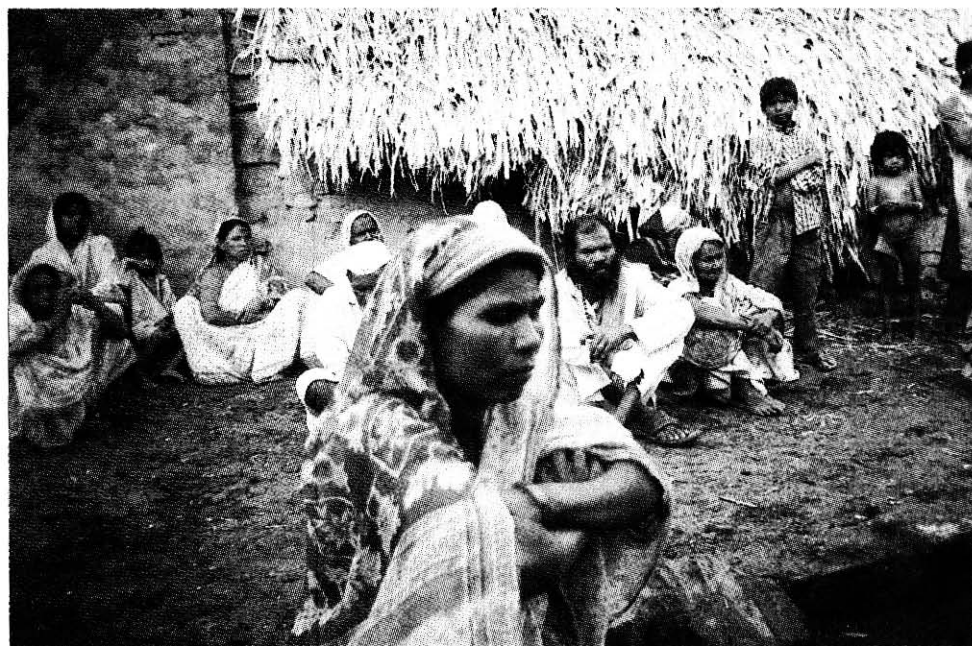


Targeted Killing

**Police shoot activists of the landless
in Puntamba, Ahmednagar district**



*an adivasi woman whose minor son was arrested
deposing to the Fact Finding Team*

A report by an independent fact finding team
constituted by

Lokshahi Hakk Sanghatana

10th July, 2001

Targeted Killing

Police shoot activists of the landless in Puntamba, Ahmednagar district

"The Police-Patil of Puntamba told ASI Mali, 'Don't stop the demonstrators. Today, let's bring an end to this menace once and for all'."

- An eye-witness from the protest morcha of 25th June, 2001

"When the adivasis don't have kerosene to light the lamps in their homes, where would they find enough to burn the police ?"

- Devidas Dushing, a relative of Pradeep Dushing
killed in the police firing on 25th June.

"Our struggle for land will continue. How else will we fill our bellies ?"

-Activist of Bhoomi Hakka Andolan Samiti.

An independent fact-finding team:

Starting on June 26 2001, newspapers carried reports of a police firing on an adivasi demonstration in Puntamba village, Kopergaon taluka, Ahmednagar district (Maharashtra), on June 25, 2001. Since these reports were conflicting, a team was formed to visit the area and get first-hand information on the firing which killed two people and injured more than eight of around 200 demonstrators protesting against the release of Babasaheb Chavan - a local Youth Congress leader charged with the molestation of a minor adivasi girl.

An independent fact-finding team constituted by Lokshahi Hakk Sanghatana consisted of Mr Bandhuraj Lone, journalist, Mahanagar; Advocate Irfan Engineer; Ms Trishala Kamble, Hind Mazdoor Kisan Panchayat; Mr Subodh More, Vidrohi Sanskrutik Chalval; Adv. Vinod Shetty and Ms Girija Gupte, Lokshahi Hakk Sanghatana.

On June 30 and July 1, 2001, the team visited Puntamba and Shingwe villages and Rahata town in Kopergaon Taluka, and Shirampur town in Ahmednagar district. During this time, the team met a cross section of people, adivasis and police officials: Sangeeta Dushing, widow of Pradeep Dushing, leading activist

of the Andolan, who was killed in the police firing, and other members of Pradeep Dushing's family; Adivasis from Shingwe and Rastapur villages who had participated in the protest morcha; Vijay Chavan, Additional Superintendent of Police, Ahmednagar district; Amar Jadhav, Deputy Superintendent of Police, Ahmednagar district; Prabhakar Jadhav, Senior Inspector of Rahata Police Station; Govind Mali, Assistant Sub-inspector, Puntamba Police out-post, and his wife; Arjun Vahadane-Patil, ex-director of the MSFC and brother of Suryabhan Vahadane-Patil, Member of Parliament and ex-President of the BJP's Maharashtra state unit; Khandakaris (land-owning villagers) of Puntamba; R.M. Adhav, principal of the school where Pradeep was shot; Baba Wagh, a social worker associated with Asha Kendra, Puntamba; Vijay Vakchaure, district president of the Republican Party of India (Athavale) and other activists of the RPI from Ahmednagar; B.R. Bawke, General Secretary, Ahmednagar Zilla Shet Majoor Union, Shrirampur and leader of the Lal Nishan Party; Mandar Vaidya, activist of *Abhivryakti*, Nasik; and Adv. Dilip V. Joshi, Kopergaon.

Terms of reference of the enquiry:

1. To enquire into the police firing on a morcha of landless adivasis and dalits in Puntamba village on June 25, 2001.
2. To ascertain and record facts about the killings and injuries following the police firing on the protestors.
3. To review the state's response to the incident and the people's response.
4. To record the context (economic, social, cultural and political) that is at the root of the struggle of the landless adivasis and dalits of the region.

I. The background:

Kopergaon taluka of Ahmednagar district in Maharashtra is known for its sugar-mills, both private and co-operative. About 10 per cent of the population consists of Bhil adivasis. They are engaged in cutting wood for fuel their own use and for sale, as well as working on brick-kilns as casual and seasonal labour. They are also employed as agricultural labourers for the Maharashtra State Farming Corporation (MSFC) and by land-owners.

The khandakaris are land-owning Maratha families who had given cultivable land on lease to private sugar-mills and used to receive rent on this land.

Under the 1961 Land Ceiling Act, private sugar mills' surplus land was taken over by the State government. This surplus land was handed over to the MSFC when it was formed in 1963. At its inception, the MSFC had about 85,000 acres under its control in Ahmednagar district. Of this, about 37,000 acres of land once belonged to private sugar mills; another 48,000 acres had earlier been

taken on lease by the sugar-mills from khandakaris.

Today, having returned some 14,300 acres of land (3167 families of 5029 khandakaris were given approximately 4.5 acres per family) to the khandakaris, the MSFC holds about 69,000 acres. The MSFC used this land primarily to cultivate sugarcane which fetched high profits. After the setting up of the Maharashtra Industrial Development Corporation (MIDC) unit in Nasik district, water from the Godavari river and canal was diverted from Ahmednagar district to the MIDC. Thus, water for irrigation of MSFC land as well as other cultivable land in the area was considerably reduced and sugarcane (which requires large quantities of water) could not be cultivated on this land. Ever since, large tracts of MSFC land have been lying fallow.

