

MISSING IN MANGEJHARI

***An Investigation Into Police
Excesses in Bhandara District***

CPDR, Bombay, APCLC, Hyderabad, PUDR, New Delhi.

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INVESTIGATION INTO POLICE EXCESSES IN BHANDARA DISTRICT

Reports of persons "missing" after being picked up by the police in different parts of Bhandara District in Maharashtra resulted in a fact-finding team visiting the area. The investigation was jointly conducted by Committee for Protection of Democratic Rights (CPDR), Bombay, People's Union for Democratic Rights (PUDR), Delhi and Andhra Pradesh Civil Liberties Committee (APCLC), Hyderabad.

The team consisted of :-

- (1) Mr. Suresh Rajeshwar (CPDR)
- (2) Ms. Radhika Pandya (CPDR)
- (3) Ms. Maharukh Adenwalla (CPDR)
- (4) Mr. Harish Dhawan (PUDR)
- ((5) Mr. Rajesh Gupta (PUDR)
- (6) Mr. Nagraj Adve (PUDR)
- (7) Mr. K. Balagopal (APCLC)
- (8) Ms. Shoma Sen (Democratic Rights Activist, Nagpur)
- (9) Mr. Ravishankar Bhure (Trade-Unionist, Nagpur)
- (10) Mr. Surendra Gadling (Advocate, Nagpur)

Socio Economic Background.

Bhandara is the Eastern most district on the Northern edge of Maharashtra. It borders Madhya Pradesh.

Bhandara district is divided into 5 Talukas : Deori, Arjuni, Sakoli, Bhandara and Gondiya. The figures given below are taken from the 1981 Government gazette for Sakoli district. At that time, Arjuni and Deori were part of Sakoli Taluka.

Sakoli Taluka was classified as Rural. The work participation ratio was the highest in the state at 54.9% for males and 42% for females. The major occupation was cultivation (45%) followed by peasant farmers (11%). The soil in Sakoli is the poorest in the district and so gives a lower yield of crops.

The literacy rate was the lowest in the state at 40%. Female literacy is lower still at 30%. Even though Sakoli was the largest of the three districts, the population density was the lowest. The scheduled tribe proportion is the highest in the state (16%). The castes are divided according to labour and the scheduled caste proportion is 9.7%.

Bhandara showed the lowest population growth in the state at only 15%. This is low even though the sex ratio (937) was about normal. This low rate was due to lack of employment opportunities in the district and subsequent migration by the people to neighbouring districts.

Several villages have no convenient access to medical, education, transport or communication facilities as well as market hats. Many do not have power supply either. In fact, out of 600 villages, 173 had none of these amenities in 1981.

Not very much seems to have changed in the last 12 years. This shows clearly that the state is very lax in providing the villages with the above mentioned amenities.

Income in the district is agricultural and supported by forest produce. According to the TDC by-laws, all forest produce must be sold to the TDC. The villagers are thus exploited by keeping prices very low for forest produce. For example, tendu leaf prices for 100 bundles (1000 leaves) were as low as Rs. 13/- in 1991. Peasant organisations were formed in this area in 1990. There were large scale agitations on the issue of collection of tendu leaves in 1991. A large number of agitators were arrested but prices of tendu leaves went up to Rs. 25/- (100 bundles) in 1992 and to Rs. 43/- in 1993.

A two member CPDR team had visited Bhandara District on July 12, 1993. This team had investigated the disappearance of three persons from three villages in Deori taluka.

All three tribal persons had been picked up by the police on the night of February 13-14th, 1993 from their homes and were missing since. The team also learnt that on February 16, 1993 three dead bodies of alleged "Naxalites" killed in an alleged encounter in the Maseli forest were brought to Deori by the police. No one was allowed to see the dead bodies. A Habeas Corpus Petition was filed by CPDR in Nagpur before the High Court.

In the petition, CPDR stated that Parasram Salame of Khadki village, Yadavrao Maraskolhe from Koylari village and Ashok Wadiwe from Salegaon village were taken from their homes in the dead of night of February 13-14, 1993. Repeated inquiries from their relatives with the police yielded no information. In their reply to this petition, the police denied that

the three had been picked up by them. They claimed that they had been taken away that night by Naxalites and to substantiate their claim the police filed statements of the relatives of the three missing youth supporting their version. The police also claimed that the three "Naxalites" killed in Maseli forest had not been identified and that their photos had been shown to the relatives of these missing youth.

