

The IPHRC Report on
The Gowari Killings



After The Devastation

This Report is dedicated to the memory of
the Martyrs of the carnage.

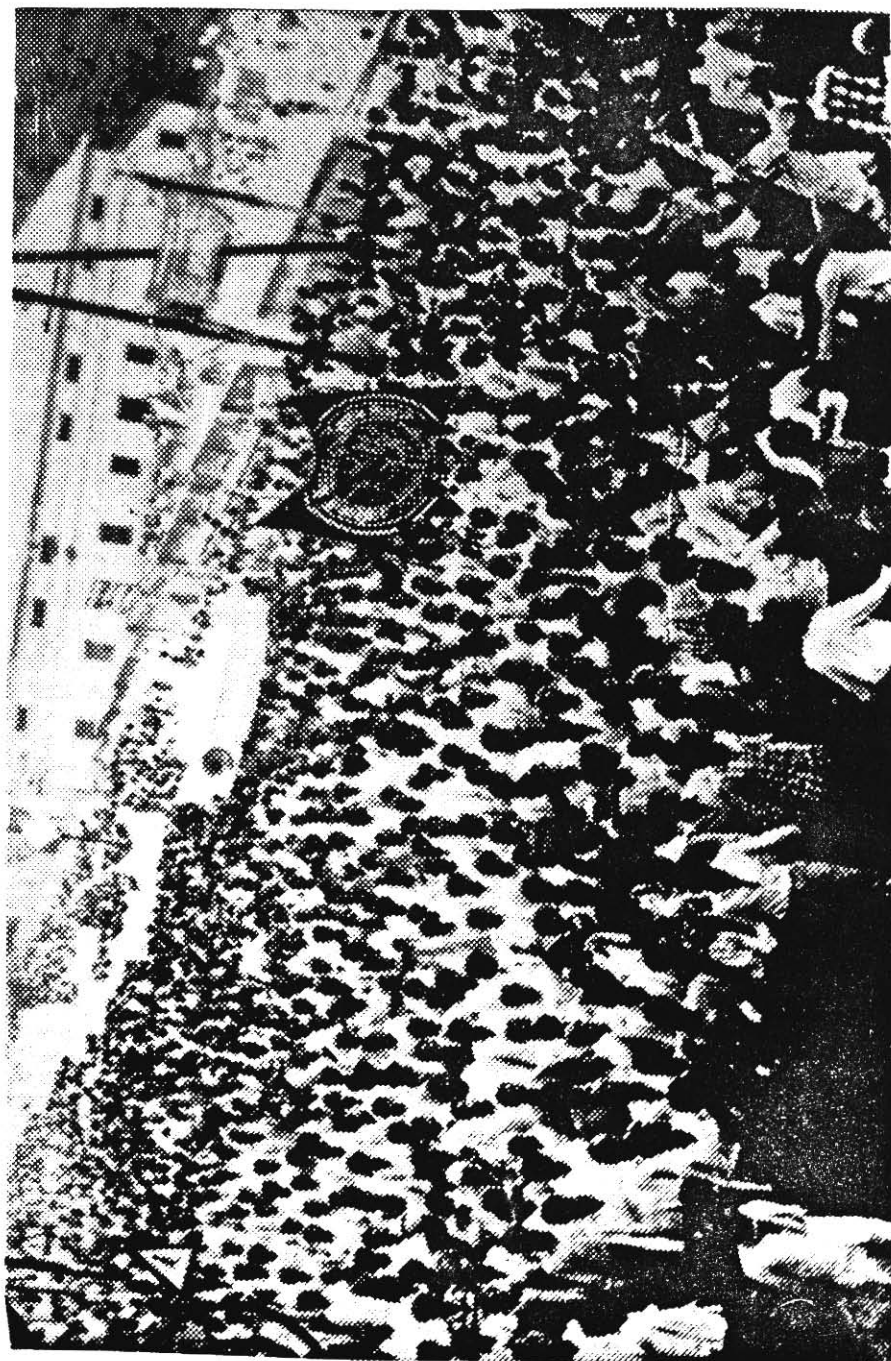
THE INDIAN PEOPLE'S HUMAN RIGHTS COMMISSION



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CoverPage : The two children, pathos writ large on their faces, were among the scores of little ones left to fend for themselves in the aftermath.



FOREWORD

The Gowari Killings have shocked a very sensitive soul in India and abroad and unavoidably there has been a compelling demand for a full inquiry into this terrible traumatic episode. Such a demand of the people is a command to the Indian People's Human Rights Tribunal. Although it is the duty of the State to undertake, with a sense of urgency, an impartial inquiry to satisfy the conscience of the community about how and why such slaughter took place, with the police being the *Prima Facie* responsible for the massive casualties. Anyway, whether the State cares for the people's freedom of information or not, the Indian People's Human Rights Tribunal resolved to request two eminent retired Judges Mr. S.M.Daud, former Judge, High Court of Bombay and Mr. K.K. Narendran, former Judge, High Court of Kerala, to make a judicial, impartial inquiry, at the instance of the Indian People's Human Rights Commission.

The report which is the result of the labours of the two Judges of considerable experience is now being released to the public. Since the Indian people have a right to know and inform themselves about the macabre incident which took away the lives of over 150 adivasis, it is unfortunate that the State did not co-operate to present its version. Even so, the inquiry is very revealing about the allegedly callous behaviour of the police in its bloody misadventure. I base my observations on the report of the two Judges and leave to public opinion to come to their own conclusion about the gruesome happening which is the subject of the inquiry.

I express my profound gratitude to Justice S.M.Daud and K.K.Narendran for the painstaking work they have undertaken purely out of commitment to the people's fundamental right to know more fully than mere press reports about the horrendous firing and deaths.

Sd.

V.R. Krishna Iyer

Chairman

The Indian People's Human
Rights Tribunal

Ernakulam,

20.4.1995.

PREFACE

From :-

MARCH, 1995

Mr. Justice K.K. Narendran (Retd)

&

Mr. Justice S.M. Daud (Retd).

To :-

P.A. Sebastian, Esqr.,

Secretary, Indian People's Human Rights Commission, Bombay.

Dear Mr. Sebastian,

The undersigned were designated as a two-member Tribunal by Mr. Justice V.R. Krishna Iyer, Chairman of the IPHRC to inquire into and report on the stampede that led to about 150 deaths at Nagpur on 23rd. November, 1994.

We held three sittings at Pulgaon, Nakoli and Nagpur on the 2nd, 3rd, and 4th of this month. Recorded depositions and received written accounts of several persons representing a cross-section of the people. The enclosed report is sent herewith along with the primary material. May we request that the said material be indexed and made into an annexure to the report to indicate our sources of information. Please make the report dedicated to the memory of the martyrs of the carnage. With our grateful thanks to you and all the activists who helped us in our task, we remain,

Your's Sincerely,

Sd.

K.K. NARENDRAN

Sd.

S.M. DAUD

A BRIEF HISTORY

Gowaris -A Distinct Tribe

For a proper appreciation of the event and the enormity of the tragedy, it will be necessary to delve into the past. That the Gowaris are a group having a distinct identity has been acknowledged as far back as 1869. Major Lucie Smith who prepared the First settlement Report of Chanda District placed the Aboriginal population of the District at 1,76,840. These he divided into tribes and sub-tribes. Gowaree (as he spelt the word and which spelling is even now in vogue) were said to number 11, 168. Significantly, the group was designated as a tribe separate from that of Gond. The list goes on to specify as many as 6 types of Gonds distinct and different from the main Gond tribe. What is important is that the report prepared by Major Smith does not show the Gowaris to be a sub-tribe or synonym of Gonds.

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The Gond tribe together with its many divisions and sub-divisions is to be found not only in Vidarbha, but also the adjoining districts of the states of Madhya Pradesh and Andhra Pradesh. A publication titled 'The Castes and Tribes of H.E.H the Nizam's Dominions' by Syed Siraj Ul Hasan published by the Asian Educational Service in 1989, makes a reference to the Gonds of Adilabad District. The author speaks of Gowaris being one of the six sub-tribes of Gonds which are all endogamous. Dr. K.K. Chaudhari's name appears as the editor to the 'District Gazetteer', Wardha district, a publication brought out by the Information and Publicity Departments of the Maharashtra Government in 1992. It makes a reference to the 1931 Census showing the Gowari population in the district as 17,531. Significantly, the Gond population is shown as 11,987. In a more detailed note, it is mentioned that the number of Gowaris had been increasing from census to census.

