

# **GUNNING DOWN DALITS**

**Police firing at Ramabai Ambedkar  
Colony, Mumbai on 11th July 1997**

**AN INDIAN PEOPLE'S HUMAN RIGHTS COMMISSION REPORT**



# P R E F A C E

The Indian People's Human Rights Commission requested us (Justice S. M. Daud and Justice H. Suresh ) to serve as members of the Indian People's Human Rights Tribunal to probe into the incident that took place in Ramabai Colony at Ghatkopar, Mumbai, on 11.7.1997 in which 10 persons were shot dead, and 14 persons suffered bullet injuries and many more suffered, all being the victims of police action.

Accordingly, we along with several social activists visited the colony on 18.7.1997, and identified the spots where several persons were hit by bullets. Thereafter we sat at Gandhi Kuti Vihar situated by the side of Dr. Ambedkar's statue, and recorded the statements of a large number of eye-witnesses, victims of police action, journalists and other social activists from the locality. We also sat on 25.7.1997 at the B.U.J. Hall at D.N. Road, Mumbai and recorded further statements of persons who had gone to the site soon after the incident. We have also collected several statements from injured persons who were still undergoing treatment in the hospital.

Amongst the others, we have a statement on record from Sri Vasant Laxman Ingle, ex-Commandant, SKP and presently a Superintendent of Police. Though the police, as usual, did not appear before us, we had the benefit of the interview as given by Sub-Inspector M. Y. Kadam, the officer who ordered police firing, to the correspondent of The Times of India, which appeared in the Sunday Times dated 20<sup>th</sup> July, 1997. That gives the police version. Besides, the Commissioner of Police allowed us to have a look at the edited version of a video tape of less than two minutes in duration, which the police rely on to justify their version.

We also had the benefit of a fact-finding report dated 17th July, 1997 brought out by Lokshahi Hakk Sanghatana and The Committee for Protection of Democratic Rights. Their members had visited the colony

as early as on 13th, 14th and 15th July and collected several statements on the spot which has helped us in arriving at the truth.

We would like to emphasise that in all cases of police action resulting in death and injury to the citizens, a speedy inquiry by an impartial body, sponsored preferably by the people themselves is the surest way to resuscitate faith in the administration. Every attempt to disregard such inquiry will only make the police and the administration suspect in the eyes of the people.

We understand that the government has ordered an inquiry by one of the sitting judges of the High Court. We regret to say that though more than a month is over, the said inquiry has not passed beyond the stage of notification.

We feel that it is proper that this report be dedicated to those killed, beaten-up, tortured and slighted, viz., the residents of Ramabai Ambedkar Colony. This small epistle is commended to the public, lest they forget, lest they forget!

Justice H. Suresh  
Former Judge  
Bombay High Court

Justice S. M. Daud  
Former Judge  
Bombay High Court

## THE INCIDENT

Ramabai Colony is one of the better known slums situated in the suburb of Ghatkopar, Mumbai. A mixed locality, the Dalits constitute a preponderant section of the populace. Nearly 65 to 70% are Dalits and profess the Buddhist faith. Buddhist revival in India owes a great deal to the fighting spirit of Dr. Babasaheb Ambedkar. That the Neo-Buddhists are a sizeable section of the residents in Ramabai Colony is clear from the pride of place accorded to the Buddha Vihar and the statue of the great leader Dr. Babasaheb Ambedkar.

On 11.7.1997, it was noticed early in the morning that some one had put a garland of footwear on the neck portion of the statue. There is a police out-post at a distance of 20-25 paces from the statue. There is also a bright light above the statue. Yet, some one had defiled the statue. The news spread like wild fire and people from the colony had started collecting around the statue. As tension was building up, some one got in touch with the Asst. Commissioner of Police Mr. More and he came in plain civil dress. The prominent persons from the locality pressed ACP More to get the dog -squad on the scene so that the trail of the miscreants could be located. As Mr. More was hesitating the people as usual decided to resort to 'rasta-roko' on the Eastern Express Highway, at the place almost in line with the statue. This was at about 7-7:15 a.m.

After a while a SRP Van came and halted in front of the Buddha Vihar, on the Highway. S.I. Kadam alongwith 8-10 constables got down from the Van and started firing into the colony with their 0.303 rifles. This resulted in the death of 10 persons and about 14 persons received serious bullet wounds. The entire incident lasted about 10 minutes.

It appears that the police came again in the afternoon and lathi-charged several persons and some of them even inside their homes.

The after-math of this incident is well-known to the citizens of Mumbai. It unleashed a fury which brought the metropolis, as also large parts of the state and elsewhere to a standstill.

The police version is that they had to resort to firing, as otherwise the people would have set fire to two L.P.G. tankers which were stationed nearby.

# **THE REFERENCE**

We set out the scope of inquiry as follows:

1. What are the facts and circumstances that led to the incident of police firing and lathi charge on 11.7.1997 at Ramabai Colony?
2. What is the nature of the incident, and the extent of violence ?
3. Whether there is any justification for the police action ? Whether it was avoidable and in any event was excessive ?
4. Who could be said to be responsible for the violence ?
5. What should be the recommendations in the interest of democratic values and human rights considerations ?

## THE PROCEDURE

Ours is a fact-finding body and not any trial. The object is to find out the truth. The best way to find facts is to visit the site and talk to the people. That is what we did. We were shown not only the spots where the deceased were shot dead , but also other bullet marks and holes on the shutters and doors and walls. We recorded the statements of eye-witnesses, victims of bullet injuries and others. We also collected the statements of injured who were still in hospital. We had the benefit of the Lok Shahi Hakk Sanghatana and CPDR report. We cross-questioned the witnesses and verified their statements with the reports that appeared in the press.

We would have been happy, if the police had come and deposed before us. Though ours is a democratic republic, the administration in this country has consistently maintained an attitude of being indifferent to people's efforts in such situations. That does not mean, we have ignored the police version.



## THE LOCATION

Ramabai Colony is on the Eastern side of the Eastern Express Highway. Between the Highway and the Colony there is a "nullah" of about 10'-15' in width and, Service Road which is about 15'-20' in width. Beyond that is the cluster of houses. On the Eastern side of these structures, approximately at a distance of about 250'-300' there is the Basti Market Road which is somewhat parallel to the Service Road. The colony spreads far into the East beyond this road.

Towards the North at a distance of about 200' from the Highway, there is Dr. Ambedkar's statue. In front of the statue there is the connecting road between the service road and the Basti Market road, and the road projects onto the Highway. There is considerable open space in front of the statue, right upto the Highway.

To the South at a distance of 1000' there is a Buddh Vihar and the Buddh Bhiku Niwas. Behind the Buddh Vihar there is a compound and a gate.

The Eastern Express Highway is divided in the middle, the Eastern portion allowing traffic towards Chembur from Thane, while the Western side allows traffic in the opposite direction.