CPDR activists from Nagpur made another trip to these villages on August 15 to meet these relatives to verify the police version. The relatives denied having made those statements before the police. Anandabai, the wife of Parasram Salame and Dinaji Kowache, the father-in-law of Yadavrao Maraskolhe, filed affidavits before the High Court, reiterating that their relatives had been taken away by the police. They also stated that when they went to make inquiries from the police, the police made them sign on statements that were not read out to them. Not being literate, they were helpless. They also denied being shown the photos of the dead. Jamunabai, the mother of Ashok Wadiwe had been in detention in Bhandara jail under Section 110 since March, 1993.

Her statement, also denying the police version, was recorded in Bhandara jail and filed before the High Court. On the basis of press reports about the petition, an undertrial from Bhandara jail, Madhavrao Salame, contacted CPDR to give information regarding this case. His statement was also recorded in jail and filed before the high court. Both stated that Parasram and Yadavrao were locked up with him in Arjuni police station on February 15, for the whole day. In the evening PI Suryavanshi took them out of the lock up and took them away.

The police were made to produce the photographs of the three dead so-called Naxalites before the High Court. All the three youth missing since February 14, were identified in the photographs by their relatives, namely Anandabai, Dinaji and Jamunabai.

Hence it has been proved that Parasram, Yadavrao and Ashok were picked up by the police and locked up for the day. They were taken away in the night, made to wear the uniforms normally worn by CPI-ML squad members and then shot dead in cold blood.

The petition, praying for an inquiry into the incident, action against the guilty policemen and demanding compensation for the relatives of the dead is now pending.

The present case investigated involves 13 persons "missing" from Mangejhari village and one person from Pandharwani village in Deori Taluka

of Bhandara district. These 14 persons were last seen when they were picked up by the police in April 1993. Their names are listed in the affixed annexure.

Mangejhari

Mangejhari is situated 10 kms. from Deori. It is 7 kms. West on the National Highway from Deori and then 3 kms. South on a "kuchha" road. Needless to say there are no signposts/milestone marking Mangejhari.

The village consists of 30 houses. The houses are well constructed and are made of mud with thatched roofs. The villagers are Adivasis; 20 households are gond while 10 are gond-gawaris. The villagers are peasant farmers; the crops grown are wheat, jowar, rice and groundnut. All but 4-5 families own three or more acres of land. Some villagers own 10 or more acres of land.

In spite of this large landholding the economic status of the villagers is low. This is largely due to poor soil quality and the total absence of irrigation systems which results in low yields of crops. The villagers supplement their income by picking forest produce such as tendu leaves, mahua flowers and gum. This forest produce is sold exclusively to the Tribal Development Corporation. Some of the villagers also work as farm labourers.

Mangejhari village is close to the border of Madhya Pradesh and through it is the only road that connects the Highway and the forest. Since 1990, several peasant organisations have been active in this area. These organisations are often aided by people owing allegiance to the Naxalite movement. They are commonly referred to as Naxalites by the villagers. The Naxalites have to cut through Mangejhari to enter the forest. An S.R.P. camp was set up nearby in December 1991 to observe the activities of the Naxalites in this area.

A villager by the name of Maneklal Darsu Taram left the village to join the Naxalites. Other than this, there was no apparent connection of the villagers with the Naxalites.

The investigation

The team visited Mangejhari on Sunday 26th December 1993 at 4:00 p.m. The 10 km. drive from Deori took approximately 20 minutes.

The village was surprisingly very quiet. Even the women drawing water at the central water pump were silent. The children stayed close to the women. They seemed fearful of our presence. This was strange since in general villagers are curious about new comers visiting the village. Later we

learnt that these tribals fear even the sound of approaching cars/jeeps as they identify these sounds with police visits which are often accompanied by different forms of brutality by the police.

The interviews

10 villagers were interviewed and the events of April 1993 were thus pieced together. These interviews were conducted in the homes of the villagers.