For some years now there has been tension between the khandakaris on one hand and the landless adivasis, dalits on the other hand because of their rival claims for the cultivable MSFC land lying fallow.

Since 1990, the MSFC has not paid wages to about 3,000 agricultural labourers (organised under the banner of the Ahmednagar Zilla Shet Majur Union led by Com. B.R. Bawke of the Lal Nishan Party) working on the land belonging to the MSFC for many years now. These workers are also claiming land for cultivation from the MSFC since the land is lying fallow.

Since 1982, some landless adivasis have managed to cultivate 2 to 3 acres of MSFC land per family, to grow jowar, bajra and gram for their own sustenance. In order to make this land cultivable, it has to be cleared of thorny weeds and plants, which needs very hard labour.

The government responded by getting MSFC officials to lodge complaints and the police to forcibly evict the landless. As the adivasis were without any political support and resources, the police were largely able to use terror tactics to keep them off the land.

R L Sonavane from Rastapur village of Kopergaon taluka told the team that he too had occupied two acres of fallow land from the MSFC in order to sustain his family. Police officials would often come and harass the adivasis saying: "Get out of here. Do you think this land belongs to your father that you come and cultivate it?"

In 1995, the adivasis and dalits got organised under the banner of the Bhumi Hakk Andolan Samiti (known locally as ABHA) to protect their right to cultivation. They have made several representations and staged dharnas and morchas to get the land they occupy regularised in their names.

The Andolan provided legal support against charges of trespass and against police repression. It had recently filed a Writ Petition No. 454 of 2001 in the

Aurangabad bench of the Bombay High Court, asking that the MSFC land be distributed amongst the landless and those currently cultivating it. The High Court did not admit the petition but directed the Revenue officials, including the Tehsildar to complete enquiry proceedings as per the petitioners' applications, in accordance with the law and with policy decisions taken on it as early as possible.

The Andolan was led by Pradeep Dushing, a dalit with support from dalit organisations local Lal Nishan Union, as well as John P.A., who came to the area as a social worker 12 years ago, and settled in Puntamba with his wife Reena and was instrumental in organising the adivasis for their rights.

B S Salunke, also from Rastapur village, whose family has occupied four acres of fallow land from the MSFC, says. "It is only because the Andolan and the Ahmednagar Zilla Shet Major Union stood by me, and we put up a few red flags in our village, that my family and I have food to eat."

This had led to growing confrontation between the landless adivasis, dalits on the one hand and the police on the other. Acting on behalf of the MSFC (which has filed several complaints of unauthorised occupation of land against the landless), the police have been harassing the landless occupants to give up all claims on land, taking advantage of their poverty and lack of education. The police have been harassing leaders of the Andolan by implicating them under false cases. Despite such repression, landless adivasis and dalits have continued to struggle on the issue, and the Andolan has continued to support such struggle. This struggle has been militant but peaceful.

This was illustrated some months ago, when 36-year-old Pradeep Dushing, an office bearer of the Andolan, and other activists had gone to Rahata to meet the Tehsildar, S.H. Mauchi, (who is in-charge of the nine villages including Puntamba, Shingwe and Rastapur) in connection with a land dispute. Very soon a heated argument ensued. Mauchi pushed Pradeep around and threw him out of his office. The next day, P A John, joined activists of the Andolan and sat on a hunger fast outside the Tehsildar's office, demanding a written apology from the tehsildar. With the heat, they soon became dehydrated. When the authorities found they could not force the activists to give up their hunger fast, they picked them up forcibly and admitted them to the hospital. Even here, John and the others resisted force feeding. Finally, the Tehsildar came to the hospital and apologised for having ill-treated Pradeep.

Over the years the police have been harassing the Andolan leaders by implicating them under false cases. A few days before the June 25 firing, Assistant Sub-inspector Govind Mali (who, surprisingly, has been posted in the Puntamba police out-post for more than six years) had been to Pradeep's house in Shingwe village of the same taluka to serve him with summons of a 'chapter case' and extern him from the area for his active role in the struggle for land.

II. The incident: the sequence of events

The Andolan activists learnt that on June 17, Babasaheb Chavan, an expelled Andolan activist currently a local Youth Congress leader living in Puntamba village, had molested a 13-year-old adivasi girl. This was reported in the Marathi daily newspaper *Loksatta*. Andolan activist Reena lodged a police complaint on the girl's behalf, since she was a minor. Babasaheb was arrested on June 19. According to Amar Jadhav, Dy.S.P. of the area, Babasaheb was also booked under the Atrocities Act. So it was surprising that the Magistrate's court in Kopargaon released Babasaheb on bail on June 22 (The order was passed by the Magistrate from his house). The Courts are usually strict about not granting bail to people booked under the Atrocities Act.

The Andolan activists contend that the local police could not have charged Babasaheb Chavan with the appropriate sections. There is no other explanation for why the Magistrate's Court granted him bail (Section 354 of the IPC - 'outraging modesty', i.e. molestation -- is a non-bailable offence).

June 25, Puntamba village:

The team met some eye-witnesses from Shingwe and Rastapur villages who recounted the events. On the basis of the interviews, the team has pieced together the actual happenings of the day of the firing.

On hearing that Babasaheb Chavan had been released, the Andolan tried to quickly gather some adivasis from villages around Puntamba for a protest morcha on Monday, June 25, the day of the weekly bazaar in Puntamba. Given the short notice for the morcha and the long distances between the villages, in which the Andolan is active, the Andolan could gather less than 200 people.

On June 25, adivasis from Shingwe village got into two tractor trolleys and reached Puntamba village around 11:30 a.m. The tractors were parked outside the police out-post. Some people from Rastapur came there on bicycles. Others who had come to the weekly bazaar, joined the gathering.

The gathering of about 175 to 200 people consisted largely of women and children and about 50 men. The women were carrying water in plastic bottles since children were accompanying them. The procession was headed by Pradeep Dushing and Indubai Manjre, both leading activists of the Andolan. Along with Reena Indubai was carrying a garland of chappals to symbolise their protest against Babasaheb Chavan.

They assembled at the Gram Panchayat office and then walked through the village

in a procession for about one and a half hours, beating drums and shouting slogans. They called for the re-arrest of Babasaheb Chavan, condemned police atrocities and demanded distribution and regularisation (MSFC) of land for cultivation.

The procession marched through the village, past Babasaheb Chavan's office and the office of the khandakaris. It was to culminate at the police out-post adjacent to Ambedkar Chowk, where they would hand over a memorandum for Babasaheb Chavan's re-arrest. The police watched the morcha going around the village beating drums and shouting slogans, but at no point did they stop it or try to serve the activists with prohibitory orders.

Instead, according to the police themselves, Assistant Sub-inspector Govind Mali contacted the Rahata Police Station, under whose jurisdiction Puntamba village falls, and called for additional forces. Around 12 police constables including some armed constables along with Senior Inspector of Rahata Police Station, Prabhakar Jadhav, arrived at Puntamba. Tehsildar S H Mauchi of Rahata Town was also called for.

