

**Dead.  
Hence Guilty.**

*'Encounter'*  
at  
Bhawanipur  
and its  
Aftermath

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## The Tale of Duast

On 29 March, the fact-finding team went round and round in circles inquiring about and getting either a denial or no precise location of Kamta Prasad Kol's house. Kamta Prasad is the father of Uma Shankar, affectionately called Guddu, a student of class 8 and one of the boys claimed to be among the 16 persons killed by the police in Bhawanipur. The team returned without being able to locate the house.

As dusk fell on the arid land the following day, the Maruti van guided by a boy sitting next to the driver and a young man on a bicycle reached two remote houses on a slight rise in the land. The door of the house stood ajar. The calf at the shed. No human beings. Queries as to whether anyone was around brought only silence.

At some distance, a woman and a child could be seen walking away in the failing light. "Behenji, are you Guddu's mother?", received a negative reply. Finally, as the woman team member approached the frail looking woman and explained who she was and why she had come, the woman with the child admitted she was in fact Guddu's mother.

She disclosed that even yesterday, she had seen the lights of the van and felt scared. The other villagers had deliberately not disclosed the location of her house due to fear of the police. Just a few days earlier, 10 policemen had come, and slapped and beaten her up badly. Urmila, her neighbour came to support her as she almost fell from the blows. She was abused and pushed around — the police threatened to destroy the child in her womb. They wanted Duasi and other villagers of Bishunpur to identify a photograph of a dead boy as that of her son and declare that he was a "naxalite" and an outlaw. The photograph had a moustache and beard and was not of her 13-year old son who had no facial hair. She refused to make a wrong identification.

Duasi, the mother had been single handedly trying to build the 'med', a low mud wall, around the little plot of land from which they were trying to eke out a living to stave off hunger and starvation. The back breaking labour had caused a crack in her ribs. There was no money to get an X-ray done. Unable to see her pain and agony, her son Guddu declared that he would discontinue studies and go to work

to earn money for her treatment. Fearful about the future of a 13 year old going out to seek work alone, the mother tried her best to dissuade him but failed. A few days before *holi* this year, Guddu set out to work.

After the incident, the police has come on many occasions and threatened that they would kill off her husband Kamta Prasad as well as they were all 'naxalites'. Kamta Prasad has also left home. Duasi now prays that her husband and son should not return home.

*Note: The name of Umashankar, alias Guddu (age unstated), s/o Kamtaprasad Kol, r/o Bishunpur, Madihan P.S is mentioned at S.No. 9, in the list of those killed in the Bhawanipur incident by the police.*

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On 9 March, 2001, the day of *holi*, 16 people were killed in Bhawanipur village, under Madihan Police Station, Mirzapur district, eastern Uttar Pradesh. Bhawanipur is located at a distance of about 60 k.m. from Mirzapur city which lies on the south bank of the river Ganga. The terse police report published in the press the day after the incident blandly stated that these were 'dreaded naxalites', who had been killed in an 'encounter'. Their bodies were cremated by the police the next day itself. A month later, only 9 of those killed have been 'identified'. This process of 'identification'; fraught with threats, terror and intimidation is a tale in itself (*See Box: Crisis of Identity*).

A joint fact-finding team of People's Union for Democratic Rights (P.U.D.R), Delhi and Association for the Protection of Democratic Rights (A.P.D.R), West Bengal, visited the area at the end of March to investigate the encounter and its aftermath. The team met the residents of Bhawanipur, and the neighbouring villages of Nadihar, Bahikatwa and Bishunpur. It met the DIG Mirzapur, I.G (Zone) Varanasi, and the injured policeman Sub Inspector Dilip Singh. The team also relied on audio-taped interviews of Tulsu, father of Sheshmani of village Bheeti (listed as no. 3 in the police list of those killed), Guddu, brother of Kallu, Harinarayan of village Khairpur (listed as no. 7 in the police list), Shivshankar, father of Suresh of Nadihar (listed as no. 4 in the list). It made efforts to meet the ADM carrying out the magisterial inquiry, Narendra Singh Patel, the SP and ASP. This is a report of the team's findings.

