ENCOUNTERS

A Report on Land Struggle in Bihar

People's Union for Democratic Rights
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Bihar is India’s second largest state, with a population of over 86 million. It is divided into three natural regions. The area north of the Ganga, termed North Bihar, covers 30 percent of the geographical area of the state. It is a plain formed by a network of abandoned courses of snow-fed rivers which deposit large amounts of silt. One major characteristic of the region is its vulnerability to floods. Over 11 percent of this land is composed of active river beds and 80 percent of it is prone to flooding.

The plains region south of the Ganga is called Central Bihar or Central Plains. It forms part of the land brought under the green revolution in the sixties. It is this region which has been the centre of peasant movements. Both North Bihar and Central Plains are mainly dependent on agriculture and primarily produce foodgrains.

Towards the south and east of the Central Plains lie the plateau and upland regions termed South Bihar. The GT Road forms its boundary with the Central Plains. Inhabited by various tribal groups, this area has low population density and agricultural productivity, but is rich in natural resources. Mining of ores and steel production are the major non-agricultural activities.
PREFACE

For outsiders who receive information about Bihar through newspapers, it presents a picture of gross mismanagement, with a criminalised legislature and a corrupt and pliant administration and judiciary. With unfailing regularity we get sensationalised reports of criminal gang operations, scandals in high places, and caste conflicts. Of recent origin are ‘human interest’ stories of abject poverty and starvation deaths. Behind these perceptions lie the bitter struggles of ordinary people that are unnoticed and unreported.

The major contradictions in North and Central Bihar revolve around the landed elite and landless, and between upper castes, middle castes and dalits. In South Bihar, between workers on the one hand and industrialists and trade union mafia on the other, between tribals and forest officials and contractors, and between tribals and non-tribal outsiders. Successive governments have only cultivated these contradictions and have added to the miseries of the oppressed. The blindings in Bhagalpur, the police firing at Arwal and riots in Bhagalpur stand testimony to the acts of commission and omission of the Bihar government. These incidents bring to the fore an administration that no longer even pretends to be neutral.

Inequitable distribution of land and oppression based on caste and gender are at the core of peasant movements that have been going on for the last quarter of a century. The initial response of the landed elite was to counter these movements with private senas. Hundreds of peasants have been killed in organised massacres by such senas since the early eighties. Three organizations leading the peasant movements, the MKSS in 1986, the MCC in 1987 and the JSSM in 1994, have been banned by the state government. The selective killing of peasant activists by the police on a considerable scale is of more
recent origin but threatens to become the norm. This method of eliminating political opposition, already perfected by the Andhra Pradesh police in dealing with the peasant movement there, is termed ‘encounter’.

In April 1994, the police are reported to have killed eleven persons in an ‘encounter’ in Gaya district. Since then there has been a significant rise in the number of people killed in this manner. At the same time the state administration has also declared a virtual ban on public meetings and protest demonstrations by the peasant organisations.

In this context People’s Union for Democratic Rights (PUDR) sent a four-member team to investigate three recent ‘encounters’. The team visited the districts of Gaya and Aurangabad in Central Bihar and Begusarai in North Bihar from 10 to 18 August 1995 and met the District Magistrates (DM) and Superintendents of Police (SP) of the three districts, residents of Lai, Koilawan, Gulzarbigha villages and Begusarai town; activists of peasant organisations, journalists in Patna and Gaya, lawyers, and doctors.

Lack of information about repression is part of the scheme of repression itself. This report is an attempt to overcome the existing lack of information. We hope that this report will help a larger number of people to become aware of the wretched tale of uninterrupted political killings in rural Bihar.
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I. Police ‘Encounters’

Matgarah (Block Mohanpur, District Gaya)

On 14 April 1994, local newspapers reported the killing of 11 extremists in a fierce encounter with the police during the night of 12 April 1994 in Masauntha forest near Matgarah village. Two of those killed belonged to Lai village. The team visited Lai village and interviewed family members of two persons killed in the encounter, and to other residents of the ramani (a lower middle caste) tola and a dalit tola.

**Lai Village:** Lai is one of thirteen villages that form a panchayat of the same name. The village comprises 250-300 households divided on a caste basis into eight or nine tolas. There are neither erstwhile zamindar households, nor very large landholders. Until recently approximately 35 acres of land in Lai village belonged to the mahant of the Bodh Gaya math. The landed households belong to the middle castes, i.e. ramani, yadav, and mistry, and to Muslims. The dalits, comprising dusadhs, chamars, musahars and chaudharis, do not own any land. The largest holding is around 12 acres, and there are three to four such holdings in the village. Amongst the ramanis, some own 23 acres of land, while a majority are small or marginal peasants, owning less than an acre. The most numerous holdings are around 0.3 -0.5 acres. Many tillers are not able even to get their subsistence from such small holdings. To supplement their incomes, they work as bataidars (unrecorded sharecropping tenants) or as daily wage labour on the land of larger cultivators both within the village and outside. Earlier they worked as bataidars on the math lands. Today, around a hundred dalit households have tiny plots measuring one-sixth of an acre, with legal ownership over them, from what were earlier the mahant’s illegal holdings. However, not all of them have been able to take physical possession. Some of the other castes too have augmented their holdings by occupying the math lands.

**Background:** The residents of the village trace the roots of the April incident to the history of struggle over the lands of the Bodh Gaya math. Around 12,000 acres of the math lands were spread across the blocks of Bodh Gaya, Mohanpur, Sherghati, Fatehpur and Imamganj.
In the seventies the Chhatra Yuva Sangharsh Vahini started a campaign for the transfer of the lands held by the mahant of the Shankaracharya math of Bodh Gaya to the landless. Lai village was one of the villages where dalits were organized by the Vahini. In the early 1980s, masoor dal was planted on the mahant’s lands in Lai village. The lathaitis (goondas) of the mahant attacked the dalits of the village, and the Vahini activists. Many sustained serious injuries. The police abetted the violence by beating and arresting activists. Peaceful methods of protest were followed by the Vahini and they found it difficult to face the severe armed repression unleashed on them.

In 1983-84, an organization under the leadership of the Indian Peoples Front (IPF) was formed in Lai village. The IPF was joined by a section of the dalits and a large number of non-dalit castes of the village including the ramanis. The power of the gumashta (manager, caretaker, intermediary) appointed by the math, and support from the State, prevented actual seizure of the land. In 1985, the Maoist Communist Centre (MCC) too began organizing people in the village. Today, most of the dalits in Lai as well as some people from other castes are part of the MCC. Some from other castes also joined them. The movements launched in the 1980s have been successful in a substantial raising of wages.

In 1990, as part of its attempts to seize the mahant’s lands, an armed group of the MCC killed the gumashta Narain Yadav and his son. Twenty-nine residents of the village were picked up in police raids on the village at that time. Police continued raids even after the arrests, harassing women and looting goods. Besides, those arrested were charged with murder. For the past five years they have been appearing at sessions court hearings in Gaya once a month, spending around Rs. 20 per visit on travel alone.

The math lands were then distributed by the peasant organization among the landless in the village. The district administration subsequently provided the dalits with parchas (ownership papers) declaring their rights over this land. Some part of the land however had been occupied by non-dalit households with small holdings and also by a few larger landowners. None of these encroachments have been legalised. This has led to some tension within the village. The
dalits feel that all lands should be distributed among the landless: this is also the legal position. But the law has not provided actual possession to the landless. On the other hand, smaller ramani landowners assert a right to a part of the land since they were bataldars earlier. were part of the struggle to capture the land, and have criminal cases against them. They feel that land should be redistributed in accordance with earlier holdings.

**The Incident:** On 12 April 1994 a meeting of the MCC was being held in Lai village in the house of a resident, Chhatar Mistry. Nine of the people present were residents of neighbouring villages. Some of those present were carrying firearms.

Around 5 p.m. a police party came to the village and surrounded the house of Chhatar Mistry. Those within the house laid down their arms and surrendered. They were then thoroughly beaten by the policemen. Eleven people were taken away in a police jeep. Of those arrested, two were residents of Lai village, Chhatar Mistry and Kedar Singh. The residents of Lai assumed that those arrested would be produced in court at Gaya. It took some time for them to make the connection between the people arrested from the village and those killed in the ‘encounter’ at Matgarah, reported in the newspapers. The families of those picked up were never contacted by the police.

The police and district administration deny this version of the incident. According to the FIR registered by the police, a police party left Barachatti P. S. for Matgarah village at 6.40 p.m. with instructions from the DIG to root out extremists and to camp in the area. While passing through the forest, two people informed the police about the presence of 100-125 extremists in the forest. The police party went in search of them. The extremists opened fire. The exchange of fire continued for an hour. Six policemen were injured. The extremists fled, leaving behind eleven dead. Some arms and ammunition were seized by the police.

A PUCL team visited Masaundha forest in May 1994. We met the team members. They had seen no bullet marks on rocks and trees which should ordinarily have resulted from an hour-long encounter. Moreover, no extremist was injured and arrested, nor did any policeman sustain bullet injuries.
Aftermath: The post mortem examination was conducted on 13 April. No other forensic tests were carried out on the bodies before they were disposed of. No attempt was made to ascertain the distance from which the shots were fired.

When the team met the DM in August 1995 the case had been closed. The case-file contained seven pages, two of which were letters asking for an enquiry into the incident. No judicial enquiry was conducted. According to the SP such enquiries were only conducted into unnatural deaths, of which encounter killings were not a part. Fifteen months later the police picket was still stationed in the village, supposedly to check internal tensions.

Gulzarbigha (Block Haspura, District Aurangabad)

It was reported that an encounter between the police and a squad of the CPI(ML) [Party Unity] took place at Gulzarbigha village on 3 July 1995. Four people were killed and eight arrested.