In 1891 they were 2.5 % of the district's population. In 1911, this went up to 3 % and in 1921, was a full 4 %. The belief is that the majority of the Gowari families in the district must have migrated to Wardha 150 to 200 years ago from the districts of Bhandara and Balaghat. These two districts, now in the states of Maharashtra and Madhya Pradesh respectively, were once part of the erstwhile Province of Central Provinces and Bevars. The note details the various beliefs, rituals and customs prevalent among the

group, making a special reference to their veneration of the cow. Cattle herding, is described as the principal occupation of Gowaris, though a minuscule number have taken to agriculture. With the increase in numbers, the Gowaris, like other landless people in the rural areas, have had to turn into rural laborers and collectors of forest produce to keep body and soul together. Almost the entire set of Gowaris who came to testify before us understood and spoke Marathi without difficulty. They also appeared to be fluent in Hindi. This proficiency in the two languages is something they have in common with the folk spread all over Vidarbha and possibly also the adjacent areas of Madhya Pradesh.

Though the Gowaris share common traits with the other groups in the three states of M.P., Andhra Pradesh and Maharashtra (and such commonness is in no way unique to them), in their own thinking and perception of others, they are distinct and different. Possibly this could be because they are an off-shoot of the Gonds even though this misconception could only have certain superficial identities. However, time has evolved the Gowaris into a different and distinct group. Excluding the districts of Akola and Buldana, the Gowaris are found all over Vidarbha and Sudhakar Gajbe, the President of their Sanghatana is not wrong when he estimates that his people constitute anything between 10 to 15 % of the total population.

Gowaris & Reservations.

The earliest form of compensatory discrimination in India to the depressed sections of society came after the advent of Independence in 1947. This is not to say that the British rulers did not realize social backwardness as a special feature of Indian Society. The protection they tried to confer on the unfortunate groups were few and easy to sabotage in the name of 'unavailability of suitable candidates' from the disadvantaged groups and sections - a device, even now in use. The age concession measure to the weaker sections recognized Gowaris as a Backward Tribe as far as back as 1948. The C.P. & Berar Local Government Act, 1948 (XXXVIII of 1948) was to regulate the many local bodies to which the government was to delegate various powers. A place in these local bodies was expected to give the weaker sections their first taste of power and responsibility. To enable these sections to compete with the advanced sections of the population, the legislature deemed it necessary to confer certain concessions upon them. Under the rule making power, the local self-government Dept. of the Government promulgated rules which were published in the 'C.P. & Berar Gazette Extraordinary' on 5th December, 1949. Under the rules, candidates for the post of Officers or Servants of a Janapada Sabha (the rough equivalent of a Taluka Panchayat Samiti of present times) could not be over 25 years of age. But there was a relaxation up to '30 years if he belonged to one of the Scheduled

Castes or Backward Tribes specified in the scheduled annexed'. The expression 'Scheduled Tribe' was not yet in use. The Gowari Tribe was listed as one of the Backward Tribes, and this, separately from the Gond. Interestingly, the latter was to include 'Raj Gonds' who had started perceiving themselves as different from or superior to the common run of Gonds. The M.P. Public Service Commission issued Advertisement No.51 of 1953 inviting applications for posts of Civil Judges. The age differential vis-à-vis advanced and backward people was observed. At serial no.53, the Gowaris were recognized as a Backward Tribe entitled to the age concession. This advertisement was issued on 24 Oct. 1953. The Janapada Manual of Madhya Pradesh corrected up to 1st October, 1955 included the Qualification and Recruitment Rules. Again, the Gowaris were listed as a Backward Tribe entitled to the age concession along with several other tribes, Gonds including Raj Gonds, being one of them. The First

(1'st October 1955).

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Backward Classes Commission with Kaka Kalelkar as the Chairman recommended Gowaris for inclusion in the Constitution (Scheduled Tribes) Order 1950. For reasons not clear then, the word 'Gowari' appeared under the heading 'sub-tribes of Gonds'. Parliament, exercising its powers under Article 34 (2) of the Constitution of India amended the above Order by the Scheduled Castes and Scheduled Tribes Order (Amendment) Act (XLIII

of 1956). The Amending Act, brought into existence a group known as 'Gond-Gowari'. This group was recognized as a Scheduled tribe in Vidarbha. In 1965, pursuant to a widely supported movement, the Government of Maharashtra agreed that the Gowaris were a separate tribe entitled to be listed separately as a Scheduled Tribe in the order. But the Lokur Committee which had been constituted to advise on the revision of lists by the Government of India had recommended the Gowaris as being a sub-tribe of Gonds only. A meeting of the State Ministers of Scheduled Castes and Tribes was held at New Delhi on 10-3-1966. At this meeting the question of Gowaris being listed as a separate Scheduled Tribe was raised.

The G.O.I's Deputy Minister for Social Welfare felt that the entire community of Gowaris could not be reasonably included in the Schedule. He felt that the term signified the profession of cowherds and only those cowherds who had tribal characteristics could be included in the Schedule. This, according to the Deputy Minister, had already been done by recognizing the Gond-Gowari as a Scheduled Tribe. Unfortunately, the State Government agreed to diktat and that was a retreat which spelt trouble for the Backward Tribe of Gowaris.

All Cowherd's Are Not Gowaris.

The then Chief Minister tried to make amends by addressing letter dated. 27-1-1967 to the then Minister for Planning and Social Welfare of the G.O.I. In the letter he stated that the state government had latterly learnt of Gowaris of Vidarbha not being cowherds but tribals. Cowherds in Vidarbha were called by different names. The Gowaris displayed tribal characteristics and hence deserved a separate mention in the list of Scheduled Tribes. Legislative torpor in respect of the powerless and unaggressive is a well-known phenomenon in formal democracies. Nothing was done till 1978 when on 1st March 1978, an Officer of the G.O.I. informed the Convenor of the Sanghatana that the recommendation for listing of Gowaris as a Scheduled Tribe in the Order made by the Joint Committee of the Parliament would be taken into consideration while preparing legislation for a comprehensive revision of the lists in the Order. The Maharashtra Government under its letter dt. 26 March, 1979 addressed to the G.O.I. repeated the demand for Gowaris being listed separately as a Scheduled Tribe in the Order. Following the dissolution of the Lok Sabha, the problem was allowed to stagnate. The patient Gowaris kept going through the dreary round of petitions, addresses and approaches to all and sundry. On 22nd May, 1984, the G.O.I. expounded the legal position to the Sanghatana's Convenor without indicating whether Government would or would not take ameliorative measures to undo the unconscious, but flagrant injustice caused to the community by a typing or clerical error, committed by the draftsman of the

Kaka Kalelkar Report.

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The Govt. Resolution of 24th April 1985.

On 24 April, 1985 the infamous Resolution of the Maharashtra Government, referred to increasing numbers of non-tribals taking advantage of concessions meant for tribals. Appended to the G.R. was a list of errants - in fact, delinquents, misusing the closeness of their caste or tribe or group labels - to usurp benefits intended for tribals - genuine tribals. One such class was the Gowari group. The author of the appendix went on to expound his understanding of the

issue thus: *"Gond-Gowaris were a small section of the Gond tribe. Their population was not known. They were included amongst the Gonds. The*

group was visible only in the Kurkheda Tahsil of Gadchiroli District. They were animal breeders amongst Gonds and were called 'Gond-Gowaris' by the common people. It was said that in 1901, their number in the Chandrapur district (Gadchiroli district was carved out of Chandrapur District recently) was 3,000. In all respects, i.e. dress, social customs, rituals, beliefs etc. they were Gonds. The next column listed the 'pretenders' who included the 'Gowaris'. Gowaris were said to number about 2,00,000 and were spread over the districts of Nagpur, Amravati, Yeotmal, Wardha, Bhandara, Chandrapur and Gadchiroli. Krishna, Ganga and Jamuna were their Gods, Kode Kodwan being their main deity. Exogamy was the norm amongst them and their principal occupations were agriculture, breeding of cows and bullocks, sale of milk and agricultural labour. They had no connections whatsoever with the Gond Tribe. Their culture, diet, rituals etc. were totally different. Gond-Gowaris did not milk cows. On the contrary, the Gowaris were dealers in milk. Taking advantage of the similarity between their group's name with that of the second word of 'Gond-Gowaris', they were able to obtain certificates entitling them to the facilities of Scheduled Tribes".

With this enunciation of this 'gospel' according to the Mantralaya, the mofussil authorities started refusing the issue of concession-entitling certificates to the Gowaris. A Backward Tribe without ceasing to be backward, suddenly found itself pitted against the forwards and this miracle was achieved without undergoing any of the purificatory ceremonies prescribed by the scriptures or attaining the status of a 'creamy layer' pursuant to repeated generational availment of the reservation facility! It wasn't a Scheduled Caste, Other Backward Class or Nomadic Tribe and therefore had to be an Advanced Community. Gone were the privileges enjoyed in the past; but according to the G.R., falsely obtained.