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## Context

Bhawanipur village has a population of about 2000. The village is located along one side of a dry canal bed. The settlements in the village are divided along caste lines, with the upper castes and the *Kurmis* in the main village, the *Kols* (a tribe), the *Chamars*, and the *Yadavs* all located in settlements separated by streets leading off from the canal bank. The *Chamar* settlement comprises about 50 households and a sizeable *Kol* population borders it. Most of the people here are agricultural labourers, or at most small peasants. They work on the lands of the bigger landholders of this village and neighbouring villages, getting 3 kg of wheat or 5 kg of paddy, or 15-20 rupees for a day's hard labour in the fields.

The area around Bhawanipur, the Madihan tehsil, is the relatively dry and unirrigated part of Mirzapur district. *Chamars* and *kols* form the main labouring groups. The larger landholdings, ranging from 100 to 500 acres lie in the hands of the traditional upper caste landholders, the *brahmmins* and the *rajputs*, while the relatively backward caste of *kurmis* are the new landlords, who over the last twenty five years or so have emerged as a powerful force.

Apart from their own holdings, the landowners from an early time established control also over the Gram Sabha land meant for use by the village and later, in 1975 it was partly distributed in some villages among landless labourers, mainly *dalits* and tribals. To date, these *pattas* remain only on paper.

The beginning of the struggle of villagers in the area began with their self-organisation to demand control over this land, already distributed by the state 25 years ago. The struggle also included implementation of minimum wages, a minimum of 100 days of assured labour per year and a fight against caste oppression. Altogether, the history of this struggle is barely twenty years old, beginning with a popular leader from Matihani, Ramadhar Maurya (CPI-M). He was killed in 1998 by a big landlord of the area. While the basic minimum demands of the people — access to land to which they have legal right, minimum wages and work — remain unfulfilled, the repression on these struggles has been

growing especially over the last 4 to 5 years.

The nature of the state repression has been fierce, vengeful and completely brutal, having no regard for rule of law. In January this year in a case of mistaken identity, the police picked up a *dalit*, Rameshwar, in neighbouring Robertsganj and killed him claiming that he was a naxalite named in the murder of a landlord Hemnath Chaubey in 1999.

Gulab Singh, who had formed an independent organisation, Rashtriya Mukti Morcha was similarly killed. He had been taking up issues of land and wages in the area. He contested the last zila panchayat elections in Naugarh, Chandoli and lost by a margin of only 50 votes. On 8 February, 2001, the Robertsganj Station Officer picked him up and killed him claiming that he was a ferocious naxalite.

The police appears to be collaborating with hoodlums to organise repression. Jaswant Singh, a known hoodlum who is involved in 7 to 8 cases of murder and rape under police station Ahroura, is now being protected and used by the police to attack sympathisers of naxalite organizations.

During police raids on villages, anyone who is not a resident is harassed and even arrested. This has led to a drastic reduction in villagers visiting each other on weddings, deaths, or festive occasions. The Bhawanipur incident clearly illustrates the risk of visiting other villages, as all those killed were 'outsiders'!

## **Village Bhawanipur**

On 8 March, 2001, in the *chamar* settlement of Bhawanipur, the '*gauna*' ceremony of Lal Bahadur's son Satyadev was celebrated. A video player had been hired on the special occasion and films were shown at night. A number of people from neighbouring areas were invited for the *gauna* and many had come to see the films. After the screening, they slept in the village itself.

On 9 March, the police, including the S.O. of Madihan P.S. Dilip Singh and about 25-30 others, arrived at the village at approximately 1.30 p.m. They entered the village, shouting at the villagers to get inside their houses. Pappu, a young resident was compelled to go with the police and find

out if Bhagwan Das's house, suspected by the police, was indeed inhabited by naxalites. As they approached the raised platform in front of the house through the courtyard, a burst of gunfire issued forth. Villagers heard much of this from inside their houses and were not entirely sure about the direction of gunfire when the team met them. Pappu's arm was grazed in this gunfire that injured Dilip Singh and constable Namvar Singh. According to Bhagwan Das's wife, Dhanapati, the police did not make any announcement for surrender. The firing stopped soon after.