Police attack on the morcha:

Around 1.30 p.m. the head of the procession reached Ambedkar Chowk and was allowed to march right up to the police out-post instead of being stopped at a distance. Eye-witnesses say that even before Pradeep Dushing could hand over the memorandum to the police, ASI Govind Mali caught Pradeep by his collar and started hitting him. The women, who were at the forefront of the morcha, were pushed around by male police constables (no women constables were present even though the gathering consisted largely of women). An outraged Indubai slapped Mali on his face. The other policemen began to lathi-charge the protestors.

All this happened before the entire procession could reach Ambedkar chowk. According to eye-witnesses, stones started being hurled from behind the police out-post. This caused chaos after which the police intensified the lathi-charge. When some protestors retaliated, a scuffle ensued. Meanwhile, the police identified the procession's leaders and started beating them. Pradeep, who was at the forefront, was asking the people not to run away. When the crowd started to disperse, the police started hitting the protestors with their rifle-butts.

Suddenly, the police fired two to four rounds in the air. Pradeep tried to control the situation, but the panic-stricken crowd started running in all directions. At this point, some of the police climbed onto the parked tractors and fired into the dispersing crowd. According to the police, a total of 20 rounds were fired, and more than 10 persons received bullet injuries.

Details of the injured:

Forty-five-year-old Indubai Manjre, a leading activist of the Andolan, was one of the first to be grievously injured in the firing. Tukaram Rambhau Pawar was shot in his leg and also in the head. Lilabai Machhindra Pawar was shot through her cheek.

When they saw Indubai had been shot by the police, some of the women, including Pradeep's wife Sangeeta, ran with him towards the boys' primary school nearby. The police followed them into the school compound. According to eye-witnesses, ASI Mali and constable Satpute of Puntamba outpost identified and separated Pradeep and shot him in cold blood in the upper portion of the thigh/groin.

Another activist, S. Barde, received a bullet injury on his right palm. Mali and the other policemen ordered Barde to leave the school premises immediately. Sangeeta stayed with her husband who kept asking her to go away to save herself.

Pradeep and Indubai were left bleeding for almost two hours while the policemen, some of whom had suffered minor injuries, were attended to by the local doctor. Pradeep and Indubai later died of 'excessive bleeding'.

The other injured were taken to Ahmednagar and Kopergaon Civil Hospitals. Fakira Ramchandra Sonavane (30), Madhura Gorakh Pawar (40) and Lilabai Machhindra Pawar (30) and Tukaram Rambhau Pawar, who were seriously injured, were sent to Pune's Sassoon Hospital, where they were still under treatment.

Arrests:

The police arrested 13 participants of the procession on June 25, 2001. That evening, two school-going boys, Santosh More and Prabhakar More, were arrested from their homes in Shingwe village. P. A. John, leading activist of the Andolan, was arrested the next day on charges of abettment. Three of the injured were arrested as soon as they were discharged from Kopergaon Civil Hospital.

The police officials told the team that they are yet to close their Crime Report file, hoping to arrest 'at least a hundred persons'.

On return to Mumbai, one of the team members was informed by Mandar Vaidya (activist of '*Abhivyakti*', Nasik) on the telephone that Lilabai Machhindra Pawar who had received a bullet through the cheek and was taken to Pune's Sassoon Hospital for treatment had been hurriedly discharged at the instance of the police on 7th of July. Who immediately arrested her and sent her to Yerawada jail, Pune. Vaidya also reported that on July 7th itself, 3 persons were arrested from Shingwe village. All the above persons have been arrested by the Rahata police in connection with the police firing on June 25, 2001.

III. The police version:

The team met Vijay Chavan, Additional Superintendent of Police, Ahmednagar district; Amar Jadhav, Deputy Superintendent of Police, Ahmednagar district; Prabhakar Jadhav, Senior Inspector of Rahata Police Station; Govind Mali, Assistant Sub-inspector, Puntamba Police Out-post and his wife and other policemen at the Puntamba out-post and Rahata Police Station.

When the team visited the police out-post at Puntamba, Addl. SP Vijay Chavan was talking to some villagers. When the team introduced themselves, he told them: "That woman Indubai, who was six and a half feet tall, kept shouting 'Akraman! Akraman!' (Attack! Attack!) like you see in the 'Mahabharat' on TV. You can speak to the villagers yourself and find out." Apart from Nalini Dhanavate (Shiv Sena's Mahila Aghadi Shakha Pramukh) who was standing next to Chavan, none of the other eye-witnesses supported this version. However, the word 'Akraman' is not used by the adivasis who cannot even pronounce it properly.

The police version was given by Vijay Chavan: "The adivasis had come prepared to attack the police and burn the out-post. They were carrying sticks, axes and kerosene with them. When they reached the police out-post after the procession, Indubai slapped ASI Mali on his face and Pradeep started beating the policemen with sticks. The protestors attacked Mali on the head with an axe and somebody poured kerosene on him to set him on fire."

Dy. SP Amar Jadhav was asked whether the protestors had been served with prohibitory orders, he replied, "There was no need to serve such notice because morchas were banned anyway as prohibitory orders were in force. This is because the MSFC was planning to start cultivation on June 25 or 26, and had asked for police protection fearing intrusions on their lands from the khandakaris at the one end, and the adivasis on the other. So we had deployed our forces around the place." When asked whether the adivasis were aware of any such ban, the Dy. SP refused to comment.

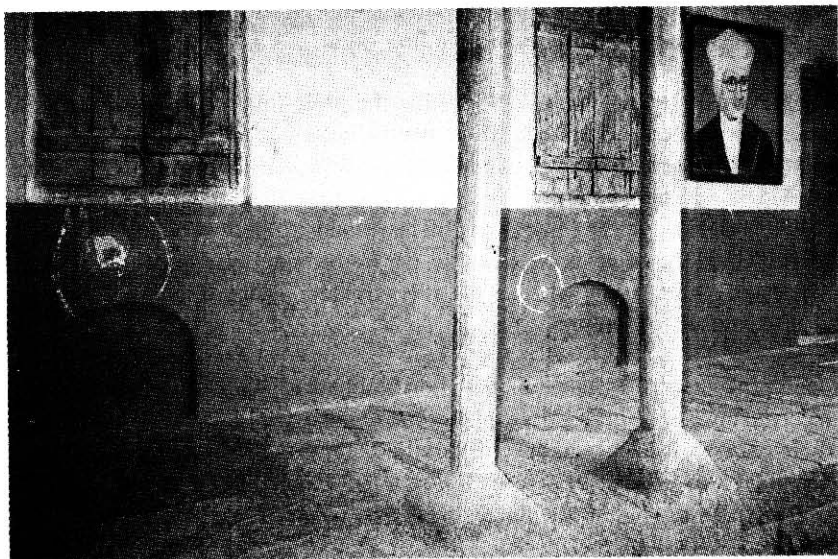
Senior Inspector of Rahata Police Station Prabhakar Jadhav, who claims to have received injuries on his leg during the stone-throwing, said: "Had we not reached there on time, Mali would have been killed that day. It was also good that the Tehsildar was present to give us orders to fire after talking to the Assistant Collector (Prant) on the telephone, or else we would not be able to open fire at the adivasis."