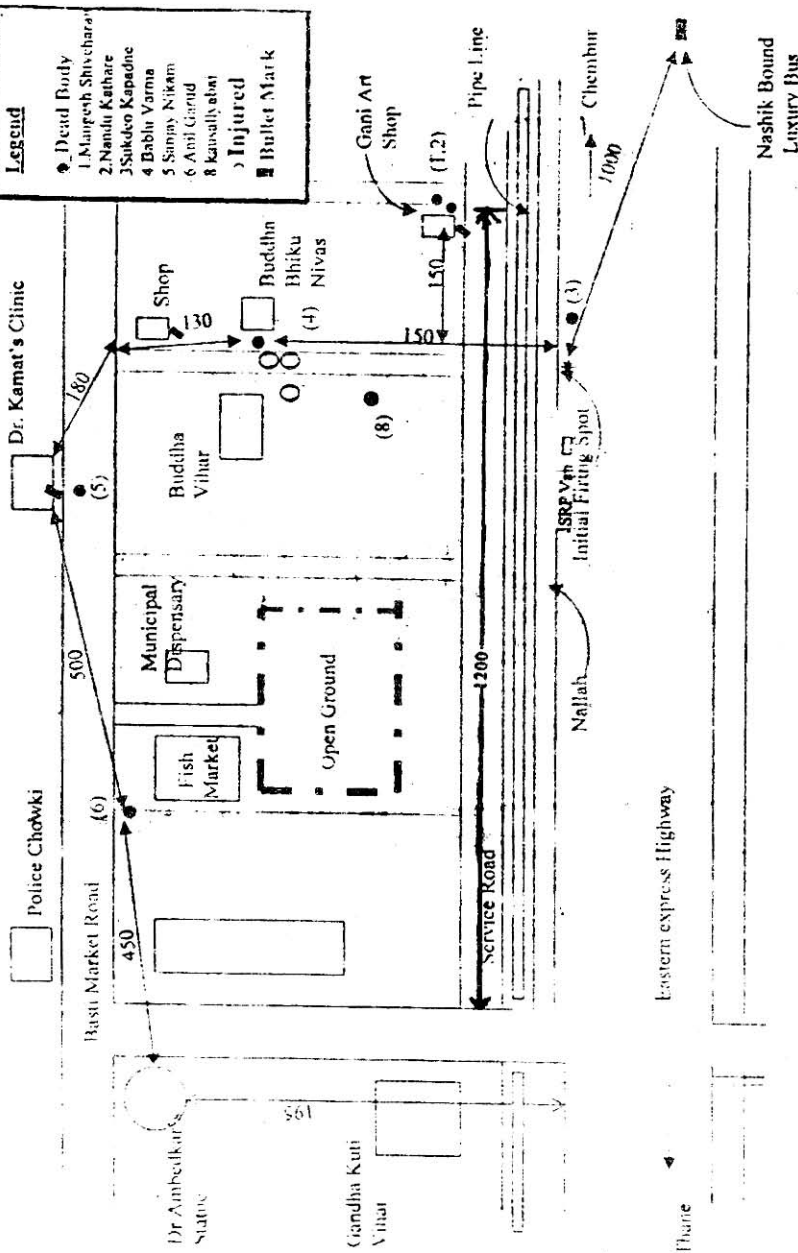
In the frontage of the colony as it abuts the Highway there are no trees whatsoever. However on the Western side of the Highway there are trees, more towards the South Westerly direction from the Colony.

Beyond this Colony on the Southern side, at a distance of a bus-stop away from the bus-stop situated in front of Ramabai Colony, there is Kamaraj Nagar which is also a Dalit pocket.

A rough sketch of the layout of Firing Spot has been annexed hereto.

**Legend**

- Devid Body
- 1. Manjesh Shivchara
- 2. Nandji Kathare
- 3. Sukdeo Kapadne
- 4. Bablu Varma
- 5. Sanjay Nikam
- 6. Anil Garud
- 8. Kausalyabai
- Injured
- Bullet Mark



**Pant Nagar**  
**Schematic Layout of Firing Spot**

(Distance in Feet. Drawing Not to the Scale)

# THE EVIDENCE

## 1 Mr. Bhikhoo Summangal and Mr. Bhikhoo Kashyap

These are the two monks who work at the All India Bhikshoo Sangh. The Sangh has an office at Ramabai Colony and they reside at the same place. They were the eye-witnesses to the firing that took place that morning as it happened right in front of their eyes. When we visited the colony and went around, they came forward and pointed out the place where the SRP Van had stood and also pointed out where different persons were shot by the police. In their evidence they have described the happenings in great detail. According to them at about 7.00 a.m., they heard a commotion from the direction of the place where Babasaheb Ambedkar's statue is situated. At that time there were people on the Service Road in front of the Sangh's office and also on the Shopping Road which is also known as Basti Market Road. Most of these people were on their way to work. There was no riot or any stone throwing at that point of time. Soon they saw some cars of police officers and a wireless van go towards the South on the Highway. Within another five minutes came the SRP Van. The van stood almost right in front of the Sangh's office on the Highway. About five to seven policemen armed with rifles got down from the van. Seeing the van and the armed police, people started panicking and running in different directions. The police then started firing from the Eastern side of the Highway towards the Colony. One of the first victims was Ms. Kausabai Pathare (Tapase). She was shot on the left side of her chest and she fell down dead. She was not shouting slogans nor had she any arms or stone in her hand. Then they saw one Mr. Hiranman Gaikwad falling down. He received two bullet wounds, one on the stomach and the other on the right shoulder. A driver whose truck was parked nearby came to shift his vehicle and he was also shot in his left arm. One Mr. Babloo Varma just peeped out to find out what was going on and was hit by a bullet and fell down dead. They have also seen one Mr. Sukhdev Kapadne being shot by the police at a distance of

about fifteen feet from the SRP Van and he died immediately. A young boy who was easing himself nearby got up with a view to run and he was also shot dead. He had received the bullet wound on his forehead.

They have stated that all the persons who were shot and received injuries were innocent persons. They have also categorically stated that there was no sign of fire or smoke at the time of the incident anywhere on the Highway. There was one tanker at that time at a distance of about a thousand feet in the South Western direction on the Western side of the Highway. There was also no fire or smoke near the tanker. They have also stated that there was no connection whatsoever between the firing by the police and the tanker. They were shown a photograph which appeared in the Navbharat Times – Bombay Edition of 18.7.1997 and was taken from the video tape shown by the police to the press. On seeing the photograph they have stated that they saw such smoke coming from the Southern direction where Kamraj Nagar is situated. This smoke was much after the police firing that took place at Ramabai Colony. The distance between the Sangh's office and Kamraj Nagar is half a kilometre. They have categorically denied that any member of the public at Ramabai Colony was armed with stones, sticks, cans or any other weapon.

## **2. Mr. Sachin Shridhar Bhalerao**

Sachin is a student living at Ramabai Colony. He was an eye-witness to the killing of Mr. Sanjay Nikam. Sanjay Nikam was standing behind the Buddh Vihar near Dr. Kamat's Clinic when he was shot. The distance between the police who were firing and the place where Mr. Sanjay Nikam was standing could be about 300 feet. Sanjay was carrying a small tiffin box indicating that he was on his way to work. Nobody on that road or around Buddh Vihar was armed with any stones or sticks nor were they making any menacing gestures to anyone.

### **3. Ms. Sunanda Ramesh Negrane and Ms. Saubai Jagannath Ransu**

They are the eye-witnesses to the killing of Mr. Anil Garud in a narrow lane behind the Fish Market. He was on his way to work carrying a small tiffin box with chappattis. He was shot in the neck and fell down. These witnesses were also going to work and they were not even aware with regards to the desecration of Dr. Babasaheb Ambedkar's statue.

### **4. Ms. Tarabai Limbaji Shinde**

Tarabai was on her way to work at Garodia Nagar and was at a bus stop on the Highway. There were five or six other persons at the bus stop at that time. They saw the SRP Van coming and being stationed almost in front of the Buddh Vihar. Soon the police started firing. One Sukhdev Kapadne was also at the bus stop. He went and appealed to the police not to fire. The police asked him to get into the van. After a while he was made to get down from the van and as he walked about five to ten feet from the van, he was shot dead and fell on the Highway.

### **5. Mr. Satish Bhalerao**

Satish is a social worker from Ramabai Colony. He has seen Kapadne being shot by the police. He has also seen Kausabai being shot by the police, she received three bullets in her chest. When Kapadne was shot one Vilas Dhodke came running to help Kapadne but he was also shot at. This witness went forward with his hands raised saying that he only wanted to help Vilas but the police would not allow him. The whole incident took place in a time span of twelve to fifteen minutes. According to him when the incident took place there was no tanker on the Highway. There was only one truck of one person named Kadam living in Ramabai Colony who was trying to get into the truck parked on the Highway opposite the lane next to the Buddh Vihar. Kadam was shot and injured by two bullets. He has stated that after considerable delay the injured were taken to hospital.

## **6. Mr. Bharat Tukaram Shivsharan**

Bharat is the father of Mangesh, a boy who was hit on his forehead. Mangesh's body had fallen in front of the shop of Gani Art. Bharat came immediately thereafter and picked up his son's body. Bharat has stated that he wanted to appeal to the police not to fire. He saw Kapadne also appealing to the police. Kapadne was shot dead. Bharat was also threatened by the same SRP that if Bharat moved forward he would also shoot him. Bharat has stated that there was no tanker and nothing was happening on the Highway.

