



# GUNSOTS AND SILENCE

**The Killings in Siwan, Bihar**

Report of a Fact-Finding Mission



## PART I

### INTRODUCTION

On March 31, 1997, Chandrashekhar Prasad and Shyam Narayan Yadav, two leaders belonging to the CPI (ML) Liberation were gunned down in broad daylight in the town of Siwan, the urban centre of the recently created district of Siwan in north-west Bihar. A local bystander, Bhuteli Mian, was also killed and three others wounded in this assault by an armed gang. Such killings are by no means uncommon in Bihar or elsewhere in India. Undoubtedly, what made this particular assault into a major issue and public rallying point were the repercussions it had, and the series of events that followed in Delhi and later in Patna.

Chandrashekhar Prasad had only recently returned from the Jawaharlal Nehru University (JNU) to Siwan to become a full-time activist of the CPI (ML) Liberation. In his years as a post-graduate student in JNU (Centre for Political Studies), he had left an indelible mark on the life of this University. He had been president of the JNU Students Union (JNUSU) for two terms and had been widely respected and liked by the students, teachers and karamcharis as much for his human qualities as for his political dedication and activity. His death deeply shocked all sections of the JNU community as well as other institutions, groups and individuals in Delhi who were acquainted with him and his role in the student and political life of the capital city.

JNU students, teachers and karamcharis took the lead in arousing wider public concern over these political murders reflecting, as they did, wider issues of violation of democratic rights and growing criminalisation of political life in Bihar and the country as a whole.

The JNU community organised a demonstration on the evening of March 31 (as soon as they heard of the Siwan killings) outside the Bihar Bhavan in New Delhi with the purpose of getting the Bihar government to take note of what had happened in Siwan and to ensure that there would be proper justice with the culprits responsible for this heinous crime being brought to book. Unwarranted violence by the security guards accompanying Sadhu Yadav (the brother-in-law of the Chief Minister of Bihar, Laloo Prasad Yadav) and his cronies, who were residing at Bihar Bhavan, further escalated the matter. Rocks and missiles were thrown from the windows injuring several students and teachers. The security guards fired in the air causing panic among the demonstrators who were unarmed. The guards were brutal and physically intimidated the demonstrators with guns pointed directly at them. Contingents of the Delhi police were also present at Bihar Bhavan. Things came very close to getting out of hand.

What happened at Bihar Bhavan further catapulted the Siwan event into becoming a national-level issue and attention to it was forced upon the major political parties, the media including Doordarshan, and the Central Government itself. The same happened in Patna. The Chief Minister, Laloo Prasad Yadav first sought to justify how the cronies and security guards of his brother-in-law, Sadhu Yadav, had behaved at Bihar Bhavan. He dismissed the JNU students as upper caste, drug addicts and as inveterate trouble-makers of no real consequence. However, soon afterwards (within a day) he changed his tune partly as a result of meeting and hearing the views of members of the JNU Coordination Committee (comprising representatives of students, teachers and karamcharis) and partly as a result of belatedly realising the larger political ramifications of taking on the students, teachers and staff of JNU over such an undeniably just cause. The vice-chancellor of JNU also sent a protest letter to the government. The Chief Minister reversed his earlier stand and now publicly declared his respect for JNU, for the demonstrators and for their intentions. Laloo Prasad Yadav then promised that a CBI Inquiry would be instituted into the Siwan murders. Both the agitation in Delhi (which had now expanded to Patna) and the media attention continued. All this constituted the wider context in which a fact-finding team from Delhi was constituted to investigate the events in Siwan and its wider context.

The team comprised the following members: Professor Ashwini Ray (Centre for Political Studies, JNU and member of JNU Teacher's Association), Mr. Achin Vanaik (Visiting Professor, Dept. of Political Science, Jamia Millia Islamia University), Mr. Smitu Kothari (Lokayan), Mr. Mehdi Arslan (INSAF), Ms. Premila Lewis (social activist, writer). The team was constituted as an independent group of concerned citizens with no collective allegiance to any body or bodies, be these political or otherwise.

There is little doubt that if the victims had not included someone like Chandrashekhar Prasad, who was connected with a prestigious institution like the JNU it is unlikely that such a furore would have been created. But it would also be a serious error to believe that the agitation that subsequently emerged, or that this Report, are motivated solely by concern for the tragedy that befell Chandrashekhar. Wider issues are at stake and have motivated this investigation and Report. The drama of the assassination of someone like Chandrashekhar also served as a trigger to unleash long accumulated public frustrations about the general deterioration in our democratic system. His death and that of his associate Shyam Narayan Yadav (and of the unfortunate Bhuteli Mian) became a symbol of general public anger and concern over the steadily increasing violation of basic human rights that has been associated with the growing intrusion of crime into politics. Numerous innocents have



had to pay with their lives and their livelihood in a period which witnessed the breakdown (and, often, an absence) of democratic process, in Bihar in particular and in the country in general.

This general and wider concern is reflected in our Report. It has shaped its structure and scope, its conclusions and recommendations. Besides focusing on the specific injustice done to the three victims and their families, there is also an attempt to focus on the broader problem and injustice of criminalisation of politics in Bihar (as an example of what is happening in the country as a whole) and on what Indian citizens are to do if we are to reverse this steadily worsening situation. We believe, therefore, that there are different dimensions of the problem and various levels of responsibility associated with these dimensions both with respect to the general problem and even with respect to the specific crime under investigation in Siwan. Within our limitations, this Report has sought to highlight these various dimensions and levels of responsibility. Thus our Report is not restricted to the events on March 31 in Siwan. To understand that event we have to understand much more than just that event. To try and rectify that particular injustice we have to try and rectify more than just that injustice.

The team visited Siwan and Patna. Its members met a wide range of people in both places as well as in Delhi, with the purpose of understanding both the specific problem of Siwan and the general issue of criminalisation of Bihar and Indian politics. It was in keeping with this awareness of the larger ramifications that the team participated on April 20 in Patna in a symposium of several hundred people on Criminalisation of Politics that had been organised by the Bihar JNU Alumni Association whose active role in arousing public opinion is commendable. If we were able to impart some of our knowledge there on what happened in Siwan, we also greatly benefited from the inputs provided by the other participants at this symposium. We also met the Governor of Bihar, Shri A.R. Kidwai and the Home Secretary, Mr. Maheshwari, both to learn more about the general and specific contexts of Bihar and Siwan and to alert them to the implications and consequences of our findings.

On April 21 afternoon, the fact-finding team held a press conference in Patna where it gave a preliminary report on its findings and put forward some tentative recommendations. This Report presents our findings, conclusions and recommendations. It aims to underline the inescapable responsibility of the Central government and the state government of Bihar to ensure that justice is done in this case. If this Report can contribute towards the process of bringing justice for the Siwan killings on March 31, and if it can help in reinforcing the efforts of various individuals and groups to highlight the general problem regarding the criminalisation of our polity and the consequent violation

of the democratic rights of ordinary Indian citizens, then this Report will have fulfilled its intentions and purposes.

## METHODOLOGY

The fact-finding team spent two days in Siwan and two days in Patna. Given the short time at our disposal, as well as the haste with which the team was put together in Delhi, our brief could only be a modest one: to try and meet a wide cross-section of people in an effort to construct, as accurately as possible, an account of the killings as well as the identity of the killers of Chandrashekhar Prasad and Shyam Narayan Yadav—both district committee members of CPI (ML-Liberation) in Siwan and the accidental death of Bhuteli Mian, a 19-year old thelawala who was killed in the incident of March 31.

In Siwan, we met the District Magistrate, Mr. Ram Bahadur Prasad Yadav and Superintendent of Police, Mr. Bhriugu Srinivasan; Dr. B. Kumar, Medical Officer and Deputy Superintendent of the District Sadar Hospital and Dr. Lakshman Prasad who was in attendance at the time the patients were brought in on the evening of March 31, and who also carried out the autopsies.; family members of Chandrashekhar, Shyam Narayan Yadav, Bhuteli Mian and those injured in the firing; political party leaders and activists; lawyers; journalists; social workers; shopkeepers, traders and many others in the town and its adjoining rural areas. We also met the Acting Jail Superintendent and the Jailer of Siwan jail.

In Patna we met the Governor, Shri A.R. Kidwai, the Home Secretary, Mr. D.P. Maheshwari, the Inspector General of Police (Prosecution), Mr. Ram Chandra Khan, state committee members and workers of the CPM and the CPI (ML) Liberation, Gandhian and socialist activists, academics and journalists.

The leader of the opposition, Susheel Mody, BJP, came to meet us at our guest house in Patna but we were all at another meeting. Unfortunately, despite numerous attempts to secure meetings with party representatives of the Janata Dal in Siwan and Patna, including the local MLA, we were left with the impression that they did not want to meet the team members. Our efforts to meet Mohd. Shahabuddin were unsuccessful despite the assistance of the District Magistrate and several lawyers. Due to a contempt of court case arising out of an earlier meeting by a journalist with him (which violated legal norms), the permission for us to meet him in jail could only be granted by the District Judge or a judge officiating in his absence. Unfortunately, on account of the festival of Id, both judges were absent from Siwan.

The team looked at relevant documents, including newspaper reports in Delhi, Siwan and Patna, FIRs, police and medical reports, other written materials, and scholarly work on Siwan and Bihar.

Autopsy reports of those killed were gathered from Sadar District Hospital and appear as Appendix 1 at the end of this Report.

## PART II

### **THE POLITICAL, ECONOMIC AND SOCIAL CONTEXT**

Siwan is a newly created district which lies to the north of Bhojpur, south of Gopalgung and northwest of Chapra districts of Bihar. Until recently it was part of the undivided Chapra District, home of Dr. Rajendra Prasad, India's first President. Siwan is somewhat different from other districts of Bihar and, interestingly enough, presents a contrast to the stereotypical image of Bihar as a place steeped in gross inequities, crippling poverty and illiteracy. The visible signs of growing consumerism and ostentation that are evident in other urban centres of Bihar were also largely absent in Siwan.

In a large state like Bihar such regional variations should not be surprising; yet it is necessary to take cognisance of them if only to better understand the social, political and economic dynamics in any specific region. Given the constraints of space, we are not undertaking a detailed presentation of these relations but are providing a brief sketch with the focus on Siwan so as to better situate the March 31 killings and its aftermath.

Bihar's caste divisions are based on the traditional land owning structures and the division of wealth and occupations in society. The so-called 'forward' castes predominantly consist of the Brahmin, Bhumihar, Rajput, Bania and Kayastha communities. Of them, the Bhumihars and the Rajputs are the dominant land-owning castes who once ruled various parts of the state. They constitute about 15 per cent of the population. The middle castes, namely Yadav, Kurmi and Koeri form about 18 per cent, while lower castes comprise 32 per cent of the population. The middle and the lower castes together are classified as Other Backward Classes (OBCs). The OBCs thus constitute about half the population of the state. The proportion of Scheduled castes, Scheduled tribes and Muslims in the population is 14 per cent, 9 per cent and 12 per cent respectively.

If we juxtapose the above demographic data with the pattern of land ownership across the different castes, we get a picture of a society in which land and, consequently, a disproportionately large concentration of agricultural wealth, continues to be owned by a relatively few landlords and large farmers. A majority of the people experience material deprivation. Their long history of subjugation and discrimination and their growing aspirations, restlessness and assertiveness in the face of upper caste groups unwilling to relinquish their power and privilege, help, to some extent, explain the growth of political violence in Bihar.

## Land Owning Patterns

Only 5.7% of the upper castes own no land. It can safely be assumed that those who do not own land are professionals belonging to the Brahmin and Kayastha castes or Bania traders. 62.1% of them own 0-5 acres; 17.9% own 5-10 acres and 14.3% own more than 10 acres of land. The latter group includes big landlords. For instance, a 1991 publication from New Delhi, citing data released by the Department of Land Reforms, Government of Bihar, lists 85 families spread across 18 districts of Bihar who own more than 500 acres of land. Additionally, 89.5% of the upper castes belong to the landlord and rich peasant category, while only 2.9% and 5.5% belong to the middle and poor peasant categories respectively.