Background: The Tilakpura-Sheikhpura estates extending across Tilakpura and its surrounding villages are controlled by the family of an erstwhile zamindar. Gulzarbigha village is situated adjacent to Tilakpura village. Of the original 1,200 acres constituting the estate, 400 acres were gifted to the zamindar’s daughter when she married. This was before the abolition of zamindari. The estate has since then been divided into two. One hundred and fifty acres belonging to Sheikhpura estate have been acquired and redistributed by the government. Tilakpura estate at present extends over 309 acres. As per government records 195 acres of this is beyond the limit of the land ceiling and has been pending litigation in the district collector’s court for two decades.

The district collector informed us that the pace of land reforms in the area had been extremely slow. To improve the situation the administration is now holding camps to issue parcha rights to the landless people who have occupied gair mazarua malik (government) land. Land presently under litigation cannot however be redistributed. In the meantime the landowners continue to cultivate the disputed lands. In the nearby village of Koilawan, 30 acres of this disputed land has been sold by the Tilakpura estate to new maliks.

Dalits in Gulzarbigha and the nearby villages of Tilakpura.
Koilawan, Pachrukiah, Dhamani etc have been conducting a prolonged struggle to take over the disputed lands of Tilakpura estate. Peasant organizations like the IPF, followed by the Mazdoor Kisan Sangram Parishad (MKSP-a wing of CPI(M-L)Party Unity) have been mobilising people in the area in the face of active opposition from the landowners. In the past two years the peasant movement in Haspura has grown much stronger. In Koilawan it now includes non-dalit owner-cum-bataidars who, together with dalit and landless agricultural labour and tenants, are boycotting work on the fields of landowners. This form of protest has been sustained by the villagers inspite of economic and extra-economic coercive pressures. At present 3.75 acres of land in the village are lying fallow.

**Incident:** The encounter at Gulzarbigha occurred at the onset of the kharif season, that is, when the monsoon crop is sown. The conflict over land is at its peak at this time as whoever succeeds in planting the crop controls the land and its produce for the season. An armed group of CPI(M-L) Party Unity had come to stay the night in Gulzarbigha. None of its twelve squad members belonged to Gulzarbigha. Next morning they were to supervise the uprooting of crops planted by the landlords on the ceiling surplus lands of Tilakpura estate. The land was then to be sown by the landless from neighbouring villages.

When the PUDR team visited Gulzarbigha, the village was completely deserted. The sight of our approaching jeep had sent the terror-stricken residents into hiding. Finally, two women pointed out the place where the squad members were trapped - a mud hut riddled with holes and with half the thatching missing. Then they hesitantly recounted the events of 3 July. The police came to the village at around 4 a.m. to arrest one Sohna Yadav over a dispute concerning a small plot of land. Terrified at the sight of the police the residents closed their doors and remained inside until the police left. They heard firing, which went on for a long time. Then those killed and those arrested were taken away by the police. They were not aware of the numbers. A police party returned in the evening and forced Sohna Yadav’s wife to cook for them.

According to the SP and the DM Aurangabad, a police party of 4-5 men went to the village to arrest some people against whom there
were warrants. They were fired upon from a nearby hut. The policemen were taken by surprise. They returned fire. Hearing the firing, a police commando unit patrolling nearby, came to their help. Equipped with sophisticated SLR and AK-47 rifles, the commandos fired 152 rounds at the *kaccha* mud hut. The firing went on for over three hours. Four members of the squad died in the firing, and eight others surrendered and were arrested. The arrested have been charged under Sections 147, 148, 149, (unlawful assembly) 350, 357 and 358 (rioting and assault) of the IPC, and S. 27 of the Arms Act.

However, the accounts of the SP and the DM varied in some significant respects. The DM's account depended entirely on the SP's being a witness to the encounter and the arrest. The SP informed us that he had reached Gulzarbigha only after the police had left. The DM said all four were killed in the firing. However according to the SP two died on the spot while two others succumbed to their injuries on the way to the police station.

The MKSP and the Lok Sangram Morcha (LSM) refute the chronology of events given by the police. They state that an encounter took place with the police in which Suryadev was killed, and Dharmendra was wounded in the thigh. The squad members threw their arms out of the thatching of the hut and surrendered. Police started beating and kicking them. Soon after, Dharmendra was shot dead by the police. Ten people were taken to the police jeep along with the two dead bodies. Sudeshwar Paswan was then told by the police to get off the jeep and leave. Realizing that he would be killed, he refused. The police then dragged him on to the road, and shot him dead. On the road between Obra and Aurangabad, Mansoor was similarly brought out of the jeep, and shot dead. The eight arrested were then taken to Barun, and subjected to torture.

**Aftermath:** Post mortem examination was conducted the same day, and the bodies disposed of. No enquiry has been ordered into the encounter. The SP stated that those killed were absconders wanted in other cases. Therefore their deaths did not merit an enquiry. If the police’s intention had been to kill, then all twelve would have been eliminated during the encounter itself, as per ‘normal’ practice. According to him in the absence of land reforms encounters were the only answer.
Begusarai town (District Begusarai)

On 9 August 1995 police fired at approximately 500 people gathered at the CPI (M-L) Liberation office in Begusarai town. According to official sources two people were killed and one seriously injured in the firing. 65 people including 29 women were arrested on charges of rioting and illegal assembly. Three people have been additionally charged with murder and attempt to murder.

**Background:** The genesis of the 9 August incident lies in the struggles of the landless for ceiling surplus and gair-mazarua land held by the Naokothi estate in the Kaulachaur region of Begusarai block. The Naokothi estate lands add up to around 4000 acres at present. The estate is controlled by Madan Mohan Singh alias Bada Babu, Braj Mohan Singh alias Chhota Babu, Umeshwar Singh alias Bacchi Babu, and Kamta Singh, all successors of the erstwhile zamindar Ayodhya Singh. Large sections of Ayodhya Singh’s lands were acquired and redistributed by the government. Each of the present landlords however still holds around 1,000 acres, far in excess of the ceiling limit. These lands which are spread over a large part of the 30-40 villages comprising Kaulachaur, form the bone of contention between the landowners and the landless.

Another issue for confrontation arises from the erstwhile zamindar Ayodhya Singh’s illegal sale of some of his lands to evade the provisions of the land ceiling legislation. Around 300-400 middle and rich peasants purchased holdings ranging in size from 10 bighas to 150 bighas. Meanwhile the administration has distributed parchas to the landless of these villages. Many of the parcha-holders have never got possession of the land, as it is already occupied. Others have been evicted by the new maliks. The parchas are also being legally contested by some of the maliks. They claim that they were raiyats of the erstwhile zamindar, which makes their lands exempt from take over under the Zamindari Abolition Act.

Struggles for the redistribution of this land began in 1937 under the leadership of the CPI. The outcome of the struggle was the distribution of a small part of this estate. Severe repression resulting in the killing of many CPI activists. A landlord’s kachehry taken over by the people in Begusarai town during the struggle, served as the
office of the party. With the formation of the CPI (M-L) in 1967, this became the CPI (M-L) office. This was the office where the firing took place on 9 August.

With the onset of the monsoon this year, the CPI (M-L) Liberation organized the peasants in Kaulachur to cultivate approximately 200 acres of gair-mazarua and ceiling-surplus land, owned by Bada Babu, Chhota Babu, Bacchi Babu and Kamta Singh. This was publicly declared in July. These 200 acres are spread over the villages of Kusmaut, Rajupur, Katarmala, Damdama, Sugran, Nima, Chandpura, Sherpur, Sangkothi, Banwara and Jagdishpur, all falling under the Khith, Katarmala and Nima-Chandpura panchayats. In July this year, the landless of these villages, belonging mainly to dalit castes such as musahir, paswan and mochi, began collectively ploughing this land.

On 2 August 1995, about 3,000-4,000 people went to plough around 13 acres belonging to Buchi Babu in Kusmaut village. Buchi Singh’s lands are disputed. Litigation has been pending against them under the Land Ceiling Act since 1973-74. The CPI (M-L) [Liberation] had declared a land-grab operation in Kusmaut on 2 July. Buchi Singh opposed the people with 35-40 armed men and then registered a case of looting at the local thana. On 3 August at 4 a.m. the police arrested 11 people from Kusmaut who have since been remanded to judicial custody. The same day the police also arrested 7-8 people from Rajupur village. They were however released after public protest. On 4 August a 1,000-strong dharna was staged outside the DM’s office in Begusarai, demanding the release of the 11 arrested. A parallel demonstration was held at Chandpura thana.

According to the DM Begusarai, those arrested had attacked Buchi Singh’s kachehry and damaged his property. An FIR to this effect had been corroborated by witnesses in court. He denied that police were in collusion with Buchi Singh. They had also made a station diary entry against Buchi Singh, suspecting that he might resort to violence. It is significant that in spite of the diary entry to this effect, the only action taken by the police was against the people.

According to the DM, the violence perpetrated by the CPI (M-L) [Liberation] during this land-grab programme was typical of its
obstructionist attitude towards the government's land reform operations. He said that on 20 July, the party had attacked a measurement camp set up in the area of Damdama and Kaith villages. Work could only be resumed on 27 July when an armed police group arrived to superintend the entire operation. Given this past history, not only were the allegations made against the people at Kusmaut entirely credible, but the police action was entirely appropriate and justified. The DM overlooked the fact that the 3,000-4,000 strong crowd mainly consisted of the landless from Kusmaut and neighbouring villages, and of the 11 arrested, only one, Mato Paswan, was a party worker.

**Incident:** Our fact-finding team visited Begusarai town on 18 August. We visited the CPI (M-L) [Liberation] office, the DM Vimal Kirti Singh, the injured at the hospital, and the officer-in-charge of the town PS, Udhavji Singh.