## **7. Mrs. Maya Rajesh Bagade**

Mrs Bagade is a resident of this Colony. On that day she and her sister Nutan were on their way to the bazaar. They reached Buddh Vihar at about 7.30 am. Some people had collected at that place and were hiding behind Buddh Vihar. The police suddenly started firing. She saw Kaushaliyabai walking on the Service Road. Kaushaliyabai was hit by a direct bullet and she fell down. A little later she also saw Sanjay Nikam being shot. Sanjay was carrying a tiffin box. Mrs. Bagade also stated that there was no mob or LPG tanker on the Highway and the entire Highway was empty except for the police.

## **8. Mrs. Sonabai Sukhdev Kapadne**

Mrs. Kapadne is the widow of Sukhdev Kapadne who was shot dead by the police. Mrs. Kapadne has stated that at about 7.00 a.m. on that day her husband left the house to purchase milk and the newspaper. At about 7.15 a.m. she learnt about the statue being defiled. At about 7.30 a.m. she heard loud noises like fire crackers. Mrs. Kapadne therefore went near Buddh Vihar to see what the noise was about. She then saw her husband on the Highway with his hands raised and appealing to the police not to fire. After awhile she saw the police shoot her husband and he fell down. As she went ahead to help her husband she passed in front of Hiramam Gaikwad's house and there

she saw a dead body of a person who had been hit by a bullet. The residents of the area took the body of her husband to Rajawadi Hospital. The police did not help in shifting the body to Rajawadi Hospital.

### **9. Ms. Kamal Namdeo Zimel**

Kamal and three other persons have also witnessed several persons receiving bullet wounds. They have seen Mr. Hiranman Gaikwad drenched in blood with injury marks on his stomach, chest and hands coming back to his house. They have also seen one Mr. Babu Kolekar receiving a bullet injury in his stomach and also saw Mr. Babloo Varma with injury. Ms. Sridevi Giri was also another person who received an injury. Babloo and Sridevi are from Uttar Pradesh. Babloo Varma died and the other three are in hospital. None of those shot at were armed. We were shown the huts where some of the persons were shot at, these huts are well inside Ramabai Colony with intersecting drains.

### **10. Master Sukhdev Premraj Sonawane**

Sukhdev is 12 years of age and a student. He has stated that on that day at about 7.45 a.m. he was sitting in front of a painter's shop on the side of Service Road to ease himself. Suddenly the firing began and he received a bullet grazing injury on the left side of his head. He showed us the injury. His father took him to Rajawadi Hospital where he was treated.

### **11. Murlidhar Bhaurao Kathare**

Murlidhar's son Nandu Kathare was a rickshaw driver. On that day Nandu was walking back after leaving his rickshaw at the owners place after the night shift. Nandu had just come to the colony near the painter's shop at about 7.30 a.m., when he saw the police firing, he raised his hands and requested the police not to shoot him. However

the police shot him in his chest. After sometime his friends carried him to the Buddh Vihar. When the people wanted to have him shifted to the hospital immediately, the police would not allow anyone to touch the injured or the dead. Perhaps if Nandu had been removed to the hospital immediately his life would have been saved. Nandu was the eldest child of Murlidhar and was the only child earning a livelihood.

## **12. Kailash Bhaaskar Barve**

Kailash had come near the statue at about 7.15 a.m. ACP More was also there. It is then that he heard the sound of firing from the other end. He and others requested ACP More to stop the firing. ACP More had not given any order for firing. ACP More also did not do anything to stop the firing. This witness was near Kausabai's residence when he received a bullet injury above his right ear. Kailash went to Dr. Ahire for treatment.

## **13. Mr. Sudhakar Ambuji Jadhav**

This witness is a postman and when he woke up at 7.00 a.m. he got the information about the desecration of Dr. Babasaheb Ambedkar's statue. He then went to the statue by which time firing had started at the other end. ACP More was in the crowd near the statue. People were requesting ACP More to stop the firing as there was no occasion for resorting to the same. ACP More did nothing. In the meantime an injured /dead person was brought near the statue. Sudhakar along with others took the dead/injured persons to Rajawadi Hospital. The Superintendent of the hospital made available an ambulance van in which they could take other injured persons to the hospital.

Sudhakar returned to Ramabai Colony at about 2.30 p.m., and was on his way home when he was stopped and questioned by the police. After sometime the police allowed him to go. Soon the police came from behind with lathis and hit him on his shoulder and back for no reason. When he told them he was a postman, the constable hit him on



the back saying “your profession will be stamped on your back with my lathi”.

**14. Milind Pagare and his parents Popat Pagare and Shalini Pagare.**

Milind is aged about 19 years and when we recorded his statement he was at Rajawadi Hospital. We have recorded the statement of Milind and his parents. Milind has stated that on 11.7.1997 at about 2.30 p.m. policemen were firing tear gas shells inside the Colony. When he heard the noise he came out and he could see people running helter skelter and into their homes and shutting the doors. As Milind was still standing and watching, the police intentionally fired a tear gas shell at him. It hit him on his legs and he received serious injury and started bleeding. His parents asked the police to shift him to hospital. He was taken to the Sion Hospital, was kept in OPD, discharged at 5.00 p.m. and was given hardly any treatment. The police despite his requests refused to take him to Rajawadi Hospital. The police then took him and his parents to Pant Nagar police station for the purpose of recording their statements. No statement was recorded. Milind was put in the lock-up and his parents were detained at the police station till 2.30 a.m. Milind was then beaten with lathis on his legs where he was wounded and on his shoulder by PSI Marathe and PC Rane. He was refused food and when he asked for water he was told that since he was from Ramabai Colony he could go to the bathroom and drink water from there. He was detained till 3.00 p.m. on the next day. He was released on the intervention of a corporator. He was not given anything to eat or drink in the lock-up. He was thereafter taken by his parents to Rajawadi Hospital.

**15. Ms. Smita Chandrakant Nirbhavney**

Smitha is 18 years old and a college student. On hearing the firing she had no stirred out of her home. However at 2.30 p.m. five to six police personnel banged on the door, broke open the latch and entered

the house. The police then beat the inmates of the house viz. her brothers, sisters and herself. She and her sister appealed to the police not to assault her brothers. The police would not listen. The police destroyed the utensils and household articles. She has stated that the fear instituted in them has kept them confined to their homes for several days.

#### **16. Mr. Asha Patole (Kamble)**

Asha is mute and had come with her son Vilas aged 12 years who explained to us what his mother was saying. Asha was beaten by a lathi in the afternoon when she had gone to answer a call of nature. She now has a broken arm which is still in plaster.

#### **17. Dr. Harish Khanderao Ahire**

Dr. Ahire is a medical practitioner and a respected leader of the Dalits in the Colony. He has stated that on 11.7.1997 he was woken up around at around 6.00 a.m. and informed about the garland of chappals on the statue. Dr. Ahire soon went there by which time people had arrived and the atmosphere was tense. He sent for the constables who were at the outpost. He told the constables to intimate their superiors at the police station. In the meanwhile someone got in touch with ACP More who immediately came there. Dr. Ahire and other prominent persons from the locality requested the ACP to get the dog squad at the scene so that the trail of the miscreants could be located. ACP More had not made up his mind. In order to pressurise ACP More some of the members of the crowd decided to have a 'rasta roko' on the Highway. The 'rasta roko' began in front of the main gate of Ramabai Colony i.e. the gate facing the statue on the Highway and vehicles were stopped. He says that there might have been some stone throwing at this place but no action was taken by the police. Dr. Ahire has categorically stated that the crowd around the statue and in Ramabai Colony was not menacing, intimidating or threatening. What had brought people on the road was the sight of the defiled statue. After sometime Dr. Ahire heard the sounds

of firing and people started running. Later on some people brought Nandu Katare who had received a bullet injury to his house. He examined Nandu and found him to be dead as he had been hit by a bullet on his chest. After sometime Dr. Ahire went to Rajawadi Hospital and he saw several injured persons. Dr. Ahire has stated that most of the persons had received injury above the waist. According to him police firing was not at all necessary. The residents of Ramabai Colony in the past have resorted to 'rasta roko' peacefully and they have been lathi charged and jailed but never fired upon.