At the other end of the spectrum are the Dalits and tribals, 60.9% of whom own no land at all; they are landless agricultural and urban labourers, artisans or perform menial jobs. 30.4% of them own 0-5 acres of land of whom an overwhelming majority are marginal farmers who also work as part-time agricultural labourers working on farms belonging to others. A sizeable proportion of them are also seasonal migrants who travel as far as Punjab and Haryana in search of work. Only 0.1% of them own between 5-10 acres of land. There are negligible numbers owning more than 10 acres of land.

Between these two ends of the spectrum lie the middle and lower castes, the OBCs. In the middle castes (Yadav, Kurmi, Koeri and others) 25.9% are landless; 66.4% are concentrated mainly in the 0-5 acres category. Their presence also tapers off sharply as we move to the 5-10 and 10 plus acres category, being 5.5% and 2.2% respectively. This is indicative of the differentiation in the peasantry belonging to these caste groups. They vary from some fairly large farmers/landlords to the toiling poor. A vast majority of the lower castes (Barhi, Dhanuk, Kahar, Kumhar, Luhar, Tatwa, Teli) are landless (69.5%). This section of the lower castes work as agricultural labourers, artisans, small traders or in the service sector. The rest are mainly marginal farmers (37.6%); they are completely absent from the 5-10 acres category but what seems surprising is that 1.5% of them own 10 or more acres of land.

Among the Muslims, 58.6% own no land. This section of Muslims consists of professionals, artisans, agricultural urban workers and small to medium traders. Once again, a large proportion of them are marginal and small farmers (35.4%); 4.4% of them own 5-10 acres of land, while 1.6% own more than 10 acres.

It is imperative to note at this point that the picture outlined above about the land holding patterns and economic status of the different castes in Bihar is not a static one. From the late 1980s, there have been significant develop-

ments in the structure of landholdings which have had consequent social and political repercussions. The most important developments in this regard emanate from two changes that have occurred over the last two decades: The sub-division of land within families leading to fragmentation of the holdings and the relatively recent rise of the middle and lower castes, (the OBCs), and their loose political alliance among themselves (which is now somewhat fractured after the split between the Janata Dal and the Samata Party and the rise of the CPI-ML in areas like Siwan) and between them and Muslims.

It is within these two major changes that one has to situate the caste/class tensions in Bihar—changes which have caused a relative decline in the dominance of the Bhumihar and Rajput landlords and have led to a corresponding rise in the power and privileges of the OBCs. In the forefront of this assertion of the backward castes in Bihar has been the Yadav community. Among the middle backward castes, Yadavs are numerically the largest community and also the most differentiated in terms of their landowning status—from middle peasants to sharecroppers, marginal farmers, small dairy farmers and even landless labourers. Yet, it should not be overlooked that they are, by and large, led by a small section within the community who have come to acquire the status of big landowners. And it is perhaps here that the rub lies. The mobilisation of the OBCs by the new ruling elite in Bihar is centred around the slogan of the empowerment of the downtrodden, whereas it is the landed sections of the OBCs around which the new ruling coalition of Bihar has coalesced. This is not to say that the ruling coalition has alienated itself from the Brahmins, Bhumihars and Rajputs. Even with these castes, successful tactical alliances have been established in several areas of the state. It is also important to note that the ascendancy of the OBCs was backed by growing aspirations of the historically dispossessed and discriminated sections both within the backward castes and among the Dalits.

Bihar has a long history of land struggles led by various factions of CPI-ML. These struggles have brought in their wake brutal counter-offensives by the upper castes and the state. Attacks on the struggling landless and the marginal farmers by private armies of the landlords are frequent occurrences. What is new in the situation is that the contradictions that have emerged in the last two decades or so have pitchforked the new ruling alliance (apart from sections of other backward castes), into the centre of the land struggles. As we noted earlier, these dominant sections of the ruling alliance are differentiated in terms of the landholding structure and other factors which determine their economic status. Of late, the lower sections of peasantry alongwith sizeable reactions of Dalits have shown a tendency not only to detach themselves from the ruling alliance but also a strong inclination to align with the more militant

forms of struggle for land, and therefore with the various factions of the CPI-ML. The largest of these CPI-ML factions is the CPI (ML) Liberation, led by Vinod Mishra—the leading faction which considers the electoral arena a legitimate platform to conduct its revolutionary struggle. This political shift has been accompanied by a renunciation of the policy of ‘annihilation of the class enemy’, though the party continues to maintain armed people’s self-defence squads.

It is in this sense that the new ruling class finds itself squeezed between the more aggressive and oppressive Bhumihar and Rajput landlords, on the one hand, and the social and political assertion by the landless and the marginal farmers of their democratic rights, on the other. The scenario that emerges in Bihar is that of the state government providing tactical, if not strategic support to sustain a significant proportion of the traditional rights of the landed gentry and at the same time propagating themselves as the defenders of “social justice”. Numerous incidents from the massacres at Bathani Tola to the gruesome killings of women and children by the Ranbir Sena in Ekwari graphically demonstrate that not only is the state a relatively silent spectator to the massacre of the landless people, but it actively aids and abets these killings. This is best reflected in the statement of Laloo Prasad Yadav at a public meeting in Bhojpur in 1995, where he remarked that, “Maale ko Bhojpur se ukharne keliye mai narak ki takaton se samjhota karne ke liye taiyar hoon” (In order to uproot CPI-ML from Bhojpur, I am ready to compromise with the forces of hell). Despite the growing attacks by the private armies of the landlords, and the complicity of the state in this, the various factions of the CPI-ML have managed to extend their base into new areas of Bihar.

## **The Distinctiveness of Siwan**

One of the more recent areas of influence of the CPI (ML) Liberation is the newly created district of Siwan. What makes this development interesting is the fact that the economy and society of Siwan is not dominated by large landlords. There are neither the large farmers nor the crippling poverty. Yet the district is contiguous with Bhojpur, which has had a long tradition of land struggles led by the CPI (ML) Liberation—a tradition that has had its impact on Siwan.

Siwan is better-off than many of the districts of Bihar. Spread over an area of 2219 sq. km., its population is close to 23,00,000, with a population growth rate of 1.96% p.a. 84% of the workers are engaged in agriculture and allied activities. While the net sown area is 1718 sq. km. the net irrigated area is over 50% of the net sown area, while the gross irrigated area is close to 43%, which is due to the high water table,

better access to water across castes and relatively fertile soils. The main crops that are grown are rice and wheat, which together account for over 3/4 of the cultivated land. The average size of the operational land holding is 1.5 acres and the pattern of distribution is not too uneven. Incomes from land are declining largely owing to the break-up of families and the eventual fragmentation of land. While there are a very few large farmers in Raghunathpur who own upto 250 acres of land, and some Rajput landlords owing 35-50 acres, the rest of the area may be described as being under peasant farming. Dalits and a section of the backward castes are landless agricultural workers, constituting about 20%-25% of the agricultural population (as against 40%-45% for the state of Bihar as a whole).

Traditionally the region was also a remittance economy, with a sizeable proportion of its male population living in Calcutta and East Pakistan working in the jute mills. With recession in the jute industry, they now migrate to North India, particularly Punjab and Haryana as agricultural labour in the Green Revolution areas. The "Biharis" of Bangladesh are also drawn substantially from this region.

The three main castes in Siwan are Yadav, Koeri and Kurmi, except for two blocks, viz., Darauli which is dominated by Rajputs and Brahmins and, Mairwan which is dominated by Rajputs. Another interesting feature of Siwan is the rather large proportion (26%) of Muslims in the population, which is the highest concentration in any district in Bihar. The Muslim community consists of two sects: Sheikh and Ansari. The Sheikhs are well-to-do, and their financial position has improved considerably as a result of remittances from the fairly large number of community members who have migrated to Arab countries, particularly Saudi Arabia. There are no reliable estimates of the impact of this on the social and economic fabric of Siwan, but indications are that it has led to significant investments in construction, trade and the modernisation of places of worship. The team could not ascertain whether their upward mobility has caused any serious unease or antagonism among the non-Muslim population. In fact, the rural areas are particularly marked by deep affinities between the two communities.

In the more recent past, a section of the Kurmis were oppressive landlords. The CPI (ML) Liberation have been relatively successful in seizing their lands and distributing it to the landless. Other Kurmis have not been as oppressive and are either relatively well-to-do farmers (or new landlords), or contractors or involved in other occupations. In comparison to Yadavs, Kurmis generally have a similar or often a higher class profile. In class terms, the Yadavs are similarly a mixed group. Well over 50% are poor peasants and labourers.

In Bihar as well as Siwan, the M-Y (Muslim-Yadav) alliance which was



one of the main pillars of Laloo Prasad Yadav's political strategy, has been considerably weakened since the last election. The Muslims, however, still substantially support Shahabuddin and Laloo Prasad Yadav. The BJP appears to have gained from the increasing hostility of non-Muslims to the climate of fear created by Shahabuddin and his gang.

As in the rest of Bihar, caste plays an important role in the social and political life of Siwan. Before the rise of the CPI (ML) Liberation, Laloo Prasad Yadav enjoyed the overwhelming support of the backward castes. As demonstrated by the results of the 1996 Lok Sabha elections, this base has been considerably eroded as the CPI (ML) Liberation was able to increase its share of votes from about 20,000 to 1.25 lakhs between the 1991 and 1996 parliamentary elections, apart from winning in two of the assembly constituencies.

The electoral support base of Shahabuddin in the last general elections, despite the general attitude of fear and of hatred against him, could possibly be explained by massive booth capturing and rigging in the constituency, in contrast to the relatively free and fair elections in the rest of the country. In fact, the ML formally complained of 256 cases of booth capturing to the Election Commission. There were at least four murders by Shahabuddin the on polling day. This is of course only a partial reason for his popularity. Many other factors contribute to his popularity. There is considerable support due to his being a member of the Janata Dal and a close affiliate of the Chief Minister and President of the JD, Laloo Prasad Yadav. For many, he is also a "protector". Additionally, his streamlining the Rangdaari system has added to his support among smaller traders and shopkeepers. (See sections below).

In an overall sense though, the general atmosphere of violence and brutalisation of the politics of Bihar also affects Siwan. In Bihar, for example, no panchayat elections have been held, nor elections in college or university bodies, including student/teachers' unions for decades. College and university teachers have not been paid their salaries for months (some payments have been made after popular protest). Interestingly, this may also suggest that they have alternative sources of income. In Siwan, similarly, small arguments very often are settled by gunfights.

The general level of violence, in a region like Siwan with a proportion of Muslims polarised around the criminal gang of Shahabuddin makes it potentially prone to communal violence. Till now the region has been relatively insulated from the malaise of communal violence. But if Shahabuddin's dominance were to be threatened, he is capable of engineering a communal riot; so can the BJP, to isolate Shahabuddin and weaken the Janata Dal.



The town of Siwan as well as the neighbouring rural areas are a picture of official neglect. Roads full of potholes, non-existent drainage, dilapidated official buildings, almost no functioning streetlights and frequent power breakdowns are evident everywhere. The only resource that is in abundance is water whose relatively abundant availability is the primary reason for the absence of widespread destitution—particularly in rural areas. Extensive interviews with a cross-section of the rural people suggests that there is also weak implementation of developmental programmes. The District Magistrate hides behind the excuse that “when law and order become a primary concern and a primary activity, development suffers.” The fact that Shahabuddin and his supporters corner most developmental—including PWD—resources, does not seem to be a matter of particular concern.