In the next hour and a half, very large police reinforcements arrived in the village. At about 4.00 p.m. the villagers were ordered to come out of their houses with their hands raised. The police abused them continuously. One of the boys, Harinarayan, affectionately called Kallu, had come to his uncle Lal Bahadur's place for the *gauna*. As he was being taken out of the house his trousers slipped down. He put his hands down to pull them up. The police shot him down. His elder brother, Jagnarayan was two paces behind and witnessed the incident. (See box: 'Rearing Naxalites'). His great-grandmother and Lal Bahadur's wife were also witness to the killing and immediately raised an outcry. They were told to shut up and sent outside the village to sit with the rest.

The residents and outsiders were separated and the latter were lined up along a wall, roughed up and questioned. The villagers are clear that there was no exchange of fire going on at the time when they were taken out. They reiterated that everybody came out of their houses with their arms raised. After the completion of the evacuation, they heard gunfire.

Most of the villagers were forced to go and sit in the dry canal and in Ganga Prasad's courtyard. They continued to sit almost upto midnight and were not allowed to even get up from their places to urinate. Men and women sitting next to each other were told to urinate where they were. When they returned home, they found the doors of their houses broken and cash, jewellery and other valuables looted by the police in a supposed search operation.

Late at night much after the firing stopped, few villagers actually saw the bodies of those killed for villagers were

allowed to return only after the bodies were taken away. However, police has since routinely visited the village to force villagers to 'reveal' the identity of those killed. When villagers deny knowledge, they are accused as 'naxalites' (or 'sunlight' as the word is mispronounced by them). Abuses accompany accusations, which are generally bestowed on all the dalit and adivasi villagers. They are threatened with death, arrest and torture if they 'aid' naxalites. Even mild questioning of police behaviour brings on the dire threats, alongwith a few blows. Some of the men have run away from the village after the incident to avoid this harassment. Their families are now being harassed and pressurised to reveal their whereabouts.

The ADM, Narender Singh Patel, is conducting an inquiry into the incident. Residents of Bhawanipur are being threatened and pressurised by the police to testify that those killed were naxalites. Shortly before 29 March, the last date set by the magistrate for the recording of statements, our team found that the witnesses were being escorted by the same police personnel who carried out the so called 'encounter'. Since many of the menfolk are not there, the women are the main target of official attention. Owing to their fear of police reprisal many of the villagers have stated that they had not seen anything at all. All such statements have been duly recorded including Pappu's statement of the initial firing from inside Bhagwan Das's house. But, when Kallu's grandmother and aunt spoke of his killing they were prevented from deposing. This statement has been suspiciously left unrecorded. Soon after our team's return Kallu's uncle, Lal Bahadur, has been arrested to pressurise the family to change the truth.

## **Other Villages**

All those killed belong to the neighbouring villages of Bheeti, Nadihar, Bahikatwa and others. The shattered families of those killed (whether it is Geeta, the wife of Lakshmithankar, schoolteacher in an NGO run school in Bagahi, or Shankar the father of Suresh, student of Kisan Inter college, resident of nearby Nadihar) got to know of their loss only when the photographs of their family members appeared in the newspapers. Bheeti is next to Bhawanipur.



## 'Rearing Naxalites'

*'Saaley, naxalite paale ho!'*

Kallu's grandfather, father Ram Kelawan and mother, Guddu's mother Duasi and father Kamtaprasad, were roughed up and beaten by the police for having 'reared naxalites'.

Kallu was the middle of three brothers. And according to his class teachers a very bright and promising student.

