam to isolate insurgents from civilians (also used by the Indian state in the north-eastern states of Nagaland and Mizoram during the 1950s and 1960s).
- The “strategic hamletting” led to the systematic burning of villages so that people could not go back to their homes from the camps where they were forcefully detained.
- The burning of 300 houses, rape, and killing of people in the villages of Tadmetla, Timapuram, and Morpalli in Sukma district between 2007 and 2011 are horrifying incidences of violence committed by Salwa Judum.⁶
- Some estimates suggest that around 55,000 Adivasis had to flee into the neighbouring state of Andhra Pradesh due to the large-scale violence inflicted on them by the Salwa Judum members.
- When the state was forced to acknowledge the Salwa Judum, its militia was redeployed as special police officers (SPOs) and “Koya Commandos”. The SPOs consisted of ex-Maoist cadres and local young people, including Adivasis, who were often not even adults (above the age of 18 years).
- The SPOs operated as militia comprising common citizens armed by the Indian state.

What did the Supreme Court’s judgment in the Salwa Judum Case (2011) say?

Nandini Sundar and Ors. vs. State of Chhattisgarh, AIR 2011 SUPREME COURT 2839 is popularly known as the Salwa Judum judgment.

Who were the petitioners, and what were their concerns?

- As the horrors of Salwa Judum and Operation Green Hunt began to be reported, in 2011, prominent public intellectuals, social activists, and residents of Bastar filed writ petitions against the Salwa Judum, and the use of SPOs in “counter-insurgency” operations and human rights violations in Bastar.
- These people included Nandini Sundar (academic), Ram Chandra Guha (academic), E.A.S. Sharma (retired bureaucrat), and Swami Agnivesh (social activist and leader).
- Affected people of Bastar, including Kartam Joga, Dudhi Joga, and Manish Kunjam, also filed writ petitions with similar concerns.
- The petitioners raised questions about the constitutionality of employment and arming common people, especially young Adivasis, by the state under Salwa Judum.
- The petitioners raised concerns about grave human rights violations and the violence committed by the SPOs in Morpalli, Tadmetla, and Timmapuram.
- The petitioners raised the issue of violence against prominent social activist Swami Agnivesh by the members of Salwa Judum when the petitioners were on their way to distribute aid to affected villages.

What were the court’s concerns and observations?

- The court was concerned about the right to life and liberty under Article 21 and the right to equality under Article 14 of the young SPOs and vigilantes employed under Salwa Judum by the state of Chhattisgarh.

⁶ Nandini Sundar blog (24 October 2016) Summary of Attacks on Tadmetla and Neighbouring Villages, 2011 (<https://nandinisundar.blogspot.com/2016/10/summary-of-attacks-on-tadmetla-and.html>)

- The court observed that the terms of the employment of SPOs under the Chhattisgarh Police Act, 2007 were not clear. They were precariously employed as temporary employees while engaging in risky and life-endangering operations against the Naxalite resistance.
- The lives of these young people employed as SPOs were in grave danger because the Indian state was using their dehumanised conditions of life to recruit them as foot soldiers in the so-called “counter-insurgency” operations against the Naxalite resistance.
- The court said the SPOs did not have opportunities similar to those of armed forces personnel. The state had barely tried to educate them or provide training in using arms and ammunition. They did not have any knowledge of technology and human rights.
- The court also reasoned that because of a lack of appropriate education and training, the SPOs did not possess the ability to make a rational decision. Therefore, the risk of human rights abuses by the SPOs was multiplied.

What did the court decide?

- The Supreme Court decided that the conditions of SPO appointment violated the fundamental rights (including the right to equality and the right to life) of the young people employed as SPOs.
- The state government of Chhattisgarh must “cease and desist” from using SPOs in “counter-insurgency” operations against the Naxalite resistance.
- The union (federal) government of India should stop funding the recruitment of SPOs for the same.
- The state government of Chhattisgarh shall recall all the firearms it issued to the SPOs.
- The state government of Chhattisgarh shall not let SPOs, Koya Commandos, or members of Salwa Judum take the law into their own hands or violate people’s human rights.
- The state of Chhattisgarh shall investigate the cases of violence committed by the SPOs.
- The Supreme Court also ordered an investigation into the burning of villages, rapes, and killings by Salwa Judum members.

Critical assessment of this judgment

- This crucial judgment ordered the government to dismantle and disarm the militia.
- Yet, the othering of Naxalites and Naxalite empathisers in the court order is quite visible, where they have been constructed as “extremists” who are a threat to national security.
- Sandwiched people: the court order takes away the agency of the Adivasi people by saying that they are caught between the Indian state and the Naxalite resistance.
- The court did not have a problem with militarisation in the Adivasi region; it clarified that the state should take security measures within the bounds of the constitutional framework through constitutionally recruited armed forces.