Draft Project Plan, 1980 - 85 For Integrated Tribal Development.

The G.R. had overlooked a vital document viz. the Draft Project Plan 1980-85 for Integrated Tribal Development Project (Sixth Five Year Plan) Chandrapur IV, Chimur, prepared under the signature of the then Collector and Dy. Tribal Commissioner, Chandrapur. Dealing with the tribes inhabiting the area, the draft made a reference to the Gowaris as distinct from Gonds. On 19th August, 1985 a group of Congress (I) M.P.'s addressed a forwarding letter to the charter of Gowaris to be treated and listed as a Scheduled Tribe. Something on the same lines was done by the state legislators in a petition addressed to the

Chief Minister of the State on 22nd December 1958. An M.P. from the region, Vilas Muttemwar, had raised certain points under Rule 377 of the Parliamentary Rules. The Deputy Chairman of the Planning Commission to whom the reference was sent by the Lok Sabha Secretariat gave a reply on 29th August 1991. Again, there was a communication gap. The Honourable Member was from Chandrapur District and certainly could not have confused the Manas with Gowaris. His query had to be with reference to the different tribes of Manas, Halbas and Gowaris. Unfortunately, the reply given by the Deputy Chairman of the Planning Commission gives the impression of the 'Manas-Gowaris' as one entity. That is why the reply says there was no entry in the Schedule relating to Manas-Gowaris.

PRE FLASCO SCENARIO

More Militant Way Of Expression.

By now, the era of petitioning and representing was over. The leaders decided to protest more vigorously. On 24-8-94 dharnas (sit-ins) were staged at all Taluka Headquarters in Vidarbha. Processions of demonstrating Gowaris were taken to the District Headquarters in Vidarbha. The winter session of the Legislature in Nagpur - grandiloquently called the second capital of the state - is a time of morchas, dharnas, fasts and processions. Something like a free-for-all

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prevails, but minus the violence and virulence associated with political turmoil. It is one way of allowing Vidarbha to believe that its voice is being heard and possibly heeded by those who govern the State. The right to freely assemble and express oneself are rights guaranteed under the Constitution to all citizens. The restrictions to these rights are well-known and need no mention here. The Gowari Sanghatana decided to avail of the opportunity to make heard their grievance. The date fixed for the procession and voicing of demands was 23 November 1994. Sudhakar Gajbe who is the working president of the Sanghatana applied for and obtained police permission to take out a procession from the Patwardhan Ground, and terminating at the Council Hall, commonly known as the legislature premises of Nagpur. The procession's route was chalked out, via the Mehadia Chowk, Panchsheel Chowk, Rani Jeans Chowk, Variety Chowk onwards to the terminus. This last has been variously referred to as the Morris College end, the 'T' Point, the Zero Point etc. etc. In a manner of speaking, it is that part of the road which is to the north-east of the Council Hall.

The Demonstration Of 23/11/94.

Gowaris, seemingly disorganized, heeded the call of their leaders to participate in the procession scheduled for 23-11-94. Men, women, children, the old and

According to an estimate given by the witnesses examined before the tribunal, the number of people who thronged ranged from 1,00,000 to 2,00,000.

young, the able-bodied and physically handicapped, all from different nooks and corners of Vidarbha, made their way to Nagpur's Patwardhan ground. According to an estimate given by the witnesses examined before the tribunal, the number of people who thronged ranged from 1,00,000 to 2,00,000. However, newspapers put the figure at 50,000/- . Whatever the correct figure, the attendance was

massive, a turn out rarely seen in a politically cynical Nagpur. The pictures produced before us, whether photographs or press reproductions, show a very large turnout. The witnesses say so and there is not the slightest evidence to the contrary about the participants being completely peaceful, disciplined and orderly. We have been careful to elicit from the witnesses whether any of the participants were armed and whether the slogans shouted were provocative in the least. The witnesses are emphatic that no arms were carried and that the slogans were confined to the demand of the Gowaris for restoration of the Scheduled Tribe facility to them, the doing away of the G.R. of 24th April, 1985 and other related matters. While the route chalked out for the procession has many shops selling all manner of wares, not a single complaint was heard of the processionists robbing the shopkeepers or hawkers.

Every participant was aware that the gathering was one to prove the existence of sizable numbers agitated over the injustice meted out to each one of them in general and the community in particular

This point ought to be mentioned, as it must be about the only procession of its type where the participants did not indulge in robbery, pushing, jostling and teasing the by-standers or passers-by. So depraved have normal processionists and their leaders become, that it is now common practice to close down establishments bordering a road through which a political procession is to pass. And the leaders could not have been unconcerned about the preservation of peace and

order. This was because women and children constituted a sizable segment of the procession. The first sufferers in the case of any disorder would have been this vulnerable section. Neither were the participants hired or bigoted followers of a fanatic or creed. Every participant was aware that the gathering was one to prove the existence of sizable numbers agitated over the injustice meted out to each one of them in general and the community in particular. The march from the Pathwardhan ground was completely peaceful and orderly. The throng reached the 'T' point and faced the barricade put up by the police to stop the movement to the council hall. The barricade consisted of wire mesh bound together and stretched from one end of the road to the other. Policemen stood guard on one side of the wire fence. When we spoke to the participants we asked them where the processionists took their positions when facing the barricade. Neither should the time factor be lost sight of. Though it was November, the start of winter in Vidharba, the hours between 12.00 noon and 2.00 to 3.00 p.m. is somewhat unpleasant with the hot sun beating down. Also the route from Pathwardhan ground to the 'T' point is no shaded or wooded promenade. One can therefore have nothing but admiration for the extra ordinary calm and orderliness displayed by the crowds in their march up to the 'T' point.

Thus three operations involving the Gowaris were completely peaceful - First, the arrival of large numbers from the hinterland to Nagpur; second, the gathering at Pathwardhan ground and third, the march from the Pathwardhan ground to the 'T' point. Normally, the very arrival of so many outsiders into a city unsettles the locals. To revert to the questions as to where the processionists parked themselves after reaching 'T' point, different answers are given. The Gowaris by and large say that they Maintained a distance of 10 to 100 feet from their front ranks and the barricade. Some do, however, say that the front ranks of the processionists were brushing against the barricades. What ever the correct position, the fact remains that until about 6.00 p.m. no attempts were made to break the barriers. That a throng of over half a lakh people and not belonging to militant formations, including a mix of genders, age and hailing from different places, should wait patiently at a spot for over three hours, is itself proof of peaceful intentions. In addition, the factors of a blazing sun and scarcity of water (only one tanker was available), one can imagine the exemplary patience shown by the people.

What did the waiting crowds do at 'T' point ?

They shouted slogans demanding restoration of their reservation status, the doing away of the G.R. of 1985, praises to their unity, leadership and the justness of their cause. Though no one has said so, but we will assume that slogans condemning the government's indifference and callousness were also uttered. These however weren't the abusive and vilificatory tirades now so common a part of the political brawling witnessed all over the country. A question arises as to why the throng was so different from the usual run of political gatherings? The answer lies in the leadership steering clear of politicians and politics and also the indifference of the political busybodies to a class which did not fit into the numbers game as they understood it. And despite their numbers, the Gowaris are not known to be aggressive or clannish. Therefore - and so it was assumed -they did not count. This alone explains the complete aloofness initially, of the political set-up to arrive at the 'T' point and seek to make known its presence and support to the huge crowd that had assembled there. The meekness and peaceful nature of the group is in stark contrast to the stridency displayed by other formations based on caste, community, tribe or ideology. Quite a few of the participants were from Nagpur district and the city itself. The inhabitants of the city are politically apathetic but by no means docile. Infact their volatility when in large numbers is too well

known. Despite the presence of Gowaris from Nagpur, the gathering remained peaceful till 6.00 p.m. or so.

No Minister Met The Demonstrators

The procession having been stopped at 'T' point, the police informed the leaders that only a 5 member delegation would be allowed to go to the Council Hall and meet the Ministers. The Sanghatana leaders wanted an increase in the size of the delegation to include at least two representatives from each district - the total number would not have exceeded 14. The figure '5' seems to have an inexplicable fascination for us Indians. Why the delegates should be restricted to that number was not explained. Even the head count district wise came to seven. The leaders of the Gowaris wanted the delegation to be a representative one and therefore pleaded that it be expanded to include at least two delegates per

The police informed the leaders that only a 5 member delegation would be allowed to meet the Ministers. The Sanghatana leaders wanted the delegation to include at least two representatives from each district i.e. 14.

district. One does not observe anything abnormal or unwarranted in this reasonable demand, which was turned down by the police. We fail to see why as fourteen representatives as compared to 5 cannot be said to be unmanageable. The administration was anyway in an advantage in all respects, such as numbers, coercive instruments and the venue. That it should still persist in the number not exceeding five, can only be explained as arising out of pique drowsing power-wielders.