Sheshmani was a young man of 24, a diploma-holder from I.T.I, and a vocal spokesperson of the *dalit* community in Bheeti, a village with a largely upper caste population. He used to sing *chaiti*, a form of folk singing, and had won appreciation for it.

Guddu was a student of class 9 and had his future before him.

Getting to know about his death, Kallu's parents had gone to Mirzapur on the morning of 10 March to try and get the body of their son. They saw the bodies being carted to the city piled on a tractor. Unbelieving and bewildered at the killing of his beloved brightest grandson, Kallu's grandfather was beaten and accused of 'rearing a naxalite' when he asked to see his body at the city Police Station.

Finally the family was allowed to carry out a few last rites at about 9 p.m on 10 March - at the Chaubey *ghat* where all the bodies were cremated by the police. They were the only ones who were able to somehow see their dead.

Sheshmani's father Tulsi is alone in his house now. His able and articulate son has been killed. Over a month after the incident, half-mad with grief, he is unable to stem his tears.

Total denial of people's aspiration for justice and equality, leading to protests against exploitation- this seems to be the hallmark of the approach of the administration led by the police. People wanting to associate with any movement or group for a more equal society or some relief from their everyday subjugation are straightaway categorized as 'naxalites'. For the area police, from the highest officials downwards, the allegation alone seems to have been enough to warrant their outright execution without even a semblance of the due process of law. And they are bursting with pride about the killing.

For Duasi whose son just went out - and got killed, for Geeta bai who was shown a bloody picture and ordered to identify her husband, and did not, for Guddu (Jagnarayan) who saw his younger brother getting killed before his eyes, for the families, neighbours and relatives of all those killed on 9 March, for the poor, *dalit* villagers of this area—it is a time to grieve and fear.

However, even Tulsi Harijan, a resident of Bheeti, was not contacted by the police for identification of the body of his son Sheshmani.

Now, the police is going around trying to get the families of the victims to identify those killed as naxalites. While Suresh's father has responded by giving an application about the murder of his son by the police to the Magistrate, Lakshmi Shankar's wife is still in a state of shock. (See Box 'Crisis of Identity')

Families of victims also find it unbelievable that their family members, out on work, or gone to eat at a feast in Bhawanipur, are actually dead, brutally killed by the police. Some of them refuse to confront the reality of the deaths as they have not been shown the bodies of those killed. In each instance the police have been attempting to force the families, to 'admit' the involvement of those killed with naxalites. In this effort, the police routinely threaten to kill, or torture them if they do not comply. Many have suffered beating and abuse. (See 'The Tale of Duasi'). Whether or not there was 'palpable danger' in Bhawanipur at the time of the 'encounter' on 9 March as the I.G. claimed, there was certainly a palpable fear of the police when our team visited the area, as much in the neighbouring villages as in Bhawanipur itself.

## **The Police Story**

According to the police, on 9 March, 2001, at about 11.30 a.m. the police headquarters of Mirzapur district received information that 'dreaded naxalites' were in Bhawanipur village of P.S. Madihan. According to the DIG, Shiv Kumar Sharma, they had information that the gang which was in Bhawanipur on 9 March had committed a murder on 8 March and were sheltering there. Information was sent to the Station Officer, S.I. Dilip Singh, who with some constables headed for Bhawanipur and met up with S.O., Ahroura P.S. and Circle Officer, Chunar and reached Bhawanipur at about 1.30 p.m. About 35 police personnel were present at the time. They started cordon and search operations in the *chamar* and *kol* settlements. They started looking for the 2 or 3 houses where they suspected naxalites to be hiding. S.I. Dilip Singh and 5 constables reached Bhagwan Das's house and compelled a girl and a young man of the village to enter the house to see whether there was anyone inside.

## Crisis Of Identity

The police of the eastern districts of U.P. led by top officials like the I.G, D.I.G, and S.P.s of Mirzapur, Sonbhadra, and Chandoli seem to have landed up with 16 dead bodies, irrefutably killed by police bullets, but with no clear idea as to who were the dead. Thereafter follows a convoluted tale of leaving no stone unturned in trying to establish the identity of the dead as 'dreaded and ferocious naxalites'.