For those who have the means, generators, pumpsets for water and electricity were evident in both urban and rural areas. Even though there is a surfeit of water there are a number of reasons why this has not brought prosperity to farmers and landed peasants. Given that most landholdings in rural areas are less than five acres, most families cannot afford and maintain pumpsets. Little or no effort has been made to officially consolidate land for the poor or to cooperatively farm land. There is also the perpetual fear of theft and of not being able to support a full-time guard. All this is compounded by the lack of even a six-hour supply of electricity in a 24-hour day. Most of the small holdings are fragmented and scattered, and increasing pressure on land is further fragmenting the holdings. Some larger farmers who have generators are selling water.

Most children are sent to “public” schools because of the poor conditions of teaching in government schools. In fact, the threat of kidnapping and the general climate of fear and insecurity have compelled many parents to refrain from sending their children to school and, instead, to privately tutor them. This is obviously an option available to a few making the crisis of education that much more evident. Many have also closed shops and businesses and left Siwan, e.g. businessman Chatthi Ram Marwaari’s family has already left. While local journalists cited other examples, the District Magistrate denied that anyone had left because of the climate of fear and insecurity.

The health care system is similarly in a pathetic condition. Not only are public health clinics in the villages non-existent or non-functional, even the district hospital in Siwan lacks basic facilities. Dust, broken window panes, dilapidated furniture, dirty floors were in evidence during our visit. They had almost no facilities to operate on the murder victims and the local blood bank had no blood in its stocks. There is a distinct possibility that if facilities and blood had been available, Shyam Narayan Yadav and Bhuteli Mian could have been saved.

### PART III

#### **BACKGROUND TO THE KILLINGS : THE RISE OF SHAHABUDDIN, ELECTORAL POLITICS AND VIOLENCE**

Several specific factors are crucial in situating the growing political and social tension in Siwan that led to the events of March 31. By far the most crucial among them is the rapid rise of Mohd. Shahabuddin from a small-time hit man and goonda to not only a member of parliament but also the most ruthless and feared gang leader.

Shahabuddin contested the MLA elections in 1990 on an independent ticket and was elected from the Jeeradei constituency, the constituency of India's first President, Dr. Rajendra Prasad. This occurred at a time when Laloo was seeking leaders in Bihar who could help in consolidating his hold over Bihar's politics. He approached Shahabuddin and convinced him to join the Janata Dal. It is important to note that the Muslims of the area have played a crucial role in electing their community members and the area has had a long tradition of electing politicians who have gained a degree of national visibility. Abdul Gafoor, who was a cabinet minister at the centre and one of Bihar's Chief Minister's belonged to this area.

Over the past seven years, Shahabuddin has been able to neutralize, eliminate or win over almost all the other criminal gangs in the area and now exercises dominant authority in the region. Virtually no crime can be committed except at his command. Everybody, including the administration and the police force feels intimidated or fearful of him. He has also been successful in eliminating all opposition to him in crime. It is widely believed that he has personally killed close to 100 people over the past 10-12 years. Since entering politics and especially since winning the Lok Sabha seat, he has tried to distance himself from direct killing even though he is alleged to have personally killed at least five people on the polling day of the parliamentary elections. These cases have been documented in detail in the Public Interest Litigation filed in the Patna High Court which led to his arrest. His main weapon is the use of intimidation and terror. While the BJP has challenged his political hegemony, it is only the CPI (ML) Liberation which has not only put up resistance but has significantly eroded his electoral base making them his primary political target.

Despite his incarceration in August 1996, Shahabuddin maintains almost exclusive control over the area. He has continued to have regular personal consultations with his gang who have had free access to the jail. Within the prison, he enjoys access to the Jail Superintendent's

office and, till recently, an STD line. In a discussion with the team members, D.P. Maheshwari, Home Secretary conceded that, "Shahabuddin and co. dictate terms even to the jail warden" While the team had made this an issue with the District Magistrate in Siwan, when we raised the issue with Mr. Maheshwari, he spoke with the DM in our presence and was told that the connection and access had been discontinued. Maheshwari narrated how when he had earlier ordered its disconnection, Shahabuddin had got it reconnected with the assistance of the SDO. The Home Secretary had to then speak with the Chief General Manager, Telephones, to ensure that it was disconnected and even then the order took six days to implement.

The incident that further reinforced Shahabuddin's authority was his firing at the then Superintendent of Police, S.P. Singhal. The incident, reconstructed from Singhal's FIR and eye-witnesses, began at Darauli-Mathia village, 40 kms. from Siwan, where a Harijan was killed when his group were protesting against booth capturing. An FIR naming Shahabuddin's accomplices was filed. When the final rites were being performed, activists in the village received news that several Shahabuddin supporters were moving towards the village on motorcycles. A complaint was made to the SP who gave chase to the motorcycles. Near Don village, the SP finally stopped the gang when Shahabuddin opened fire. Singhal was forced to withdraw. Local residents say that following the firing, there was a resumption of the climate of terror. The irony of the situation is that soon after, on June 13, 1996, Singhal was transferred. He was replaced by Rajendra Singh who was SP until shortly after the killings.

While Shahabuddin has maintained communal peace, the Superintendent of Police, Bhriagn Srinivasan cautioned that he can engineer small communal incidents to discredit the police.

There are other dimensions which add to his overall "popularity". Many local sources informed us that since his student days he has been opposed to the harassment of women. As a consequence, there are almost no reported incidents of rape, molestation and harassment of women. While this adds to building up his myth, many others informed us that some of his gang members (as well as other gangs that he has a working relationship with in the neighbouring districts) are involved in the trafficking of women. Secondly, after his successful attempts to consolidate power in his own hands, he modified the prevailing "Rangdaari system" of extortion of money. He reportedly takes regular "contributions" only from the larger traders and business people and spares smaller traders and shopkeepers. (See below). This has helped in sustaining support from the smaller petty business and trade interests.

Finally, Shahabuddin enjoys almost total support of Muslims in the district. Even though he has not exclusively shown them any favours (he has done more for Hindus than Muslims), they regard him as their protector, as many told us in Siwan, he is their "messiah". Importantly, the fact that he has been able to contain communalism has also yielded wider support—both in the state and nationally from the Janata Dal leadership.

## **The Culture of Violence**

Siwan is a microcosm of the rise of crime based politics in Bihar. Not only has there been a general criminalisation of politics, what the Shahabuddin phenomenon represents—including the political protection that he receives from the highest in the land, particularly the Chief Minister, Laloo Prasad Yadav—is the politicisation of crime. This reality also reflects the degeneration that has taken place in democratic politics where it has become almost necessary for anyone who comes into politics to master the means of accumulation and extortion. That the CPI (ML) Liberation represented a comparatively different trend (where even if "taxes" and contributions are sought they are primarily for the struggle of hitherto discriminated and marginalised communities) is one of the other major factors defining the primary political rivalry in the area and the systematic attempts by Shahabuddin and the Janata Dal to eliminate the ML's political significance.

## **The Rangdaari System**

Siwan is not distinctive in witnessing an old tradition where local goondas and criminals extract a "tax" from traders, business people and others. Called the Rangdaari system, since the rise Shahabuddin, the system had become more organised, systematized and centralised than ever before. Shahabuddin successfully "eliminated" all other competitors in this extortion process. The District Magistrate of Siwan told us that, "The Rangdaari system was streamlined by Shahabuddin. It has been an old system endemic to the area but after Shahabuddin consolidated his political hold, other groups and individuals who were extracting have either been eliminated or swear allegiance to him." Shahabuddin also ended this extraction from small traders and shopkeepers, concentrating only on large businessmen and traders. The team was informed by several people that this has increased his political base among this class of people.

## **The Rise of the CPI (ML-Liberation) in Siwan**

The CPI (ML) Liberation started work in Siwan district in 1986. Till 1991, it made only marginal gains but in the subsequent 4-5 years its strength grew rapidly. By the 1995 assembly elections, they won 2 seats—Mairwan and Darauli. Significantly, in both these constituencies, 80% of Kurmis and a significant proportion of poorer Yadavs went over to their fold. In the 1996 Lok Sabha elections, their candidate polled 1,26,000 votes and since then, they have become the third electoral force in Siwan after the Janata Dal (JD) and BJP. The party's main organising planks are: land, wages and the social dignity of the dalits backwards.

Mohd. Shahabuddin, the JD MP from Siwan and Shiv Shanker Yadav, MLA from Darauli and former Agriculture Minister in Laloo Prasad Yadav's first administration have not opposed this concrete programme of the CPI (ML) Liberation but have been devising numerous strategies to reduce what they perceive as a growing threat to their supremacy in Siwan District. In an effort to pre-empt this opening by the ML into North Bihar, they have also tried to terrorise elements of the ML's support base including senior leaders of the party. For instance, since 1994, five members of the district committee have been murdered by the Shahabuddin gang: Vijay Pratap Singh (October 1994), Surendra Yadav (September 1996), Kedar Saha (October 1996), Chandrashekhar and Shyam Narayan Yadav (31 March 1997). According to Dipankar Bhattacharya, Politbureau Member of CPI (ML) Liberation, Delhi, between 1990-96, "93 members, leaders and supporters were killed by Shahabuddin's gang, by the state machinery and by the nexus of feudal lords and the Janata Dal administration in Siwan."

As mentioned earlier, the CPI (ML) Liberation has been "over ground" since 1984 and has been participating in the electoral process since the 1991 Assembly elections. Party leaders say that while the party has abjured the politics of massacre and armed terror [unlike CPI (ML-Party Unity) and the Maoist Communist Centre], it does have armed people's self-defence squads in Siwan, but these are only for self defence and for "punishing" those who assault Party members and supporters. However, from diverse reports, it is evident that these people's defence squads in Siwan are still comparatively weak and not as effective as those in Bhojpur where the Party has been active since the 1960s. There is little doubt that the ML-Liberation has also indulged in selective and retaliatory killings.

## A Jail Confrontation Between Political Rivals

An incident which has a bearing on this contentious relationship and on the March 31 killings was the eruption of a major confrontation between the two rival groups inside the Siwan jail. On March 22, in the festivities preceding Holi, there was a minor misunderstanding between supporters of Shahabuddin and A.N. Yadav. The misunderstanding was triggered by the throwing of coloured water on one of Shahabuddin's supporters who had refused to participate in the revelry. The misunderstanding led to a fight. On March 23 both sides filed FIRs alleging that the confrontation had been planned by the other side. A.N. Yadav's group (about 50 persons) went on a hunger strike which lasted till the 27th, demanding the resignation of the jail superintendent. The Assistant Inspector General of Police (Prisons) and the Central Jail Superintendent, Buxar Circle, came to the Siwan jail to intervene and the fast was called off with the assurance that, "appropriate action would be taken." On the 30th, Shahabuddin called for a hunger strike, demanding that the Superintendent should not be transferred. Over 400 participated in this exercise. The senior officials had to intervene again and the strike was called off the next day, but it left a more tense and conflictual atmosphere in the jail between the two politically opposed groups. Given Shahabuddin's immense power and privilege even while incarcerated, these events have only led to his being able to consolidate his authority—both inside and outside the jail—further. (See Appendix 2 for a fascinating report of journalist Nalini Mohanty's visit to Shahabuddin in jail).

The other issue which is important to understand in this conflict between the ML and the JD is the specific threat that Shahabuddin felt to his electoral supremacy by the growing influence of the ML. He perceived Chandrashekhar as a rising political leader who would be able to not only consolidate support of the backwards but also a section of the Muslim intelligentsia in the area who have been fed up by the culture of violence generated by Shahabuddin.

Dissensions and factions within the Janata Dal in Siwan area possibly compounded the threat that Shahabuddin perceived to his sustaining his hegemony in the area. One faction of the Janata Dal is led by Awadh Bihari, who is a minister in Laloo's cabinet and the other by Shahabuddin himself.