On 9 August, eight Left parties decided to hold a joint agitation at the district headquarters, Begusarai, on the issue of land reforms, rural development schemes, and other related issues. Although the other parties withdrew, the CPI (M-L) [Liberation] decided to continue with the agitation.

The demonstration began at 11 a.m. on 9 August. About 5,000 people from the surrounding villages assembled at the Collectorate office in Begusarai town. Since the Party had sent prior notification to the DM's office, the police had been deployed in large numbers at the Collectorate. According to the Party activists, slogan-shouting went on until about 1 p.m., when the police pulled two or three protestors through the South gate. Some of the women protestors followed them into the compound, and were lathicharged by the police. The crowd retaliated by throwing stones. The police fired twice in the air, at which the crowd panicked. The police then lathicharged the fleeing crowd. About 70 people were arrested. This entire sequence of events took about fifteen minutes.

More than half the protestors then left. The others collected at the party office. At about 4 p.m. there were still about 500 people, in and around the party office. The police arrived in the market near the office, and began closing shops. They then blocked the narrow
market entrance that forms the main route to the office, and opened fire on the 500-strong crowd. They had also closed off the more circuitous eastern route from the water tank. There was no way for anyone in the crowd to escape. The police fired ten rounds. According to the CPI (M-L) [Liberation], the firing left five dead and one injured. Those killed were a Class X student from Rajupur village who was standing near the hand pump; Rinku Kumari, one-and-a-half years old, from Nima village (her mother had set her down near the hand pump to draw water for her); Sikandar Sada (12), a musahar from Sherpur village; an unidentified man; and an unidentified woman. Rajgir Paswan received a bullet injury and was arrested by the police. The entire incident took about five minutes. Officials from the administration and the police received minor injuries.

The DM Begusarai informed us that the police had been on a routine patrol. They opened fire only when the protestors abducted the thana-in-charge of the town P.S. who was leading the patrol. According to him the other injuries and deaths were caused by bullets fired from the Party office. When we visited the site of the incident we found two bullets embedded in an electric pole and one in a wall, the direction of which was such that they could only have been fired by the police. The police station-in-charge told us that ten rounds were fired, while the DM maintained that only three rounds were fired.

Aftermath: 65 people, including 29 women were arrested on charges of rioting and illegal assembly, under Sections 147, 148 and 149 IPC. Three of them, the injured Rajgir Paswan, Ramashray Paswan and Pramod Kumar Singh, a district committee member, were charged under Sections 302 (murder) and 307 (attempt to murder) IPC, and under the Arms Act. All the arrested were badly beaten up in police custody.

The bodies of those killed were not handed over to their families. They were sent for post mortem and cremated as 'unidentified males', that very night, probably at the Simaria Ghat electric crematorium. The police showed undue haste in getting the post mortem conducted, with special orders from the DM and the Civil Surgeon, authorizing a post mortem at 2:30 a.m. on 10 August. The usual time for conducting post mortems is between 9 a.m. and 5:30
p. m. There is a questionable interval of ten hours between the time of the firing and the time at which one of the bodies was brought for post mortem. The other body was brought in at 4:30 p. m. on 9 August itself.

The CPI (M-L) [Liberation] had filed a bail petition for the accused which was rejected in toto on 18 August. The party has also filed a complaint case in the lower court against five policemen and the administration, under Section 302 IPC. Their statement was to be recorded on 19 August.

By 18 August, the DM had submitted his report to the Home Secretary. The report was formulated on the basis of the accounts of the shopkeepers, magistrates and police officials present, and a lawyer staying opposite the party office. The account of the CPI (M-L) [Liberation] activists and of the protesters was not recorded. The party activists informed us that though the DC Munger, accompanied by the DM, came to make enquiries on 11 August, the activists were neither questioned nor were their statements recorded. The DM’s report is also limited in that it is based entirely on oral evidence, and does not take medical reports and ballistic reports into consideration. The CPI (M-L) [Liberation] has also registered a complaint with the National Human Rights Commission, demanding an enquiry into the “pre-planned operation” by the police. The Commission has taken cognisance of the complaint, and has sent the Senior Superintendent of Police from its investigating division to conduct an on-the-spot enquiry into the incident.

II. The Context

The above incidents of ’encounter’ killings by the police are related to social conflicts arising from the question of ownership and control of agricultural land. In Lai village it is the land belonging to the mahant of Bodh Gaya. In Gulzarbigha it is the land in excess of the ceiling held by the Tilakpura-Sheikhpura estate. And in the Kaulachaur region of Begusarai district the conflict stems from the 1,000 acres held by the descendants of the erstwhile zamindar Ayodhya Singh.
That the major contradiction in these plain areas of central Bihar revolves around the question of ownership and control over land is inherent in the present structure of its agrarian society. In Gaya, Aurangabad and Begusarai districts 87 percent, 92 percent and 90 percent of the population respectively reside in rural areas. And here agricultural activity is the predominant source of livelihood with 89 percent, 88 percent and 84 percent of the main workers engaged respectively either as cultivators or agricultural labourers.

The distribution of agricultural land is highly inequitable. According to a study conducted by the A. N. Sinha Institute of Social Science in 1981 covering the ten districts of Central Bihar, a mere 4.1 percent of the households own above 10 acres of land and 5.8 percent own between 5 to 10 acres. The rural poor comprise 90 percent of the households: 47 percent small and marginal peasant households and 43 percent landless households. Both the landless as well as the marginal peasants work as agricultural labourers. In the three districts of Gaya, Aurangabad and Begusarai, the proportion of the main workers employed as agricultural labourers stands at 49 percent, 45 percent and 58 percent respectively. The rest are cultivators.

But all the cultivators do not till solely their own lands. A significant number of them work as bataidars (unrecorded crop sharing tenants) on the lands of others. In the bataidari system the tenant contributes all the inputs such as seed, water, fertilisers, pesticides, and manure, works with his own implements and cattle, using his own or family labour. The crop once harvested is then equally shared between the bataidar and the landowner. As a rule this form of tenancy is oral and the bataidar constantly faces the threat of eviction. Estimates of the extent of tenancy in general and bataidari in particular vary sharply, on two counts. One, because bataidari is not recorded, and two, because the insecurity faced by the bataidar hampers reporting. Thus the Agricultural Census based on land records estimates tenancy to cover just 0.8 percent of Bihar’s cultivated land in 1981-82. For the same year the National Sample Survey estimated that bataidari covers 7.86 percent of the cultivated land in addition to 2.9 percent of the land under other tenancy arrangements. Other studies however contradict these estimates. A
survey by IAS probationers conducted between 1988 and 1990 found 2,000 bataidar households in one village but were able to elicit information from only five of them, as the rest feared eviction. At the state level, a survey in 1981-82 by the A.N.Sinha Institute, Patna put the proportion of bataidar households as 59 percent of all rural households. Given that tenancy is virtually absent in South Bihar, the corresponding figure for North and Central Bihar would be substantially higher.

For small and marginal peasants, including bataidars, income depends on output of land, productivity of labour, and the terms of work. For those working as agricultural labourers, it is the extent of employment and the level of wages. In addition, to these availability of institutional credit, as loans for food and for agricultural inputs is important for both these categories of the rural poor — for the small and marginal peasants to increase their output, and for the agricultural labourers to prevent them from slipping into the status of attached labourers. Else, the going interest rates in informal credit being as high as 10 percent per month, ensures perpetual bondage of the recipient.

Development in agriculture in Central Bihar from the mid-1960s to the mid-1980s, presents a sorry picture. Annual growth rates of output for the two decades remain below 1.5 percent in each district. Some districts such as Bhagalpur and Gaya even witnessed a fall in output over an entire decade. One reason for this stagnation and decline is inadequate irrigation. Canal irrigation is absent, save for a small stretch along the Son river in contiguous areas in the districts of Aurangabad, Jehanabad and Patna. Government tubewells, where they exist, are in a state of disrepair. Private pumpsets, installed by some middle peasants, are limited to a small part of the agricultural land. The traditional “other sources” such as ahaar and pyne once maintained through forced labour (begar) are falling into disrepair.

Another reason for the low growth rate is the highly inequitable distribution of land coupled with the bataidari system of tenancy. For poor peasants owning subsistence-level or smaller plots the costs of agricultural improvements are obviously beyond their means. Large landowners with sufficient resources can bear the costs of
improvement. But for them *bataidari* is an eminently profitable option - it helps them obtain cheap labour, cuts costs of supervision, and maintains a degree of control over the labour. To maintain this power the large landowner leases out land in small plots so that the *bataidar* household remains at the subsistence level. In doing so it disables the tenant from using modern inputs. The perpetual threat of eviction deprives the *bataidar* of any incentive for long-term improvements on the land.

Stagnation in output has a direct effect on the landless too. It implies stagnation in employment in the countryside. The urban areas fail to provide employment opportunities having witnessed negligible industrial growth. The ensuing pressure on rural areas to provide a livelihood results in fragmentation of small holdings, pushing poor and marginal peasants into the growing ranks of the agricultural labourers. Thus both the districts of Aurangabad and Gaya witnessed increases in the proportion of people working as agricultural labourers during the 1980s. The stagnation in employment opportunities makes eking out a living as labourers more precarious.

With agricultural output growth rates lagging behind the population growth rates, per capita output has experienced a decline. Today, six of the seven drought-prone districts of Bihar are also situated in the Central plains. Ironically these are the very districts that were the most agriculturally productive and were chosen for the Green Revolution programme in the early 1970s. The swelling ranks of the unemployed and the underemployed bear a downward pressure on wages too. Except for the regions that have witnessed protracted struggles for higher wages since the 1970s, elsewhere the daily wage in agricultural work stands at one kilogram of rice, a mere 30 percent of the legally stipulated minimum. Those working as attached labourers get paid even lower wages. It is this situation which has brought to the fore, struggles by the poor to gain ownership of land.