The Politician's Apathy

Following this the Gowari leaders demanded that the Chief Minister or some other Minister come to 'T' point and discuss the matter with them. The messenger who had gone with this message took an hour to return, only to say that the chief minister had left for Bombay. The Gowaris then said that any other Minister would do. The messenger went back with this message. What one fails to understand is why some other Minister did not come down on his own to explain why the C.M. had left and what the attitude of the government was vis-à-vis the demands of the Gowaris. After all, the Constitutional position was clear. A list prepared under Article 342 of the Constitution could be amended only by Parliament and the State Government, though bound to be consulted by the Center didn't have the final say in the matter. The political class is not immune from the wisdom to indulge in double talk, and any talk by the Government representative could have indicated their concern over the matter, if nothing else. This would have assuaged the feelings of the tired, weary and expectant throng. We do not suggest that the government's representative should

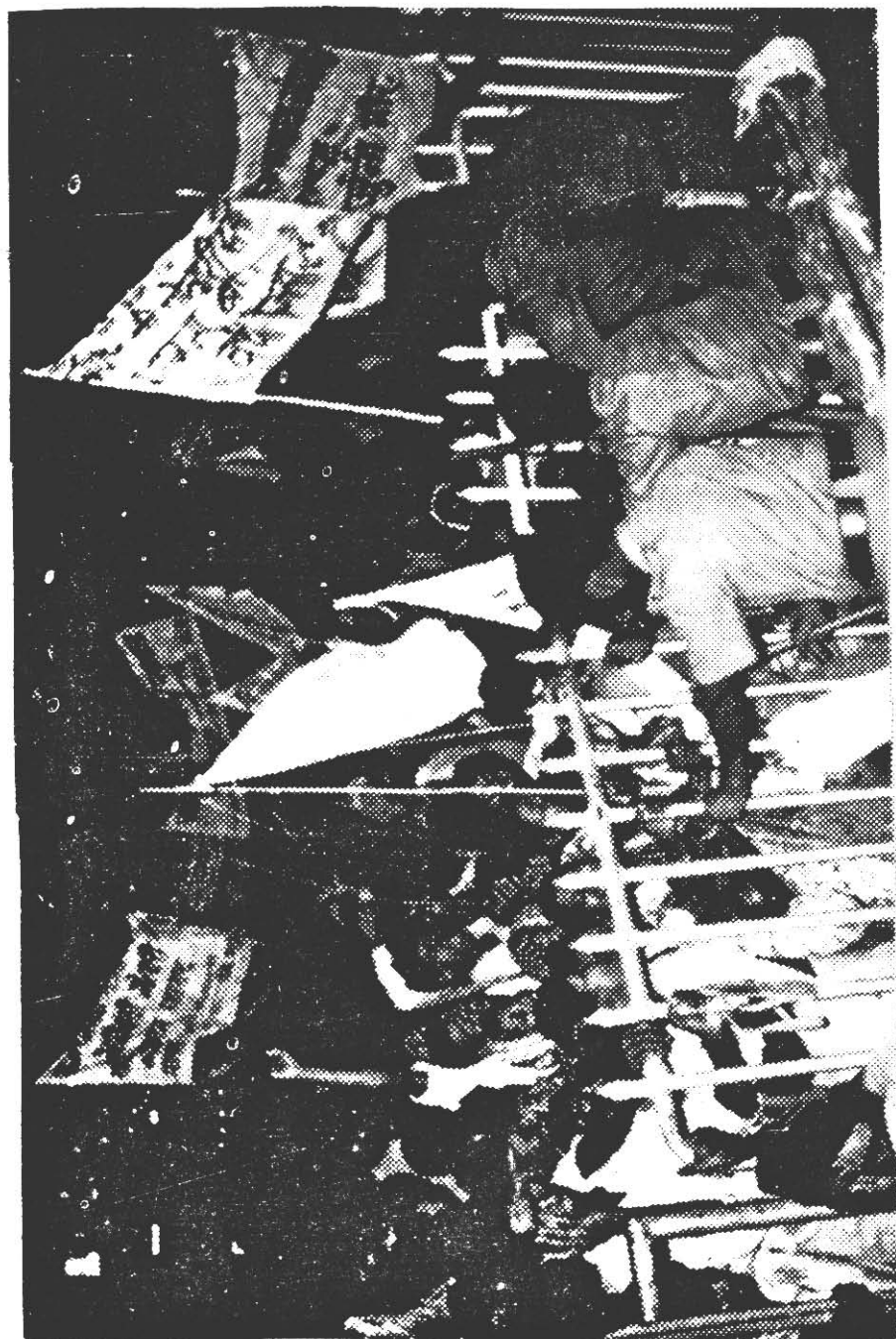
have given false or meaningless assurances. The least that could have been done would have been to invite a delegation for discussions at Nagpur or Bombay.

<p>The issue needed to be attended to and the massive turnout at 'T' point was indication enough that a decision one way or the other had to be taken and the reasoning behind that decision explained .</p>	<p>The issue needed to be attended to and the massive turnout at 'T' point was indication enough that a decision one way or the other had to be taken and the reasoning behind that decision explained</p>
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The simple gesture of hearing out the leaders would have been enough The messenger who had gone with the message of the throng being willing to get an audience with any Minister did not return.

By then darkness had set in and the street lights switched on. A crowd which had braved a hot sun had now to cope with a chilly evening and night. Even at the season's onset, the wintry evenings and nights are not pleasant to the poor and those visiting Nagpur. After 6.00 p.m., the throng was told that the assembly had adjourned for the day and no Minister was available to see them. A long and trying day was about to end with nothing to show for the time, energy and patience exhibited by the participants in the procession . Sudhakar Gajbe deemed it necessary to apprise his followers of what had taken place and with this idea got onto a rickshaw with a mike in his hand. Even while he was speaking there appeared a car sporting a red light.

White or Cream coloured Ambassador cars flashing red lights are well-known as transport in use by ministers . The Gowaris understandably took the portent to herald the arrival of a VIP, possibly the Chief Minister himself. The common habit of people is to gaze on the high and mighty, including those who keep them waiting for 4 to 6 hours. With a view to snatch a glimpse, many in the throng who had been squatting on the ground got up to see who was in the vehicle.



THE BRUTAL ONSLAUGHT

Lathi Charge & Stampede

The movement of the crowd - whatever may have been its motivation - upset the policemen lining the barricades. For reasons, which no one is clear about, the police force believed that a decision had been taken to storm the

The movement of the crowd upset the policemen lining the barricades. For reasons, which no one is clear about, the police force believed that a decision had been taken to storm the Council Hall.

Council Hall. Following that this assumption was correct or at least bonafide, however does not explain the ferocity of the response. The Gowaris appearing before us say that the policemen removed the barricades and rushed at them brandishing canes or lathis. According to Sudhakar Gajbe, the barricade was upset by the sudden rise of the people straining to get a

view of the VIP in the red-light flashing car. Whatever be the reason, the reaction of the police was far more repressive than what the situation required. Witnesses speak of shots being fired from a firearm, though in the air, tear gas shells being burst and cane wielding policemen rushing at the assembled persons. The gunshots meant to frighten the crowd appear to have snapped the electrical wires overhead, plunging the area into darkness. Now at the best of times, the streets of Nagpur are no flood-lit marvels. The lights, in the poshest of areas, are few and far between. At the 'T' point there are no shops or brightly lit hotels to supplement the illumination flowing from the street lights.

Witnesses speak of shots being fired in the air, tear gas shells being burst and cane wielding policemen rushing at the assembled persons.