Another crucial fact is the significant migration of both middle-class professionals as well as skilled and semi-skilled labour to the Gulf. Almost one person from every Muslim household is in the middle east and while a few Hindus are also migrating there, Siwan town and to some extent the rural areas are witnessing a virtual explosion of economic activity. The remittances of these migrants have resulted in a qualitative improvement in the lives of their families—houses are being built, consumer

articles are being purchased, places of religious worship are being refurbished, land is being bought (both rural and urban, even at exorbitant prices, for speculation, new business), etc. These visible signs of upward mobility and institutional consolidation have created a growing resentment among Hindus, fueling the conditions for a communal conflagration.

## **PART IV**

### **THE FATEFUL DAY**

On March 31, 1997 four member-activists belonging to the CPI-ML (Liberation) group, namely Chandrashekhar Prasad, Shyam Narayan Yadav (the two senior leaders) and Bhriгу Rashaп Patel and Ramdeo Ram hired a private auto (for Rs. 100 plus petrol expenses) to transport them around the city where they were to carry out a series of nukkad sabhas (street corner meetings) with the aid of a portable loudspeaker. Another CPI-ML member-activist, Mohd. Shamshuddin Ansari also attended two of the six nukkad sabhas held that day and was an eyewitness present at the J.P. Chowk where the killings took place. Chandrashekhar and Yadav sat at the back of the auto-rickshaw while the other two, Patel and Ram sat on the front seat alongside the driver, Indra Kumar Bhagat.

This group left the party office in Siwan at about 11 am on the day stopping first at the court house at about 11.30 am where the first nukkad sabha was held. This lasted for about 20 minutes and was addressed by Chandrashekhar and Yadav. Their speeches focused on the general failure of the reign of Laloo Prasad Yadav with its failed promises, inadequate industrialisation, poor provision of jobs or relief to the poor, its corruption and scandals such as the fodder scam, and the growing criminalisation of politics in the state. At each nukkad sabha the speeches ended with a call to the public to participate in the Bihar Bandh which the CPI (ML-Liberation) was calling for on April 2nd. Interestingly, at no meeting did any of the four ever speak of Shahabuddin. This lack of direct reference to Shahabuddin was not a matter of conscious policy by the Liberation group but simply because the focus of the nukkad sabhas was related to a general critique of state governance and pushing their message that the public show open protest through participating in the forthcoming Bihar bandh that they were organising.

The venue of the next nukkad sabha was Jhagravala Chowk in the middle of the town near the Krishna Talkies cinema. This was known as a communally sensitive spot where communal tensions of a kind had been exhibited in



the recent past. In this nukkad sabha which lasted for half-an-hour, Ramdeo Ram was the main speaker. After this meeting the four went back to the party office and left again at 2 p.m. to carry out the remaining programme of nukkad sabhas for the day.

The group first went in their hired auto to Babunia Modh where only Yadav spoke for about 20 minutes. They then went to Barhariya Modh at around 2.45 p.m.. Here Bhriagu Rashan Patel spoke on the situation in Bihar and on the need for holding panchayat elections which have been long overdue; on how a local cotton unit which had become sick has not been revived despite Laloo's promises. The venue of the next nukkad sabha was Darbar Cinema where Patel spoke for about 5 minutes, Yadav for about 15 minutes and Chandrashekhar for about 10 minutes. This sabha was concluded between 4.15 and 4.30 p.m. after which the foursome departed for J.P. Chowk. By the time they reached there Mohd. Shamshuddin Ansari had already arrived at the spot.

Some 30 odd yards beyond the J.P. Chowk (which is essentially a small podium and statue of J.P. Narayan on one side of a straight road with another road in front and at right angles to it) is a road turning to the left. This is called the Kagazi Mohalla road. A short distance down it (less than a 100 yards) is the personal office of Shahabuddin. This is his personal office and not the office of the JD party of which he is the reigning MP. The auto-rickshaw with its passengers reached J.P. Chowk around 4.40 p.m.. By this time a small group of people had emerged out of Kagazi Mohalla road and were making their way to J.P. Chowk. The four CPI-ML activists had just emerged out of the rickshaw and were standing on either side of it (Yadav in front of it) and had not even begun to make their address with the portable loudspeaker when a gang of armed assailants suddenly fired upon them.

There were between 4 to 8 members of the gang, some of them armed with guns while others not. At least one of the guns was a semi-automatic or automatic which did most of the firing at the intended targets. Firing was not indiscriminate or against all the four activists though one of them, Patel had his left side grazed by a bullet. Some system of signaling and surveillance of the activity of the four CPI-ML activists on that day was clearly in operation so as to coordinate the arrival of the gang at J.P. Chowk soon after the arrival of the activists. That day enquiries by some men, presumably belonging to Shahabuddin's gang, were being made in the marketplace and the town about the whereabouts of Chandrashekhar in Siwan. In the three days preceding March 31, motorcyclists had repeatedly passed through the village of Bindusar where Chandrashekhar's mother lives and made enquiries from the local villagers about Chandrashekhar.



The actual shooting at the activists was over in a little more than a minute. Chandrashekhar when hit lurched about 10 yards towards a motor-oil shop behind him, sat down and then toppled over. While he was hit by a number of bullets the one that did the fatal damage did not deflect off bone and tissue but entered him through the right side at the back and traversed his torso to exit out of the left side of the front. His death was almost immediate. Yadav was hit in a number of places. He was hit from the front on both sides of his chest and the bullets exited out of his back on the right side. He was also hit in the neck with that bullet exiting on the left side below his armpit. Yadav fell back onto the floor of the tempo or auto-rickshaw. Patel was grazed by a bullet on his left side while Ram fell to the ground out of shock and was unconscious for a few minutes. The rickshaw driver ran away from the scene towards a lane behind the statue. The general public present at the site scattered in fright in all directions.

The assailants after this attack ran towards Kagazi Mohalla road. It was a matter of pure chance that an Assistant Sub-inspector of Police, Raj Bhansi Baita was passing by the Chowk on the opposite side of the road in a cycle rickshaw going in the reverse direction from where the auto-rickshaw had been coming when the firing took place. He immediately got down from the conveyance and seeing some men with guns fleeing away from the Chowk (towards Kagazi Mohalla road) gave chase to them. There was an exchange of fire between him and some of the gang. In this crossfire, three people, Bhuteli Mian, Chandra Ketu Singh and Mohd. Alam Khan (identified later at Sadar district hospital) were hit. Bhuteli Mian was a 19 year old thelawala who happened to be there. Chandra Ketu Singh is the district secretary of the Samata party and a young lawyer (less than 30 years old) by profession. C.K. Singh had been at the nearby Samata Party office some 100 metres away from J.P. Chowk preparing a press release to give to a colleague. He had been there since 4 p.m. and having finished was making his way on a motorbike past the Chowk around 4.45 p.m. by his reckoning. He was hit in his right calf, stopped, got off, then got on and made his way to his senior (advocate's) house nearby at Shastri Nagar. His senior is Thakar Jwala Prasad, Singh waited there for half an hour before being taken to Sadar hospital where he arrived at around 5.45 p.m.. He had to wait for 10 minutes before being treated by Dr. Bimal Kumar, MBBS. The bullet is still lodged in his right calf. Whether this is a bullet fired from Baita's gun or that of one of the gang of assailants will become known once the bullet is taken out. The operation will take place only after the bullet moves by itself closer towards the surface of the skin. C.K. Singh is not suffering much from the hit which has done minimal damage and does not even restrict his mobility seriously though he has been advised rest for some time till the operation to remove the bullet takes place.

One of the assailants was apparently hit below the waist on one side by

Bhaita and accordingly stumbled and fell. By Baita's account he hit him with two bullets in one leg. Baita was catching up with this injured member of the gang when someone hit him with a fist on the back thereby diverting his attention and enabling other members to drag the injured person away towards the road on which Shahabuddin's office was located. Baita did not give further chase as he was alone and uncertain of whether he would be going into an ambush, as well as being by his own account, nervous and scared. Nor was he aware of whom he had hit or whether that person was someone important. He went for reinforcements by which time the assailants had disappeared from the scene of their crime.

The surviving three members of the CPI-ML, Patel, Ram and Ansari, were too preoccupied with their own situation and that of their comrades to pay attention to the exchange between Bhaita and the assailants. Within five to ten minutes they had called the rickshaw driver back, put the bodies of Chandrashekhar and Yadav onto the back pillion and begun to move towards the Sadar District hospital some five minutes away. They reached the hospital around 5.15 p.m. The public, which had earlier scattered, had by this time gathered in a huge crowd of over a thousand and made its way to the hospital. This public and the police brought the body of Bhuteli Mian to the hospital shortly (about 10 minutes) after Chandrashekhar and Yadav had been taken there. While Chandrashekhar was clearly dead on arrival at the hospital, Yadav was still alive as was Bhuteli Mian who had been shot through the right thigh and lower buttock. His right femoral artery had been ruptured. Both Yadav and Bhuteli Mian were bleeding profusely.

The medical officer on duty at the time was Dr. Lakshman Prasad. His reaction to Yadav's situation was to state that there were no facilities at Sadar hospital to be able to cope with the situation and that the operation would have to be done in Patna. All he could try to do, he claimed, was to keep the patient alive and try and restore some stability to his condition. It took roughly ten minutes to fit Yadav with an oxygen mask. His ML comrades were told to run to the nearby civilian blood bank (around 300 to 350 yards away) while an assistant of Dr. Prasad took a blood sample of Yadav on scooter to the blood bank. The blood bank however, had no bottles of blood in store at all. Only after testing potential donors blood to see if they matched Yadav's blood type (B+) were two bottles collected, one from Ramdeo Ram and the other from another member of the public. Some 30 to 40 minutes elapsed before this blood was brought back to the hospital and the transfusion process for Yadav began. Though the initial response to the transfusion showed Yadav regaining consciousness temporarily, within another 10 minutes or so, after being given this transfusion, Yadav died.

Bhuteli Mian was also alive at the time of arriving at the hospital but despite treatment died approximately one-and-a-half hours after arrival. Mohd. Alam Khan was also brought to the hospital at the time as Bhuteli Mian. He had a minor injury in his right hand resulting from a bullet graze and firearm laceration. He was released after treatment.

While Chandrashekhar's mother was informed and could come to the hospital from her village which was a few kilometres away, only Yadav's younger brother present at the time in Siwan was informed and came to the hospital. Yadav's mother and family were only intimated the next morning and arrived at the CPI-ML party office in Siwan where the bodies had been taken after being discharged from the hospital the night before. The Police arrived at the hospital and took a First Information Report (FIR) from a senior leader of the party, the district-in-charge, Ramesh Kushwaha who had arrived at the hospital by about 8 p.m.. The FIR was lodged by him with the help of the eyewitness accounts of his comrades who were present at the scene of the assault. In this FIR six people were accused of organising the conspiracy and acting to kill Chandrashekhar and Yadav. The key accused was Mohd. Shahabuddin himself (who was in prison but accused of hatching the scheme and directing it) as well as five of his alleged henchmen, Sheikh Munna, Munto Khan, Dhruv Sah, Riazzudin and Rustom Khan.

Through the evening of the 31st of March, autopsies were carried out on Chandrashekhar, Yadav and Mian after which the corpses were discharged and taken away by relatives and friends. The bodies of Chandrashekhar and Yadav were taken to the party office after being discharged from the hospital around 10 p.m.. They were packed in ice overnight and the next morning after the arrival of Vinod Mishra, the leader of the CPI (ML) Liberation from Delhi via Patna around 1 p.m., the two bodies were put on separate tractors and two silent processions wended their way through the town to the respective villages of Bindusar and Thepahan where the bodies were cremated.

On the basis of the fact-finding team's careful reconstruction of events on March 31 from the various eyewitness and other accounts, the team has come to the following conclusions with regard to the events of that fateful day.

\*The attack was clearly premeditated and carefully coordinated and organised.

\*Both Chandrashekhar and Yadav were the intended targets.