The case of Uma Shankar is illustrative of the scenario. Police list Uma Shankar alias Guddu as S.No. 9 in the latest list of those killed in Bhawanipur. The mother, Duasi is categorical that the photograph shown by the police is not that of her 13 year old son Guddu. The police beat her up and threatened to kill her husband, and want her to identify the photograph as that of her son and declare him a naxalite.

The questions remain. Who was the boy killed in the 'encounter'? Was he a 'dreaded naxalite', if so who?

As per newspaper reports Lakshmi Shankar is also one of the 'criminal-naxalites' killed. Lakshmi Shankar was a school teacher in Bagahi for the past two years and the father of four small children. On 7 March he had gone as usual to school at about 7.30 a.m. He had informed his wife, Geeta Devi that he would be going for a feast the next day and would be back by the 9<sup>th</sup> of the month. After the Bhawanipur incident the police brought a photograph and showed it to his wife for purposes of identification. Geeta Devi requested the police to show her the body of her husband in order to identify. The police did not show the body. Lakshmi Shankar has as yet not been mentioned in the list of those killed.

Yet the silence hangs: Is Lakshmi Shankar dead? How will she bring up four young children, cries out a tearful Geeta Devi. Was Lakshmi Shankar, the simple school master, a 'dreaded naxalite' with major crimes on his head?

-In the initial press release by the police, dated 21 March, Suresh s/o Ram Bhajan of Dhauraha and Suresh s/o Shankar Harijan, of Nadihar were shown among the list of persons killed. Thereafter, CPI (ML) Liberation produced a very much alive Suresh s/o Ram Bhajan of Dhauraha at a public meeting.

The complacent policemen claim that naxalite gang leaders Debnath and Lalvrat carrying rewards of thousands of rupees on their heads were killed in Bhawanipur, is itself being questioned. No corroborative identified photographs have been produced by the police.

Thereafter, the policemen entered the courtyard of the house and subsequently the raised platform at the threshold of the house. Three rounds were fired upon them from inside the house, at a distance of less than 10 feet, with the police silhouetted against the light, but no one was injured. Dilip Singh retaliated by firing his AK-47 in the direction of the gunfire and promptly (according to him) injured some 'naxalites'. The latter then climbed on to the loft inside the house and started firing at the policemen in the courtyard from the vents in the loft. This continued for about 17-18 minutes. Dilip Singh was trying to find some cover at this point and was hit by a bullet (303 rifle) in his left arm. He fled from the house and shortly after, constable Namvar Singh was hit in his right arm. The police retreated and awaited reinforcements. By this time, according to Dilip Singh, 100-120 rounds were fired by the 'naxalites'. The injured policemen were rushed to hospital by about 2.00 p.m.

Reinforcements in the form of about 150 policemen from Mirzapur and the two adjoining districts of Sonbhadra and Chandoli arrived by about 4.00 p.m. The I.G (Zone) V.K Singh, DIG (Mirzapur), S.P Sonbhadra, ASP Chandoli, S.P Mirzapur, all arrived at the spot.

The police then entered the dalit settlement and ordered the villagers to come out with their arms raised. By about 4.15 p.m. almost all the villagers came out. They were told to go and sit inside the dried canal bed running along the side of the village, and near the house of the *pradhan*.

About 20 people who were not from Bhawanipur village were singled out, lined up against the wall at gunpoint, searched and thereafter, according to the I.G., asked to sit with the rest.

Throughout this exercise the firing was continuing. According to the I.G., there was roughly one round of gunfire after every 30 seconds, and was issuing from about a dozen houses.

The I.G. stated that they ordered the 'naxalites' to stop firing and surrender but they carried on regardless. According to him, as per the rules of engagement, if firing continues from premises after they've been ordered to stop, then the police are free to attack ruthlessly.