### **18. Mr. Edward Rodrigues**

Mr. Rodrigues is a lecturer in the Department of Sociology, St. Xaviers College and is a member of the Committee for Protection of Democratic Rights. Mr. Rodrigues along with others had visited the colony on 13<sup>th</sup>, 14<sup>th</sup> and 15<sup>th</sup> July 1997 and as mentioned earlier their report has been tendered before us. Their enquiry also shows that the luxury bus which was set on fire was far off from the Colony and this incident took place much after the firing i.e. at about 11.30 a.m. They did not see any burnt tyres either in the Colony or on the Highway in front of the Colony. They also did not see any charred remains of any bus or car or tanker. Their report clearly indicates that all the killings took place inside Ramabai Colony or on the Service Road and the persons killed or injured were not rioters but people who had been taken unaware and who were attending their daily chores.

### **19. Mr. Bhanduraj Sambaji Lone**

Mr. Lone is a reporter attached to the Marathi daily "Mahanagar". Mr. Lone learnt about the firing at Ramabai Colony at about 8.00 a.m. that day. After informing his editor he visited the site by about 9.15 a.m. He has seen the spots where blood had spilled on the ground inside the Colony. He was surveying the colony when at about 12.00 noon, Jt. Commissioner Mr. T. K. Chowdhary came there. Mr. Lone

questioned the Jt. Commissioner as to why the police had resorted to firing and got a reply that that was because people had tried to set fire to a tanker. Mr. Lone then looked for the tanker but no tanker could be found at that time. He found a burnt bus by the side of Kamraj Nagar which is at a distance of more than 100 metres from Bhikhoo Sangh Nivas. Mr. Lone also says that after sometime there was a heated exchange of words between the police and the assembled people. By about 2.30 p.m. the tension was such that DCP Sanjay Barve warned the people to disperse and thereafter directed a lathi charge. Mr. Lone says that many were beaten on the road as also in their homes. Even people who were returning from work at 5.00 p.m. were beaten by the police. Mr. Lone has filed a report with his editor and the same has been published in "Mahanagar".

## **20. Mr. Prakash Parsekar**

Mr. Parsekar is a photographer working with the Marathi daily 'Mahanagar'. Mr. Parsekar had accompanied Mr. Lone and he was in the Colony from 9.15 a.m. to 5.00 p.m. He has stated that a tyre was burnt at 11.30 a.m. near Kamraj Nagar. The distance between Ramabai Colony and the spot where the tyre was burning is about 1-1 1/3 kilometers.

## **21. Mr. Vasant Laxman Ingle (Superintendent of Police)**

Mr. Ingle has given his statement to us as he was an ex-Commandant SRP. He does not know about the incident personally. However on reading the reports in the newspapers about the brutal killing of Dalits by SRP, he found out that the person responsible was Sub-Inspector M. Y. Kadam who had opened fire and killed ten Dalits including women and children. Mr. Ingle then says that PSI Kadam was directly under his supervision and control earlier. During PSI Kadam's tenure under Mr. Ingle's control, Mr. Ingle noticed that Kadam was very much against persons belonging to Scheduled Castes and Scheduled Tribes. Mr. Ingle had made a report against PSI Kadam for misconduct in this behalf..

However no action was taken against PSI Kadam. In the meanwhile, the Republican Party of India wanted immediate action under the Prevention of Atrocities against Scheduled Castes and Scheduled Tribes Act against Kadam and copies of their representation were sent to various authorities including Mr. Ingle. Mr. Ingle accordingly took action under the powers given to him by the Bombay Police Act and Kadam was suspended. A detailed report about the action taken was sent to DIG, IG, SRPF and the Director General of Police. However the suspension order was revoked by the DG on the recommendation of the IG and Kadam was transferred to Pune. Mr. Ingle says that though he was transferred to Pune, Mr. Kadam was allowed to remain in Bombay city. After reading about the indiscriminate firing by Kadam, Mr. Ingle felt that if the Department had taken drastic action against Kadam the killing of the Dalits in Ramabai Colony could have been avoided. Mr. Ingle also opines that Mr. Kadam had not observed the routine norms of firing, he should have consulted the local police on the spot or through wireless which was definitely available to him and before giving the order of firing, he should have resorted to lathi charge and then burst tear gas shells and only as a last resort should have open fired. According to Mr. Ingle these routine norms of firing were not followed by Kadam. Mr. Ingle said that lathis, shields and tear gas shells are normally kept readily available.

## **22. Police version**

Though we have no statements from the police, we have had the benefit of PSI Kadam's version reflected in an interview given by him and published in the Sunday Times dated 20.7.1997. Since the interview is in the form of questions and answers we believe that the report correctly records his defense. We have also seen a photograph depicting smoke and two tankers which has been published in most of the newspapers. We also had the benefit of watching the video-tape which was shown to us at the Crime (Detection) Department, CID Branch, Bombay. We have also video

recorded the video tape shown to us. We will be giving a detailed analysis of the police version and the video recording under the heading 'Findings'.

**Lastly we have statements of several other witnesses corroborating what we have briefly summarised above. We have also taken note of the reports that have appeared in the press and also the statements of concerned police officers which have appeared in the press.**

# THE FINDINGS

## **1. There was no riot or any unlawful assembly near or around Dr. Babasaheb Ambedkar's statue.**

The sequence of events as stated by the witnesses before us, as also mentioned in the Lok Shahi Hakk Sanghatana and CPDR report is as follows: It was around 6.00 a.m. on the morning of 11th July, the residents noticed the garland of chappals around the statue. By about 6.30 a.m. the local residents had collected around the statue in large numbers. The two police constables who were at the outpost, were also called. The agitated residents asked the constables to get in touch with the higher authorities and call for a dog squad. At about 7.00 a.m. ACP More whose residence is close to Ramabai Colony arrived at the scene of the desecration. The public began demanding ACP More to call for a dog squad and take the panchanama and till then not to remove the garland. By this time some of the members of the public walked upto the Highway and began enforcing a "rasta-roko". It appears that by about 7.20 a.m., 2 vans of the State Reserve Police came on to the Highway, via the Ghatkopar bus depot. The crowds would not allow the vans to pass through and the police retreated. Thereafter a SRP van came from the opposite direction and it took position on the Highway, almost in front of Buddh Vihar (see map). The police got out of the van and immediately began firing directly into the Colony and at the group of people who were on the Service Road and beyond inside the Colony. The whole operation took barely 10 minutes leaving several dead and injured. It was after 8.00 a.m. that the SRP approached the statue and after dispersing the crowd took off the garland with a stick. By that time the residents had become really angry against the police, more for repression by killing and injuring innocent persons than for the desecration.

What is significant is that there was no riot or any unlawful assembly near and around the statue. The local police and ACP More were all very much there till about 7.45 a.m. and no one had attacked the police.

There was no other member of the public who could be said to be opposed to Dalits. The public were agitated and they were keen to have a proper enquiry and to trace the culprit. Just because people had collected in large numbers does not make it an unlawful assembly. If there was any unlawful act ACP More would not have kept quiet. The fact that no action to disperse the crowd was taken by ACP More and his men clearly establishes that there was no riot or unlawful assembly at that place at all.

**2. No action was taken on the Highway where “rasta-roko” was being enforced.**

Admittedly, there was a “rasta-roko” on the Highway much before the SRP Van came. It is possible that people might have forcibly stopped the movement of vehicles perhaps even by pelting stones. However, it is clear neither ACP More and his staff, nor the 2 SRP vans which came from Ghatkopar tried to disperse the crowd from the place of “rasta-roko”. In law, the crowd there could have been treated as an unlawful assembly. Obviously the police did not treat the crowd as such. Even when SI Kadam’s van came from the opposite direction (i.e. from the Chembur side) he did not think of dispersing them. Apparently, “rasta-roko” had continued even after the firing into the Colony, in as much as there was no movement of any vehicle for a long time. That could be seen from the video tape that was shown to us.

**3. There was no riot or unlawful assembly near or around Buddh Vihar.**

The sequence of events mentioned above show that people who were agitated were all around the statue. They were still persuading ACP More for some action and Mr. More was hesitating. Nowhere else in the Colony was there any trouble. The rest of the Colony was peaceful, though the news was spreading.