The Mad Rush

The worst that could have happened was that the restive crowds (according to the inflamed imaginations of the police) would have rushed to the Council Hall. However, what could they have done? The Assembly had ended and the legislators including the Ministers are not known to tarry in the building, unlike what happens in Bombay, during session times. Moreover, the police could have read out the Riot Act and tried the peaceful way out at the initial stages. What they did was to storm the road chock-a-block with Gowari -men, women, children, old, young, one and all. The throng had no place to turn to except the rear. And here it found thousands of similarly placed and too stunned to realise

what had happened and desperate to escape, with escape routes cut from all directions except one and that too blocked by people. The excellent barricade system had cordoned off the routes to the Council Hall and in the process reduced the routes the fleeing people could have taken. Some tried to escape via the Morris College Hostel by crossing over the wall separating the same from the road. The movement backwards led to people being trampled, for those fleeing headed in the direction of the Variety Chowk - the place so named from the Variety Cinema close by. The chasing police force drove the crowd as if they were cattle. Wielding sticks and swinging lathis, nothing would satisfy them, except the melting of the massive crowds. Routs are always an unpleasant sight -whether they be of defeated armies or of fear-stricken civilians. The rush to get out was overwhelming and tragedy in the shape of the dead, dying and injured was unavoidable.

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The Brutality Of The Operation (The Police Apathy).

What is more reprehensible than the violence let loose upon the peaceful processionists, was the display of callousness. The first priority of the police was to break up the assembly and the faster they could do so, the better was it for them. The stragglers dying, dead or with bleeding wounds didn't bother them. The throng of processionists had to be demoralised. Assistant Commissioner of Police Iqbal was delighted at the sight of Sudhakar Gajbe. Exclaiming that he was the leader and had to be caught, a rush was made at him. Sudhakar Gajbe had been run over by the people desperately fleeing to avoid the lathi wielding policemen. At one stage, the dead and wounded covered his entire person except his head and hands. When people tried to pull him out, the police rained cane blows with their lathis, thus compelling them to flee. Sudhakar was pushed into a police vehicle and when his wife said she would accompany him, she was rudely brushed off and told that her husband was being taken to a hospital. The police had obviously lied, as they instead took him to the Sitabuldi Police Station, by a circuitous route, even though the police station in Sitabuldi was within 5 minutes walking distance from the 'T' point. But taking that simple route would not have demoralised the crowd-so apparently, was the police reasoning. The spectacle has just to be imagined to get an insight into the mind-set of the police. Thousands and thousands of people fleeing, tripping, and trampling over each other, yet the lathi-wielding police cops kept pursuing them with swinging canes! Only a blood-lust obsessed force could have so behaved. The description of the police conduct makes one shudder.

A FLOODY AFTERMATH

Shanta Neware said that her brother Subash Kolhe was struck several lathi blows by the police. Shakuntala's sari was ripped off her person, when Suman the sister of the witness came to her rescue. The lathi wielding policemen mockingly asked the stragglers if they had had their fill of processions and morchas. Suryabhan Waghade says that despite the rout, the policemen kept on striking the people with lathis. Two of his daughters received injuries. A ex-army man, Arjun Neware, says that the police used sticks and canes freely and with abandon. But for his toughness-he attributes it to his military training-he would have been caught up in the melee and died. Jageshwar Bharose received a stick blow-inflicted by the police-on his collar bone. The mark left by that blow was still visible and shown to us in the course of his deposition. A press reporter from the English Daily, 'Lokmat Times' says that he came to a vantage point within 5 minutes of the commencement of the lathi charge. The police were using their lathis freely upon the fleeing people. No efforts were made to see that the people moved away in an orderly manner. The retreating crowds found several avenues of escape blocked. At least, senior police officers at the spot could have given directions for the removal of some of the blockades. His version is that the throng did not break the barricade put up by the police. On the other hand, he saw some policemen climbing over the barricade to chase the processionists with lathis in their hands. The witness also said that one of the Gowari leaders exclaimed that he would break the cordon. But this was in the midst of the lathi charge and the expression of an angry man who hadn't the means to make good his threat. His view might have been that the very use of force by the police was uncalled for.

He says the police misread the getting up of the people to look at the occupant of the red-light flashing car as an indication that the crowd would break the barricade

Witness Sushila Sonawane informed that one victim of the tragedy, who still remains untraced, is a resident of village Rajna and a relative of her sister. Another witness, Pushpa Thakre from Subash Nagar area of Nagpur said 3 persons from her colony were amongst the dead. She was in the middle of the throng and was run over by the retreating people. Soon she found herself in the midst of the wounded and dead. Later she and her companion, Kanta, were assisted to rise up by policemen. Narain Trivedi who witnessed the event from the terrace of his Tekadi Road garage said that the police used force when the crowds wanted to go to the Council Hall. Even though Trivedi was at a distance away from the scene, even he could emphatically say, that there was

nothing in the words, gestures and movement of the throng to indicate that they would take recourse to violence. The stampede was the direct result of the lathi-charge, the density of the crowds and the lack of outlets for the fleeing people. Suman Neware, who resides at a distance of 2 kilometers from the 'T' point, says that normally the distance can be covered in 10 to 20 minutes. However, it required more than 1.5 hours to reach home after the stampede. Lathi-wielding policemen rained blows on her, injuring her. She also added that processions, whether big or small, are a normal occurrence during the winter session of the legislature at Nagpur. However nothing of the kind that took place in 1994 had ever occurred in the past. Vimla Neware, who had come to the spot with her sister, Kamla and daughter, Karuna were caught up in the stampede.

He says the police misread the getting up of the people to look at the occupant of the red-light flashing car as an indication that the crowd would break the barricade.

When the trio tried to flee, they found themselves overwhelmed by the waves of fleeing humans. They were trampled upon by people running helter skelter. And in addition, a constable from the State Reserve Police Force struck her with a cane. Karuna died in the stampede and her companion, Sushila, also met the same fate. Vimla Neware indignantly asked how the crowd which had sat peacefully at the site from 2.00 p.m. could have suddenly become violent at 6.00 p.m. or thereabouts? Further more other witnesses said that the crowds were chased by cane-wielding police right up to the Variety Talkies, which clearly indicated the great determination of the police force to break up the gathering. The accounts given by the witnesses examined at Pulgaon and Sakoli are not very different, and, have not referred to their depositions, so as not to burden the report unnecessarily.

However, one whose testimony merits mention is Vasudeo Neware, the President of the Sanghatana's Bhandara District branch. He says the police misread the getting up of the people to look at the occupant of the red-light flashing car as an indication that the crowd would break the barricade. They pushed aside the wire net barriers, burst tear gas shells and fired in the air. A rout began and the police administered merciless beating. People fell upon one another and yet there was no let up in the police violence. The stampede led to deaths and injuries to hundreds. The official figure of the dead was 113 (some say 114), but the Sanghatana's estimate is that nearly 150 died. And this figure has been arrived at, following meticulous reckoning of the numbers who had come to participate and, the numbers accounted for. Also this is the safest way to make a reasonable surmise and it would not be unfair to put the dead at 150, rather than accept the official figure of 113 or 114. Mr. Neware an old hand at arranging and participating in processions, has led assemblies of thousands and

said that he had never witnessed anything like the carnage of 23rd November. The number of those dead from his district was 38 and, as many as 5 coming from the headquarters of the district itself. The total dead (according to official figures) comprised as many as 72 women. On the 24th the funeral of 4 persons took place at Bhandara. The funeral procession must have been attended by thousands, for it was 6 kilometers long. Policemen accompanied the procession to maintain order. However, no untoward incident took place even at

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a time when feelings must have been running very high. Mr. Neware speaks of the callousness of the authorities by pointing out that the Chief Minister did not even visit the hospitals to console the wounded. The Prime Minister who was twice elected from Vidarbha to the Lok Sabha did not come to console the grieving community. No wonder his inference is that the severity displayed by the political class was to demonstrate its anger at the mustering of thousands by unknown persons and to use force with such ruthlessness that the Gowaris would never again raise their heads. Kushaba Aratpayre, the President of the Hinganghat Municipal Council and a Gowari himself came along with a large number from Hinganghat Taluka. He deposed that one of the wounded persons was his polio-stricken niece Meena. He said further that some of the chasing policemen even removed ornaments from the women who had fallen down in course of the stampede. Till 4.00 a.m. the next day, the witness could not trace his dispersed family.

The Veracity Of The Evidence

We agree that the witnesses who testified before us are all those who are aggrieved -though it would not be incorrect to disbelieve them for that reason. We further agree that they have not been cross-examined. But that doesn't reduce the weight of the evidence given by them. Cross-examination is supposed to be a weapon to elicit the truth. Quite often it is also used to confuse and browbeat truthful witnesses. However two factors lead us to rely on the accounts given. First, these versions are corroborated by the press write-ups of the period. Contemporaneous press accounts may suffer on account of exaggeration, lack of first-hand knowledge and even the tendency of the media to go in for sensationalism. But the greater reason for believing the witnesses is the fact that they know of our powerlessness with the authorities that be. We are in no position to get our recommendations accepted by the authorities. We are a public body probing a matter of public importance having the limited ability to inform and instruct public opinion. The authorities will not be affected by our findings. The persons testifying before us know of our helplessness in the matter of

rewards and punishments. Despite this they have chosen us as a medium to reach out to the unconnected, but concerned people. To disregard the evidence of such people for footling reasons as stated above would be to commit an act of injustice. And there are people who care that injustices do not go unnoticed, covering the wrong done as also the wrong-doer.