\*The ML activists were conducting completely peaceful nukkad sabhas as was their democratic right. They were not carrying any firearms or anything that could even remotely serve as weapons of any kind. Nor did they have any guards or protection for themselves.

\*There is overwhelming circumstantial evidence implicating Shahabuddin in the ordering of this assault. The killers are nothing more than low level hit men who would never on their own take such an initiative where robbery is not the motive but which is clearly a case of politically motivated murders.

\*One of the assailants was hit but his identity is in dispute. According to the Police, their later investigation revealed that the person in question is one Prakash Tewari, a known criminal from Khajuri Kharaota of District Devaria. He has an existing criminal record including a previous charge of murder filed as case no. 147/96 under Sec. 302 120B. According to the ML eyewitnesses, the person hit is Dhruv Sah, one of the persons named in their FIR. Two of the people named in this FIR, namely Sheikh Munna and Munto Khan have since that incident surrendered and were placed under judicial remand and are thereby not available for police interrogation. Another person named in the FIR, Riazuddin, is said by the Superintendent of the Police, Bhriugu Srinivasan, to have a strong alibi showing that he was not at the scene of this crime.

\*The Police have a disposition not to believe the FIR lodged by the activists of the ML. They are strongly inclined to think that either the names are deliberately concocted so as to implicate known associates of Shahabuddin or that those claiming to be eyewitnesses for the CPI-ML to the event were not actually there. Our own view is that given the speed with which the events happened and the short period of time that elapsed, there may not be complete certainty about either the actual numbers of assailants, the range of weapons they were carrying or their identities in full. But we believe some of the assailants have been in all probability correctly identified. Certainly, there is absolutely no reason to doubt the presence of the three eyewitnesses of the ML at J.P. Chowk. That the Police are inclined to do so only betrays their own unwarranted suspicion of the ML in this case. There are limits to which one can go to in order to concoct. For example, Bhriugu Rashan Patel's clearly visible bullet graze on his left side which we saw, is indisputable proof of his presence at the scene of the tragedy. Moreover, the team could make out that no one, whether from the side of the Police and Administration, or from the side of the CPI-ML, or from the side of the general public even when they were reluctant to explicitly point a finger at anyone, had even the slightest doubt that the primary culprit behind the killings was Mohd. Shahabuddin.

\*The ASI, Raj Bhansi Baita certainly acted as he did precisely because he had no idea of the identity of the assailants. It is by no means inconceivable that had he known they were members of Shahabuddin's gang, then given the general awe and fear in which Shahabuddin is held in Siwan even by ordinary policemen, that nothing would have been done. This

remains speculation however, no matter how perceptive this speculation might be. The undeniable fact of the matter is that the ASI in question acted with considerable courage and presence of mind in the circumstances and deserves to be commended. However, given his long association with the political situation in Siwan and its neighbourhood, it is unlikely that he did not recognise at least some of the assailants. It is the climate of fear that has restricted him from divulging those names.

\*If the District hospital and local blood bank been adequately equipped then it is by no means beyond the bounds of possibility that either or both Yadav and Mian could have been saved.

\*There is some confusion as to whether or not Yadav gave some kind of dying testimony to the Police at Sadar Hospital or even whether this was comprehensible if indeed there was some such effort by him.

## **PART V**

### **AFTERMATH OF THE KILLINGS**

The news of Chandrashekhar's murder had an electrifying impact. In Delhi, students, teachers and karamcharis of JNU, joined by their peers in Delhi University and Jamia Millia Islamia, came together across the political spectrum to register their protest at the killings, demand action and justice from the authorities and raise the wider issues of criminalisation of politics, corruption, etc. On March 31 evening there was a demonstration at Bihar Bhavan. On April 1 there was a mass condolence meeting held in front of the JD office near Jantar Mantar. In JNU classes were boycotted virtually upto April 14. On April 3 there was a demonstration in front of the United Front Office and the spokesperson, Jaipal Reddy, was handed a Resolution containing the demands of the demonstrators. Between April 8 to 14 an indefinite dharna was organised by JNU students near Mandi House, while on April 11 there was a march to Parliament. The All India Students Association (AISA) which is the student wing of the CPI-ML (Liberation), organised from Delhi and other parts of Bihar, a Siwan Chalo rally on April 15. On April 23 the JNU students held a demonstration in front of Police Headquarters in Delhi demanding the arrest of Sadhu Yadav, who was held responsible for provoking the assault on demonstrators on March 31 at Bihar Bhavan. On April 28, AISA organised a demonstration of over 10,000 students from all over the country in the centre of the capital city.

In Patna and Bihar too, there has been widespread and continuing action spearheaded by student and youth organisations across the political spectrum, on demands similar to those raised in Delhi. The CPI-ML (Libera-

tion) organised a state-level Bihar bandh on April 2 with the killings in Siwan becoming the central issue of the bandh. Between April 3 to 14, there were various kinds of protest actions such as seminars, marches, silent processions, road blocks, etc. in some 53 districts of Bihar. Certainly, the impact of what happened in Delhi was also strongly felt in Patna, in particular the way in which the Bihar Chief Minister (who has been a dominant figure in the state) had to retract from his earlier statements criticising the JNU demonstrators and not only acknowledge the merit of their cause but even concede to their central demand.

Specifically, the demands are for a time-bound CBI Inquiry into the killings in Siwan and into the attack on protesters at the Bihar Bhavan in Delhi on March 31; the expulsion of Mohd. Shahabuddin from the Janata Dal; arrest of Sadhu Yadav for his role in the events at Bihar Bhavan on March 31 evening. Some, but not all sections of the demonstrators in Delhi have also called for the resignation of Laloo Prasad Yadav.

Despite differences which have cropped up both in Patna and Delhi between different political parties and rival student unions on questions of leadership, tactics of mobilisation, and direction of the movement, and between students and their teachers on the need to restore some normality in academic institutions, there remains a common underlying sympathy with the cause which some hope can take on the dimensions of a larger J.P.-type movement against the criminalisation of politics in Siwan, Bihar and India.

But while the uproar and agitation continues in Delhi and Patna, the silence in Siwan is deafening. The man identified by the authorities as the injured assailant, Prakash Tewari, has disappeared and is presumed, by some, to be dead either because of succumbing to his injuries inflicted by the ASI, Raj Bhansi Bhaita, or because he has been murdered by his own accomplices to get him out of the way. The district authorities claim that since the CBI has been asked to take over, they have sent their papers to Patna and their role in the case is over.

Nonetheless, the District Magistrate, Mr. R.B.P. Yadav who has recently been replaced did organise a peace sabha on April 8 and a peace march on April 12 in Siwan town. He also said he deployed police in sensitive parts of the city and imposed Section 144 to keep the peace until normalcy was restored. According to local residents in Siwan, however, these actions were only a formality. The peace rally and march was attended by just a few traders and officials. None of Shahabuddin's men attended, nor did the general public, and the root causes of the murders were not addressed. From the photographs of the peace march showed to the team by the DM himself, it was obvious that this was a very tame and limited affair.

It was also notable that while in Patna, all the political parties excepting the Janata Dal, issued statements condemning the killings on March 31. In Siwan, to the best of the team's knowledge, not a single statement was issued by any local party office or representative (except for the CPI-ML (Liberation)). Nor was there any mention to any member of the team of any protest or agitation by the students at the local DAV college, or by any other section of the populace. If the studied silence which met the team's enquiries in the search for eyewitnesses at J.P. Chowk and the Siwan market was any indication, then the team can only surmise that the entire town was (and continues to be) gripped by terror.

While no one from the administration or the press visited the families of Bhuteli Mian or Shyam Narayan Yadav, the heroic mother of Chandrashekhar, Kaushalya Devi, did get visits from senior government officers as well as from Mr. Avadh Behari Choudhary who leads the other faction of the local Janata Dal and who, the team was informed, is not a criminal in any way. Kaushalya Devi is one voice in Siwan that cannot be stilled and has become a rallying point all over the state and even beyond. Her refusal of all financial help from the state and the Central government, and her indomitable spirit and determination to carry forward the work begun by her son, and to bring his killers to book, has had a huge impact everywhere, not excluding the district authorities. The DM told the team how impressed he was by her refusal of the money (Rs. 10,000) he first offered to her and by her reason for so refusing, claiming that she was relatively better off than many others in greater need of such support.

The DM also said that he was going to seek the transfer of Shahabuddin from Siwan to the Buxar jail which has since been done, in the adjoining district and that necessary papers to this effect would soon be forwarded to the court. The DM reiterated his determination to arrange a transfer, saying that Shahabuddin "has no respect for human life". But he also told the team that several people had advised him against the transfer as that might jeopardise the Rs. One crore given to Shahabuddin for his constituency under the provision made by the former Narasimha Rao government.

When the team met the home secretary, Mr. D.P. Maheshwari in Patna on April 21, it stressed the importance of removing Shahabuddin far away from his area of influence. Mr. Maheshwari accepted this proposal and told the team that there were already precedents for this in the state, since in two other cases there has been a transfer of prisoners from Chapra to Hazaribagh and Bhagalpur Central jails respectively. Referring to the 23 other charges that had been framed against Shahabuddin, Mr. Maheshwari did express worry about the inconvenience to deposing witnesses if all of Shahabuddin's cases were transferred to the new jurisdiction of his incarceration, but also reflected that these problems could be overcome.



Earlier at a breakfast meeting with the Governor, Mr. A.R. Kidwai, he too expressed sympathy for this proposal. He was also upset when told about the failure of the authorities to compensate the families of Bhuteli Mian and Shyam Narayan Yadav citing existing procedures in their defence in this regard. The Governor insisted that the spirit behind such rules of compensation demanded that there be "compensation for human suffering" and were not motivated by technicalities concerning property qualifications.

Regarding the CBI Inquiry, however, the home secretary informed the team that upto the date of this meeting with him (April 21) he had still not received any direct order from the Chief Minister whereby he could then go ahead and formally write to the CBI to take up the case. Even then the CBI had the option of refusing to take up the case, so there was still some way to go before it could be said that any kind of CBI Inquiry had been properly instituted, let alone a time-bound Inquiry.

## **PART VI**

### **THE VICTIMS: INTENDED AND UNINTENDED**

#### **Chandrashekhar Prasad**

Chandrashekhar Prasad, born in September 1963, belonged to the Koeri caste and was the only child of his surviving mother, Kaushalya Devi. His father, Jeevan Prasad, a serving officer in the Indian army, died in 1972 of a heart attack when on leave from duty at his home in village Bindusar, a few kilometres from Siwan town. The only source of family income since then has been a pension of Rs. 1150 per month for his widow, and the produce of a small landholding of some 2 to 3 bighas. Chandrashekhar studied in the local DAV college having earlier got into but then deciding not to remain in the National Defence Academy (NDA). At college he joined the All India Students Federation (AISF) and became a prominent leader in it. Mohd. Shahabuddin was also a student at this college and was known to Chandrashekhar who is said to have tried to recruit him to the AISF away from his lumpen ways. If there were such efforts they obviously were unsuccessful and the two went their different ways. Having made a mark in the student politics of his home region, Chandrashekhar subsequently came to Delhi and JNU in 1989 to pursue a postgraduate course in the Centre for Political Studies, JNU. He was to have a very significant impact in the life of JNU. By this time he had joined the All India Students Association (AISA), the student wing of the CPI (ML) Liberation. Chandrashekhar was very active in Student Union politics and served as vice-president of the Union before being elected president of the JNU Students Union (JNUSU) two years running from 1994 to 1996.