When asked where Pradeep was shot, the police response was guarded. They said Pradeep was shot close to the out-post. The team insisted that they had personally seen a constable guarding bullet marks on the verandah walls of the Zilla Parishad's boys' primary school. To this, Prabhakar Jadhav said: "We did

not fire beyond the Babasaheb Ambedkar statue. It would be false to say that we chased people and then shot them. All the firing took place outside the police out-post near Babasaheb Ambedkar's statue. You can see the bullet holes on the chowk wall."

The team asked Addl. SP Vijay Chavan to point out exactly where Pradeep was shot, he did not answer but denied newspaper reports that Pradeep had been shot in cold blood in school verandah where bullet-holes were visible. In the team's presence, the Addl. SP went for the first time (after six days of the firing) to examine the spot where bullet-holes are visible on the wall. He said, "I saw those dents. It is rubbish to call them bullet dents. These journalists like to publish anything. Let the forensic experts come and see them."

At the same time, Dy. SP Amar Jadhav added: "We have a video shooting of that verandah because a lot of blood was spilt on the floor there, which we got the peon to wash away the next day. There are no bullet dents in that film. Somebody has made those marks afterwards. We found plaster on the floor the next day." When the team asked whether the video film was available for viewing, he responded: "We have sent the film to the experts." He did not explain why the verandah was covered with blood if no shooting had taken place there



Bullet dents in the school wall contradict the Police version that leaders were not targeted

IV. Eye-witness accounts: June 25th firing

R. M. Adhav is the Principal of the Zilla Parishad Boys' School in Puntamba. He is also taluka master or in-charge of Zilla Parishad schools in nine villages of Kopergaon taluka with a total teaching staff of 125. His office is located in the same premises where eye-witnesses claim Pradeep Dushing was shot and killed. Mr Adhav stated that on the day of the shooting, school had closed early as it was the day of the weekly bazar, and he went directly to his home. "I have no idea of what occurred in the premises of my school thereafter." When the team asked if he heard anything from the villagers, he replied: "I did not hear anything till the 27th because I was at Kopergaon attending a meeting on the 26th." The team asked him where he lived, to which he replied: "I live in the village itself." While the team was asking these questions, a policeman on duty entered his office. Mr Adhav offered him his seat and told him, "I told them I don't know anything." It was obvious that Adhav had been warned by the police not to say anything about the firing in the schools premises.

Nalini Dhanavate is the Shiv Sena's Mahila Aghadi Shakha Pramukh and lives next to the police out-post. Her family is also khandakari. She was invited by the police to speak to the team and corroborate their version. She told the team, "Those illiterates came to the police out-post shouting slogans against the police. Many of them were drunk. That seven-foot tall woman, Indubai, was shouting 'Akraman'. As soon as they reached the out-post, they attacked the policemen with sticks, sharp knives (guptis) and axes. Then they poured kerosene over Malisaheb and tried to set him on fire. Had the policemen from Rahata and the Tehsildar not been there, they would have killed Malisaheb." The team felt that Ms Dhanavate's statement was tutored by the police.

Arjun Vahadane-Patil had been appointed director of the MSFC by the Sena-BJP government up to 1999. He is an active member of the BJP. He is also the brother of Suryabhan Vahadane-Patil, BJP MP from the area and ex-State President of the BJP. Arjun Patil owns about 22 acres of land. He spoke about the firing to the team though later he confessed that he was not present at the time.

According to Mr Vahadane-Patil, "The adivasis are asking for land which belongs to the MSFC. This land was taken over from our families. We have always objected to the MSFC taking over our land and are claiming it back." The team then asked him why he had headed the MSFC when he was against it. He smiled and said, "We all do some things out of political pressure. I wanted to make a survey of the lands taken over by the MSFC which has about 85,000 acres of land in its control."

About the Andolan, he said: "These adivasis were earlier being organised by Asha Kendra, who are here to convert the adivasis to Christianity. Why else would their organisation spread its wings into other villages like Rastapur and

Shingwe when they are based in Puntamba? In 1984, one of the persons associated with Asha Kendra was caught stealing statues from our temple. At that time, I stopped the villagers from burning down the church and the school where I have studied." Vahadane-Patil repeatedly tried to turn the discussion from the police firing to the question of conversion of adivasis to Christianity. However, when the team probed the Addl. SP said there had been no complaints on this matter in this area and in fact Pradeep Dushing's family were Christians since the last 3 generations.

Sangeeta Dushing is Pradeep Dushing's widow. She said: "This was the first time I attended the organisation's programme. I knew that the police were after my husband because Mali had visited our house many times to serve him papers for proceedings to extern him, and they had had heated arguments.

"As soon as the firing began, I knew that the police would try to harm my husband. So I ran with him towards the school along with other people. But the police chased us. We had nowhere to run from there. Mali and Constable Satpute of Puntamba out-post identified Pradeep and the police shot him.

"Nobody attended to my bleeding husband even though the local doctor was called to 'treat the policemen injured in the melee'.

"Around 4:00 p.m., when I saw blood gushing out of Pradeep's wound, we put



*Sangeeta
Dushing -
Pradeep's
widow
with her
two
children*

Pradeep in a jholi and tried to carry him away. The police instead put Pradeep and Indubai, both of whom were unconscious but still alive, into their van and took them to Kopargaon Civil Hospital. I tried to go with them, but the police detained me at the out-post.

"At around 6:00 p.m., Dy. SP Amar Jadhav, came to the out post and told me: "We have to go to Kopargaon. Pradeep is very serious." He accompanied me to my house in Shingwe village from where we fetched my mother-in-law and went to the Civil Hospital in Kopargaon. Pradeep's cousin Devidas Dushing had heard about the incident and reached the hospital. The police did not say anything to me. They told Devidas Dushing that Pradeep had died due to 'excessive bleeding' and asked him to take away the dead body and finish his last rites as soon as possible. Indubai was also dead by this time.

"By then, the RPI activists had reached the Civil Hospital. They advised me not to take possession of my husband's body. I was sent back home. We took possession of Pradeep's body the next day only after the visit of Chhagan Bhujbal, the State Home Minister, and the other ministers to our house. Shri Bhujbal promised to give me a job and pay us a compensation of Rs. 2 lakhs, but I have not received a single paisa so far.

"We buried my husband in our fields on the evening of the 26th, around 7:30 p.m. I have heard that a lot of people who wanted to attend my husband's funeral were not allowed to enter our village by the police."

When asked if she had heard anything about Indubai, she said: "The police forced Indubai's husband, who had deserted her many years ago, to perform the last rites on the 25th itself."

B S Salunke said: "When we were outside the Gram Panchayat office shouting slogans and beating drums, I saw Mali walking towards the crowd. The Police-Patil of Puntamba village, Bhagwat Patil-Dhanavate, approached Mali and told him, 'Don't stop them. Today, let's bring an end to this menace once and for all.' We are sure the police and the khandakaris used the time we were moving around in the morcha to plan this whole attack. The police had set their eyes on Pradeep Dushing and Indubai Manjre since they were the main leaders of the Andolan, and made the most of the opportunity on June 25."