One youth, Rajkumar Pathak has come before us. He had been to the scene of tragedy on 24th November around midday. The police headquarters to which he next went presented a picture of somnolence which so disgusted our witness,

**Victimisation and
wanton violence
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that he felt humiliated. And as he explains, this was due to the criminals not feeling any remorse or guilt despite the enormity of their crimes. Pathak did not want the incident to be forgotten and felt that guilty be exposed and punished. However the witness knew nothing of the incident except what he had read in the papers. And yet

he could not contain himself. This is the conscience of the nation on whom the victims and we rely. For victimisation and wanton violence anywhere, regardless of who perpetrates it and whatsoever be the professed cause, is a crime against humanity.



POST-FIASCO SCENARIO

The Police Behaviour After The Tragedy.

This brings us to the situation following the stampede. The event had left a litter of corpses and wounded on the road and nearby areas. The police handling

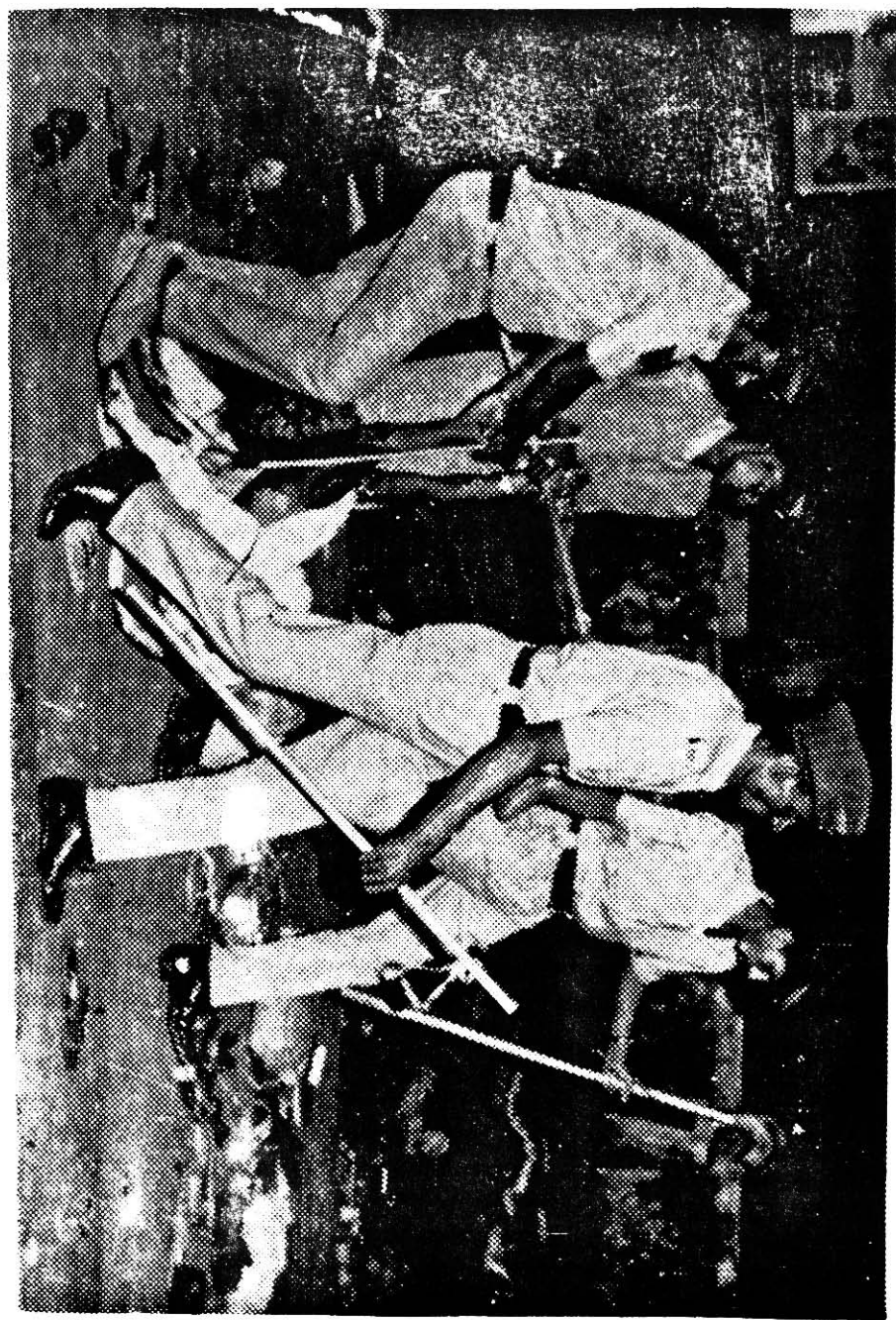
The police carried away the people - dead or alive not known - with an unconcern reserved for inert and incorporeal objects.

these unfortunate people displayed a callousness that still rankles. We have pictures before us of people - dead or alive not known -being carried away with an unconcern reserved for inert and incorporeal objects. The human tradition is to revere the dead and injured. We do not expect the police to be bleeding hearts overcome with grief at the sight of death and maimed bodies. What is certainly not expected of them is the

indifference and haste writ large on the faces of the policemen appearing in the photographs filed before us. The dead were piled up after a great deal of delay spent in the clearing of the roads. They were flung into vans and unloaded with the same unconcern as was shown when they were picked up from the spots where they had been crushed to death.

Political Class Dilly-Dallying

What about the political establishment's reaction ? Ministers first tried to throw the blame on the organisers of the gathering in not being able to control their crowds. The good old chest-nut of Naxalites being behind the violence was dug up as a large number of participants had come from the allegedly Naxalite-affected districts of Bhandara, Chandrapur and Gadchiroli. Vasudeo Neware-he of Bhandara town (referred to earlier)denies that any Naxalites were present in the procession. Having seen the indifferent attitude of the so-called mainstream parties, it is possible that the aggrieved will turn to Naxalism as a solution to their grievances. That way they will at least learn to fight back violence with violence. Next came the theory that one or the other Minister was at fault. However the government at last agreed to judicial inquiry at the hands of a sitting High Court Judge. Months have gone by with the Commission not even having made the first stir. This would be so for the state government must have done nothing until now to enable the commission to begin functioning. The mayhem at Meham was not the only instance of foot-dragging and the Gowari killings will not be the last victim of bureaucratic sloth.



Compensation

The state has a liability to recompense the victims of atrocities perpetrated by its minions as it has towards those who have suffered on account of their inaction and collusion with criminals. The next of kin in respect of the Gowari dead have been granted compensation at the rate of Rs.1,00,000/- per death. Rs 30,000/- has been paid in cash and the rest in bonds redeemable after 66 months. Sudhakar Gajbe decries the quantum as grossly inadequate. The injured have been awarded compensation ranging from Rs.500/- to Rs 2000/-. These sums have not reached all the injured as we had before us a number of persons speaking of themselves or their kith and kin being compelled to take private treatment.

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While the State has been sluggish in compensating the victims. It has been at its most speedy in booking cases against the leaders. Sudhakar Gajbe had the book thrown at him and it was with some difficulty that he could obtain bail. Witnesses complain of scene of panchnamas not having been drawn up and the refusal of the authorities to furnish copies of the post-mortem notes. *Is this evidence of an open society ?*

In Conclusion :

Having considered all aspects, we have no manner of doubt that the tragedy was caused by the precipitate and excessive employment of force by the police. It does not appear that there was any Magistrate present to keep a check over the violence prone Constabulary. The evidence of hours of peace had not dissuaded the police of the notion that the agitators were dangerous law-breakers. Even taking the evidence in the light most favourable to the authorities one cannot but

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observe that the posse stationed at the 'T' point were more panic stricken than the participants in the procession. As for the Ministers, the less said the better. They are supposed to be the representatives of the people. Not one of them cared to come to the 'T' point and address the massive turnout, even though they are always on

the look out to stage a grand-stand. Here, they had an opportunity to explain the governments attitude to a community much exercised over its exclusion from a

favoured slot. The throng had volunteered to send a representative delegation, but the authorities were bent on the number not exceeding five. As mentioned before there was no reason to justify the obstinacy. The Chief Minister may have left for Bombay, but other Ministers were still in Nagpur. The Legislative session of 23 November 1994 could not have been all that tiring to send them scurrying to their camp residences after 6.00 p.m. The officers present on the spot whether belonging to the police or other departments had a duty to convey to the Ministers the position within short intervals. Apparently no such action was taken, if even thought of. A messenger who shuttled to and from appears to have taken time running errands, though it is quite possible that he was kept hanging on because of the inaccessibility of the persons who had to be informed. Whatever the reasons, the political leadership was totally unresponsive. There is no evidence of any of the many legislators from anywhere in the state making an appearance to announce his support or disagreement with the demands of the throng. After the tragedy, much verbal sympathy flowed from those persons who saw, in the event, an opportunity to extract political mileage. Politicians and their shoddy ways have fouled the process of representative democracy to a great extent. Words of reproach have ceased to affect them. The reasons for that phenomenon need not be gone into here. All that we need to say, is, that had they taken their responsibilities more seriously, this black-hole tragedy of the twentieth century could have been averted.