Unlike many a contemporary, attracted by the relative comforts and security of working in Delhi, Chandrashekhar took a conscious decision not to stay and work, politically or otherwise, in any of the country's major metropolises like Delhi or Bombay but to return to full-time party activity in his home district of Siwan to become a member of the party's district committee. This was not a decision of his party but his own decision. The leader of the CPI (ML) Liberation, Vinod Mishra had suggested to Chandrashekhar that he consider working in Bombay in the student, youth and intellectual milieu, to build up a party unit in Maharashtra. But this was rejected by Chandrashekhar. He, therefore, de-registered from JNU (which act allowed him to submit his Ph.D. at a later date) and returned to Siwan in January 1997. According to party leaders in Patna, the CPI (ML) Liberation was planning to bring Chandrashekhar to Patna to head its newly formed youth wing, Inquilabi Naujawan Sabha.

By all accounts, Shahabuddin had, from the time he entered formal politics as an MLA and then later as an MP, kept tabs on Chandrashekhar. The latter had periodically participated in his party's electoral campaigns in Siwan since 1990 in which he had, on occasions, openly propagandised against the criminalising of politics represented by the practices of Shahabuddin and his cohorts. In 1993 Shahabuddin came to Delhi and to the JNU where he is said to have stayed with another Ph.D. student from Siwan, called Manoj Kumar. According to some accounts, he sought and met Chandrashekhar. According to other accounts, Chandrashekhar refused to meet Shahabuddin stating that he had nothing to say to a "goonda" like him. But what is important in this context is that Shahabuddin felt the need to come down to Delhi and JNU in order to see Chandrashekhar and the terrain in which he was operating.

When Chandrashekhar returned to Siwan he was still relatively new to the scene despite the fact that he had earlier established a presence for himself during his local student days. He was also obviously a charismatic and able figure who because of his personal qualities and his sojourn in Delhi and his contacts there, could be considered to represent a serious future political threat to someone like Shahabuddin. Chandrashekhar was a figure that could not only consolidate the existing base of the CPI (ML) Liberation in Siwan district but also prove highly attractive to other sections of society like students, professionals, the local intelligentsia, teachers, etc. across the political spectrum. According to some accounts, Shahabuddin was particularly worried about the potential appeal of Chandrashekhar, a staunch anti-communalist, to the Muslim intelligentsia, hitherto rallying behind Shahabuddin. Not only was the potential loss of Muslim support but the possibility of alternative Muslim leadership to emerge backed by Male.

Overlaying all these new fears was the traditional ongoing conflict between the JD as the protector of the rural landed elites against the CPI (ML) Liberation, the political force defending the oppressed rural classes. There were many reasons, therefore, why Shahabuddin should perceive Chandrashekhar as a dangerous potential rival in need of elimination before his challenge became more serious.

After the assassination of Chandrashekhar on March 31, and the furore created by this in Delhi, the local administration and the state government of Bihar woke up to the significance of what had happened and belatedly sought to display their concern for the family and property of Chandrashekhar's mother, Kaushalya Devi. The District Magistrate of Siwan, Mr. Ram Bahadur Prasad Yadav offered Kaushalya Devi Rs. 10,000 as compensation which she turned down saying that what she wanted was justice for her son's murder, namely the sentencing and punishment of Shahabuddin. She also stated that with her minimal possessions and pension she had enough to meet her bare needs and that there were families who were getting much less than her Rs.1150 per month to which the administration could make their offer. "I get Rs.1150 pension. Enough for salt and rotis. There are so many who do not even have that."

In an ostensible show of concern, the Siwan administration and police posted three policemen on permanent watch outside her modest Bindusar home comprising two rooms and a small courtyard partly taken up on one side by a shed. These policemen, who are currently on duty there, in a classic display akin to 'locking the stable door after the horse has bolted', are Havaladar Narendra Singh, Constable Ram Rekha Singh, Constable Mohan Das. Kaushalya Devi herself has said that she has no need of these guards and would rather that they not be posted there. "I do not need security", she said. No such guards have been posted in village Tephahan outside the home of the mother and family of the other deceased M-L activist, Shyam Narayan Yadav, who was killed alongside Chandrashekhar. Awadh Bihari Choudhary, state cabinet minister, and officials of the public health and engineering department visited Bindusar village and offered to help her. No such visit was made by Choudhary or other officials to Shyam Narayan Yadav's or Bhuteli Mian's families.

Subsequently, the Prime Minister's office in New Delhi sent a cheque for Rs. One lakh to Kaushalya Devi as compensation for her bereavement caused by what a letter from the PMO called the "pathetic death" of her son. This cheque was returned to the state authorities in Patna to where Kaushalya Devi went immediately after receiving the cheque in question. She publicly reiterated there her demand that Shahabuddin be punished for his culpability in ordering the death of her son and the other victims. Contrary to what some observers have suggested, the fact-finding team finds no reason to

doubt that this act of refusal of the compensation cheque was a spontaneous one by Kaushalya Devi and was not at the behest of any third party, for example the CPI (ML) Liberation group. The cheque arrived at Bindusar where Kaushalya Devi was alone, and she immediately decided there and then to go to Patna to return it.

It is particularly distressing that in the first of two meetings that our fact-finding team had with the District Magistrate, Mr. R.B.P. Yadav, he implied that Chandrashekhar's killing might have had something to do with a land-related internal family feud. The DM informed us that Kaushalya Devi had personally told him that her husband's death in 1972 shortly after his return from the Pakistan-India war was the result of a poisoning by his brothers. The DM went on to say that Chandrashekhar knew about the poisoning and the family feud and therefore never stayed at home during his visits to Siwan. The DM said that the source for this claim by him was Kaushalya Devi herself. All this was dismissed as nonsense by Chandrashekhar's mother. Independent enquiries at Bindusar village by the team when Kaushalya Devi was not present and had gone to Patna, only confirmed that her husband had died naturally of a heart attack. No one in the village that the fact-finding team met, supported the DM's story that there had even been some kind of long-standing internal land-related family feud.

Why did such a story emanate from the DM's office? Is it an inexplicable error? Or is the Siwan administration (whose DM who held office during this time, is known to be beholden and partial to Laloo Prasad Yadav's government and leadership) for reasons of its own aiming to discredit Chandrashekhar's mother and also divert explanation for these murders in Siwan away from Shahabuddin who is after all the local JD MP and an overwhelming influence in the region?

## **Shyam Narayan Yadav**

Shyam Narayan Yadav, in his early 30s at the time of his death, was a long time member of the CPI (ML) Liberation party in the region. He was a member of the district committee of the party and had twice been its candidate from the Jeeradei Assembly constituency which is the constituency from which Shahabuddin contested and won. Unlike Chandrashekhar, Yadav was a more experienced leader in the region and had been involved on a much longer basis, and more deeply, in the activities of his party in the region.

Shyam Narayan Yadav was one of the five brothers who, between them, own a small plot of agricultural land and some cattle in Thepahan village in Jeeradei block of Siwan district. This land is barely enough for a minimal subsistence livelihood for the five families. Yadav has left behind his mother, wife and five children. While his wife works at home

and on the land, she does not have those skills that are marketable or could get her employment elsewhere. Given the economic situation of the family, the greatest concern of Shyam Narayan Yadav's mother is that her dead son's wife and children will find it very difficult to cope particularly after she, the mother, is no longer on the scene. The small plot of 2 to 3 bighas will come under pressure for redistribution among the five families after the mother passes away which would leave Yadav's family even more destitute. As it is, the other brothers have to feed their families out of the minimal subsistence provided by the existing landholding.

Yadav was a dedicated party worker and though the party will try to do its best for Yadav's dependents their capacity is limited. Indeed, Yadav's mother when questioned on this point, said "it is itself a party of the poor", implying that she could not in all justice expect it to do much for her specific plight, given its own limited resources.

Thus, although here there is a desperate need and a desire for some monetary compensation, neither the district, state nor central authorities have made any such offer to the Yadav family. When questioned about this by the fact-finding team, the DM of Siwan, Mr. R.B.P. Yadav said he was bound by the rules regarding compensation in such matters. According to these rules, compensation is permissible only for those families earning less than Rs. 6000 per annum. In such cases, the maximum compensation is Rs. 10,000 for deaths due to unnatural causes and Rs. 5000 for deaths due to natural causes. According to the DM the Yadav family was calculated to have an income in excess of Rs. 6000 per year. Not only does such an evaluation not take into account that the Yadav family's share of the consolidated holding is much smaller, but awarding of compensation is at the discretion of the authorities. On our urging the DM promised only to "re-examine" the Yadav case for eligibility to compensation.

In the case of Kaushalya Devi, Chandrashekhar's mother, the DM immediately offered her Rs. 10,000 (and the PMO later offered Rs. One lakh) although by her own declaration she earns a monetary pension (apart from having a small plot of land) of Rs. 1150 per month which amounts to over Rs. 12,000 per annum. There is a clear and unjustified discrimination by the authorities against the family of Shyam Narayan Yadav who should also be offered adequate compensation. It may also be pointed out that when Kaushalya Devi returned the Rs. One lakh cheque in Patna she also said that the families of the other victims should be offered this money.

## **Bhuteli Mian**

Bhuteli Mian was a 19 year old thelawala living in Sheik Mohalla, No.17 Wards, Gully no. 1, in Siwan town itself. He was the son of Mohd. Naseem but had lived for most of his life as an orphan brought up by his grandmother on his mother's side (his nani), Jaitunisha. He has one older brother, Shaukat Ali, who works at a local pan shop collecting daily earnings of around Rs.20 to 25. His work is not of a permanent nature. Arrangements had recently been made for an engagement between Bhuteli Mian and a girl, with the assent of the girl's parents. The formal engagement ceremony was due to take place very soon but was preceded by the tragedy of his accidental killing.

Members of the fact-finding team were the first people to visit Bhuteli Mian's house and relatives. This was on April 19 morning, although the killing took place on March 31. Between these dates there had been no visit to his house or to see his surviving relatives — his aged and physically frail and bent nani and his brother — by anyone from either the police, the administration or from local journalists covering the story. The fact-finding team is not aware if there has been any visit to Bhuteli Mian's family after the team's departure either.

With the help of neighbours, Jaitunissa and Shaukat Ali filed an application for compensation on April 1 at the local Block development Office (BDO). The next day on April 2, two karmacharis from the BDO went, not to the house but to the local mosque to collect details. They obtained Shaukat Ali's signature and told him that there would be Rs. 10,000 compensation. A delegation comprising the family members and concerned neighbours met the BDO-in charge, Mr. Pal on April 13 to enquire about matters. Mr. Pal informed them that he had sent the relevant file to Mr. Mathura of the Kalyan Vibagh or Welfare Department. On April 17 morning, a deputation went to the Welfare Department to make further enquiries. Mr. Mathura was not present then but other staff informed the deputation that the application for compensation in regard to Bhuteli Mian's death had been turned down.

When the fact-finding team inquired about this from the DM, he told us that the application had indeed been rejected because according to the rules, Bhuteli Mian had no next of kin who were dependents on him. He had no mother or father, wife or children. His nani was not surviving solely on his earnings.

The members of the fact-finding team who visited Bhuteli Mian's Mohalla made a point of inquiring from as many people as possible about their views regarding who they thought was responsible for the incident in which

the thelawala had lost his life. Not a single person in the whole crowd was prepared to make any conjecture about either the possible assailants, the possible purposes behind the killings, or about those who might be responsible for ordering it. It was patently clear to the members of the team that this was a frightened silence.

## **Chandra Ketu Singh**

Chandra Ketu Singh, a lawyer in his late twenties, is also the district general secretary of the Samata Party. Members of the fact-finding team visited him at his village residence some 45 minutes drive outside of Siwan town. Chandra Ketu Singh told us that he had no idea whatsoever of what was happening when he was shot and therefore could be of no help as an eyewitness. His only response to our queries about who might be responsible for the J.P. Chowk incident was to say, rather cryptically, that we would no doubt be able to find out about this through our own enquiries elsewhere including in Patna.