Ownership of land, no matter how little, is associated with a higher social status. And a low social status, conversely, forms the basis for humiliating conditions of work and living. This is especially true in the case of dalits who form 27.2 percent of the population in the central plains. Traditionally engaged as artisans or labourers on
the farm or in landlord households, dalits were denied the right to own land. Today a much larger range of castes engage in agricultural labour with dalits constituting 80 percent, 61 percent and 27 percent in the districts of Gaya, Aurangabad and Begusarai, respectively. But the association of dalits with agricultural labour is much stronger. For, among the dalits, 80 percent, 84 percent and 92 percent work as agricultural labourers in the three districts respectively. Figures of landlessness for the entire Central Bihar region obtained from the A. N. Sinha Institute study give similar results: dalits form 44 percent of the landless while 70 percent of the dalits are landless. And this landlessness continues to bear upon their social status. The struggle for ownership over land in the case of dalits therefore also stems from the desperate need to change their social standing.

And in this sense, the demand for the acquisition and redistribution of agricultural land, recording and regularising of tenancy forms a challenge to the structure of authority in the countryside, much larger than the size of the disputed plot signifies. Numerous massacres have resulted from this conflict in which landless and dalits as well as large landowners and members of their private senas have been killed. All the governments in Bihar stand implicated in this conflict, which through their acts of omission and commission have heightened this conflict. And which have today targeted the rural poor and their organisations in extra-judicial killings called ‘encounters’.

III. History of Land Legislation

Nearly 6,000 acres of agricultural land is lying fallow in Aurangabad district today, according to the District Magistrate. Disputes between peasant organisations and the rural elite over its ownership are the cause. Similar estimates are not available for other districts. But the figures for Aurangabad provide at least a partial index of the intensity of the conflict. For, in fact, the amount of land that is disputed is much larger. Much of it continues to be cultivated by the rural elite. And this dispute over ownership and control of land, encompasses a variety of overlapping land categories — gair
mazarua aam, gair mazarua malik, ceiling surplus, land under bataidari, and land of absentee landlords. The different land legislations, and their implementation or the lack of it, have created new categories under dispute and made them more complex. Thus these categories of land classification and the genesis of the dispute both came to be associated with the history of land legislation over the last hundred years.

Zamindari Abolition

A comprehensive survey of different categories of land ownership was conducted for the first and only time between 1911 and 1918 by the colonial government. This culminated in the preparation of the village khattian (survey and settlement records). In this period prior to Independence, the zamindari system of land tenure was in existence in the region. All rights to land were vested in the zamindar who collected rents from the raiyats (recorded tenants) and paid a certain fixed revenue to the government. The zamindar collected revenue by leasing out the land at a fixed rent. The leaseholder could further give out the land on a sub-lease. In this way there were up to five rungs of intermediaries between the raiyat and the government. However raiyats were not settled on the entire cultivated land. A part was kept by the zamindar and the intermediaries for ‘self-cultivation’. This was called bakasht land and constituted approximately 13 percent of the total cultivated area in Bihar. But actually both the bakasht land as well a significant part of the raiyati land was cultivated through further forms of tenancy, and attached and bonded labour.

Another part of the cultivated land, called qaiser-e-hind land, was owned by the government. The rent collected from this land directly went to government coffers. Some other lands which were not cultivated at that time and not settled with raiyats were called gair mazarua malik land. As these lands came under cultivation, they added to the income of the zamindar since they were not assessed for land revenue by the government. Land for the community’s use such as cremation/burial grounds, roads, and irrigation sources was called gair mazarua aam land and its use was controlled by the village.

Ownership and control of land was closely related to the caste
hierarchy. The zamindars and the upper levels of the intermediaries by and large belonged to upper castes such as rajput and bhumihar. They comprised pathans in some parts such as in Dumaria in south Gaya. The raiyats and sub-raiyats belonged to the upper castes as well as upper middle castes comprising yadav, koeri, and kurmi households. But it was the lower middle castes and dalits who were actual tillers of most of this land and who possessed neither ownership nor a right of control. These included bataidars belonging to lower middle castes such as julaha, kahar and rajbhar. The attached labourers in various forms of bondage belonged to dalit castes such as chamar, dusadh and musahar. These class and caste hierarchies reinforced each other in maintaining an oppressive social order that incorporated various forms of forced labour and forced exactions from peasants.

Soon after Independence, this form of land tenure was sought to be done away with through the promulgation of the Bihar Land Reforms Act, 1950, which came into effect in 1952. The Act brought in crucial changes in ownership and control over land which are relevant to present-day conflicts. Intermediaries were abolished. Raiyats, the recorded tenants, were given ownership rights over the land they had leased. The bakasht lands were recorded in the names of the zamindar and the intermediaries. The zamindar was also given the right to settle the gair mazarua malik land with the raiyat. Thus the raiyats were transformed into a new class of maliks which greatly reduced the power of the zamindars to extract forced payments in money or labour. The erstwhile zamindars were given ownership right over the bakasht land and thus became large landlords. The lands belonging to maths and other religious institutions were left untouched.

The abolition of zamindari thus addressed the issues of the raiyats alone and bypassed the objective of providing land to the tiller. For, the lands of the new maliks as well as those belonging to erstwhile zamindars and religious institutions continued to be tilled under the same arrangements with bataidars and attached labourers. In fact by addressing the issues of those relatively privileged in the rural hierarchy, the legislation for abolition of intermediaries obscured the oppression faced by bataidars and attached peasantry.
Land Ceiling

The Bihar Agricultural Land (Ceiling and Management) Bill was tabled in 1955. It was greatly watered down when it was passed as the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961, amid stiff opposition. This delay of six years proved highly beneficial to large landholders as is apparent from the land transfers in that period. The Act stipulated a ceiling of 20 to 60 acres on land ownership for six classes of land based on its productivity. Additionally 10 acres could be kept as homestead and 15 acres as orchard. Land could be transferred to progeny and relatives of the landowner within one year of the promulgation of the Act. Thus a family of five landowners could own up to 225 acres including 100 acres of the best land. Landowners were given the right to remove bataidars if they wished to personally cultivate the land. This process continued throughout the 1960s.

The Act also provides for the redistribution of ceiling surplus, government and community lands. Such lands can be allotted to households in the following order: landless Scheduled Caste (SC), Scheduled Tribe (ST) and Backward Caste (BC) households; SC, ST and BC households owning less than one acre of Class III land; other landless people; those owning below one acre of Class I land; defence personnel; ex-servicemen from the same village; and landless repatriates of Bihar origin from Burma. Land can be settled with non-Harijans or persons belonging to another village, if the Revenue Officer certifies that no Harijan or person of eligible category has remained landless in that village. If the land is already under occupation of some people, they are to be given priority subject to fulfillment of the above-mentioned norms. Before the settlement can be approved and ownership papers issued, it is to be ensured that the land is not under litigation, not required for public or government purposes (for common lands, an approval from the Executive Committee of the panchayat is required), and not under encroachment or illegal possession.

Persons not owning any land suitable for purposes of homestead can be settled up to a maximum of 0.3 acres of land for construction of a house. Any person owning less than 5 acres of agricultural land can be settled on government land for agricultural purposes, as long
as the area proposed to be settled taken together with the area already held by him or her does not exceed five acres.

The 1961 Land Ceiling Act was amended several times over the following 21 years. The first two amendments came over a decade later in 1972 and 1973. The size of the unit for ceiling purposes was changed to a family comprising of one person, his or her spouse and upto three minor children. Every additional minor child was entitled to an additional area equivalent to one-tenth of the ceiling limit provided that the total did not exceed over one-and-a-half times the ceiling for the standard unit. The ceiling limit was reduced to the range of 15 to 45 acres. The landholders were no longer allowed to retain homestead or orchard lands over and above the ceiling limits. Further amendments were made in 1976, 1978, and 1982. Bihar Act 22 of 1976 clarified for the first time that the due date for determining size of family and age shall be 9. September 1970. It also attempted to protect under-raiyats by stipulating that an under-raiyat (i.e. a tenant who holds land under a raiyat) on surplus land be allowed to retain the land as occupancy-raiyat on payment of a specific sum to the State Government, provided that all the land held by him anywhere in the State did not exceed the stipulated limit. The enactment in 1978 provided a legislative basis to prevent eviction and to restore possession of surplus land to the allottees. Act 55 of 1982 contained a significant provision empowering the Collector to examine transfers made after 22.10.1959, notwithstanding anything to the contrary in any earlier judgement or order of the courts. The Act also stipulated that the ceiling area would be again determined when the classification of land changed as a result of investment made in irrigation projects by the State Government.

**Tenancy Reform**

A series of legislations also took up the issue of tenancy reform. Bihar achieved notoriety in 1964 when instructions were issued not to record sharecroppers during the course of settlement operations. Tenancies are now recorded under the Maintenance of Land Records Act, 1973, and the Bihar Tenancy Act, 1986. The Tenancy Act provides a definition of personal cultivation, to check the incidence of hattaideri, as cultivation by one’s labour or one’s family’s labour
or by hired labour or by servants on wage payment in cash or in kind but not in crop share under personal supervision of the landowner or his family members. The Tenancy Act provides that the sharecropper should pay 25 percent of the gross produce as rent to the landowner, and by-products like straw and bhoosa are to remain with the sharecropper. A non-occupancy tenant or under-râyât working as a tenant continuously for more than twelve years in the same village is entitled to the status of occupancy-tenant. However the tenant is denied the right to appeal against an order passed by Land Reforms Deputy Commissioner, rejecting his claim.