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RECOMMENDATIONS OF THE INQUIRY

Our recommendations, which cannot but be generally worded have been listed below :-

☞ First, there is an urgent need to withdraw the G.R. of 24th April, 1985 and restore to the Gowaris the status of a Scheduled tribe which they occupied until the confusion in the typing of the Kaka Kalelkar Commission Report. The Gowaris were and are a Backward Tribe deserving a place in the list of Scheduled Tribes deserving the reservation facility vide the Order of 1950 formulated under Art. 342 of the Constitution of India. Though this is the primary responsibility of the Parliament, it is not for the state government to sit back and issue inane G.R.s like the offending one of 24-4-1985. The state government must do its part to adhere to the stand taken way back in 1967. There is no turning back and there shouldn't be any repetition of the lack of scholarship displayed by the author of the G.R. In fact it is time the Social Welfare Dept. of the State Government. had its head some person trained in Social Anthropology and one who keeps himself abreast of advances in Sociology, History both past and present and other allied subjects.

☞ Second, is the need for expedition in the legislative process, specially if it be restitutionary or rectificatory in nature. Here, the term 'Gond-Gowari' was a pure fabrication and an innocent one at that. The mistake was realised very soon and yet the problem continues to hang fire till 40 years later. The administrative process should be more responsive and a change of governments should not be a signal for discarding noncontroversial measures to rectify a wrong or error. In no case should the State Government. dabble in interpreting entries appearing in the Lists of Scheduled Castes and Tribes lest it commit another blunder like the G.R. of 24 April, 1985. The best alternative is to approach the Center for a clarification with its own view being made known in clear and unequivocal terms.

☞ Third, is the urgent need to formulate a scheme which combines the better management of processions and agitations during the winter session of the legislature at Nagpur. This session provides the people of Vidarbha an opportunity to ventilate their demands and grievances within the close proximity of the legislature. While it is necessary to prevent disorder and lawlessness, it is equally important that those who depend on the people's franchise to get elected are accessible to them, no matter that their status becomes elevated by their becoming Ministers. Going away to Bombay while the session is in progress or cutting short the duration of the session at the slightest excuse is to deprive the

people of the region an opportunity to make known their grievances. The security arrangements should be such as to minimize the curtailment of people's right to assemble and express themselves. The Police force posted for security duty should be made up not of battle-scarred veterans, but those trained to keep their cool even in the face of trying situations. A civil officer of the rank of a Sub-Divisional Magistrate of at least 10 to 15 years standing should be available to guide the police when large processions are to be faced. There should be a better exchange of information from the point at which barricades are put up and the inside of the ministerial chambers in the Council Hall.

☞ Fourth, is the need for the people's representatives be they M.L.A.'s, M.L.C.'s or Ministers to be in touch with the people, more so when representatives of different groups seek to approach them with group grievances. This is all the more necessary when rumour has it that there is no difficulty in communication between them on the one hand and the rich, the powerful and the well-heeled/ Physical accessibility is a convincing demonstration of transparency in the functioning of a democracy and no artificial barriers like the number of persons to constitute a delegation etc. should be put forth in the path of those airing public grievances.

☞ Fifth, is the need for the people at large, not merely the affected people to concern themselves with atrocities committed against any group regardless of caste, creed or community. We are sorry to say this, but the general lot of people from Nagpur, Pulgaon and Sakoli -excluding, of course, the Gowaris and the few others who turned up, displayed little interest in the tragedy. It may be good politics to strike while the iron is hot. But it will be more humane to be concerned about human tragedies all the time. Barring a bandh or two, the people of Vidharba displayed little interest in the affair. Insensitivity towards the plight of sufferers is surely going to be reciprocated when the wheel turns full circle !

☞ Sixth, is the urgent need to inquire into and adequately compensate all those who have suffered as a result of the stampede and the police lathi charge. Tahsildars in the districts concerned can collect the required information through the representatives of the Gowaris at the district level and following a proper verification compensation should be given to those who have still to receive the same. The difficulty experienced by those who find the cash-down payment insufficient, can be got over by special releases.

☞ Seventh, is the need to take action against the erring policemen-as early as possible -lest further happenings obliterate the happenings of that eventful and tragic day -the 23rd of November, 1994 !

PEOPLE'S HUMAN RIGHT'S TRIBUNAL**V.R. Krishna Iyer**

Chairman,

Former Judge, Supreme Court

PROCEEDINGS

I, Shri. V.R. Krishna Iyer, Chairman of the Indian People's Human Rights Tribunal, having received a request from Shri. P.A. Sebastian Secretary of the People's Human Right's Commission to conduct an inquiry into certain violent happenings including firing by the State Police resulting in loss of life and limb to a large number of the people who had gathered peacefully to register their protest by demonstrating against certain policies of the State Government, and having considered the grave concern and public interest and the people's right to know, involved in the ghastly episode and the necessity for ascertainment of facts connected with this bleeding episode, I consider the matter of sufficient public importance to warrant a people's level inquiry into the firing and allied happenings in Nagpur on 23-11-94.

Having obtained the consent of Shri.K.K.Narendran former judge of Kerala High Court and Shri.Justice S.M.Daud former judge of the Bombay High court to serve on the Tribunal to conduct a full inquiry into the cause, consequence and other aspects of the incident of the violence of tension, of shooting and other action by the police as well as such other matters as having a bearing on the lethal incidents. I request the two learned judges to serve on the Tribunal and go into the aforesaid matters as well as the quantum of the damage suffered in terms of life, liberty and other injuries. Other seminal observation to preserve causes and prevent police violence may also be made by the Tribunal. The Tribunal will hold sittings, make visits, and inspections to such places as they do deem it necessary for the better fulfillment of the Tribunal's principal purposes. The Tribunal is free to frame its own proceedings consistent with natural justice and fairness and afford free access to all concerned including Government Officers.

The Tribunal will make a Report within two months from today to the Chairman and it will be released as a report to the people of the State, special emphasis being placed on violations of human rights of the people. It is hoped that the State and its officers will co-operate in making the inquiry meaningful,objective and complete and make available to the Tribunal every relevant material. I also request the people effected having concern to place such

materials as they have and such co-operation as they can make to the Two Men Tribunal.

The Tribunal will keep an open mind, make an impartial approach seek light from every willing source and will have no bias. Truth is the purpose and process, the nation and human rights lovers their constituency.

Sd/-

V.R. Krishna Iyer,

2-3-1995

Terms of Reference

The Chairman of the Indian People's Human Rights Tribunal Mr. V.R. Krishna Iyer, Retired Judge of the Supreme Court of India having been requested by certain public bodies, has appointed the undersigned to conduct an inquiry into the incidents at Nagpur on the 23rd day of November, 1994. That event is too well known for it led to the deaths of around 150 persons, following a lathi charge and a stampede.

Our terms of reference, spelt out from the instrument of appointment, may be summarised thus:-

I.To inquire into the cause, consequence and other aspects of the incidents of violence, tension, shooting and other action by the police as well as such other matters having a bearing on the lethal incidents.

II.To assess the quantum of damage suffered in terms of life, liberty and other injuries.

III.To preserve causes and prevent police violence.

ANNEXURE III**Documents referred to:--**

- 1) The First Settlement Report of 1869 by Major Lucie Smith.
- 2) The Castes and Tribes of H.E.H. the Nizam's Dominions by Syed Siraj Ul Hasan
- 3) The District Gazetteer, Wardha District.
- 4) The C.P. & Berar Local Govt. Act, 1948.
- 5) Janapada Manual of Madhya Pradesh.
- 6) The First Backward Classes Commission.
- 7) The Scheduled Castes & Scheduled Tribes Order (Amendment) Act (XLIII of 1956).
- 8) Lokur Committee Report.
- 9) The Chief Minister's letter of 27-1-1967 addressed to the Minister for Planning & Social Welfare of the G.O.I.
- 10) The Letter of the Maharashtra Government Dt. 26-3-1979.
- 11) The Draft Project Plan 1980-85 For Integrated Tribal Development Project (6th Five year Plan) Chandrapur IV, Chimur.