The evidence shows that despite the shocking news of desecration, many of the residents were on their way to work carrying with them their lunch-box. Some of them even after passing by the side of the statue, had gone to the bus stop hoping to catch a bus and to go to their place of work.

It could also be seen that children, perhaps others were sitting on the side of the Service Road, to ease themselves as usual. If there was any riot and people were throwing stones, sticks, cans and any other material on the Highway or on the Service Road, nobody would have been sitting or squatting anywhere nearby.

Moreover, since "rasta-roko" was still in force, there was no vehicular traffic at all on the Highway, particularly anywhere in the area in front of the colony which is about 1000' or more from the place where the firing took place. Assuming that the residents were angry there was no object which could be their target.

It is equally important to keep in mind that till then nobody had blamed the police for the garland nor any party or person had been identified as having defiled the statue so as to wreck vengeance.

The evidence of the eye-witnesses and also the facts and circumstances around Buddh Vihar clearly establish that there was no riot or unlawful assembly at that place. In fact there was no unlawful assembly or any violent action in the entire Ramabai Colony till after the firing by S. I. Kadam and his men which resulted in death and injury to several persons.

**4. All the persons who died on the spot and received bullet wounds were far away from the statue.**

The evidence clearly shows that most of the persons who died on the spot were around Buddh Vihar, which is at a distance of about 1000' from the statue. The firing was done from the Eastern side of

the Highway. We have indicated in the map the various spots where the residents were hit by bullets and fell down. Anil Garud was shot in a narrow lane of about 3' in width behind the Fish Market. A witness who was just behind him stated how he was hit by the bullet and fell down. Apparently he was shot from the Highway, after the police had moved a few paces to the North. He could never have been throwing any stone or can from that place so as to fall anywhere on the highway or near any LPG tanker. It was a deliberate killing as there could be no one in front of him in that narrow lane. So also Sukhdev Kapadne was shot dead right in front of the SRP van. The evidence of more than one eye-witness shows that he had raised his hands and was appealing to the police not to fire and kill. It appears that he was asked to enter the van. After some time he was made to get down and they let him go. Hardly had he gone 5-10 paces from the van, he was shot dead.

#### **5. Police version is untenable.**

Though we have no statements from the police, we have their version mainly from the Interviews given by S. I. Kadam to the correspondent of the Sunday Times dated 20th July, 1997. We have also seen the video tape which was shown to us at the office of the Commissioner of Police on 7-8-1997.

In his interview, M. Y. Kadam, the Sub-Inspector who ordered the opening of fire on a "Dalit mob" at Ramabai Nagar, has stated that at about 7.15 a.m. he received a wireless message about the riot at Ramabai Ambedkar Nagar. He reached the spot in about 10 minutes. He and his 20 jawans saw a huge mob of about 4000 persons indulging in heavy stone throwing and damaging vehicles. According to him the mob was between them and the statue. Is this statement true? It is in evidence that ACP More and his constables were with the crowd, near the statue. If the crowd was "indulging in any heavy stone throwing" ACP More would not have tolerated that. Secondly, if the crowd was that aggressive ACP More and his men would have been attacked.

Secondly, the evidence is clear that the distance between the statue and the Buddh Vihar complex where all the killings took place is more than 1000'. Therefore from which direction did he move towards the statue? Did he go by the Service Road? Or did he go by the Basti Market Road?

Again, if one goes through the statements given by the witnesses no one had suffered any lathi blow at that time. Even the injured persons who are in the hospital have stated that there was no one who had received lathi blows in the morning before any firing took place.

He then says that he saw a luxury bus being set on fire. He does not say where the bus was. There was no bus on the Service Road. If at all there was any bus, it was on the Highway. If the bus was on the Highway, how could he say that the mob was between him and the statue?

According to him the women passengers in the bus were shouting "Bachao bachao" and four jawans rushed towards the bus and pulled out the passengers. He does not say who had set fire to the bus. If the crowd was throwing stones, how was the bus set on fire? He does not even give the number of the bus.

He says that there was an LGP tanker bearing number HR-38-5819 at a distance of 10 ft from the bus. The tanker was full of gas and he learnt this from the cleaner and driver shouting while fleeing that the tanker was full of gas. If the tanker was that close why did he not ask the driver to move the tanker? He says that at that time some persons were throwing burning pieces of rubber tyres at the tanker. He thought that there would be an explosion and therefore he ordered his jawans to open fire. If the crowd was throwing burning pieces of rubber tyre, where was the crowd? On the Service Road? Or on the Highway?

The video tape shows two tankers on the Western side of the Highway. Having regard to the width of the Service Road, the nullah in between and the width of the Highway which on either side together

would be at least 100', the question is from what distance could the crowd have been throwing burning pieces of tyre? If the police van had come on the Highway and SI Kadam with his 20 jawans were pushing the crowd backwards and if there was heavy stone throwing, where is the question of their throwing any burning rubber pieces?

In other words, it would be more logical to think that there is no connection between the crowd throwing stones or his lathi charging and the luxury bus being set on fire or any one throwing burning tyre on the LPG tanker. If one has regard for the range of firing all the firing was into the colony from the Highway. There was no bus or tanker inside the colony. So also there is no evidence whatsoever to show that any one was shot on the Highway.

If the crowd had not gone on the Highway, it is difficult to believe that the crowd could throw burning pieces of tyre from the Service Road or from any place further interior.

His admission is clear. He resorted to firing because the luxury bus was set on fire and that some people from the crowd were throwing burning pieces of rubber. Assuming there was any crowd throwing stones, that was not the cause of fire.

We have statements from eye-witnesses to the effect that there was no connection between the presence of the LPG tankers and the police firing on innocent persons. We have also statements to say that a luxury bus was set on fire, much later and the bus was near Kamraj Nagar.

Therefore, it becomes very difficult to accept SI Kadam's version.

#### **6. The video-tape shown to us is a cover-up by the police.**

We have annexed hereto a shot-wise description of the video.

The question is how far is this video clip reliable?

The whole clip is less than two minutes long. There are 9 shots in all, 4 pointing left and 5 pointing right. The shots mostly alternate from left to right. Not a single shot connects the left to the right so it is impossible to accurately measure the distance in between. Also most importantly this disconnection between Left and Right shots leaves open the possibility that the two scenes were not taking place at the same time. Some shots are 3 or 4 seconds long and many shots cut abruptly in the middle of a zoom or pan, perhaps to prevent the left being connected to the right. It is obviously edited for a purpose and not accidentally as there is a pattern.

It appears that the building where the camera is, is located diagonally across the Highway from Ramabai Colony in the direction of Chembur (South). The grill of the balcony is unmistakable and makes it easy to pinpoint. The video shooting seems to have taken place from the 5<sup>th</sup> floor of a building called 'Syanora' which is exactly opposite Gani Art. So the Left shots point towards Ramabai Colony (North) and the Right shots point towards the South direction.

There is no smoke and no crowd in any of the Left (Ramabai side) shots. There is smoke in all the Right shots and a crowd is also visible in the last Right shot, SHOT 9.

The single tanker 200 yds from the police van visible in the foreground of some of the wide Left shots must not be confused with the pair of tankers in the Right shots which have smoke behind them.

On closer scrutiny of SHOTS 2 and 4 you can see what may be a dead body lying behind the pipeline (on the Ramabai Colony side, not on the Highway). By SHOTS 7 and 8 this body seems to have moved in front of the pipeline onto the highway.

In the direction of the smoke there are no bodies. In the direction of

the body there is no smoke.

What at first glance seemed to be an amateur videographers fortuitous recording of a controversial event is on closer scrutiny revealed to be an attempt by the State to mislead the public by producing false evidence that its firing at Ramabai Colony was justified because gas tankers were in danger of being burned.

It is irrefutable that this clip has been purposely edited. It is more than likely that it was actually produced and directed by the police as well. The public must demand the full unedited footage. It must also be told the identity of the photographer and submit this person for cross-questioning. Failure on these counts should be proof that the State is guilty of having undertaken a criminal cover-up of murder.