IV. Implementation of Land Reforms

Land Acquisition

Subsequent to the land grab movements in the late 1960s in Bihar, the state government listed 125 big landowners and they were served notices. The date for acquiring one lakh acres due to the implementation of the 1961 Act was extended to September 1970. However, till June 1975 only 11,000 acres could be acquired. Following the 1972 Amendment, 1973-74 was declared as Land Reform Year and the Revenue Minister claimed in the State Assembly that approximately 18 lakh acres would be acquired under the 1972 Act. Till July 1979 however, 2.36 lakh acres (i.e. barely 13 percent of the target) could be acquired. Out of this, 1.05 lakh acres (44 percent) was due to voluntary surrender through bhoodan. During the next ten years, from 1979-89, only 1.63 lakh acres of ceiling surplus land was acquired.

The slowness of the process of land acquisition was partly due to the problems inherent in the legislation itself. It effectively protected the land holdings of erstwhile zamindars, dispute over which continues to the present day. For one, the definition of khas possession was so liberal that about 14 percent of the total cultivable land area in Bihar (15 lakh acres) still remained with these landlords. Even the Patna High Court ruled that khas possession included cultivation through hired servants. It was only in 1964, i.e. 14 years after the Zamindari Abolition Act that the Supreme Court ruled that
khas possession mean only personal possession. However the practice of absentee landlordism continues to date, for example through hired gunashtas in the Bodh Gaya math lands.

Again, the Ceiling Act of 1961 provided for so many exemptions that it proved to be a farce. Till June 1963 the Act allowed the transfers of land to blood relatives, and thus allowed the landed elite to indirectly retain possession of much larger holdings. In this manner, as mentioned earlier, 400 acres of the original 1,200 acres comprising the Tilakpura estate were transferred by the erstwhile zamindar Faujdar Singh as baksheesh in his daughter’s wedding. Another case in point is that of the 12,000 acres of land in Gaya district held by the mahant of the Shankaracharrya math. The K.B. Saxena Committee appointed in the late 1970s by the Janata Government held that about 9,947 acres of the land held by the math in the five blocks of Bodh Gaya, Sherghati, Mohanpur, Fatehpur and Imamganj, was through benami transactions (land transferred to unknown persons). It was found that 17 of the 18 trusts through whom most of this land was controlled were fictitious, and the earnings were being siphoned off by the mahant.

Further, the subsequent amendments in the legislation till 1982 are still far from effective. Revenue officials have been entitled by law to review benami and farzi (fake) transfers made between 22 October 1959 and 9 September 1970, to see if they are genuine. However such transactions and their ramifications continue to date. A.K. Singh, ex-DM of Gaya has pointed out that maths and estates made farzi and benami transfers through registered sale deeds to overcome the land reform provisions. In Gaya district it was found that hundreds of acres of land were sold at negligible prices. In one case in 1987, 32.75 acres of land was sold for only Rs. 2,000, whereas its then prevailing market price was computed to be over one lakh rupees. Eighteen such cases were cited in Gaya itself. In Begusarai district the team found another example of such sale. Covering 6,000 acres, the Naokothi estate includes large areas of gair mazarua and ceiling surplus lands. Ayodhya Singh, under whose name the estate was originally registered, sold large tracts of land when the ceiling was about to be imposed. Holdings ranging from 10-150 bighas were purchased at below-market rates by small
and middle peasants.

The problem is compounded by political and administrative laxity and reluctance in executing these laws. For example in 1987, numerous cases covering nearly 5,100 acres of land in Gaya had been pending for revision before the Board of Revenue, or under appeal from the High Court. Nearly 6,000 acres of land was involved in cases before the District Collector and the subordinate courts. These cases were awaiting reports from the Block Development Officer (BDO) and the Land Reform Deputy Commissioner (LRDC) on the points of possession and classification of land. And these reports had not been submitted for years. The issue of procuring them has never been taken seriously, irrespective of the political party in power.

Finally, implementation of these laws in any satisfactory manner is ruled out in the absence of up-to-date land records. Though the law has decreed a review of the transfers made between 1959 and 1970, it has been hampered by the lack of evidence in the form of land records. For, the only detailed and comprehensive records in the state still happen to be the *khatian* records of 1911-1918. The absence of proper records also engenders new methods of evasion. For example, the practice of transfer of land to a peasant who has no knowledge of the transfer, or falsely enlarging the size of the family by including fictitious names becomes impossible to track down and curtail.

To overcome this deficiency, the State Government enacted the Maintenance of Land Records Act, 1973, to provide a legal basis for the updating of land records. But the Act was notified in only nine out of 587 blocks of the State, and it was not fully implemented even in those nine. In 1977-78 the Janata Party Government led by Karpoori Thakur launched a project called Kosi Kranti in North Bihar. The object of this project was to first update land records, including recording the rights of sharecroppers. This was a measure meant to check absentee landlordism. Thereafter, rural development programmes would be implemented. This laudable intention was subsequently watered down due to the fear that it would turn into a mini-survey operation, disturbing agrarian peace. The project was transferred to the Rural Development Department and was eventually scrapped.
The Tenuous Gair Mazarua Question

On 19th April 1986, 21 people were killed in a police firing on a peaceful public gathering at Arwal in Jehanabad. The meeting was organised by the Mazdoor Kisan Sangram Samiti, demanding distribution of 0.27 acres of gair mazarua malik land in Arwal to the landless. The landowner, Baidyanath Rajak's claim to the land was based on a hukammnama issued in 1932 by the erstwhile zamindar of Salona estate. In 1984 the administration had given him ownership rights under the provisions of the Zamindari Abolition Act, which regularised all such agreements made prior to 1950. In 1986, nine landless dalit families who had built houses on the land were evicted and their huts demolished by Rajak and the police. As appeals to the DM went unheeded, the MKSS organised the protest meeting of 19 April. The 0.27 acres were declared to be disputed property by the government. When our team visited Arwal in August 1995, almost ten years later, the 0.27 acres marked by a red flag was still lying vacant.

Disputes over gair mazarua malik land continue to be a common feature in Central Bihar. In Koilawan village in neighbouring Aurangabad district, 3.75 acres of gair mazarua land are controlled by Baliram Sharma, one of the largest landowners in the village, with a holding of 20-25 acres. On the basis of a pre-1950 bandobast by the erstwhile zamindar, this land has been awarded to Baliram. Sixty odd landless dalit households of Devisthan tola of Koilawan village organised under the banner of the MKSP, challenged this control in October 1994.

The struggle began by planting of red flags, forcibly harvesting the crop on the 3.75 acres, followed by nakabandi (boycott of work) on all of Baliram's land. Baliram attempted to cultivate the land through labour from outside but this was resisted by the MKSP. Baliram brought in goondas to attack the striking workers. A clash followed. Around 50 policemen came to the spot and fired upon the MKSP. Cases were registered against 22 landless, five of whom were arrested in a police raid and subsequently released on bail.
In July 1995, during the sowing season flags were again planted on the gair mazarua lands in Koilawan. Boycott of work on Baliram’s land has meant that besides the 3.75 acres, another 12 acres are also now lying uncultivated. To counter the increasing strength of the movement in Koilawan, the larger bhumihar landowners have sought police intervention. Raids by the 60-70 strong commando unit posted at Daudnagar have since become a daily feature in Devithan. The men are forced to go into hiding to avoid getting beaten and being arrested while the women are verbally humiliated.

As at Arwal, Baliram’s claim in Koilawan is being upheld by the district administration under the provisions of the Zamindari Abolition Act. The DM informed the team that the 3.75 acres are not open to takeover as they can no longer be classified as gair mazarua.

At present the gair mazarua land in Koilawan is lying fallow, part of the 6,000 acres of disputed land lying uncultivated in Aurangabad. No immediate resolution seems possible as the administration continues to uphold a legislation preserving the inequitable distribution of land, and a disillusioned people resort to struggle. Given this context of an intensifying peasant movement and increasing police repression, it would not be surprising if Koilawan along with several other sites of struggle were to see a repetition of the tragedy enacted at Arwal ten years earlier.

This seems to be the fate of any new assessment of land undertaken in Bihar. As the Deputy Collector of Aurangabad informed the team, the assessment of land ceiling carried out in 1972 has been scrapped, and a reassessment ordered in 1981. Regular reassessment in cases already settled by the court is essential to check against holdings again exceeding the ceiling limit through encroachment, forcible takeover or purchase of land, as well as to reassess the number of people currently dependent on the land holding. The 1981 reassessment order was however limited to reassessing cases pending in the courts since 1972-73. These litigations had already witnessed nine years of judicial procedure. The reassessment merely
provided a new lease of life to the ceiling surplus holdings. Thus, the lands of the Tilakpura estate in Aurangabad are still well over the ceiling, though now down to 309 acres from the original 1,200 acres. And 195 acres is disputed and is pending before the court of the Collector.

Most land cases in Bihar were filed between 1971 and 1975 (89 percent of the total). While cases pertaining to small landholders were decided within five years, those pertaining to big landlords, five of whom have more than 10,000 acres, were still pending in 1993. Thus in Begusarai district, a case against the land of Buchi Singh, one of the four owners of the Naokothi estate, has been pending since 1973-74. There are about 2,500 cases pending, right from the Supreme Court, down to the Sub-Divisional Officers and LRDCs in Bihar today.