ANNEXURE IV**WITNESSES WHO APPEARED BEFORE THE TRIBUNAL**

NAME	VILLAGE	AGE	OCCUPATION
•			
• Annapurnabai	Nachangaon	35	Household work
• Geeta	Hinganghat	38	Household work
• Venubai	Nachangaon	30	Labourer
• Manda	Hinganghat	35	Household work
• Vimal	Pulgaon	25	Labourer
• Suman	Pulgaon	40	Household work
• Chandrakala	Dahegaon	27	Labourer
• Kushabas	Hinganghat	44	Labourer
• Kawadu	Vitala	60	Labourer
• Gyanba Adkuji Raut	Bodra	28	Salesman
• Vinaram Gopinath Mankar	Pindkepaar	25	Unemployed
• Vatsala Madan Shende	Sakoli	30	Household work
• Namdeo Pandhari Raut	Sasra	25	Labourer
• Vasant	Miregaon	40	Labourer
• Manohar Laxman Choudhary	Sakoli	48	Pensioner
• Damodar Vasuji Neware	Soudad	23	Student
• Waman Dasru Bhonde	Parsodi	26	Labourer
• Kamal Shamrao Neware	Sakoli	38	Household work
• Vasudeo Lahanuji Neware	Bhandara	50	Service

ANNEXURE IV ...contd

NAME	VILLAGE	AGE	OCCUPATION
• Shanta Dhondiba Neware	Subhash Nagar	40	Household work
• Suryabhan Sadashiv Waghade	Gopal Nagar	45	University Employee
• Arjun	Tirora	56	Pensioner
• Jageshwar	Uread Nagpur	28	Electrician
• Chandramohan	Nagpur	24	Journalist
• Surender	Nagpur	38	Private Service
• Rajkumar Suraj Narayan Pathak	Nagpur	28	Shopkeeper
• Shankar	Nagpur	65	Cycle repairer
• Susheela Narayanrao Sonawane	Kanhan	36	Household work
• Pushpa Ramesh Thakere	Nagpur	34	Household work
• Shiv Narayan	Nagpur	51	Motor repairer
• Nanu Pandhiranath Neware	Nagpur	32	Photo Journalist
• Urmila Hiranman Chachane	Kanhan	34	Household work
• Suman Ramesh Neware	Nagpur	36	Household work
• Vimla	Nagpur	40	Maid-servant
• Sudhakar	Nagpur	42	Service

WITNESSES WHO SUBMITTED WRITTEN STATEMENTS BEFORE THE TRIBUNAL

NAME	AGE	OCCUPATION	EXPERIENCE IN THE MORCHA
• Ashok Laxman Neware	28	Labourer	In the crowd, the police hit his wife on the chest and injured her badly
• Ganesh Kohate	43		Wife was injured.
• Yashodhabai Mahadev Ravji	70	Labourer	Her grandchildren were injured and she fell unconscious due to beating by the police
• Varsha Ganesh Bhonde	28	Labourer	Hit by the police badly that there are green marks(cane) all over her body
• Suman Ganesh Kohale	39	Household work	She was hit so badly, that after some days an operation of the chest was done and a piece of flesh was removed. Her hand was pulled by the police.
• Suman Etahmrao Thakre	30	Labourer	She fell down due to the police beating but still the police kept kicking her.
• Ganeshwari Raut			Her saree came off and she fell unconscious due to the lathicharge. After regaining consciousness, she went to a nearby house to ask for help but she was only given water and sent away.
• Bhaurao Shravan Dongre	42	Govt. Service	His daughter died in the stampede.
• Vachalabai Ambadare	55	Labourer	She was hit mercilessly on her chest.
• Suman Suresh Neware	26	Labourer	She was surrounded by the police and hit mercilessly following. persons were witness to this incident Ma.Baby Ganerao Bhonde, Marati Kumbhe
• Vimal Ashok Neware	25	Labourer	The police ran after, caught and beat her and her child. She also saw the police piling the dead into the van, as if they were handling animals.

ANNEXURE V...contd.

NAME	AGE	OCCUPATION	EXPERIENCE IN THE MORCHA
• Vasantrav Kisanrav Chablate	40	Mill Worker	His wife was beaten so badly that she couldn't get up from the bed for about 15 days and seeing her state he has also lost his frame of mind.
• Durga Pundlikrao Nagole	25	Labourer	She was hit on the chest and legs due to which she fainted
• Panchfula Punne	35	Labourer	She was hit so badly on the legs that she was in the hospital for 10 days.
• Moreshwar Rambhau Raut	30	Farmer	He was the leader. He saw the police beating the people mercilessly
• Narayan Bhoyar	40	Labourer	He saw the police beating the people mercilessly
• Kousabai Sahare	35	Labourer	She was injured badly on the legs and the chest due to the hits of the police
• Vimal Babarrao Raut	35	Labourer	She was injured and went to the hospital for treatment
• Nathu Chinduji Chabhkate	35	Labourer	His wife was hit very badly on the chest and had to be taken to hospital for treatment. He also saw the police putting the dead into the van in a most inhumane manner.
• Narayan Ghondbatri Shendre	51	Teacher	He saw the police beating mercilessly
• Chandrakala Vasant Aambadore	26	Labourer	She was beaten so badly by the police that she fainted and when she regained consciousness her saree had been removed.
• Shantabai Bhautvani Sahare	35	Labourer	She saw the police mercilessly lathicharging the people.
• Sanjay Marotrao Kalsape	12	Student	This boy was lost in the morcha but was found later in the Pulgaon hospital.

THE INDIAN PEOPLE'S HUMAN RIGHT'S COMMISSION

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

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

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

The issues which the Commission has taken up are.

- 1)The firing at Arwal in Bihar, in which 23 people were massacred. Inquiry in 1987 : by Justice P.S. Potti, retired Chief Justice of the Gujrat High Court and Justice T.U. Mehta, retired Chief Justice of Himachal Pradesh High Court.
- 2)The burning of 646 huts of tribals in the District of Vishakapatnam by the Andhra Pradesh Government. Inquiry in 1988 : by Justice Chandrasekhara Menon, retired judge of the Kerala High Court and Justice Jyotirmoy Nag, retired judge of the Calcutta High Court.
- 3)The role of the Provincial Armed Constabulary in the Communal Riots at Meerut. Inquiry in 1988: by Justice A.C. Gupta, retired judge of the Supreme Court and Justice Jyotirmoy Nag, retired judge of the Calcutta High Court.
- 4)The role of the Karnataka Government in the Anti-Tamil Riots and the Tamil Nadu government in the Anti-Kannadiga Riots. Inquiry in 1992 : by Justice D.S. Tewatia, retired Chief Justice of the Calcutta High Court and Justice H. Suresh, retired judge of the Bombay High Court.
- 5)The Inquiry into Anti-Democratic activities of Sydena of Davodi Bohra Community. By Justice Tewalia, the retired Chief Justice of the Calcutta High Court.
- 6)The Bombay Riots : Inquiry in 1993 by Justice S.M. Daud and Justice H. Suresh, both retired judges of the Bombay High Court.
- 7)The Inquiry into the Police Firing in Kuthuparamba(Kerala).By Justice Hari Swaroop, retired judge of the Allahabad High Court and Justice H.Suresh, retired judge of the Bombay High Court.
- 8)The Inquiry into the Police lathi-charge and stampede at Nagpur (Gowari Ki Illings).By Justice S.M.Daud and Justice K.K.Narendran,both retired judges.

OBJECTS

- a. To establish the Indian People's Human Rights Tribunal, for the investigation and adjudication of gross, systematic or significant violations of Human Rights by the State.**
- b. To receive complaints from the people about violations of Human Rights by the State, to investigate or cause them to be investigated with a view to preparing a preliminary report thereon, and to submit cases which, in its view, based upon the preliminary report, should be submitted to the Tribunal.**
- c. To publicize and work for the implementation of the International covenants and declarations against State violence including extra-judicial killings, torture, illegal detention, rights of undertrials and the recognition of political prisoner status for political prisoners.**
- d. To establish and maintain contacts with civil liberties and democratic rights organizations in India and abroad.**
- e. To carry on all other activities required for the realization of the objectives of the Commission.**



INDIAN PEOPLE'S HUMAN RIGHTS COMMISSION

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