#### **7. Firing without any justification.**

If the theory of firing on account of the LPG tanker being likely to be set on fire is rejected, there is no justification. The attempt to cover up the incident by a dubious video-clip further supports our conclusion. SI Kadam had not resorted to firing earlier. It is also necessary to keep in mind that the main scene of agitation was the area where the statue is situated. There has been no firing or any lathi charge in that area. So also the other area is the place where there was "rasta-roko" and even there there was no lathi charge or firing. Equally significant is the fact that there was no firing or lathi charge on the Highway at all.

Therefore, the firing mainly around Buddh Vihar was without any justification as there was no situation which deserved any resort to firing.

#### **8. No warning by the police.**

The evidence shows that the police had not given any warning before opening fire. In his interviews, SI Kadam has stated that he ordered his

jawans to open fire in the air when the crowd was throwing pieces of burning tyre at the tanker. As analysed above, that has to be stated only to be rejected.

Mr Vasant Laxman Ingle, Superintendent of Police has stated that after reading in the newspapers the description of firing, he felt that SI Kadam had not observed the routine norms of firing. He should have consulted the local police on the spot which he has not done. Mr More an officer of higher rank was there and he did not give any order to fire. Mr Kadam should have taken his permission. Mr Ingle also says that before giving order of firing, he should have resorted to lathi charge and then burst tear gas shells and only as a last resort opened fire. He says that this was not done in the present case.

Mr Ingle gives a general background about Mr Kadam. Mr Kadam was working under Mr. Ingle and he had observed during Kadam's tenure that Mr Kadam had a bias against Scheduled Castes and Scheduled Tribes. Mr Ingle had to suspend him for his misconduct in this behalf. However the IG revoked his suspension and instead transferred him to Pune. However Mr Kadam managed to remain in Bombay. Mr Ingle rightly feels that if his suspension had not been revoked, the killings of the Dalits in Ramabai Nagar could have been avoided.

#### **9. Police action was excessive.**

One of the important principles which the police officers should keep in mind and which you find in every police manual is that no more force than is necessary should be used. The intention is only to disperse the mob and not to kill. That is why the officer should ensure that the fullest warning is given to the mob in a clear and distinct manner before any order is given to fire and to take the most effectual means to explain before hand to the people opposed to them that in the event of the police being ordered to fire the fire will be effective. Further firing should be ceased the moment the rioters show signs of dispersing

and all help should immediately be rendered to tend and convey the wounded to the hospital. All these principles which you find in every police manual, should be known to every officer who is sent to disperse any mob. In the present case none of these principles have been observed.

Mid-Day of 14th July, 1997 carries the following statements from the Joint Commissioner of Police T. K. Choudhury: “.....We resort to firing only when there is threat to life and property.... The firing started when few people set a luxury bus standing near Ramabai Colony on fire and then moved towards LPG tankers in front to set them on fire as well.....A mob of 10-15 people were instigated to set the tankers afire. The SRP fired only when they moved towards the tankers.... The police fired only at those who were trying to set the tankers on fire. If they had fired at the mob, then the casualties could have been greater....”

The Additional Commissioner R. K. Gadge told Indian Express on 11th July, 1997: “State Reserve Police patrol resorted to firing because an angry mob of about 500 strong miscreants were about to set fire to 3 trucks which were laden with LPG cylinders...”

According to Mr Kadam, the mob was of about 4000 persons, while according to Mr Choudhury, the firing was against a mob of 10-15 persons. According to Mr Gadge the mob was of about 500 persons.

None of them is telling the truth. There were no 3 trucks laden with LPG cylinders. Obviously Mr Gadge knows nothing.

If what Mr Choudhury says is true, the mob of 10-15 persons moved from the bus to the tanker. Mr Kadam has stated that the tankers were at a distance of 10 ft. from the bus. If firing was done at that mob of 10-15 persons, all the casualties should have been around the bus and the tankers. That is not the case of Mr Kadam and nobody was shot between the bus and the tankers.



According to Mr Kadam the mob was shot at because they were throwing burning pieces of rubber tyres. Mr Choudhury does not say a word about this.

Again neither Mr Choudhury nor Mr Gadge say that any warning was given in the manner as mentioned in the police manual.

It is clear that people were shot not anywhere on the Highway, but inside the Colony. All those who received bullet injuries, received them above their waist. Mr. Choudhury says many of the rioters were bent over and not standing straight. Bent over for what? If they were bent over, where is the question of their setting fire to the tankers or throwing any pieces of burning tyres? Mr Choudhury says that "if any person was shot below the waist, he could have still gone ahead and torched the tankers." This is the most irresponsible statement coming from a high officer. It means they deliberately shot above the waist. If this statement is accepted and the tanker theory is held to be untenable, the only inference is that the police shot them above the waist, only to kill.

Admittedly they had used .303 rifles and the range could be even a kilo-metre. And people were killed by firing into the Colony and killing innocent people. Mr Kadam says that some of them were picking up stones and they might have received the bullets over their chest or head. If they were picking up stones, the police could not have fired at them unless there was imminent danger to life and property. There was no such situation.

A large number of the witnesses complained that the police neither themselves nor allowed others to shift the victims to hospitals. In fact some have asserted that timely medical assistance could have averted some of the deaths and prolonged hospitalisation. In their zeal to establish the peace of the graveyard, the police prevented the early removal of the dead and injured to hospitals. An early removal would have possibly resulted in the defusing of the tension and rage.

It is clear from all the facts and circumstances, the police did not follow the manual. The firing was indiscriminate resorted to kill and to terrorise. We have no hesitation in holding that firing was patently excessive, devoid of all respect for human life.

#### **10. The extent of violence by the police**

Out of the 10 persons who were shot dead, 8 are below 22 years. One was a 14 year old boy who was sitting by the side of the road to relieve himself and he was shot at the head. Only two were above 40 years. One was Kaushalyabai who was shot, according to Mr Choudhury by accident. The other was Kapadne who had gone to the police with his arms raised and he was shot dead right in front of the police van. One of the ladies who was mercilessly beaten by the police is a dumb lady and her hand was still in plaster.

We could not get the extent of the loss suffered by the kith and kin of the deceased. Psychic shock and trauma suffered by the near and dear ones of the deceased and the injured can never be adequately compensated.

Above all this is a case of violence inflicted by the police on unarmed and innocent persons, which will eventually undermine the faith of the people in the rule of law itself.

# THE RECOMMENDATIONS

## I. No license to kill – The need to prosecute the Police:

There is no provision in the Constitution or in any law, which says that the police can choose to kill, assuming that there was any riot. The police have only a right to defend and use such power as may be necessary to avoid any injury to themselves, or to any person or property. The United Nations Basic Principles on the Use of Force or Firearms by Law Enforcement Officials emphasise that the use of force and firearms by the enforcement officials should be in consonance with respect for human rights. Article 9 says: "Law enforcement officials shall not use firearms against persons except in self-defence or in defence of others against the imminent threat of death or serious injury, to prevent the perpetration of a particularly serious crime involving grave threat to life, to arrest a person presenting such a danger and resisting their authority, or to prevent his or her escape, and only when less extreme means are insufficient to achieve these objectives. In any event, intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life."

Power to disperse assemblies by use of force are provided in Sections 129-131 of the Code of Criminal Procedure. The provisions do not give any absolute right to the police to kill or to cause injury. It says that the armed forces shall use as little force and do as little injury to person and property as may be consistent with dispersing the assembly and arresting and detaining such persons. The courts have held that the degree of force used in dispersing a crowd depends on the nature of such crowd, for the force used must always be moderate and proportional to the circumstances of the case. The use of force is something akin to the use of force in exercise of the right to private defence of person or property.

Section 100 of the Indian Penal Code confers on every person including a Police Officer to use force in the exercise of the right of private defence of the body to the extent of causing death or any other harm to the assailant, if there is a reasonable apprehension that death or grievous hurt will otherwise be the consequence.

In our view, whether the police could be said to have exercised the right of private defence or not, is not a question which can be decided within the precincts of the Police Station or even by the Director General of Police. Such a question can only be decided in a court of law. It is therefore necessary that SI Kadam and all such police personnel who have fired indiscriminately should be prosecuted under the provisions of the Indian Penal Code for causing injury or death. In all cases where a police officer has killed any person, there can be no difference between him and an ordinary person who has been charged with the same offence. The fact that he is a police officer cannot be a shield against prosecution.