Narayan Birju Taram

The team first visited the home of Narayan Birju Taram, who owns 40 acres of land, is on the Panchayat Samiti and has served 15 years on the Tribal Development Corporation. From him we learnt the main facts of the events of April 1993.

The events

Narayan and his family had just returned from Maisuli village where they had attended a marriage on the 19th. On April 20th 1993, an S.R.P. van was leaving Mangejhari. 10 villagers, including Narayan's wife, nephew and mother-in-law took a lift in the van. There were 12 S.R.P. jawans also in it. The van left the village at 3:00 p.m. and 5 minutes later Narayan heard an explosion and saw smoke from the direction from which the van had taken. He rode on his motorbike towards the van and 1 km away from the village he saw that the van had been blown up by the Naxalites in a land mine blast. He could see several corpses. Narayan rode into the S.R.P. camp and radioed the police at Deori and Chinchgadh police stations. He returned to the van and a bomb was thrown at him by the Naxalites. He returned to the village to get more villagers to help him rescue the 9 S.R.P. jawans and 7 villagers who were the survivors. Among the dead were Narayan's wife and nephew.

The police from Deori (10 kms. away) arrived two and half hours later and the police from Chinchgadh (30 kms. away) arrived three and half hours later.

For the next two days, there were a lot of visits by the police to Mangejhari village. The S.I. of Deori, the A.S.P. of Sakoli division and the Circle Officer of Deori visited Mangejhari to investigate this incident.

April 22, 1993

The P.O. and Naxalite Operations visited Mangejhari in the evening. He collected the villagers together to record evidence. He left without any

written evidence being recorded. A few hours later, around midnight, the arrests began. The first to be picked up were Narulal Darsu Taram and Ramnath Echavi (Narayan's Son-in-law).

During the next 7 days 11 more men from Mangejhari and one from neighbouring Pandharwari village were picked up by the police in uniform. Their names are given in the annexure. In addition, several family members of these men were also picked up. All these men were picked up for interrogation. The other villagers have tried to determine the whereabouts of these men. These villagers have often been detained illegally by the police and beaten in custody.

When asked on the whereabouts of these men, the police gave differing stories. Sometimes, the police say that these men have been released or are absconding and harass their relatives by questioning them on why they haven't returned home. The relatives of these 14 men have not seen them since their arrests. Narayan has met the Collector and written to several influential people. He has met Prafulbhai Patel the Congress (I) M.P. from Gondiya and Bharat Bhayakar the Congress (I) M.L.A. who visited Mangejhari after this incident. He has also tried to locate the men at Deori, Bhandara, Nagpur, Amravati and Nasik Jails, but has found no trace of them. They have been "missing" since their arrest in April.

The Police activity in Mangejhari continued for 20 days after the blast. Then the police visits stopped and the S.R.P. camp at Mangejhari was closed down.

In addition, 11 other men from the neighbouring villages of Pandharwani, Kanergaon and Jugrutola have also been arrested on 30th April 1993. These men were charged under TADA and several other charges were also framed against them. They were held in Bhandara jail and have been released on bail only on 17th December 1993. The team were not able to contact and speak to any of these 11 men.

The other interviews

The team visited 4 other homes in the village and interviewed 9 more villagers from 7 different families.

Surojabai Taram

Surojabai is the wife of Darsu Sahu Taram and the mother of Maneklal, Narulal, Babulal and Santulal. Three of her 4 sons are married and she also has one grandson and grand-daughter. This family owns 17 acres of land, on which rice is cultivated. Her son Maneklal had joined the Naxalite

movement. Her son Santulal was one of the first arrests on April 22nd 1993. Her husband Darsu and the other 2 sons were picked up on April 24th. Surojabai was visibly distraught and in pain when questioned about the incidents. Also present during the interview was her daughter-in-law.

Raijabai Taram

Raijabai is the wife of Maneklal. She has a 2 year old son. After Maneklal joined the Naxalites, Raijabai was arrested in November 1992. She was held at Deori police station for one night and then incarcerated at Bhandara jail for 5 months. She was produced before the Tehsildar once and charged under section 110 of Cr.P.C. Raijabai had the following to say about her arrest : *"I was questioned whether I had been contacted by my husband. When I denied that he had contacted me, I was beaten on the face. I was made to affix my thumb impression on a statement which was not read out to me."* She was released on bail on April 19th 1993.