Residents belonging to the Bhilwada of Shingwe village, told the team: "We had gathered at the Gram Panchayat office where Pradeep Dushing told us that the morcha was to demand the re-arrest of Babasaheb Chavan. We were to go around the village maintaining peace all along. But as soon as we reached the police out-post, the police started beating our leaders and lathi-charging us. Some of us were at the front with Pradeep and Reena. Pradeep was asking us not to panic. Then we heard the firing and people started running away. Then the police fired at the people and one or two fell down injured. The police then fired

at Indubai who also fell down. Some of the women and activists ran with Pradeep towards the boys' school. The police followed them there and identified Pradeep and shot him. One person was shot on the back of his right palm. The police ordered him to go away. He was scared they would kill him, so he ran away from there. We do not know what happened after that."

Devidas Dushing is Pradeep's first cousin. He is a retired school teacher from Rahata. The team met him at Pradeep's house in Shingwe village. "I was told by the police at Kopargaon Civil Hospital that Pradeep had died of 'excessive bleeding'. They asked me to take his body away in their vehicle. Sangeeta and I refused to take possession of Pradeep's body, on the advice of the RPI local leaders.

"The next day, Bhujbal and the other ministers told us, 'Let us leave the past behind us and hurry up with the funeral. We also share your sorrow.' But when we went to bring Pradeep's body after the ministers' visit, the police did not offer their vehicle. We had to hire an ambulance ourselves."

About the police's theory that the police fired in self-defence because the adivasis had planned to immolate the police, he said: "When people don't have kerosene to light their even the lamps in their homes, where would they find enough kerosene to burn the police or the out-post?"

Suresh Ohol is Pradeep Dushing's brother-in-law. He works in Telco at Pune. He had reached Shingwe on the evening of the 26th, after he got news of Pradeep's death. He was present at Pradeep's house when the team visited Pradeep's family on June 30. He told them: "When Chhagan Bhujbal visited our village, the entire area was cordoned off with about 300 police and SRP. People who wanted to attend the funeral were not allowed to enter the village. One jeep was kept to barricade the entrance to our house in the fields. Dy. SP Amar Jadhav gave a speech at the funeral. He told the people not to be scared and to approach the police for any help they require." The Adivasi women told the Amar Jadhav that they could not trust the police as they had raided the bhilwada and arrested 2 school going boys who had not participated in the morcha.

L S Dushing lives in Shingwe village some distance from Pradeep's house. With tears in his eyes he told the team, "I was not allowed to attend my brother's funeral. Many of our neighbours pleaded with the police, but they paid no heed to us. Many people from Shingwe and Rastapur have still not returned home after the morcha out of fear of being arrested by the Police."

Adv. Praveen Wagh: When contacted on the telephone, Adv. Praveen Wagh of Aurangabad told the team that P. A. John was with him on the evening of the 25th, discussing matters related to a writ petition. Yet the police arrested him for participating in the 25th morcha.

V. People's protest and the response of the state:

On 25th when the people of the area, gathered at Kopargaon supported by RPI activists and protested against the killings of the protestors and refused to perform the last rites on Pradeep Dushing, who was also a dalit, a convoy of ministers headed by Home Minister Mr Chhagan Bhujbal made a hurried visit to Puntamba and Shingwe villages. There they tried to pressurise the families to perform the funerals and promised to pay a compensation of Rs. 2 lakhs to the families of those killed in the firing. Sangeeta Dushing was also promised a job. To date, none of these promises have been kept.

Yet the three main political contestants in Maharashtra -- the Congress, the Shiv Sena and the BJP -- have not yet condemned the police firing on the adivasis at Puntamba. This is because all three align with each other as far as the land issue is concerned as their vote bank consists of land owning Maratha's. Individually also, the Shiv Sena and the BJP have their activists directly involved in the village where the incident has occurred. The local MP - Vikhe Patil belongs to the Shiv Sena and the Congress has had a stronghold among the sugar lobby of Ahmednagar district for decades.

Throughout Maharashtra, various organisations and political parties have protested against the police firing on the landless adivasis and have demanded a judicial enquiry. Trade unions and democratic organisations held demonstrations in Pune on 30th June and in Mumbai on 5th July. The Left-front combine held a conference at Ahmednagar on 8th July, 2001 to register their protest.

The landless adivasis have not given up their will to fight for their right to cultivable land. Even though some of them are still in hiding out of fear of being arrested by the police, some of those who met the team said: "Our struggle for land will continue. How else will we fill our bellies?"

VI. The repression continues:

According to Ms K B More of Shingwe village: "On June 25, the police came into our village at 4:00 p.m. knowing fullywell that most of our people would have gone for the morcha and not yet returned out of fear. They forced open the doors of the huts and picked up two school-going boys, 16-year-old Prabhakar Dada More and 15-year-old Santosh Bhausaheb More, and pushed them into the police vans." This was confirmed by the boys' mothers. Ms D More added: "The police also picked up axes that we use for clearing land before cultivation, sticks and kerosene bottles and cans from our homes."

When the team asked Prabhakar Jadhav at the Rahata Police Station whether minors had been arrested, he replied: "If minors have been arrested, we will release them," indicating that he knew minors had been arrested. The police's

statements that "the CR has not been closed," and that "at least a hundred people will be arrested," confirm that more people will be arrested in the future. Even after repeated requests and a written application, on July 1st Sr. Inspector of Rahata Police Station, Prabhakar Jadhav refused the team permission to meet John and other arrested people in the custody of Rahata police Station. On Monday, the 2nd of July, police custody of all the arrested was extended further.

VII. The team's findings and Conclusions:

1. Loop-holes in the case against Babasaheb Chavan: The police claim to have booked Babasaheb Chavan (the Youth Congress leader accused of having molested a minor adivasi girl) under section 354 and under the Atrocities Act, both which are non-bailable offences. However, it is obvious that the police had weakened the case knowing that the Magistrate would release Babasaheb within three days of his arrest.

2. The police firing was totally unprovoked: The morcha on June 25, 2001 to protest the release of Babasaheb Chavan was peaceful and there were no pre-determined plans by the Andolan to attack or burn the police out-post. Infact, the protestors had parked their tractors outside the Puntamba police out-post. The protestors had marched right through the village, passed Babasaheb Chavan's office and the khandakaris office but had not shown any signs of being violent.

3. The police pre-planned the firing: The police had decided in advance to teach the protestors a lesson and crush their organisation once and for all. Instead of stopping the procession at a distance, the police allowed it to come straight upto the out-post where the protestors could be cornered and attacked. Preparations for the firing were made in advance by calling in armed constables and the Tehsildar, who took orders from the Assistant Collector (Prant) on the telephone. All this was not possible within a few minutes of the procession's arrival. The police used excessive force and fired at the dispersing crowd. They climbed the parked tractors and identified and targeted leading activists of the Andolan in the morcha. The police chased and shot down Pradeep Dushing and Indubai Manjre in cold blood. The two activists were allowed to bleed to death instead of being treated immediately. The 20 rounds fired (according to police sources) were fired with surprising accuracy, causing 2 deaths and more than 10 injuries, confirming that the firing was directed at individuals with an intention to kill rather than to disperse the crowd.