**Land Distribution**

In sharp contrast to the sorry picture presented by land acquisition data, government statistics on distribution of the acquired land exhibit a success story. By November 1990, 2,62,476 acres of surplus land, i.e. 68 percent of that acquired through the Ceiling Act, had been distributed. Barely 2 percent remains to be distributed since 18 percent is pending in the law courts and the remaining 12 percent was found unfit for distribution. Apart from this, gair mazarua malik land has also been distributed to the landless. This involves the government taking physical possession of the land from powerful sections in the village, who had encroached upon it, and then distributing it to the landless. Over nine lakh acres of such land was distributed until October 1983. Another 21.2 lakh acres were collected through bhooadan. Of the bhooadan land, 31.8 percent (i.e. 6,73,774 acres) has been distributed and barely 10.37 percent remains, since 58 percent of it was found unfit for distribution. Thus, in all, over 18 lakh acres of land has been distributed. It might however be recalled that 18 lakh acres was the target to be distributed from land ceiling laws alone in the few years following 1972. And today distribution through land ceiling constitutes barely 15 percent of the total distribution.
Tenancy Reform

Governmental initiative has been the least in the issue of tenancy, particularly in the system of bataidari. Bihar has the highest incidence of bataidari among all states. Conciliation Boards set up to protect the rights of bataidars are wholly non-functional. The Tenancy Act does not give the tenant the right to legal redress. Cases can only be registered by the district authorities and their record is abysmal. Of a total of 63,253 cases filed under the Act till 1989, 56,632 have been decided — 26.6 percent in favour of the tenant and 73.4 percent in favour of the landowner. This however is the outcome for all tenancy cases taken together. Bataidari disputes as a rule never reach the court. For, bataidars are among the economically and socially weakest in the rural hierarchy and bataidari is more prevalent on the lands owned by the larger, more powerful and absentee landlords. To make matters worse the bataidar possesses no documentary evidence of his status as a tenant. The legislation therefore fails to address the bataidar’s rights. The situation is aptly summed up by the Task Force of the Planning Commission set up in 1975. It felt that “personal cultivation” be defined more explicitly to reduce both the incidence and the exploitation in bataidari, and that a law was required to check absentee landlordism. The Task Force however regretted that such a law would not be enacted and if enacted would not be implemented in the given socio-economic environment.

V. Whose Land Is It?

The laws relating to zamindari abolition, land ceiling, and tenancy, through their implementation, partial, faulty, or lack of it, are responsible for the conflicts that seem to have become endemic to rural Bihar. And many of the situations that have been created defy any simple legal solutions. The first among these concerns the Zamindari Abolition Act, which, among other things, gave the right to the zamindar to settle gair mazarua malik land with the raiyat. But subsequent policies of the government provide for distribution of gair mazarua malik land to the landless. Beneficiaries of the settlement through the zamindar are today large and powerful
landowners. Those who seek to obtain allotment of the land today are landless or marginal peasants. The administration uphold the settlement done by the erstwhile zamindars. By overlooking subsequent policies it seeks to protect the erstwhile raiyats’ ownership of the gair mazarua land. Struggles by the landless for ownership of such lands thus become illegal and a threat to law and order.

A second source of conflict stems from the contradiction between the distribution of ceiling surplus and gair mazarua land on the one hand and tenancy laws on the other. Lands assessed as excess of the ceiling limit or the gair mazarua malik land acquired were not lying fallow prior to acquisition by the government. Most of these lands were operated by bataidars of long standing. Such bataidars possess the right to own or gain occupancy over the land they till as per the tenancy laws. The acquisition of these lands by the government for subsequent distribution among the landless, coupled with the non-implementation of the tenancy laws ensures eviction of the bataidars. What then ensues is tension between the erstwhile bataidars and the landless beneficiaries. The distribution of the ceiling surplus lands of the mahant of Bodh Gaya in Lai village presents such a picture with earlier bataidars belonging to lower middle castes pitted against the landless dalits who have been allotted 0.125 acres of land per household.

Another source of tensions result from the government policy on distribution of the gair mazarua aam land. A significant portion of such common lands were one in use as rain water storage systems for irrigation purposes. The decline and subsequent siltation of these has created new cultivable lands. Governmental policy concerning these aam lands aims at repairing these irrigation sources. Distribution of aam land is done in exceptional circumstances, only for homestead purposes, and with the approval of the village panchayat. But in most cases the irrigation sources remain in disrepair. With the village panchayat dominated by the landed elite, and last elections to the panchayat having been held 15 years ago, and no governmental initiative to takeover these lands, the aam lands continue to be occupied by the landed.

Conflicts also arise due to the illegal sale of land by the landlords in order to evade the provisions of the ceiling laws. This land is
generally sold in small plot sizes at rates lower than the market rate and the buyers are the small and middle peasants of the village. The administration has made no attempt to prevent such sales in any of the districts. Attempts by the landless to prevent such sales or to takeover such lands ends up in a conflict with the new owners. The 1,000-acre Naokothi estate in Begusarai sold such ceiling surplus land to 300-400 peasants in plot sizes ranging from 3 acres to 50 acres. The Tilakpura estate in Aurangabad has similarly sold 50 acres of land in Koilawan village to middle peasants. In both these cases the district administration has taken no action to prevent or to annul the sale.

Social tensions often erupt into direct conflict. Particularly when the district administration gives legal rights to the landless through parchas on lands which are either under illegal occupation of rich landowners or where the status of the land is disputed. While such practices are specifically debarrd by legislation, examples of parcha distribution over disputed lands are many. Where ceiling surplus lands have been sold in order to circumvent the provisions of the law, the new owners prevent the parcha holders from taking possession. This is the present situation on the ceiling surplus lands of the Naokothi estate. In cases where beneficiaries of land distribution are forcibly evicted by the erstwhile landlords, response from the administration to charge the accused or to expedite repossesssion is lacking.

Another source of conflict arises from faulty assessment of the ceiling. This may be either because the landowner has been successful in presenting incorrect records regarding class of land or size of family, or because a part of the family no longer resides in the village. It may also be the result of failure to reassess the ceiling with the passage of time. However the facts about the extent of land ownership, type of land, and size of family are not hidden from the potential allotees. Thanks to the work of peasant organisations, the poor also have gained knowledge of legal provisions and their rights. Struggles to take over land in such cases invariably result in conflicts. And these conflicts also serve as the only means of making the administration realise the existence of surplus land. In this way the struggles by the Vahini until the mid 1980s on the lands of the mahant of Bodhi
Gaya were instrumental in determining the extent of farzi and benami land transfers. In numerous cases of land distribution, parchas were issued by the administration after the land had been forcibly occupied through struggles by the poor.

An integral part of all the legislations concerning land reforms has been the attempt to dismantle the system of absentee landlordism. Yet no direct law to prevent this practice exists in the statute books. Families with landholdings, whether large or medium, are leaving the village to enter urban services and professions. The land held by such absentee landowners is increasingly coming under bataidari. With non-functional tenancy reforms and lack of fresh assessments the growth of such rent-seeking classes cannot possibly be checked. The contradiction of the peasant movements with these absentee sections is a new source of conflict in the countryside.

Lastly, the long period of delay in the courts tends to aggravate the conflict over land. Humiliating and highly exploitative forms of labour continue for years while litigation carries on. This is especially true of the Tilakpura estate in which 309 acres have been under dispute for the last two decades. While the landless peasants struggle for distribution of the land, the administration uses all available means to protect the land rights of the erstwhile zamindars.

Thus the four-and-a-half decades of land reform legislation has heightened the contradictions between the poor and the large landed interests. Additionally, it has left the rural poor to fend for themselves in this conflict. The state has been abdicating its responsibility by taking refuge beneath layers upon layers of legal debris. These legislations were, however, also at the source of a new contradiction, between different sections of the poor themselves. The formation of organisations of the rural poor to address these grievances was the direct outcome of the lack of initiative by the government, both in the pre-Independence and in the post-Independence periods. And the demands of these prolonged struggles were at the core of the promulgation of the land reform legislations. Implementation of these laws, to the extent that it occurred, was also due to the pressure exerted by the struggles of the peasantry.
VI. Peasant Organisations and Struggles

Rights to land, security of tenure, and lowering of rents and forced payments were the issues around which peasant mobilisation took place in the early decades of this century. *Raiyats* and sub-*raiyats* were the most vocal section articulating the demands of a peasantry overburdened by rents and forced payments imposed by the zamindars. Leadership of this mobilisation was given both by the Congress Party and the Communist Party of India (CPI). With the survey and settlement operations, a major demand was that of the recording the rights of *raiyats* cultivating the *bakasht* lands of zamindars.

The CPI-led Bihar Pradesh Kisan Sabha movements continued through the 1930s and 1940s. These aimed at the abolition of the zamindari system itself. For the Congress, however, the peasant struggles against zamindars were subservient to the overall programme for Independence. And there was need to rally larger sections of the people towards this end. Unity between smaller zamindars and *raiyats* thus became the prime political objective. This effectively prohibited direct confrontation with the zamindars. Both CPI and Congress led movements, however, were similar insofar as they voiced concern for all sections oppressed by zamindars, but their major demands revolved around the oppression faced by *raiyats*. These movements were thus instrumental in consolidating the position of *raiyats*.

In the same period there were also attempts by the *raiyats* to organise from within. Such mobilisation took place along caste lines with yadav, kurmi and koeri associations being formed in 1914. In the 1930s these combined under the banner of the Triveni Sangh. The Sangh raised its voice against begar (forced labour). Similar attempts were made by upper middle castes, especially the yadavs, to improve their social status by resisting the humiliating customs that reinforced their subordination to the zamindars. Ironically, some of their demands were a mere reflection of the same distorted value system which governed the lives of the upper castes such as withdrawing women from public places.
The abolition of zamindari effectively ended the feudal oppression faced by the raiyats for it abolished intermediaries and gave the raiyats right over land. Twenty years after the promulgation of the Bihar Land Reforms Act and fifteen years after the formal abolition of intermediaries, the movements that arose in the late 1960s once again brought to the fore issues similar to those raised in the 1930s and 1940s, that is, security of tenure and lowering of rents. There were however a host of new issues emanating from the agrarian structure as it evolved after the abolition of zamindari. One significant difference was that these movements forcefully brought into the open issues of those who were at the bottom of the oppressive social ladder - landless labourers, bataldars, and small peasants. Of the three incidents we investigated, the persons killed and the agrarian sections under attack were landless dalits in Aurangabad and Begusarai. In Gaya, they were landless dalits and small peasants from lower middle caste households. By organizing those who have traditionally been the most oppressed in rural society, these organizations have challenged the basis of rural power and oppression.