After that the police conducted a house to house search

and continued to fire upon the houses from where firing was coming from. This continued upto 6.00 p.m. (according to the DIG the encounter continued till 8.00 P.M). The police then collected the bodies of 16 persons from various sites in the village. Some weapons, empty and live cartridges, and 'naxalite' literature were recovered.

The death of at least two young boys was justified by the IG as he categorised them too as 'dreaded naxalites'. According to him like the LTTE the naxalite gangs are inducting women and boys in the age group of 12-14 years in their gangs. According to him, they had information from villagers that there were 'boys' with the naxalites in the village. These boys were carrying messages to and from the naxalites, and thus were in the 'gang'. Therefore it was right and proper to kill them. On the possibility of innocent persons being killed, the DIG stated that, "After evacuation, whoever is left is guilty and it is justified if they die or get killed. They are criminals."

A First Information Report (FIR) has been lodged with regard to the encounter and is presently being investigated. However, no details with regard to the I.O. or the stage of investigation are available.

If one were to accept the police version, then during the initial search, in total violation of their duty as police officers, the police jeopardised the lives of two innocent persons by sending them to an area where they suspected 'armed criminals' to be present. Further, they are responsible for endangering the lives of villagers by ordering them to come out in the midst of firing and what the IG himself admitted as 'palpable danger' and is not in consonance with the duty of the police to protect innocent lives.

But it is impossible to accept the police version. According to Bhawanipur residents, the non-residents singled out during evacuation were never seen again. Since nobody was in the houses after the evacuation, the police claim of a "fierce encounter" is patently false. It can only be concluded that those killed were the same non-residents who had come out during evacuation and had been deliberately separated from the rest to be shot.

The list given by the police to our team, identifying those killed in the encounter is as follows:

1. Debnath alias Bhagat, s/o Ram Dulare Kol, r/o Majhgavan, P.S Naugarh, dt. Chandoli
2. Lalvrat, s/o Bachau Kol, r/o Matiyavan, P.S Naugarh, dt. Chandoli
3. Seshmani Harijan, s/o Tulsi Harijan, r/o Bheeti, P.S Madihan, dt. Mirzapur
4. Suresh alias Dabloo, s/o Shankar Harijan, r/o Nadihar, P.S Madihan, dt. Mirzapur
5. Arun alias Maniram alias Lalmani, s/o Ram Achal, r/o Purenia, P.S Madihan, dt. Mirzapur.
6. Sadhu alias Subhash, s/o Bachan, r/o Musa Khari, P.S Chakiya, Chandoli
7. Hari Narayan, alias Kallu, s/o Ram Khilawan, r/o Khairpur, P.S. Karma, dt Sonbhadra.
8. Ram Narayan, alias Tyagi, s/o Ram Lal, r/o Marchha, P.S Madihan, dt Mirzapur.
9. Uma Shankar, alias Guddu alias Awadhesh Kumar s/o Kamta Prasad Kol, r/o Bhishunpur, Madihan P.S., dt Mirzapur.

The other bodies though cremated a long time ago have still not been identified.

## **The Police Perspective**

Rather than an orientation to functioning within the constitutional framework, proceeding as per rule of law, discharging their functions within the parameters of the Criminal Procedure Code (CrPC), the police perspective is totally coloured by an exaggerated vision of threat to the nation from 'extremist violence'. Their perception and righteousness as self appointed saviours of the nation and vanquishers of evil leads them to take the law in their own hands, and directly kill persons without going through the mandatory process of trial. Rather than the painstaking process of investigation, collection of evidence and prosecution, the methodology followed was clearly reflected by the IG's description of the killing of 16 persons as an act of liberation, greeted by accolades and cheers of the people. A methodology that negates the role and duty of the police. The paranoia about the threat to the nation is evident in the DIG's statement that there was in fact a 'Chinese agent' in the area, aiding the MCC, and apparently one person from the area had been sent to China for guerilla training!