The injury to Chandra Ketu Singh is minimal. He did not seem particularly keen either to know the identity of the gun from which the bullet that hit him was fired. This could either be from the revolver of the ASI, Raj Bhansi Baita or from one of the guns of the gang of assailants, and can be confirmed when the bullet comes out. But our suggestion that this effort be pursued after the bullet is taken out in a forthcoming operation promised by Doctor Bimal Kumar who examined him at Sadar Hospital was met with silence. We were shown the X-rays of the right calf in which the bullet is still lodged:

Chandra Ketu Singh confirmed our finding that despite his being the district secretary of the Samata Party, the local Samata Party office did not issue any statement after the March 31 incident to condemn what had happened. He said that this had been done in Patna by the Bihar state general secretary of the Samata Party, Sivanand Tewari. However, he remained silent when we asked him why the local party office had not issued any such statement, even one which did not speculate about the purposes of the assault or the identity of the assailants but merely confined itself to condemning in general terms what had happened. To the best of the knowledge of the fact-finding team, no local party unit (Samata, JD, BJP) except, of course, the CPI (ML) Liberation issued any such public condemnation.

In regard to the matter of compensation, the District Bar Association of Siwan of which C.K. Singh and his senior advocate colleague, Thakur Jwala Prasad (with whom C.K. Singh works and who was also present when we interviewed C.K. Singh at his village), has formally sanctioned an amount between Rs. 2000 to 5000 for C.K. Singh. The Association has also passed a

Resolution and given it to the DM, Mr. R.B.P. Yadav, which asks the administration to also compensate C.K. Singh.

On the basis of our investigation into the state of the victims and their families, the fact-finding team has come to the following conclusions:

\* There has been a clear discrimination by the district, state and central authorities in favour of the more well-known and prominent victim, Chandrashekhar Prasad, in comparison to the other death victims, Shyam Narayan Prasad and Bhuteli Mian. This includes the use of double standards when it comes to justifying the offer of compensation, and also in regard to assessing the amount of compensation that should be offered. There has been a more callous unconcern about the victims and families of Yadav and Mian, no doubt because of their lack of public prominence. They were not even favoured with proper visits by senior representatives of the appropriate authorities.

\* There has been unjustified arbitrariness by the authorities in respect of the matter of compensation. The existing legal position, as confirmed by the fact-finding team from expert legal opinion, is as follows: There is no specific law on compensation in the country for victims of political violence. All compensation is, at present, at the personal discretion of district, state and Central authorities. While there may be unpublished rules, they do not have the sanctity of law. There should not be any differential yardstick for compensation between victims, intended or unintended, namely, Chandrashekhar Prasad, Shyam Narayan Yadav and Bhuteli Mian.

\* There are several precedents from all over the country where victims of political violence, particularly the poor, were given Rs. One lakh each. Furthermore, it should be noted that Chandrashekhar's mother, Kaushalya Devi, was offered Rs. One lakh. The least the state or Central governments can do is to offer the same amount to the families of Shyam Narayan Yadav and Bhuteli Mian.

\* The event that took place at J.P. Chowk on March 31 should be treated as a whole. There must be no distinction between deaths caused by direct assault and those caused in the subsequent crossfire.

\* All medical expenses in regard to the treatment of Chandra Ketu Singh arising out of the Mar. 31 incident should be borne by the official authorities. All efforts should also be made to trace the whereabouts of Mohd. Alam Khan and the same facility be extended to him. The same should also be extended to Bhrigu Rashan Patel. Serious consideration must be given by the appropriate authorities towards adequate compensation for the above mentioned names, although clearly this cannot be at the same level as the compensation offered to the families of the dead victims. This is separate from,



and bears no relation whatsoever to, any other compensation that any of the injured victims or families of those who have died may obtain from other private or non-government sources.

\*The team notes with alarm the district authorities' efforts to suggest other non-political motives as being also related to, and supposedly helping to explain, the events surrounding the killing of Chandrashekhar Prasad.

## **PART VII**

### **CONCLUSIONS AND RECOMMENDATIONS**

#### **Conclusions**

1. Circumstantial evidence overwhelmingly implicates Mohd. Shahabuddin as the person principally responsible for causing the deaths and injuries that took place at J.P. Chowk in Siwan on March 31, 1997.

2. The attack on Chandrashekhar and Yadav was premeditated, carefully planned, and their deaths fully intended. Bhuteli Mian's death was accidental, but not in the circumstances entirely surprising, given the risk to other bystanders that is always involved in such a public form of assault.

3. The actual killers were close associates of Mohd. Shahabuddin who would never have undertaken such an act on their own. The murders of Chandrashekhar and Yadav were for political purposes. Neither robbery nor any other form of pecuniary gain constituted the purpose or motive of this attack.

4. This particular attack is not to be explained as just another round or phase in the supposed cycle of retaliatory killings between the CPI-ML (Liberation) and the JD led by Shahabuddin as a result of their ongoing political rivalry. That cycle no doubt exists. But it is not relevant in this particular case. Chandrashekhar was the principal target. There were innumerable previous opportunities to attack Yadav who, after all, was long resident in Siwan. These earlier opportunities were never availed of. He was targeted alongside Chandrashekhar. Chandrashekhar's entry into CPI-ML (Liberation) activity in Siwan was barely a few months old, and his own activity there was in keeping with his whole previous history of political behaviour which was within the framework of impeccably democratic political practice.

With regard to the behaviour of the district, state and central government authorities, the team concluded as follows:

5. Shahabuddin enjoys unwarranted license and deference in this and other cases not only because of the fear he arouses in the region



but because of the powerful political influence he exercises by virtue of being an M.P. of the Janta Dal, having numerous connections in the ruling party of Bihar, and because of his association with the current Chief Minister, Laloo Prasad Yadav.

6. The Siwan Administration and Police are quite happy to have the case referred to the CBI since it takes the heat off them in this high-profile case and absolves them of all responsibilities to do anything further. In such a situation if the CBI fails to be activated, then there will be a profound miscarriage of justice with those forces behind the killings of Siwan not only getting away scot-free but becoming even more powerful than ever before.

7. To end the hold of Shahabuddin and his gang, it is vital that the institutionalised nexus between Shahabuddin and gang, the administrative and political set-up, and the wider network of business interests and associates that he is connected to, is completely destroyed. To do this means taking on more than just Shahabuddin and his gang. It invokes the larger issue of how to overcome the criminalisation of politics in Siwan specifically, and the criminalisation of politics generally in Bihar and India as a whole.

8. Although Siwan is not listed among the communally sensitive areas or districts of India, the potential for an explosive communal flare-up exists. Despite his criminal character, Shahabuddin is seen, for various reasons, as a protector of large sections of Muslims in the region who are faced with the threat of growing hostility from Hindu communal forces. The capacity of Shahabuddin, and indeed of the communally-inclined forces opposed to him, to communally manipulate this situation is very real. The removal of Shahabuddin from his present position of power and influence will have a strongly beneficial impact on both sides of the potential religious divide. It will be conducive to the development of an alternative leadership on one side, and it will significantly weaken the ability of communally-inclined forces on the other side to create or justify their mischief.

9. The district, state and central authorities have all, in their avowed and expressed concern over what happened in Siwan, discriminated in favour of Chandrashekhar and his surviving mother because of Chandrashekhar's high public profile, and correspondingly discriminated against the lesser known, low-profile death victims, namely Shyam Narayan Yadav and Bhuteli Mian, and their surviving family members.

10. There has been unjustified arbitrariness in the matter of deciding upon or fixing compensation. The existing legal situation is as follows: There is no specific law on compensation in India for victims of political violence. All compensation given is at the discretion of district, state and

Central authorities. Existing rules according to which these authorities are supposed to act, actually have no sanctity in law. It is the firm view of the authors of this Report that the principle of full equality in regard to compensation for all death victims resulting from a particular act or event of political violence, be respected and followed. Therefore, in this particular case, the district, state and Central authorities have behaved unjustly in not offering full, proper and equal compensation to the families of Shyam Narayan Yadav and Bhuteli Mian.

## **Recommendations**

1. Mohd. Shahabuddin must be transferred from Siwan Jail to outside his sphere of influence. This means he must be transferred preferably outside of Bihar (which can be done by a Supreme Court order) or at the very least to a region of Bihar far away from Siwan where his writ does not run. The intended and impending transfer to Buxar is not enough. He will simply continue to carry out his normal activities. The various (23 cases) filed against him need not be transferred from their existing jurisdiction as this would cause unnecessary problems for deposing witnesses. However, by proper judicial measures all these cases can be bunched together for full and continuous daily hearing at Siwan on dates decided in advance. Shahabuddin can then be brought to Siwan court (by a special police contingent which does not belong to Siwan) to answer all charges pending against him.

2. Suspend Shahabuddin from the primary membership of the Janata Dal.

3. The CBI must conduct a time-bound investigation and bring the culprits to book. The local administration/police have washed their hands off the case and say the file has been sent to Patna. So far there has been no formal notification to the CBI, namely no order has been given by the Chief Minister to the state home secretary to formally write to the CBI to take up the case. Even after this is done, the CBI has the right to refuse. This is particularly relevant and all the more worrisome since as of April 26, the Bihar branch of the CBI has expressed its inability to take up the investigation saying that it was too preoccupied with several other 'important' cases. It has reportedly requested that its central unit be asked to take up the case.

4. Shahabuddin's gang must be urgently disarmed, arrested and tried. The SP of Siwan, Bhriugu Srinivasan, categorically told us that they know the whereabouts of key gang members. It is imperative that action is initiated on the basis of this information.

5. Public confidence in Administration/Police must be restored by transparent and accountable action. All public works, infrastructural

and other government/administration contracts to Shahabuddin, his mafia, and his general network of business and other associates, must be stopped.

6. The widow of Shyam Narayan Yadav and the grandmother of Bhuteli Mian must be compensated at least in the same measure as that offered to Chandrashekhar's mother. Spurious technical reasons for not granting compensation must be overruled. There are numerous precedents where victims of political violence have been paid Rs. 1 lakh compensation. This is the minimum that should be offered to the families of all three victims.

7. In the case of Shahabuddin, a moratorium must be placed on his control, use or disbursement of the Rs. One crore MP's discretionary fund that has been awarded to all elected M.P.s by the earlier Narasimha Rao government.

8. The Bihar Janata Dal has to this day not condemned the incident of March 31 in Siwan. If the JD state government is to show evidence of its bona fides and its willingness to proceed against all those guilty without fear or favour, including its own M.P.s and party people like Shahabuddin, then the Bihar JD must issue a condemnation forthwith.

9. All legal avenues must be explored to overcome the general problem of criminalisation of the country's electoral system including the growing trend of having electoral candidates at all levels, but particularly at the assembly and Lok Sabha levels, who have criminal records or face criminal charges.

10. A Bihar Committee of concerned and respected citizens should set up an independent group to carry out their own longer and more sustained investigation into the events at Siwan and the wider context in which these political murders are situated. This would be another important way to maintain pressure on the authorities until full and complete justice is done to the victims of this tragedy.

11. There is also particular need for the press to be vigilant. Given the power of criminal gangs and the powerful criminal-politician nexus, a section of the press has played a commendable role. Yet, a lot needs to be done to further expose illegal and undemocratic activity in Siwan and in Bihar.

12. Civil liberties and democratic rights groups throughout the country should take up on a priority basis the problem of growing criminalisation of our polity with a view to exposing its multiple manifestations and confronting and defeating it through democratic methods.

13. Finally, there is no substitute to the urgent need to restore the overall democratic process in Bihar. For instance, the holding of elections—to panchayats, municipalities, universities, student unions, etc.—would

begin the process of wider democratization. The fact that the Supreme Court has delayed panchayat elections owing to the attempt to deal with the question of the "creamy layer" ought not to inhibit the pursuit of the multidimensional democratisation of the polity.