4. Pradeep Dushing was chased and killed in cold-blood: Even though the police claim to have not fired beyond the Babasaheb Ambedkar chowk, they have failed to explain or give a convincing reply as to how blood was found in the corridor of the school, 300 metres away. They have themselves confessed of having cleaned the blood from the school verandah. The police have put a guard at the spot where Pradeep Dushing was shot. The bullet marks on the wall inside

the school corridor above the area where the blood was cleaned proves that Pradeep was shot inside the school compound.

5. The police fabricated evidence: The RPI leader Vijay Vakchaure has stated to the team that when he visited Puntamba out-post 2 hours after the firing there was no damage to the house adjoining the out-post. The TV was not broken, the vehicles were not damaged, the Mangalore roof tiles were not broken. Sr. Inspector of Rahata Police Station Prabhakar Jadhav was dictating the report at the house. The police have fabricated evidence after the incident by damaging their property with their own hands. They have confiscated material (such as kerosene bottles and cans and axes used to clear the land before cultivation) from the adivasis' houses and placed it at the site of the firing. The police also claim to have used one tear gas shell which they claim the mob threw back at them and when asked by the team to produce the shell they conveniently evaded the question by saying that the mob had taken it away.

6. Crucial pieces of evidence not handed over to the Investigating Officer: ASI Mali's blood stained uniform which is a crucial piece of evidence, was still in his possession at his house when the team visited him.

7. Contradictions between the facts and the FIR: The injuries to the policemen except for Assistant Sub-inspector Mali are very minor. Even the injuries of ASI Mali do not match the description of the wounds described in the First Information Report (FIR). According to the FIR lodged by Mali, he was attacked by the mob with an axe above his right eye. The team met Mali at his house at Puntamba village (even though the Addl. SP Vijay Chavan claimed Mali was still lying in the hospital) within six days of the incident. Mali's bandage was freshly removed, but there were no signs of any injury on or around any of his eyes. Infact, Mali told the team that he was attacked with an axe on the back of his head. The team saw the wound on Mali's head and photographed it. It is surprising how a wound with an axe was not even skin deep and could be stitched up with 3 sutures. The blood stains on Mali's uniform are on the left collar, when the FIR claims that he was hit with an axe above the right eye. Further he claimed not to know what was poured on him while his wife quietly claimed it was acid. There are major inaccuracies in the FIR. For example, the FIR has included section 354 and has described the mob of having molested one of the policeman's wife (no name mentioned), while shouting directions to rape her. This important allegation was never mentioned to the team by any of the policemen including Mali or by any of the villagers. What is baffling is that even the women have been charged under Sec354 (molestation). The FIR also claims that the adivasis were carrying swords, but neither the police officials nor any of those interviewed happened to mention this.

8. Police implicate P.A. John on false charges: The police claim that P.A. John had connections with various struggle-oriented organisations and they suspect him to be a Naxalite. The police claim that John was connected to Naxalite

groups and had planned and lead a naxal attack on the police outpost is totally fabricated theory. On the other hand, the members of Shiv Sena -BJP in the village allege that John is involved in conversions. These have become the pet theories of the police and communal parties, organisations to justify the repression and to crush the movement of the landless. According to John's advocate, the police raided John's house while he was in their custody without making any panchanama, seizing personal belongings and organisational records.

9. Bullet wounds would expose the police. The police have tried to pressurise the families of the deceased to dispose of the bodies immediately. After conducting post mortems hastefully. The police have prevented neighbouring villagers from attending Pradeep's funeral by surrounding the area with SRP. The post mortem reports were not prepared even after 7 days of the deaths in firing.

VIII. Demands:

1. **All the 16 policemen on duty at Puntamba outpost on 25th June 2001 including Prabhakar Jadhav, ASI Malli, constable Satpute be charged for murder and punished. Pending enquiry they be suspended immediately, so as to prevent them from tampering with the evidence or terrorising the witnesses.**
2. **Addl. SP Vijay Chavan and Dy. SP Amar Jadhav of Ahmednagar district be held responsible and appropriate action taken for their role in collaborating and participating in the cover up operations in the Puntamba firing.**
3. **A judicial inquiry should be instituted along with a CBI probe to investigate the firing ordered by the tehsildar.**
4. **The families of the deceased and victims of the firing should receive enhanced compensation.**
5. **All those arrested should be released and all false cases against them should be withdrawn immediately.**
6. **The State government should regularise the land occupation of the landless and distribute the land in the possession of the MSFC and all other fallow land to the landless adivasis, dalits and the rural poor.**

ANNEXURE I:

The FIR No. 68/2001 registered at Rahta Police Station about the incident is u/s 143, 145, 148, 324, 354, 452, 427, 307, 341, 332, 353, of Indian Penal Code and sections 37 (1)(3) and 135 of Mumbai Police Act. Sections 143 and 145, pertain to the offence of unlawful assembly.

1. Section 148 pertains to the offence of rioting armed with deadly weapons.
1. Section 324 pertains to the offence of voluntarily causing hurt by dangerous weapons or means.
2. Section 354 pertains to the offence of assault or use of criminal force to a woman with intent to outrage her modesty.
3. Section 452 pertains to the offence of house trespass having made preparation for causing hurt, assault etc.
4. Section 427 pertains to the offence of mischief and thereby causing damage to the amount of Rs. 50 or upwards.
5. Section 307 pertains to the offence of attempt to murder.
6. Section 341 pertains to the offence of wrongfully restraining any person
7. Section 332 pertains to the offence of causing hurt to deter a public servant from his duty.
8. Section 353 pertains to the offence of assault or use of criminal force to deter a public servant from discharge of his duty. The remand Application before the Judicial Magistrate First Class at Kopergaon states that an unlawful assembly of 250 to 300 adivasis was armed with sticks, swords, knives, kerosene cans and brickbats. The demands of the assembly were 1) regularisation the MSFC land titles in the name of those in possession and cultivating the land; 2) appropriate proceedings against person involved in outraging modesty of an adivasi woman; 3) withdrawal of cases against adivasis etc.
9. The FIR further alleges that the unlawful assembly went to the Puntamba Police Out Post and started throwing stones on the police personnel on bandobast an assaulted them with knives, swords axes, sticks and other deadly weapons in which Asstt. Sub-Inspector Mali was assaulted with an axe on his forehead above his eyes with the intention to kill him. The unlawful assembly further poured kerosene on Mali and attempted to set him afire. The assembly then entered police residential premises in the police lines and shouting "catch her", "outrage her modesty", they assaulted wife of a policeman. It is further alleged that the assembly threw stones on the police personnel and police vans and caused damage of Rs. 15000/-. During the

incident, the police had to resort to lathi-charge and firing. During the firing, Pradeep Dushing and Indubai Manjare died.

10. The police have also come to know during their investigation that there was a meeting at the residence of Pradeep Dushing and John Abraham was present and guided the meeting and abetted the offence.

ANNEXURE II

a brief note on

The nature of land claimed by the landless and the Maharashtra State Farming Corporation (MSFC)

- Irfan Engineer

The land which is sought to be occupied by the landless adivasis, are of three types.