## **II. The Need for Judicial Control on Police Action:**

Ordinarily, a Report is made to the Higher Authorities at the conclusion of Mob Operations. Such a requirement will be found in the Police Manual.

However, it is common knowledge that such reports are not made public, and the citizens cannot judge whether the State administration has acted fairly or in just manner, or not.

Sometimes, where there are serious violations of human rights, as in the present case, the Government resorts to inquiry under the Commission of Inquiry Act. Our experience of Official Commissions (may be a sitting judge) under the said Act shows that such inquiry tends to be a time consuming affair, all for the benefit of the Government. Very often, the Government refuses to take any action against the guilty persons even though such actions are recommended by the Commission.

Such inquiries are not judicial inquiries and the evidence recorded in such inquiries are not evidence in any legal proceedings, thereafter. The reports of such inquiries are not admissible in law. Now the Act has been so amended that the Government can not only refuse to abide by the report of such inquiries, but can also refuse to make it public.

Article 22 of the United Nations Basic Principles, therefore says: “.... Governments and law enforcement agencies shall ensure....that independent administrative or prosecutorial authorities are in a position to exercise jurisdiction in appropriate circumstances. In cases of death or serious injury or other grave consequences, a detailed report shall be sent promptly to the competent authorities responsible for administrative review and judicial control.” Article 23 says: “Persons affected by the use of force and firearms or their legal representatives shall have access to an independent process, including a judicial process. In the event of the death of such persons, this provision shall apply to their dependents accordingly.”

What is important, is judicial control, the report must be subject to judicial scrutiny. We therefore recommended that the Government should amend the law and the Rules so as to compel the police to make such a report without any delay and the report should be made public and it should be subject to judicial review and control. Similarly there should be independent judicial process, which means each of these injured and the kith and kin of the deceased should be able to file criminal prosecutions against SI Kadam and his men.

Article 7 of the Basic Principles says: “Government shall ensure that arbitrary or abusive use of force and firearms by law enforcement officials is punished as a criminal offence under their law.” Article 8 says that these principles cannot be departed on the pretext of internal political instability or any other public emergency. Such is the concern for human life and human rights.

### **III. The need for Training the Police to use humane methods of mob control:**

It is necessary that the behavioural pattern of the Police, particularly of higher and responsible officers, should change. For this purpose, all law enforcement officials who are required to carry firearms should be trained in subjects like police ethics and human rights, in alternatives to the use of force and firearms, including peaceful settlement of conflicts, the understanding of crowd behaviour and the methods of persuasion, negotiation and mediation as well as to technical means with a view to limiting the use of force and firearms (UN Basic Principles: Art. 20).

The police should be trained to apply non-violent means before resorting to the use of force and firearms. It is also necessary for the government and the law agencies to ensure that any deployment of police force to control civil disorder, should be equipped with non-lethal incapacitating weapons so that the use of firearms can be avoided. It is rather surprising that Mr Kadam says that his van was not equipped with tear-gas shells.

### **IV. The need for behavioural change by the police.**

Mr Ingle, ex-Commandant of the SRP and once upon a time boss of Kadam has stated that Kadam is an inveterate foe of the Dalits and tribals and that is why he acted so ferociously when dealing with the turbulence at Ramabai Colony. Kadam has denied this. Whether he had a bias or not, the fact remains that as he reached the Highway, in front of Ramabai Colony, he resorted to indiscriminate firing against persons who were all unarmed and without any warning and without any justification. He says that at that time, he did not even know about the desecration of the statue. He only knew that it was Ramabai Colony of Dalits and he had to suppress ruthlessly any uprising or protest. Obviously he must have had instructions to shoot at sight without any hesitation, with an implied assurance of protection from the higher-

ups. Otherwise no one would have started from the SRP camp without taking a senior officer or at least establishing contact with the local police station. Kadam's precipitate action is definitely the reason for the turmoil that Maharashtra had to endure for a fairly long time.

We may observe that the armed sections of the police all over India have an unsavoury reputation so far as the marginalised sections of the people are concerned. Thus in every riot or disturbances it is the poor and the poor minorities that had the worst deal. By and large the administration had felt no compunction for their otherwise unjustifiable actions. This is because there is a mind set in a large section of those in authority and administration that they are safe as long as the poor and the deprived are never allowed to rise. It is this vested interest of the administration which has the implied backing of the politicians in power that makes them indulge in acts such as demolition of hutments to make way for Ambani Helipad, demolish huts in the midst of the monsoon, drive the oustees as if they were dumb animals, terrorise the Dalits and the poor, etc. It is this mind set that requires to be changed. This will not happen unless and until decent people do not remain mute witness in utter indifference to the suffering of the under privileged and the deprived class at the hands of the administration.

#### **V. Compensation for the injured and the next-of-kin of the deceased:**

It appears that the Government has offered compensation to all the injured persons and to their dependents and the next of kin of the deceased. We have not been able ascertain whether all of them have received such compensations and whether it is adequate. However, what is more important is what compensation could there be for the indignity the Dalits of Ramabai Colony have suffered, both on account of desecration of the statue of Ambedkar and the unwarranted, unjustifiable atrocities committed by the police?

The 11<sup>th</sup> of July 1997 will remain as an unforgettable day for the

Dalits of this city, perhaps the Dalits of India. The tragedy was gruesome and could be in a way comparable to the Jalianwala Bagh massacre, in as much as innocent Dalit men, women and children were killed for no fault of theirs. This only shows that human rights violation of Dalits by the followers of caste and discriminatory culture still continues. One can only hope that the conscience of Maharashtra will generate a revulsion against the perpetrators of these atrocities on the Dalits, taking its cue from the happenings of 11<sup>th</sup> July 1997 and ensure the elimination of this anti-human rights culture deeply rooted in the powers that govern us.



## ANNEXURE I

### LIST OF PERSONS KILLED IN THE POLICE FIRING

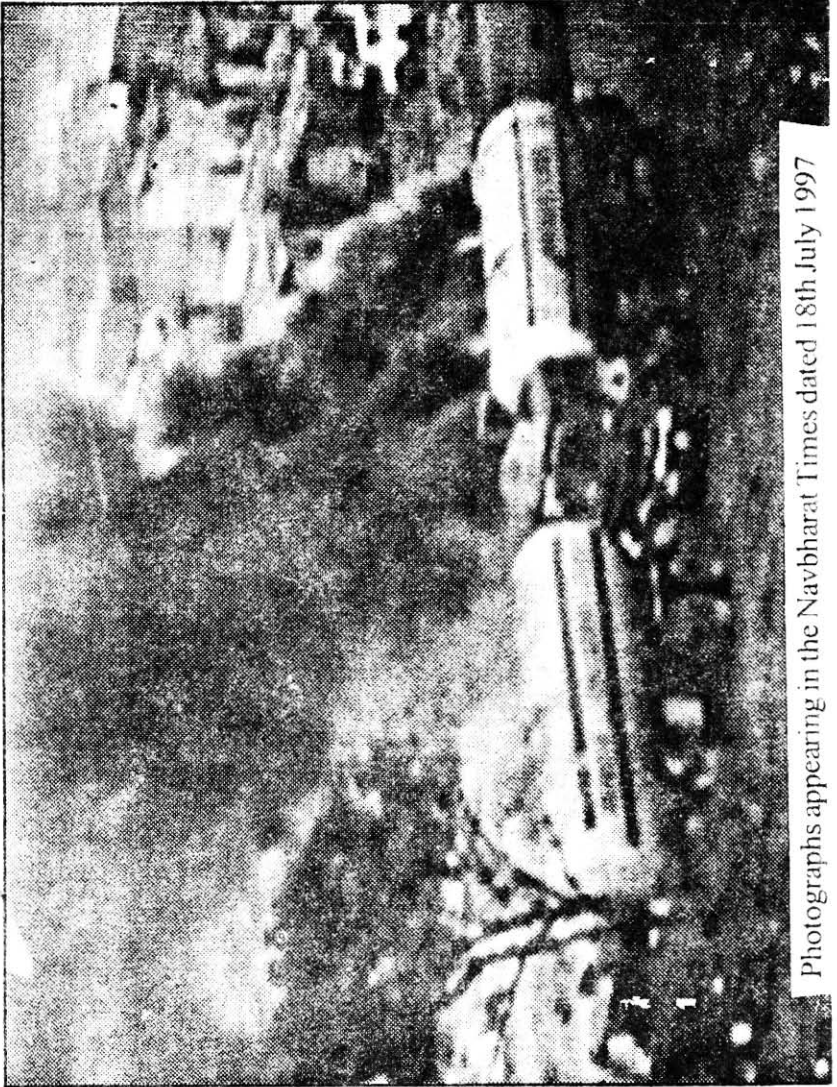
1. Amar Dhanawade
2. Nandu Katare
3. Sanjay Kamble
4. Sanjay Nikam
5. Vilas Dodke
6. Sukhdev Kapadne
7. Mangesh Shricharan
8. Anil Garud
9. Bablu Verma
10. Ms. Kaushaliyabai Tapase (Pathare)