What has happened since the 2011 judgment was passed?

- Within three months of passing the Salwa Judum judgment, the state government of Chhattisgarh enacted legislation called the Chhattisgarh Auxiliary Armed Police Force Act, 2011.
- The Salwa Judum militia and the SPOs became rebranded variously as the District Reserve Guards (DRGs), the Bastar Battalion, and Bastar Fighters.
- Recently, the state started recruiting surrendered Naxalites as DRGs and into the Bastar Battalion and Bastar Fighters. The state is forcing the surrendered Naxalites who had left the Naxalite resistance to fight against the resistance today, endangering their lives. This faction has become the most crucial part of the “counter-insurgency” operations because they provide intelligence as well as engage in combat.
- The state is also using reward money against the Naxalite cadres and leaders and turning the DRGs and others into “bounty hunters”.
- Since 2022–2024, this strategy has resulted in egregious human rights violations including an unprecedented rate of killings across the Bastar region.
- Naxalite cadres and leaders who could have been arrested, for example those undertaking routine drills or recuperating from illness in villages, are being killed in cold blood by the armed police forces.
- All this has been happening because the Indian state has openly violated the Supreme Court’s order (2011) in the Salwa Judum case by passing the Chhattisgarh Auxiliary Armed Police Force Act, 2011.

What is wrong with the Chhattisgarh Auxiliary Armed Police Force Act, 2011?

- The preamble to the Act states that this law was enacted to constitute and regulate an Auxiliary Armed Police Force in Chhattisgarh to aid and assist the security forces in maintaining public order and to prevent, control, and “combat” Naxalite resistance.
- Section 11 of the law clearly states that it has been legislated to set aside the Salwa Judum judgment passed by the Supreme Court of India against the employment of SPOs and Koya Commandos, i.e. illegal armed militia.
- In this way, this law legalised an illegal armed militia, which the Supreme Court had asked the state government of Chhattisgarh and the union government of India to disband and disarm in the Salwa Judum judgement.
- Section 5(1) states that the function of this auxiliary force or the DRG is to maintain public peace and order, preserve internal security, patrol sensitive areas, gather intelligence, etc.
- Most importantly, Section 5(2) allows this force to be used in frontline or combat operations against the Naxalite resistance.
- The law still allows the employment of people who are barely educated (educated up to class five in primary school).
- It still allows the recruitment of people as young as 18.
- Even a simple look at this law reveals that it clearly violates the Supreme Court’s judgment.

Has the Supreme Court swallowed its own words by disposing of the writ petitions and the contempt of court petitions?

- In 2016, the petitioners filed a fresh contempt of court application in the Salwa Judum case while the case was pending.
- The petitioners filed a contempt of court application because the state continued the policy of arming people, including surrendered Naxalites, even after the Supreme Court passed the judgment and an order was issued to disband and disarm SPOs.
- The state continued to arm surrendered Naxalites who had left the resistance and entered public life. These surrendered Naxalites had criminal charges against them; still, the state government armed them and made them part of the DRG force. These surrendered Naxalites in the form of DRGs are being used as secret police to gather intelligence and kill people in Bastar.
- The petitioners filed the contempt of court application to bring to light the Indian state's defiance of the court order.
- On 15 May 2025, the court disposed of the contempt of court petitions and writ petitions in the Salwa Judum case. It said that enacting the Chhattisgarh Auxiliary Armed Police Force Act, 2011 was not in contempt of court if the problems highlighted by the court in the previous judgment stood remedied in this law.
- It is clear from the reading of the law itself that the problem of arming people is not remedied.

Where are we at with the disposal of the Salwa Judum writ petitions?

- The killing of villagers, non-combatants, armed Maoist cadres, and leaders has escalated since January 2024.
- DRGs and other militias play a crucial role in this "internal colonisation" of the Adivasi areas by the Indian state in the name of curbing the Naxalite resistance.
- Instead of being disbanded, the militia in the form of DRGs and other forces have become even more integrated into the military apparatus of the Indian state.
- The Supreme Court of India has abdicated its constitutional duty of keeping a check on the legislature and executive, even when the law (the Chhattisgarh Auxiliary Armed Police Force Act, 2011) clearly shows that the government has passed this law in defiance of the court's 2011 judgment.
- In this colonial assault of the Indian state against its people, Adivasis are subject to "divide and rule". Those joining the DRGs are turned into bounty hunters by the state, thus continuing the dehumanisation and complete alienation of the Adivasi people of the Bastar region of India, for the sake of extractivism for the benefit of a few elites only.