## **PART VIII**

### **APPENDIX 1**

#### **Autopsy Reports: Sadar District Hospital, Siwan**

The autopsies relating to the March 31 incident were carried out on that evening by Dr. Laxman Prasad (Civil Assistant Surgeon). The official observer was Dr. S. P. Salva.

Autopsy of Chandrashekhar Prasad (Deposition no. 000015, Mar 31, 5.45 p.m.)

The following anti-mortem injuries:

- 1) One circular wound with charred margin 1/2" diameter — right scapular region of back (wound of entry).
- 2) One circular wound on middle portion of left side of front of chest of 1 and 1/2" diameter (wound of exit).
- 3) Fracture of ribs of left side, right clavicle, right scapula, right ribs.
- 4) Massive laceration of both lungs.
- 5) Chest cavity full of blood and blood clots.
- 6) Heart intact — empty (no blood).

Cause of Death: Hemorrhage and shock due to injury caused by firearms.

Bullet entry from back and exit from front going diagonally across and damaging both lungs. Charred character of bullet holes indicates it was shot within 12 feet of the victim.

Autopsy of Bhuteli Mian (Deposition no. 000016, Mar. 31, 6.30 p.m.)

The following anti-mortem injuries:

- 1) One circular wound with charred margin 1/2" diameter, right gluteal region (wound of entry).
- 2) One circular wound 1" diameter, medial side of middle portion of right thigh (wound of exit).
- 3) Rupture of right femoral artery.

- 4) Laceration of skin, soft tissue and muscle of right thigh.
- 5) Chest normal, heart empty, abdomen and skull normal.

Autopsy of Shyam Narayan Yadav (Deposition no. 000017, Mar. 31, 7.15 p.m.) :

Semi-circular wounds, three in number, each with charred margin. All three wounds have 1/2" diameter.

The following anti-mortem injuries :

- 1) Left side front of chest (wound of entry).
- 2) Right side front of chest (wound of entry).
- 3) Left side, lower part of neck (wound of entry).

Wounds of exit are 1" diameters.

- 1) Right side back of chest above scapula.
- 2) Right side back of chest below scapula.
- 3) Left side chest below axilla (armpit).

Fracture of left clavicle, ribs of left and right side — resulting in massive laceration of both lungs. Chest cavity full of blood, heart empty, laceration of liver.

## APPENDIX 2

### **SHAHABUDDIN GUIDES ACOLYTES FROM JAIL**

Mohd. Shahabuddin, the Siwan MP, is very much the man in action even inside the jail. When this reporter met him in the jail superintendent's office on Saturday evening the superintendent was not present. He was holding a strategy session with around fifty of his supporters about the forthcoming bye-election in the Jeeradei Assembly seat which he vacated on being elected to the Lok Sabha in May this year.

Interestingly this reporter had approached the jail superintendent, Mr. R.R. Verma, at his residence for permission to speak to Mr. Shahabuddin at about 5.30 on Saturday evening to which Mr. Verma has said that he was not authorised to arranged a Press interview with an inmate of the jail. "You have to get a written permission from the distinct magistrate for an interview. In any case, the interview cannot take place today as it is time for the lock up. At this hour, as per rules, even the I.G. (Prisons) cannot instruct us to organise the meeting with the Press, or with anyone for that matter", he said. According to Mr. Verma, the jail authorities were quite evenhanded in their approach to all the jail inmates. Even the relatives and friends of Mr. Shahabuddin could meet him only during the visiting hours,

that too after submitting their request in writing well in advance, he averred. Would it be possible to speak to the honorable MP over the telephone, this reporter queried. The answer was an emphatic 'No' "If you have any message for him you can give it to me. I will pass it on to him tomorrow", was Mr. Verma's reply.

Disappointed, this reporter went round Siwan town talking to the leaders of various political parties about their prospects in the forthcoming election. Mr. Shiv Shankar Yadav, a former minister and Janata Dal candidate was quite categorical in his view: "Jeeradei constituency is Mr. Shahabuddin's pocket borough. He won this seat in 1990 as an independent candidate, that too from inside the jail. In 1995, as a Janata Dal nominee, he improved his position considerably. In 1996 Lok Sabha election, his margin of victory in the Jeeradei Assembly segment was a whopping 57,000 vis a vis his nearest candidate. Mr. Shahabuddin's writ runs in this constituency And I am his personal choice. Therefore, my victory is a foregone conclusion".

How about the view that Mr. Shahabuddin, who wanted a Muslim nominee for this seat, is annoyed as the Chief Minister foisted a Yadav candidate on him? The ex-minister was furious: "Why don't you speak to Mr. Shahabuddin personally and find out for yourself", he said and asked an associate to call the jail number. After having a few words with the MP he handed over the telephone to this reporter. Mr. Shahabuddin was at his amiable best: "Why don't you come over so that we can have an easy, free wheeling dialogue?" "I would love to but I am told that I will have to have written permission from the district magistrate to meet you", I said. "There are two ways of meeting me. One is official which means seeking permission etc. and in that I can't be of much help. The other is unofficial meeting which I can organise at my discretion. If you are interested in the latter, then we can meet right away", he said. How do I go about it, I asked. "You come to the jail gate. My men will be there to welcome you and let you inside the jail. It is as simple as that".

Things turned out to be exactly the way Mr. Shahabuddin suggested. As soon as this reporter got down from the car, two people came forward and ascertained if he was the journalist from Patna. Then there was a thud on the jail gate. The security man, who peeped from inside the gate, was asked to open it and all three of us were escorted to the superintendent's office where a party meeting of sorts was on, with Mr. Shahabuddin in a revolving chair, at the centre. "I am inside the jail because the high court has desired so. But I have one grievance—the court called me an absconder. After all, in 16 cases, I had got bail from the court. In four of them, I had applied for anticipatory bail. The court had not rejected my plea. Then how could I be called an "absconder", he asked.

He went on to add: "You ask any lawyer. The cases relating to sections 323 and 324 are to be adjudicated upon in the judicial magistrate's court. But cases against me relating to these sections have been transferred to the high court. What does it show?" Was he suggesting the judiciary's biased attitude against him? "I do not want to say anything. But the facts are there for you to see and form your opinion"

Was he being given all the facilities due to a VIP inside the jail? Just as Mr. Shahabuddin ventured an answer, an elderly man, who was introduced as the bada babu (head cleric) of the jail, intervened to say that the questions relating to the jail were best avoided. Mr. Shahabuddin then went on to discuss his politics and his future at length.



## **GUNSHOTS AND SILENCE**

The Killings in Siwan, Bihar  
Report of a Fact-Finding Mission  
May 2, 1997  
Press Release

Mohd. Shahabuddin, the reigning Janata Dal MP of the region, and currently in Siwan jail, is the key figure responsible for the killing of Chandrashekhar Prasad (former President of the JNU Students Union), Shyam Narayan Yadav, long time party activist in Siwan of the CPI-ML (Liberation) group, and the other deaths and injuries inflicted at J.P. Chowk, Siwan, on March 31, 1997.

This is a crucial conclusion of the fact-finding team that went to Siwan and Patna from April 18 to 21 to investigate the circumstances surrounding the tragic event which sparked off a massive, prolonged and ongoing agitation among JNU students, teachers, karamcharis and other social activists in Delhi. There has been an ongoing agitation in Patna as well.

The independent fact-finding team comprised Prof. Ashwini Ray (Centre for Political Studies, JNU), Mr. Smitu Kothari (Lokayan), Ms. Premila Lewis (social activist and writer), Mr. Mehdi Arslan (Insaaf), and Mr. Achin Vanaik (Visiting Professor, Dept. of Political Science, Jamia Milia).

The team noted with deep alarm the remarkable reign of terror that Mohd. Shahabuddin has long exercised and continues to exercise over the residents of Siwan despite his currently being in prison. This is not only because of the fear that he and his armed gang exercise over the populace but because of the political influence and power Shahabuddin continues to have as a result of his connections in the ruling Janata Dal party in Bihar, and his personal familiarity and association with the current Chief Minister, Mr.

Laloo Prasad Yadav. Though virtually everybody, including the administration and police, know that Shahabuddin is responsible for ordering the murders of Chandrashekhar and Yadav (for political purposes) no member of the public was prepared to say so openly for fear of their lives. There are already 23 other criminal cases pending against Shahabuddin.

The team gathered circumstantial evidence which overwhelmingly implicated the current Janata Dal MP, Shahabuddin, in the premeditated and calculated act of murder of his political rivals. This information was conveyed to the Governor of Bihar, Shri A.R. Kidwai and to the Home Secretary, Mr. D. P. Maheshwari, in Patna, both of whom assured the team members that they would make all efforts to bring the culprits to book and ensure full justice for all concerned.

The team has recommended that, at the very least, Shahabuddin be transferred to another jail in Bihar far away from his sphere of influence so that proper justice can be done in the cases pending against him, and so that his frightening power in Siwan and nearby regions is more easily broken.

The team also insists that there must be a time-bound CBI Inquiry. At present, the local administration and police in Siwan have washed their hands off the matter on the plea that the CBI is being empowered to carry out all further investigations. However, if the CBI merely drags its feet on the case indefinitely, the culprits will not only get away scot-free but will further increase their criminal power and influence.

The team was also particularly disturbed to note that despite public assurances by the Bihar Chief Minister, Mr. Laloo Prasad Yadav, on April 2 that a CBI Inquiry would be instituted into these Siwan killings, the formal procedure for actually initiating this process has still to be undertaken even though almost a month has passed since these assurances were given. The Chief Minister must formally give an order to this effect to the state home secretary, who in turn must then formally write to the CBI asking them to take up the case, and the CBI in turn must then accept although it has the discretion to refuse. Indeed the state unit of the CBI has expressed its inability to accept the case because of an overload of 'important' cases. It has, in turn, requested that the central unit of the CBI be asked to take up the matter. This entire situation casts doubt on the seriousness and integrity of the Chief Minister's commitment. While the Prime Minister, Mr. I.K. Gujral, has publicly said that there would be a CBI Inquiry into the incidents which took place on March 31 evening at Bihar Bhavan, New Delhi, it is not clear whether this is to be part of, or parallel to, the Inquiry that is to be instituted to investigate the Siwan killings.

The team also notes that the ruling Janata Dal party in Bihar has so far not issued a public condemnation of the March 31 killings in Siwan. This is reprehensible. The team urges the Janata Dal to suspend the primary membership of Shahabuddin.

Public confidence in the administration/police of Siwan region must be restored by transparent and accountable action. The institutionalised nexus between Shahabuddin and his mafia, the administration, and the network of business and other associates who work with Shahabuddin, must be broken. No public works, infrastructural or other government/administration contracts must be given to known associates of Shahabuddin and his mafia. A moratorium should also be placed on Shahabuddin's control and use of the Rs. One crore fund allotted to each MP that was legislated by the previous Congress government at the Centre.

Concerning the issue of due compensation for the families of the victims of the Siwan killings, the team notes with dismay that there is no specific law in India for victims of political violence. All compensation given is at the discretion of the district, state or Central authorities. Existing rules said to govern disbursement of compensation have no sanctity in law.

The team was disturbed to find out that in the matter of offering compensation and fixing its amount, the authorities have acted arbitrarily and have unjustifiably discriminated against the families of the other two death victims, Shyam Narayan Yadav and Bhuteli Mian. Both families have been denied any compensation when in fact the principle of full equality of compensation for all death victims arising out of an act/event of political violence should be respected and enforced. Rs. One lakh each should be offered to the families of Yadav and Mian.

The larger issue that has been raised as a result of the team's investigation is that there is an urgent necessity to rollback and eventually eliminate the steadily growing criminalisation of politics that prevails not only in Siwan and Bihar but throughout the country. This disturbing trend threatens to destroy the very democratic fabric of our country. The team strongly recommends that all legal avenues be explored to debar all those who are known criminals or have criminal records, from standing as candidates for election to public office, especially in state assembly and Lok Sabha elections.