## **.ANNEXURE II**

### **LIST OF PERSONS INJURED IN THE POLICE FIRING AND LATHI CHARGE AND ADMITTED TO RAJAWADI HOSPITAL.**

1. Bandu Ahire
2. Vijay Gaikwad
3. HIRAMAN GAIKWAD
4. Ram Hire
5. Namdeo Surwade
6. Namdeo Popat
7. Shridevi Giri
8. Dattu Anna Kamble
9. Raghunath Jadhav
10. Ramchandra Kadam
11. Babu Phulekar
12. Narayan
13. Sanjay Ahire
14. Milind Pagare

### ANNEXURE III



Photographs appearing in the Navbharat Times dated 18th July 1997

## **ANNEXURE IV**

### **POLICE VIDEO-TAPE**

#### **Description**

**SHOT 1: Footage (Hours: Minutes: Seconds): Start: 1:09:30 End: 1:09:33.**

Description: Camera looks to the right. Zooms out from shot of smoke behind two tankers and other parked vehicles. Pans right to show balcony grill and wall. This shot is marked by the date 11.07.97 as if the camera-person was consciously setting out to create evidence. The date is absent in subsequent shots.

**SHOT 2: Footage - Start: 1:09:34 End: 1:09:42**

Description: Camera looks to the left. Seven policemen at the back of a police van at left of frame. The van is on the far side of the divided highway and is facing the wrong direction (the traffic should have been going in the opposite direction, i.e. North towards Chembur, but there is no traffic). Zooms out wide and reveals a single tanker about 200 yards to the right of the police van, on the near side of the highway divider. There is no smoke and no onlookers in sight. The camera starts to pan right but abruptly cuts.

**SHOT 3: Footage - Start: 1:09:42 End: 1:09:52**

Description: Camera looks to the extreme right. 2 tankers on the near side of the highway. From behind the tanker on the right there is thick smoke. Unclear what is causing smoke. Could be burning tyres as the smoke is thick but the source is small enough to be completely hidden by the tankers (the tankers are correctly facing North). Just near the tanker behind which there

is thick smoke there is a man coolly strolling. Camera zooms out revealing green leaves of a tree in the foreground and the right corner of the balcony grill and wall from where the shooting is being done. The camera starts to pan left but stops abruptly.

SHOT 4: Footage - Start: 1:09:53 End: 1:10:04

Description: Camera looks to the left. Zooms in again to left side revealing the police van we saw in SHOT 2 parked on the far side of highway (facing the wrong side of road). There is a truck in the foreground to the left of the van in the foreground. Zooms out to reveal grill.

SHOT 5: Footage - Start: 1:10:05 End: 1:10:09

Description: Camera looks to the right. Again a close-up of smoke on right of balcony. But this time the smoke is coming not so much from behind the tanker but from a point in front, between the tanker and the camera. Again this indicates that the source of smoke could easily be moved perhaps because it is nothing more than burning tyres. Zooms in to smoke then zooms out slightly. Pans slightly left but immediately reverts to the right where the smoke is.

SHOT 6: Footage - Start 1:10:09 End: 1:10:13

Description: Camera looks to the right. Zooms in on right of balcony again to smoke.

SHOT 7: Footage — Start: 1:10:13 End: 1:10:32

Description: Camera looks to the left. Close-up of a red-coloured driving cabin of a tanker. Across the highway divider, on the top left of the frame is a dead body on the highway behind which is a piece of pipe.

At 1:10:20 the camera zooms out revealing the balcony grill. You can see a police van and the truck in the left foreground but the camera is pointing to an area slightly to the right of what we saw in SHOTS 2 & 4. At 1:10:26 the camera zooms in again to the left.

SHOT 8: Footage - Start: 1:10:33 End: 1:10:46

Description: Camera looks to the left. Repeat of close-up of body, pipe and cabin of tanker as in SHOT 7. Zooms out at 1:10:34 but pans right to reveal the full tanker on the right of which is a truck. To the right of the truck are two trees. At 1:10:43 the camera zooms and pans right to a third tree. Camera pans slightly to right but abruptly cuts.

SHOT 9: Footage - Start: 1:10:47 End: 1:10:58

Description: Camera looks to the right. Close-up of same scene as in SHOT 3. Backside of tanker. Pans slightly right to a bus alongside a fire engine and Firemen on road (near side of highway). In the background on the far side of highway is a white Ambassador car. Behind it is a crowd of people watching. (They are not on the highway). In the foreground is a tree whose leaves are identifiable as in SHOT 3. At 1:10:58 a police van moves from right to left of screen on wrong side (far side) of road followed by second van. On the near side firemen move their water hose towards tanker although the smoke behind the tanker is very little. The clip ends abruptly at this point.

Total Running Time: 1 Minute 56 Seconds

## **THE INDIAN PEOPLE'S HUMAN RIGHTS COMMISSION**

The IPHRC was formed on January 10, 1987, the first of its kind in India. The Commission consists of human Right's activists from all over India. The President of the Commission is Mr. Inder Mohan.

The IPHRC has set up the Indian People's Human Right's Tribunal, the members of which are former judges of the High Court and the Supreme Court. There are 14 judges on the panel of the Tribunal. The Chairperson of the Tribunal is Justice V.R. Krishna Iyer, a former judge of the Supreme Court.

The Tribunal investigates and reports on cases on which there are gross, systematic and/or significant violations of human rights by the State. The Tribunal tries the cases and makes reports on them together with recommendations.

The issues which the Commission has taken up are:

1. The firing at Arwal in Bihar, in which 23 people were massacred. Inquiry in 1987: by Justice P.S. Potti, retired Chief Justice of the Gujrat High Court and Justice T.U. Mehta, retired Chief Justice of Himachal Pradesh High Court.

2. The burning of 646 huts of tribals in the District of Vishakapatnam by the Andhra Pradesh Government. Inquiry in 1988 : by Justice Chandrasekhara Menon, retired judge of the Kerala high Court and Justice Jyotirmoy Nag, retired judge of the Calcutta High Court.

3. The role of the Provincial Armed Constabulary in the Communal Riots at Meerut. Inquiry in 1988 : by Justice A.C. Gupta, retired judge of the Supreme Court and Justice Jyotirmoy Nag, retired judge of the Calcutta High Court.

4. The role of the Karnataka Government in the Anti - Tamil Riots and the Tamil Nadu government in the Anti-Kannadiga Riots. Inquiry in 1992 : by Justice D.S. Tewatia, retired Chief Justice of the Calcutta High Court and Justice H. Suresh, retired judge of the Bombay High Court.

5. The Inquiry into Anti-Democratic activities of Sydena of Davodi Bohra Community. By Justice Tewatia, the retired Chief Justice of the Calcutta High Court.

6. The Bombay Riots : Inquiry in 1993 by Justice S.M. Daud and Justice H. Suresh, both retired judges of the Bombay high Court.

7. The Inquiry into the police firing in Kuthuparamba (Kerala). By Justice Hari Swaroop, retired judge of the Allahabad High Court and Justice H. Suresh, retired judge of the Bombay High Court.

8. The inquiry into the Police lathi-charge and stampede at Nagpur (Gowari Killing). By Justice S.M. Daud and Justice K.K. Narendran, both retired judges.

9. Inquiry into the Police firing at Ramabai Ambedkar Nagar, Mumbai by Justice S.M. Daud & Justice H. Suresh retired judges of Mumbai High Court.



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