The team then visited the home of :

Bhagirathi and Jhadu Taram

Bhagirathi and Jhadu have 2 sons. they own 10 acres of land. Their older son Kunwarlal (18 years) was picked up on the afternoon of April 23rd by a jeep full of uniformed policeman on the pretext of being questioned about the blast. When he did not return after a week, Jhadu went to inquire about him at Deori police station. Jhadu was detained for 5 days. Bhagirathi also was detained by the police for one and a half days. Both were beaten and neither was produced before a magistrate.

The team then went to the home of:

Saijabai Dhaniram Achale

Saijabai has 2 minor sons. Her husband, Dhaniram Bakaram Achale and she were picked up together on the afternoon of 25th April. Saijabai said *"Both my husband and I were taken to Deori jail and then separated. I was locked up in the same room for 12 days. No written evidence was recorded. I was beaten in custody. During our first night in jail, I heard my husband screaming. Thereafter, I have not seen him or heard his voice"*

Saijabai was held for 12 days without being introduced before a magistrate.

The last home visited was that of Shyamsai Kumbre. There the team interviewed 4 women of 4 different families.

Pushtakala Kumbre

Pushtakala is the 12 year old daughter of Shyamsai. Shyamsai a peasant farmer was a widower. Since his arrest, Pushtakala as the oldest child has had to take charge of the house. Shyamasai and Dhulichand Koreti were picked up on the afternoon of 24th April. Pushtakala was present and can identify one of the arresting officers as P. I. Suryavanshi from Deori Police Station. Suryavanshi had been to the Kumbre home twice before, once for renewing licences for guns they owned and later for seizing them. When questioned whether she had made enquiries about her father, Pushtakala sobbed angrily, *"How can I ? There are no older male members left in my family."*

Junnabai Vagade

Junnabai has 3 minor children . Her husband Dhulichand Vagade was an agriculturist. Dhulichand, Junnabai and Soma Dhurve were picked up together on the morning of April 25th at about 2:00 a. m. *"We had been sleeping for a few hours when we were awakened by policemen and dragged off to Deori Police station. I was kept there with Saijabai (Achale) for 12 days. We were not taken out of the room during this time. I was beaten. I saw my husband in jail after the first day and night we were there. I haven't seen or heard of him since."* Junnabai, like Saijabai, was held for 12 days without being produced before a magistrate.

Ramlabai Dhurve

Ramlabai is the wife of Soma Dhurve. They have 2 children. Soma as mentioned earlier, was picked up by the police on the morning of April 25th. Ramlabai was picked up a few hours later. She was taken to Deori police station. She was beaten and questioned about the mine blast. Ramlabai was released a while later on the same day. She did not see her husband at the police station.

Raibai Madavi

Hannu Madavi was also picked up during the week following April 22nd by a jeep full of Policemen. His wife Raibai was called to the Deori police station 15 days later. During the interview, Raibai said, *"I was beaten and questioned about the blast and held for two hours. The police kept beating me because I denied any knowledge of the blast. They only stopped when I changed my statement."*

The team's visit to the police

A few members of the team visited the office of I.G. A.A. Khan , Anti-Naxalite Operations, Nagpur on Monday December 27th at 10:30a.m. Since the I. G. was not available, they were received by Dy. S.P. U. P. Nandanwar, Anti-Naxalite Operations. He said he was not aware of the case under investigation and would make inquiries. A written application to pursue the matter along with the list of the 14 missing persons was handed over to the Dy. S.P. He has promised to look into the matter and inform us about his findings.

Some other cases

Apart from the 4 cases investigated, there have been wide spread and indiscriminate arrests in Deori, Arjuni and Sakoli . Every operation by the tribals to put forward their demands has faced strong arm tactics by the state. Large number of peasants have been arrested and charged under TADA. Many others languish in lockups for long periods. There are many instances of encounter deaths. Other cases which have come to the knowledge of CPDR but were not investigated during the current visits are recorded briefly.