Two organizations which came up in the early 1970s were the Bihar Pradesh Kisan Sabha (BPKS), affiliated to the CPI(M-L) [Liberation] and the Chhatra Yuva Sangharsh Vahini, an offshoot of the famous movement led by Jaiprakash Narayan. Based in the districts of Patna, Ara and Rohtas, the BPKS organised the landless to fight for fair wages. The landed elite organised attacks on village-level activists. There were clashes in Patna district in which both landowners and labourers were killed, just prior to the Emergency. During the Emergency the BPKS faced severe repression. The Vahini became active soon after the Emergency. It concentrated on the lands of the mahant of Bodh Gaya. Vahini activists were arrested and beaten by the police, and attacked by goondas engaged by the mahant. In the late 1970s the Maoist Communist Centre (MCC) also started organizing the rural poor in the districts of Hazaribagh, Gaya and Aurangabad. The Mazdoor Kisan Sangram Samiti (MKSS) started functioning in the Jehanabad area from around 1980.

At present, the main organizations leading the struggles of the poor are the Krantikari Kisan Committee (KKC) and Jan Suraksha Sangharsh Manch (JSSM) associated with the MCC, the Mazdoor
Kisan Sangrami Parishad (MKSP) and Lok Sangram Morcha (LSM) affiliated to the CPI(M-L) [Party Unity] and the Indian Peoples Front (IPF) affiliated to the CPI(M-L) [Liberation]. The MKSP is the resurrected form of the Mazdoor Kisan Sangram Samiti (MKSS) which was banned after the police firing at Arwal in 1986. The IPF is a broader front of which the BPKS is a constituent. The activities of these organizations have spread to all districts of Central Bihar as well as parts of the South Bihar plateau regions and districts north of the Ganga. All these organisations are commonly termed Naxalite.

Initial struggles by these organizations focused on crime and dacoity, theft of cattle and pumpsets and looting of crops. Such crimes were an integral part of the mechanism of exploitation in the countryside. The success of the Marxist-Leninist groups in this respect is even acknowledged by police officials. Areas in which the Naxalite groups have a strong base are marked by a virtual absence of such crimes.

The other major struggle was on the issue of fair wages. When a PUDR team visited Patna district in 1981, they learnt that wages for a day’s labour in Naubatpur were 800 grams of rice, 320 grams of sattu made from khesari, and one meal. In Masauri wages stood at 580 grams of paddy, 580 grams of sattu and one meal. The cash equivalent of these worked out to Rs. 2.25 and Rs. 2.33 respectively. In 1992 a PUDR team found that wages in Patna district were 1.5 kgs of paddy. In Shakurabad in Jehanabad district wages stood at 2 kgs of grain, after a strike in 1989. In Beliganj and Tekari blocks in Gaya district after a similar strike in the same year, labourers received 2.5 kgs of grain. In Dumaria in Gaya the labour strike resulted in the fixing of wages at 3 kgs of grain. This time our investigation revealed that wages in Mohanpur in Gaya district were at present 2.5 kgs of grain along with breakfast and Rs.6 as pivoda (for liquor). In Haspura in Aurangabad, wages were 3 kgs of rice without any meals. Talks with district officials also revealed that wages in most areas of central Bihar today have risen to 3-3.5 kgs of grain or its equivalent in cash.

The landowners in some areas have reacted to this rise in wages with a shift towards giving out lands on batai. Bataidari is also quite
remunerative for the landowner. The bataidar household in order to ensure mere survival has to put in all the effort to ensure a good crop. This results in a much higher amount of labour expended than would be used on a field cultivated using wage labour. Fifty percent of the resulting crop goes to the landowner who does not share in the cost of cultivation. Thus after paying off interest on loans, and 50 percent of the produce as rent, the returns to the sharecropper are considerably lower than those to the landowner. The struggle by the peasant organisations in such areas centres around the respective shares of the bataidar and the landowner. That the Tenancy Act of 1986 stipulated that the landowner’s share be fixed at a minimum of 25 percent is an outcome of these struggles. The bataidars demand that the landowner also share equally in the costs. Attempts by the landowners to shift the burden of the malguzari tax (land tax) on the bataidar are being resisted.

The erstwhile zamindar households too lease out their bakasht lands, either because of absentee landlordism, scattered holdings, or because of the social stigma attached to manual labour amongst the upper castes. The most exploitative cases of tenancy occur on the lands of absentee landlords who are most often either professionals or entrepreneurs with ancestral property in the villages. These have the largest number of concealed tenants. Their lands are supposedly under “personal cultivation”, i.e. under the supervision of the landowner himself or his family, who ought to employ wage labour. However in most cases, these lands are leased out to non-occupancy bataidars, who have no legal status. As the main source of income of absentee landlords is not agriculture, they have no interest in investing to improve the land. In such cases the sharecropper has to bear the entire cost of cultivation, as well as paying a share of 50 percent of the produce. In South Gaya and in parts of Aurangabad where the MCC is active, the very system of bataidari is being opposed. Landowners are not finding willing sharecroppers and such lands are lying fallow.

Another major issue on the agenda of these organizations has been the restoration of dignity of women agricultural labourers. An overwhelming proportion of working dalit women are agricultural labourers (95 percent in Begusarai, 86 percent in Mohanpur and 88
percent in Haspura). Agricultural labour is also the main economic activity of women workers. Over two-thirds of the working women are engaged as agricultural labourers. Sexual humiliation thus became a logical outcome of their economic and social status. With the participation of women in a large number of militant struggles against the oppression of the landed elite, the rape of women as a regular form of exploitation has become an explicit issue in the movements today. In 1992 a PUDR team was told by senior officers of the district administration in Gaya that the MCC had instilled fear in the elite by declaring that penalty for rape would be death. This put a virtual end to the rape and molestation of women in some areas.

Seizure of land and its distribution among the landless has been a major plank of the movement for over a decade and a half. There are various categories of land whose distribution is being demanded. By the time of zamindari abolition itself, a large part of the gair mazarua malik lands had come under the plough. Part of these cultivable lands was settled by the erstwhile zamindar with the raiyats. The rest was being illegally held by the landed elite. The end of zamindari had also meant a fall into disuse of the traditional sources of irrigation which had hitherto been maintained through compulsory begar labour. The gradual siltation of these water storage mechanisms created new lands fit for cultivation. Over the years these too were illegally occupied by the landed elite.

Thus more and more categories of land came to be contested by the organizations of the rural poor. These included both the lands that were surplus over and above the legally stipulated ceiling, as well as lands belonging to absentee landowners. Matters in the seizure and distribution of land were complicated not only by the armed assertion by landlords to prevent its seizure, but by the legal provisions and a complacent administration. Gair mazarua malik lands settled by the erstwhile zamindar had been entered into the settled land records. Large amounts of ceiling surplus lands had been sold off by the large landowners to smaller peasants. Hence the attempts at seizure of these lands by the movement have in places brought in a new set of tensions with the middle peasantry. To overcome this problem the organizations have stipulated a ban on the sale and purchase of such lands.
The process of the seizure of such lands by the organisations starts with the assertion and declaration of intent by planting red flags on the land. If this remains uncontested, sowing can start from the next season. But this does not remain uncontested in most instances. During the period of such contestation, the lands usually remain fallow. The duration of contest is related to the relative armed strength of the landowner and the peasant organization. Effective deployment of the police to prevent such seizure is increasingly becoming another determining factor. With the expansion of organizations or their propaganda to virtually every village in the Central plain region, the team found different organizations working in close proximity or even within the same village. Thus the issues articulated and asserted by one organization reach fruition through the work of another. In Lai village in Mohanpur, Gaya, the struggle over land started with the Vahini and later was taken up by the IPF. The land however was finally seized by the MCC. Similarly in Haspura block, the IPF first began operations against the Tilakpura estate, and was later followed by the MKSP. This is one reason, among others, for tensions arising between various peasant organizations. Contradictions between people at the village level in land distribution or over seemingly petty issues too have generated tensions between organisations at the village level. These tensions have at times resulted in inter-organisational conflicts. In December 1993 an armed group of the CPI(M-L)[Liberation] fired upon a public meeting organised by the MKSP at Pachrukiha near Gulzarbigha. One person was killed and another seriously injured. An immediate retaliation by CPI(M-L)[Party Unity] resulted in three more deaths in Dhamani village nearby. Similarly Lai village became the venue of such incidents in which five supporters of Liberation and MCC have been killed in the last two years. Frequent occurrences such as these have serious implications for peasant struggles and for democratic rights of the people in general.

The organizations are now taking up the struggle for distribution of seized land among the landless. They are also taking up the issue of getting actual possession of land for those who already have been allotted formal ownership parchas, but whose rights are being contested by both the old and the new maliks. For the dalits too the
distribution of this land is of immense importance, for they have traditionally been denied the right to own land. Apart from providing a degree of independence from the oppressive maliks, the ownership of land also transforms their status in the social hierarchy.

Today, the question of control over land is of primary concern in the agrarian struggle in Bihar. For control over land is the most effective method of challenging the power of the rural elite. Not only is it economically damaging for the landlord, but it also changes the relative position of economic actors in the social order and seriously restricts the size of and the ability to maintain a coercive apparatus. For the three major organizations presently organizing the poor in Central Bihar, the seizure of land has been on the agenda from the very beginning. With struggles over other issues realizing their goals, the agitation for redistribution forms the core issue in the ongoing struggle.