1) Gairan: Gairan land is village common land reserved for cattle grazing. It is also known as pasture land or pasture forest. In Maharashtra, there have been large scale encroachment on the gairan mostly by the landless and dalit-adivasis, but at times also by rich peasants. There have been many struggles in the past for regularisation of encroachment on the gairans and as a result the Govt. resolved to regularise encroachment upto 1986 on the gairans.

Though no records have been maintained of the nature of the land occupied - it is estimated out of the 3,500 odd acres, the adivasis and landless labourers have occupied 911 acres of gairan land, i.e. about 26%.

2. Forest pattas: Many adivasis were allotted land pattas sometime after 1955-57 from the forest by the government and the adivasis were cultivating these plots (according to discussion with an adivasi leader - Dashrath. The adivasis have in their possession 7x12 extracts which recorded the crops cultivated by the adivasis. These plots of land were then taken by the village panchayat for social forestry illegally. The adivasis, as they were without any strong leadership, may not have been able to defend their rights on these plots of land and thus lost them. In Wadi, 11 families have come forward to reassert their rights on this type of land, admeasuring approximately 40 acres. In Muruj, 36 acres, 40 acres in Kasli, 4 acres in Aapegaon of this type of land is involved.

3. MSFC land lying fallow: At least 1,759 acres of land belonging to Maharashtra State Farming Corporation has become the main focal point of the

movement. This means nearly 50% of the land occupied which concerns the present movement is that of MSFC.

Maharashtra State Farming Corporation (MSFC)

MSFC was formed in 1963 and vested with the surplus land owned by the private sugar factories. The first private sugar factory was registered in the year 1919 (Belapur Co. Ltd.) and the British Govt. made available 7,368 acres of land on 99 year lease to grow sugar cane. The Govt. encouraged sugar factories by protective tariffs so that there would be enough demand for sugar canes and thus for water from irrigation canals (Godavari and Pravara Nagar Canals). In 1934 Messrs. Dahanukar & Co. promoted the Maharashtra Sugar Mills and rapidly expanded its daily crushing capacity from 150 tons a day to 600 tons a day within a few years. This Company was however not able to secure land from the Govt. Farmers readily leased their land to the Company as during the 30s cultivation of land proved to be unremunerative. The Company was able to acquire 5000 acres of land.

By the end of 1950, there were six factories with crushing capacity of 4,250 tons per day providing employment to about 23,000 persons on plantations and 5842 persons in factories. The land for cultivation of cane was leased in by the sugar factories from the farmers causing severe resentment among those who had lost their lands.

Land Ceiling Act and MSFC

When the Land Ceiling Act was passed by the Maharashtra Legislature, the surplus land of the private sugar factories was acquired by the Government and instead of distributing it amongst the landless but was vested in the Maharashtra State Farming Corporation which was formed in 1963. The private sugar factories did not want their surplus land to distributed amongst the landless farmers as they wanted assured supply of sugar canes from the land surrendered by them and distribution of the land amongst the landless would not ensure that. Thus the land was vested in MSFC which would grow the sugar cane and would supply it to the sugar factories.

MSFC continued to primarily cultivate sugar canes and almost never thought of diversifying and growing other crops until it was forced to by circumstances viz. lack of water for irrigation of sugar cane crop.

There are different estimates regarding the land owned by MSFC, but the range is between 85 to 86 thousand. As pointed out above the surplus land owned by the sugar factories under the ceiling law was transferred to MSFC. Out of the total land transferred to MSFC, 36,928 acres of land belonged to the sugar factories, while the 48,676 acres of land was leased out from local farmers by the sugar factories. According to a pamphlet published by the Maharashtra Rajya Sakhar Kamgar Mahasingh, the land was taken over by the MSFC was

compensated as per the price fixed at the time by way of bearer bonds with a maturity period of twenty years at 3% interest. The government of Maharashtra returned land to those farmers who were having annual income of less than Rs.4,000/-. 16000 acres of land was distributed in this manner to the original farmers or khandkaris. The MSFC at present owns 69 to 70 thousand acres of land.

MSFC grew sugar cane on 24,000 acres of its land and 22,000 acres of its land was assured water by canal irrigation. MSFC produced 8 to 9 lakh tons of canes which gave a return of 9 to 10 crore Rupees at the then prevailing price. While its working capital requirements were about Rs.9 crores, it had been given a capital of only Rs.1 crore. The rest it was supposed to raise through loans. This affected its profitability right from its inception.

MSFC's position was further weakened after assured water supply from canal was further reduced from 22,000 acres to 15,000 acres and consequently acreage under cane was reduced by 7,000 acres and reduction of cane yield by nearly 2,70,000 tones. At present, MSFC's acreage under cane is only 976 acre on five farms. Only cane can fetch some profits for MSFC but with reduction in acreage under cane, MSFC is running under perpetual loss.

Out of the 69,000 acres of land, 40,000 acres are in Ahmednagar Dist. alone. Chandgeo Nagar Estate near Puntamba was about 36,000 acres out of which some land was distributed to the khandkaris and the rest about 27,000 acres is still with MSFC. The irrigation department first admitted to irrigate 1100 acres of MSFC land. This was subsequently reduced to 605 acres, then to 305 acres and finally, at present only 175 acres of MSFC land is being irrigated and that too with insufficient water. Instead of 5 rotations after 15 days, the Irrigation Dept. providing water rotations after interval of 21 days and that too not all 5 rotations. MSFC did try to take other crops like cotton, til, jowar, jute, soya bean etc. However, these crops are difficult to protect and there is large scale theft. Thus the Corporation does not seem to be enthusiastic about non-sugar cane crops though they are still cultivated in some patches but on the whole it is negligible. The Corporation depends heavily on the sugar cane crops but the canal water is supplied to small area. The net result is that MSFC is in financial doldrums and running Managing Director - Ashok Khot is trying to revive it and the Govt. has given him an opportunity to do. The Corporation proposes to come out of the crisis by going for joining management schemes. Under the scheme, since the MSFC lacks capital, it enters into contract with sugar factories where in they provide the necessary capital inputs for growing sugar cane and also agree to buy sugar canes at a fixed price or at the price that is provided to the member of the co-operatives - whichever is higher. Last year the agreed price was Rs.690/- per ton. MSFC has entered into similar agreements with the private seeds which the seed company agree to buy at a pre-determined price. According to a press report, MSFC has given 10,000 acres of land for seed plots to private companies.

The political elites of Maharashtra however, have quite another plan. They want to sell off the phenomenal land of the MSFC (for a kickback) to the MNCs. From the very beginning, as pointed out earlier, the Govt. did not provide adequate support to the MSFC, especially in the later period when the co-operative sugar factories captured came to wield considerable influence over the state affairs. The State then was not seriously interested in catering to the needs of private sugar factories and therefore lost interest in the MSFC which was mainly formed to assure private sugar factories a regular supply of sugar canes. Therefore occasional statements used to be given to return the MSFC land back to the khandkaris. There was, however, stiff resistance to the proposal from the MSFC bureaucracy as well as the workers and union.