The IG claimed that naxalite extremist violence comprises 40% of all extremist violence in the country, covering all of Bihar, all of Chattisgarh, part of U.P, part of M.P, 2/3<sup>rd</sup> of Andhra Pradesh, part of Orissa, part of West Bengal, part of Maharashtra. As per the police, the dreaded naxalites were now spreading their operations and terror in eastern U.P, uptil now a haven of peace and equality. As the DIG said, the UP police including the notorious PAC, is the 'most disciplined force', capable of combating these 'enemies of the nation.' There are two companies of the PAC designated as Special Task Force to deal with the 'problem'. The police are also looking forward to budgetary augmentation from the Chief Minister, Rajnath Singh. In fact, the elite of the area alongwith the police and bureaucracy are striving together to project an exaggerated and inflated "demon" of naxalism with hopes of about Rs. 1,600 crores being sanctioned as an economic package for the area to combat "naxalism" . This package is to be administered by the police.

The police in trying to build up a case for more repression and the need for more money as well as arms, ammunition and manpower, attributes even routine ordinary crimes to "naxalites" and records it accordingly in the FIRs registered. An impressive dossier of "naxalite crimes" has thus been efficiently built to hasten and facilitate the sanctioning of money by the state government.

The proposal for development has been named "Operation Karmnasa Package" after the river Karmnasa which flows in the area. The I.G. disclosed that he was hoping and expecting that a package for more money to tackle "naxalism" would come through.

The IG felt that ignoring the social and economic factors, naxalism should be regarded as 'ordinary criminal activity'. Hence he refers to them as 'Lalvrat Gang', 'Debnath Gang' etc.

### **Presumption of innocence**

Under the law the person accused of an offence is presumed to be innocent. The police has to prosecute, adduce evidence and prove the guilt beyond reasonable doubt. In a total reversal of the position in law, the police presumption of guilt (of those killed) clearly comes across in conversations with police officials.

The DIG commented with reference to the possibility of innocents being killed, "If they were innocent, why were they there?" He continued, "After evacuation whoever is left is guilty. It is justified if they are shot and get killed. They are criminals."

The stock reply given by the DIG to all queries as to the possibilities of innocents having been killed was that the family members of those killed have not created an uproar and lodged formal complaints. Their silence establishes that those killed were dreaded naxalites.

The IG also went to great lengths to tell us that the entire operation was 'natural' — the cleanest possible police operation, carried out in broad daylight, in front of the eyes of hundreds of observers from the village as well as neighbouring villages. He possibly meant to suggest that if the operation had not been entirely 'clean' these 'observers' monitoring the 'encounter' would have lodged their protest to the police top brass present there. The likelihood of people lodging complaints about police behaviour either during the encounter or in its aftermath in the atmosphere of terror created by them is slim.

With reference to the killing in cold blood of the young boy Harinarayan, witnessed by his relatives, the DIG was of the view, "We cannot say, he may have been carrying ammunition. We cannot say who's a combatant. In an encounter whoever is there gets killed."

Incidentally, the only evidence the police have to establish Suresh's (Dabloo, another killed) record as a 'ferocious naxalite' is the letter which he is supposed to have written to Uma Shankar alias Guddu, another 13 year old boy who was also killed. The letter apparently contains the expression of a desire to go to Bihar, among other things. It is difficult to see how a letter from a 9<sup>th</sup> standard boy to another 8<sup>th</sup> standard student suggesting a journey to Bihar can be straightaway taken as irrevocable proof of their being "ferocious naxalites" and therefore legally entitling the police to kill them.

As part of official policy followed particularly assiduously by the current Chief Minister, the injured policemen have been given rewards of Rs. 2 lakh each and promotion of one rank after the incident — for displaying '*adamya saahas aur*



*shaurya* (exemplary courage and bravery) in combating dreaded naxalites. Such incentives coupled with the outrageous pronouncements by the Chief Minister are sufficient motivation to make a police force trigger-happy. There is reason to fear that in such an environment, police would kill people who can easily be overpowered or else have been overpowered and are in effective custody.