VII. State Repression

That the people of Bihar are in urgent need of development cannot be over-stressed. With an annual per capita income of Rs. 3,650, the state ranks lowest among the eighteen large states with an average per capita income of Rs. 6,929. The backwardness of agriculture preempts growth in industry and is responsible for the abysmally low standards of living of a large majority of the rural population. Radical transformations in agrarian relations through land reform legislations were expected to change this state of affairs. The provisions of these legislations, their faulty implementation, and the lack of implementation, ensured the persistence of old work relations on the one hand and the emergence of new variations which proved to be no less oppressive on the other. The indifference of the state to the implementation of its laws and policies effectively meant that it was giving up its role as negotiator in the conflict between the elite and the poor, and forsaking its responsibility to protect the rights of the weak. The birth of Marxist-Leninist organisations, and their growing support among the peasantry is a direct outcome of the oppressive social order, and the failure of the state to implement its own laws. This fact is recognised even by the state government today
in its giving priority to the land question.

In recent years, and more so after coming to power for the second time, the Chief Minister of Bihar, Mr. Laloo Prasad Yadav, has declared his intention of developing the state through foreign capital investment. Towards this end, the Chief Minister has promised to ensure a favourable investment climate. One major obstacle is the prevailing law and order problem in the state. On the one hand Bihar tops the list of all Indian states in the number of kidnappings for ransom. On the other hand, peasant movements led by Naxalite groups, seeking to change the balance of forces in the countryside, have spread to virtually every district of the state. In this context the state government has started its two-pronged policy: one, of eliminating activists of peasant organisations as well as criminals and two, of implementing land reforms at a rapid pace.

The two-pronged policy taken up by the Bihar government today is not new. It was tried out by the Congress government which was in power in 1987. Operation Siddharth for promoting social justice and rural development, and Operation Rakshak for curbing the activities of peasant organisations, were launched. These failed to provide the benefits promised to the poor. In their actual implementation both these operations were directed against the peasant organisations. Operation Siddharth was limited to the districts of Gaya, Aurangabad and Jehanabad and its development was restricted to construction of roads to enable easy police patrolling. Not surprisingly, the main beneficiaries were contractors. By giving petty contracts to some among the poor a network of police informers was also sought to be created. Operation Rakshak was however conducted in seven districts. Cordon and search operations were launched in which entire villages were surrounded in the dead of the night. Killing of mass organisation activists as well as other village residents, demolition of houses and smashing of household goods, and large numbers of arrests, followed.

The present policy has implementation of land reforms as part of its agenda. Thus the Minister for Land Reforms and Transport, Mr. Inder Singh Namdhari has requested the High Court to constitute special courts for the disposal of 162,000 cases of land disputes pending in various courts across the state. A target of nearly 50,000
acres has been set for distribution among the landless. What can be the expected result of this policy when the state government claims that 90 percent of land acquisition and distribution has been completed? Such farcical claims push the activities of the peasant organisations regarding takeover of surplus and gair mazuria lands and its distribution among landless into the region of illegal activities. These organisations seeking to change the agrarian structure through struggles against oppression are being eliminated under the other facet of the present policy.

Some instances of recent police action against the peasant organisations highlight the attitude of the administration and its policy towards them. A peasant activist, Suhel, was arrested from the Aurangabad railway station with a firearm. He was taken to Patna by the police where he was tortured for many days and even subjected to electric shocks. The Patna office of the Lok Sangram Morcha (LSM) was raided, papers were seized and the Convenor of the Morcha, Arjun Prasad Singh, along with activists of Bharat Naujawan Sangh (BNS) arrested. The Gaya office of the Jan Suraksha Sangharsh Manch was ransacked and documents taken away.

There is a distinct attempt to prevent even democratic forms of protest and to target activists in student and youth organisations. The LSM was prevented from holding block-level demonstrations in Jehanabad, Gaya and Aurangabad in protest against increasing police repression. The rally against the Gulzarbigha encounter was lathicharged. The 9 August public rally organised by the CPI(M-L)[Liberation] in Begusarai town was openly fired upon by the police killing at least two people. Following an encounter in a village in Palamu district, the secretary of the BNS, Daltonganj was arrested on murder charges. The house of one activist who evaded arrest was demolished and movable goods taken away in the name of attachment of property. Such attachment of property is being carried out in cordon and search operations in many villages. All forms of protest including pasting of posters, distribution of leaflets, rallies and dharnas have come to a halt in Daltonganj.

Besides torture, arrests, harassment of activists, and curbing of democratic protests, forms of repression on peasant organisations
Protective Legislation

cases in search of a court

"Despite various measures to improve the socio-economic conditions of the Scheduled Castes and the Scheduled Tribes, they remain vulnerable. They are denied number of civil rights. They are subjected to various offences, indignities, humiliations and harassment. They have, in several brutal incidents, been deprived of their life and property. Serious crimes are committed against them for various historical, social and economic reasons . . .

"Under the circumstances, the existing laws like the Protection of Civil Rights Act, 1955, and the normal provisions of the Indian Penal Code have been found inadequate to check these crimes. A special legislation to check and deter crimes against them committed by non-Scheduled Castes and non-Scheduled Tribes has, therefore, become necessary."

from Statement of Objects And Reasons

The SC and ST (Prevention of Atrocities) Act, 1989

The above-mentioned context and the pressing need for effective legislation was evident in every village our team visited. Instances of sexual harassment of dalit women in Lai, Gulzarbigha and Koelwan; the denial of rights over common lands, and false cases against dalits in Lai and Kaulachaur; besides, the persistent denial of minimum wages - all form an

also include encounters, fake or real. In fact the way activists of CPI(M-L)[Party Unity] in Gulzarbigha and of CPI(M-L)[Liberation] in Begusarai were killed and the manner in which the law relating to encounters works, the two categories, fake and real, have lost their meaning. Police encounters have always been a means of eliminating political activists. But whereas earlier these were sporadic instances, they are now part of state policy. This is evident from the increasing number of such encounters.
oft-repeated pattern of atrocities against dalits in the villages of Central Bihar.

It is in this context that the Act was passed in September 1989. In over six years, the centre has not promulgated the rules necessary for its enforcement. The Bihar government did constitute separate thanas so that dalits could register complaints without fear. One such thana exists in Gaya town. However, it is supposed to cover the districts of Gaya, Jehanabad, Aurangabad, Bhojpur, and Palamu. Thus the administration expects dalits to travel up to two days to register an atrocity at Gaya soon after it has been committed. And even if a dalit were to travel the distance, it would be futile! For there are no special courts as provided for in the Act for trying cases of atrocities against dalits. Effective implementation of any legislation requires administrative rigour; and more than that, the political will. In the absence of this, the real objectives of such legislation are bound to be forsaken. And for the very same reasons for which the normal law of the land proves to be inadequate.

This failure of law pertaining to dalits contributes to the dominant presence of dalits in peasant movements in Bihar. Attempts by these movements to enforce and widen the law generate state responses - registration of false cases, sexual harassment of dalit women, beating of men - that are offences under S.3 of the Act. The movements themselves are labelled “extremist”, and dalits involved in or supporting these movements officially become “Naxalites”, and deemed perpetrators of social violence rather its victims.

Apart from the regular police stations and police pickets, each district considered to be ‘Naxalite infested’ has now been provided with a commando unit to deal with the peasant movement. This one hundred-strong force in each district is equipped with self-loading rifles and AK-47 rifles. This force was responsible for the ‘encounter killing’ of four persons in Gulzarbigha village.

Such are the emerging trends in the plain regions of Bihar. Attempts by the government to deal with peasant movements through
banning the organisations, banning mass activity, or through “encounters” holds dangerous portents for our democracy. Political dissent is sought to be wiped out through such methods and real social-political issues are ignored. All avenues for redressal are being closed. Such policies of the government and their implementation by state forces only breed contempt for the rule of law both from within the State apparatus and in society at large. They symbolize the absolute disregard of the state towards the rights of the individual and indifference towards the claims of the poor sections in the countryside. Through this report we hope to lay bare the real nature of ‘police encounters’ in Bihar. To contribute to the struggle to resist violence by the state government on the individual and on poor sections in general.
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Protest the Killing of Jalil Andrabi

In 1994, a writ petition was filed in the J&K High Court seeking names of the detenues, the charges against them, the period of their detention, and the medical facilities available at each interrogation centre, jail, sub-jail and police station in J&K. After various orders by the court, to which the law enforcing agencies refused to respond, the judge was forced to write in an order dated 17 October 1994: "The police agencies and the administration appear to have thrown to the winds the rule of law. All sorts of illegalities are being committed by them, and even criminals and terrorists may be ashamed of them". The petitioner in this case was a noted civil rights activist, Jalil Andrabi.

On 9 March 1996, while travelling in Srinagar with his wife, Jalil Andrabi was abducted. His wife immediately filed an FIR at the Shergarhi police station stating that the personnel of the Rashtriya Rifles, a unit of the army, had forcibly taken her husband away. The J&K Bar Association filed a habeas corpus petition in the High Court. Notices were issued to the J&K government and the Rashtriya Rifles for the production of Mr. Andrabi.

Nineteen days later, on 26 March, his dead body was discovered on the banks of the Jhelum near Ram Bagh in Srinagar. The body bore marks of severe torture and a bullet wound in the forehead.

...Because I tried to give voice to truth
I was condemned to silence...

Mr. Andrabi is the fifth civil rights activist to be killed by the security forces in J&K. On 5 December 1992, sixty-five year old trade unionist Hriday Nath Wanchoo was shot dead by the Border Security Force while travelling in an autorickshaw in Srinagar. On 18 February 1993, Dr. Farooq Ahmed Ashai, an orthopaedic surgeon was shot dead by CRPF personnel when he was travelling with his wife and daughter. On 31 March 1993, Dr. Abdul Ahad Guru, a cardiac surgeon was kidnapped and his body discovered the next day outside the hospital premises. In a similar incident Prof Abdul Ahad Wani, dean, Faculty of Law, Kashmir University was abducted and his dead body discovered a few days later outside the campus.