Now with globalisation and NEP (New Economic Policy), many new seed companies and agro-processing companies want to exploit Indian markets. The political elites do not want to miss this opportunity to get some kick-backs from the deal. In order to pacify the khandkaris who have considerable political clout, they also have been promised some land.

MSFC is offering stiff resistance to occupation of their lands by the adivasis. The concerned Estate Managers are using all tactics at their disposal to evict the occupants from the land occupied by them, including setting fire to their temporary residential structures and getting the cultivators arrested by the police.



*Fallow land being cultivated by the adivasis under the banner of
Bhumi Hakka Andolan Samiti*

ANNEXURE III

The Writ Petition filed by Bhumi Hakka Andolan Samiti

IN THE HON'BLE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 454 OF 2000

DISTRICT : AHMEDNAGAR

Bhumi Hakka Andolan Samiti
VERSUS
State of Maharashtra
and others

PETITIONER

RESPONDENTS

SYNOPSIS

| Sr. No. | Date | Description of Events |
|---------|---|---|
| 1. | 1982 | This petition is filed by petitioner Bhumi Hakka Sanghatana on behalf of land-less people belonging to weaker sections viz. Adivasis, S.C.S. etc. who are its members and who have encroached upon fallow Government land under respondents for agricultural purpose since 1982. The said encroached land is under cultivation and continuous possession of the said encroachers. Respondents have filed cases against encroachers. |
| 2. | 1995 to 2000 A.D. | Petitioner made several representations, staged Dharanas, arranged morchas for regularisation of said encroachments in their names, but to no avail. |
| 3 | 3-11-1997 ; 16-4-1998 ; 29-6-1999 | Petitioners made representations to respondents. |
| 4 | 22-12-1997 16-12-1998 | Tahsildar, Kopergaon issued a letter to the circle inspector regarding demands of petitioners and to submit report about the same, who made inquiries and recorded statements of petitioners on 16-2-1998 |

- 5 Prior to 1961 Several joint state companies in Maharashtra were carrying on the business of manufacture of sugar. They had farms consisting of land either owned by them or / and leased to them
- 6 After 1961 When the "Ceiling Act" was enforced the land in excess of the prescribed ceiling limit held by these companies was taken over by the State Government under Sec. 21 (1) of "Ceiling Act, 1961" .
- 7 1962 Sec. 28 (2) of ceiling Act, 1961 was amended, empowering the State that lands vested in it shall be cultivated by one or more farms run or managed by State by one or more corporations owned and controlled by the State. In pursuance of this objective, Respondent No. 1 corporation was formed and registered under companies Act, 1956.
- 8 1963-64 The said surplus lands in 13 compact blocks, admeasuring about 85, 258 acres, were taken over by the State during 1963-68 and were handed over to respondent No. 2 corporation for management and cultivation. Respondent No. 2 is cultivating sugar cane on the said land as before. Out of the said area of 85, 258 acres surplus land, an area of 36, 979 acres was previously owned by joint stock sugar companies while an area of 48,279 acres was taken by these companies on long term lease from 5079 landowners. Each of the 13 blocks was developed as single unit. All the boundary lines of divisions and sub-divisions of individual land owners were erased. Sec. 28 (1) of the ceiling Act initially provided for joint farming societies of the workers, land owners and others for managing these farms.
- 9 1963 By Maharashtra Act No. 13 Ceiling Act was amended enabling respondent No. 1 State to form respondent No. 2 corporation.
- 10 13-8-1970 Ceiling act was amended by inserting Sec. 28-1 AA and the above said land was handed over to respondent No.2 corporation by an order by the respondent state.
- 11 1979-80 Respondent State had taken over surplus land held by thousands of landholders when the Ceiling Act was applied, and distributed the said surplus land under the

provisions of chapter VI of the Ceiling Act. Compensation was paid to the land holders as per the provisions in chapter V and occupancy price was recovered from the persons to whom the surplus land was distributed. However, respondent state has failed to finally settle problem of payment of compensation to ex-lessors, who had leased their land to industrial undertakings. As per Sec. 28-1 AA (3), (4) and (5) out of 5,029 'ex-lessors, 3,167 were granted land admeasuring 14,288 acres. Application of others were rejected because they did not fulfil the condition of annual income for the year 1969-70 below Rs. 4,000/-

12. 25-6-2000 Petitioners came to know that respondent State is intending to disband respondent No. 2 corporation and redistribute the land to the ex-lessors who had leased their lands to the said Industrial undertakings.

Petitioner is challenging the above said act of the respondents on the ground, inter-alia, that respondents have no authority in law to grant land to the ex-lessors, when their rights, if any, have been extinguished by the Ceiling Act.

13. 28-11-1991 Respondent state has issued G.R. dated 28-11-1991 for regularisation of encroachments made on Government gairan and fallow lands. Petitioners have encroached the Govt. fallow land under respondents since 1982 and in view of the G.R. they are entitled for regularisation of their encroachment. However, respondents have not obliged them. Petitioners rely on the judgement passed by the Hon'ble Supreme Court in W.P. © No. 1778 of 1986. Petitioner are approaching this Hon'ble High Court for regularisation of their encroachments on Government fallow land. Hence this petition for seeking directions.

LAW :

i) Maharashtra Agricultural lands (ceiling on holdings) Act 1961

PLACE : AURANGABAD

(PRAVIN C. WAGH)

DATE : 20/10/2000

ADVOCATE FOR THE PETITIONER.

The Order of the High Court in response to the Writ Petition

Heard Mr. Wagh, learned counsel for the petitioners. He submitted that petitioner is an unregistered association of the persons who have encroached upon the Government's land. It is further submitted by the learned Counsel that all these persons have encroached on the Government land in the year 1982 or thereabout. Therefore, this encroachment made by the members of the petitioner association is required to be regularised as per the Government policy and the Resolutions. The learned Counsel further made a statement that accordingly the applications have been made to the Government and the inquiries were initiated however, those inquiries are not concluded because of the pressure of rich farmers. What we find is that the petitioners have already approached the Government and the appropriate inquiries have been initiated, and therefore, it would be inappropriate at this stage to interfere and entertain the petition. We, however, observe that if the Government Officers have initiated the proceedings, as per the applications of the petitioners, it is desired that the Government shall complete such inquiries in accordance with law and policy decision taken by the Government as early as possible. It is also desired that the procedure and the protection offered by the Apex Court in Writ Petition No. 1778 of 1986 should also be looked into by the Government Officers while disposing of the applications made by the members of the petitioner association.

With the above observations, petition is disposed off.

Date : 29.1.2001

About Lokshahi Hakk Sanghatana

Lokshahi Hakk Sanghatana is a democratic rights organisation that has been working in Maharashtra since 1979. It carries out investigations, propaganda, and agitations for democratic rights. It has brought out innumerable fact-finding reports on issues of repression - attacks on workers and peasants, communal riots, Government policies leading to drought, police torture, illegal closure of factories rendering thousands unemployed, repressive legislations such as TADA, and so on. It also works to build up solidarity among various sections of the people against repression on any section of the people. It appeals to all democratically minded persons to join in its activities in whichever way they can.

Lokshahi Hakk Sanghatana

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