As per the police, the S.O. Naugarh, O.P.Singh and a constable were killed in October 2000 by the Lalvrat and Debnath gangs. The police is particularly proud of the Bhawanipur killings as a feather in their cap, as Lalvrat and Debnath, are two of those claimed to be killed in it. It ap-

The I.G. stated that they had recently (after the Bhawanipur incident) picked up a 12 year old boy, whose name and identity he could not reveal to us, and found that he could handle weapons including SLRs. The I.G offered this as definitive proof and justification of the killing of the two boys, Harinarayan and Suresh, students of std. VIII and IX respectively.

The following questions arise regarding this.

1. The identity and whereabouts of the boy the police 'picked up' were not disclosed by the I.G.
2. It is clear that the boy has not been produced before a magistrate within 24 hours of his being picked up in violation of the fundamental rights under article 21 and 22 of the Constitution.
3. It appears that he has not been formally arrested and is presently in the illegal confinement of the police.

This appears to be the routine practice of the police and continues as the courts refuse to entertain petitions without the details of identity

pears likely that revenge and retaliation may have played a large part in this massacre by the police.

## **Conclusion**

Having visited the villages, examined the scene of the incident, heard the constrained accounts of the residents due to the prevailing atmosphere of fear and having met top police officials, the following conclusions emerge:

1. The 16 persons killed in the alleged encounter at the

- dalit settlement of Bhawanipur had in fact surrendered and come out of their houses with their arms raised at about 4 p.m. on 9 March.
2. Sub-Inspector Dilip Singh and Constable Namvar Singh were probably injured in an exchange of fire about 1.30 p.m. in the dalit settlement when they were conducting search operations.
  3. Thereafter the police party retreated and awaited reinforcements.
  4. Police from the 3 districts of Mirzapur, Sonbhadra and Chandoli including the DIG, IG, SPs reached the spot around 4.00 p.m.
  5. Everyone was ordered to come out with hands raised. After that the persons who were not residents of the village were singled out and shot dead.
  6. There are about a maximum of 25-30 bullet holes in 2 or 3 mud huts consistent with a short exchange of fire at about 1.30 p.m. as described by Sub Inspector Dilip Singh.
  7. There is no physical evidence of bullet marks indicating a large scale, fierce encounter lasting several hours with 1600 rounds fired as claimed by the police.
  8. The only injury is to two policemen who admittedly got injured at about 1.30 p.m. and were taken away. The total lack of injury to any policeman, at the time of the alleged encounter around 4.00 p.m. severely undermines the police story of dangerous naxalites firing with weapons for 3-4 hours and all of them being killed in retaliatory fire by the police.
  9. Having killed innocents the police thereafter has been desperately trying to establish that the killed were 'dangerous naxalites'. Towards this end, the family members of the victims are being threatened, beaten up and intimidated to declare that the person killed was a criminal-naxalite and deserved to be dead.
  10. The dead bodies were hastily cremated within a day without any attempt at identification. Thus the families were denied the right to claim the bodies. To date seven remain unidentified.
  11. The police has been deploying a false distinction – resident vs non-resident or naxalite vs innocent – to justify

such extra-judicial killings. This has been used to obscure the crucial issue of whether the victims had surrendered or else were unarmed and overpowered when they were killed.

12. The executive magisterial inquiry ordered into the incident is not being conducted in an impartial fashion. Witnesses are being threatened to support the police story and are in fact being transported by the police themselves to get their statements recorded before the magistrate.

### **Demands**

- ◆ Immediate CBI investigation into the killing of the 16 persons in Bhawanipur on 9 March.
  - ◆ Removal of all police personnel involved in the operation on 9 March from the area in the interests of an impartial and fear free investigation.
  - ◆ Prosecution of the guilty.
  - ◆ Compensation to the families of all those killed.
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कहीं पे भुखमरी की धूप  
तीखी हो गई शायद  
जो है संगीन के साये  
की चर्चा इश्तेहारों में

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