(1) Damu Koreti a resident of Mangaldoha village of Arjuni taluk was a Dandakaranya Adivasi Kisan Mazdoor Sangathan (DAKMS) member and wanted by the police. They visited his home and on not finding him there severely beat up his family members, including a pregnant wife, till they vomitted blood. On January 26th, Damu was taken to Chinchgadh police station at 2:00 A.M. by the Chinchgadh circle officer. Later he was taken to another place by the police and killed. They called it an "encounter".

(2) Ashok Kovachi a 17 year old f rom Dakotola was arrested by the police on November 30th. He was tortured all night and then tied to a tree and shot. A story was spread that Ashok was piloting a Naxalite squad and was killed in return fire.

(3) Sunil from Gondiya Sangtham was arrested on August 10th and tortured and killed at 2:00 A.M. Again an "encounter" story was spread.

(4) Lalchand Parteki from Pandharwani was killed by the police. His parents were asked to identify his body from afar, after which he was buried by the police. His parents' attempts to claim the body were rejected.

FINDINGS.

The facts

(1) 13 Villagers from Mangejhari and one from Pandharwani were picked up between April 22nd and April 29th 1993 by policemen in uniform. At least two of these men were held at Deori police station for one night (their wives can testify to this). None of the 14 men have been seen since.

(2) Inquiries as to their whereabouts resulted in the inquiring persons themselves being detained and beaten. This effectively curtailed any further attempts to find these missing 14 men by the villagers.

(3) Relatives of the 13 missing men were also picked up from the village and held illegally by police for times ranging from a few hours to 12 days. These relatives were also beaten. They were not produced before a magistrate even if they were detained beyond 24 hours.

(4) 11 men from neighbouring villages were also arrested. These men were charged with the mine blast and held till December 17th. They were released on bail.

Conclusions

It would be reasonable to say that the 14 missing men are dead. The 11 others also arrested in April who were charged with the land mine blast were finally released on December 17th 1993. If the 14 men were alive they should also have been released. The continued silence of the police when asked about these 14 men also testifies to the fact that these 14 men are dead.

It is unlikely that the villagers of Mangejhari had any knowledge about the ambush. The villagers would not have taken a ride on the van if they knew about the ambush. The villagers arrested for this blast are probably innocent.

In Mangejhari, the police have eliminated 13 men. Because one man from the village left and joined the Naxalites, four members of his immediate family and 9 others in the village are missing. There is no apparent evidence that these 13 men were guilty of any crime.

The villagers, and especially the women, have no knowledge about their rights. They do not know how to find the missing men. 13 adult men from 10 different households from a village of 30 households were arrested. A third of the homes in the village are left without any adult males in the house. The women are illiterate and have to support minor children.

The police have not followed any procedures while making these arrests. The police know that the villagers are illiterate and helpless to protect themselves. They also feel that they are accountable to nobody. They know that excesses against these villagers will be overlooked. It is easy to spread a reign of terror in these conditions.

If an in-depth survey of other villagers in Bhandara district was carried out, we are positive that several instances of police atrocities will be revealed. Immediate steps must be taken to reverse this trend of increasing police insensitivity and brutality.

THE DEMANDS

In view of the terror unleashed by the police in Mangejhari we demand that:-

(1) A judicial inquiry should be ordered to investigate the case of the 13 "missing" persons from Mangejhari village and one from Pandharwani village and those found guilty be punished in accordance with law.

(2) The victims illegally detained and the family members of the "missing" persons should be paid exemplary and punitive damages.

ANNEXURE

LIST OF MISSING MEN FROM :

MANGEJHARI

1. Darsu Sahu Taram
2. Santulal Darsu Taram
3. Babulal Darsu Taram
4. Narulal Darsu Taram
5. Kunwarlal Jhadu Taram
6. Ramnath Echavi
7. Shyamsai Ramu Kumbre
8. Dhaniram Bakaram Achele
9. Dhulichand Nanjuruj Vagade
10. Dhulichand Darsu Koreti
11. Soma Durgu Dhurve
12. Hannu Aitu Madavi
13. Gendhlal Pancham Netam

PANDHARWANI

1. Guhakar Parteki