

Who Killed Umesh Dobhal?

Story of a Life, Death and After

मैंने जीने के लिए हाथ उठाया
और वह झटक दिया गया
मैंने स्वप्न देखे
और चटाई की तरह अपनों के बीच बिछा
उठा कर फेंक दिया गया
अंधेरी भयावह सुरंग में. . . ।
रोशनी
मैंने वहां भी रोशनी तलाश की
अब मैं मार दिया जाऊंगा
उन्हीं के नाम पर
जिनके लिए संसार देखा है मैंने ।

People's Union for Democratic Rights
Delhi
May 1994

बर्फ गिरते इस शहर में
जाना जा सकता है
बच्चे क्या चाहते हैं
पढ़े जा सकते हैं गांवों के चेहरे
क्या नहीं है यहां
कहने को, गुनने को
और अमल में लाने को
दुबकना न नैतिकता है
और न कीर्ति का कारण

Cold rage is that essential minimum which must survive, when nothing else can, in the face of sheer power and its ruthless exercise. Words must rage on if nothing else can, for human courage is too precious to be relegated to dusty corners of memory. And so this tribute, in sorrow and anger, to Umesh Dobhal, a Hindi journalist from Pauri Garhwal, who in his turn had lived the sorrow, the anger, the courage; who was murdered at the age of 38 in March 1988; whose body was never found. The subsequent trial proceedings came to an end last month - April 1994. All the accused were acquitted.

Umesh Dobhal was, among other things, an unsung poet of those "who are everywhere, with the fragrance of their labour". For them he celebrated a *spring* "in silent turbulence, being prepared by the earth, secretly". For them he "saw the world". It follows that in his capacity as a journalist he wrote pieces that were alive with a people oriented sensibility and with the truths of social economic and political malaise. He had written during the seventies and eighties for newspapers such as *Bijnore Times* (with which he began his career at the age of 23), *Pauri Times* (in the local effort of starting which he was an active participant), *Nainital Times*, *Navbharat Times*, *Jansatta* and *Amar Ujala*, Meerut, for which he worked till the time of his death.

The mid eighties had witnessed large scale mobilisation against liquor in the neighbouring districts of Almora and Nainital. The life-blood of this movement were thousands of women and men from remote villages and small towns throughout Kumaon. Their protest was not merely an emotive assertion of the ills of liquor but a rich understanding of the complex inter-relatedness of the system - from the local liquor vendors to the powerful liquor lobby and the policies of the state. As a consequence the administration had to declare these areas 'dry'. This year, however, Kumaon has reverted to its pre movement status and contracts for 254 outlets have been auctioned off to a private contractor.

In the vibrant years of the movement, Umesh who wrote consistently on local issues was particularly prolific on the subject of the liquor trade and its consequences. He wrote "*Kalam nahin bandook likhegi khabar*", "*Garhwal mandal mein tincheri ke vyapar ki dastan*", "*Nasha nahin rozgar do*", "*Sharab ka dhanda khub phal phool raha hai garhwal mein*", to name a few. This was writing that wanted to be at once weapon and balm, informed as

it was by a concrete knowledge of the calculated and predatory spread of liquor for revenue by the state and for profit by the contractor, and what this meant to a region where in a very real sense the basic necessities of food clothing and shelter were becoming ephemeral.

Pauri was at the time officially an area where merely four shops were allowed to sell liquor and that only to holders of permits issued by a Chief Medical Officer. Yet alcohol permeated the region. The culpability of the state in merely token attempts at regulation of liquor is easily understood in terms of revenue. In the years revolving around Umesh's death, the auction bids for liquor contracts had risen from Rs. 43 lakhs in 1987 to Rs. 52 lakhs in 1988 and Rs. 66 lakhs in 1989. The state could rope in such increasingly high revenue only by turning a blind eye to overt irregularities and transgressions of the permit rules, which if strictly applied would not inspire the contractors to bid anywhere near the above mentioned sums.

The liquor contractors not only had symbiotic relations with various wings of the state apparatus such as the police or the excise departments, they also had close links at various levels of the polity - from village headmen to members of Parliament. It is in such a context that the veritable phenomenon of Manmohan Singh Negi, the prime accused in the Umesh Dobhal murder case can be appreciated.

Negi is a fruitful example of the new rich class that was a product of this system of nominal prohibition, unregulated laws, and state compliance. Their influence and control seeped into all spheres, whether it was social life or administrative functioning. Negi himself rose from being an A class history sheeter with the Pauri police station to being a god father of sorts who organised the region's unemployed youth around himself and his liquor supply business. (apart from illicit trade in Tinchery, Sura Sanjeevini, etc.) The monetary stakes in the business were high enough for him to be implicated in numerous other murder cases, most of them revolving around liquor and contract rivalries.

Not only did Umesh write consistently against the entire system of liquor trade, a specific article by him on "How tenders are looted at gunpoint" had earlier been responsible for the revoking of Negi's contract licence. The CBI charge sheet has noted at length "the strained relationship" between the liquor

mafia and Umesh Dobhal; that his articles threatened both their prestige and their proliferating financial interests and that he was before his death preparing a detailed article to further expose liquor trade operations. The CBI were in fact able to home in on 20 March 1988 as the date when the conspiracy of Umesh's murder was hatched in Kotdwar at the house of one of the accused (see Box for details of CBI findings). The sequence of events as it came to light was as follows.

On 25 March 1988, Umesh Dobhal having despatched some recently written articles to his paper, *Amar Ujala* checked into room No. 10 of the Sun and Snow hotel in Pauri town at 3.20 p.m. Sometime in the late evening he met his relative Virendra Uniyal, the person stated to have seen him last. Though Umesh was not seen after this, his family, accustomed to his prolonged absences due to work did not worry for 20 odd days and then conducted enquiries on a personal basis. Finally on 25 April, his brother Ramesh Dobhal registered an FIR with the Pauri police station stating that Umesh was missing. Initially the police did nothing more than explaining away his disappearance because of his being a "drunkard", "drug addict" who had "run away". It was only after an '*Umesh Dobhal khojo sangharsh samiti*' was formed on local journalists initiatives and protest articulated that the police registered a case on 3 May under section 364 IPC (kidnapping with intention to murder). The investigation was transferred to crime branch CID Meerut on 30 May.

In the months of June and July widespread and intense protest demonstrations, rallies and petitions were vocally taken up by journalists from Kumaon, Garhwal and Delhi, in the capital. A '*Patrakar Sangharsh Samiti*' was formed which filed a petition in the Supreme Court for producing Umesh Dobhal or for investigations to be taken up by the CBI against those responsible. The journalists took cognizance of the might and reach of the liquor mafia, the issue of press freedom in general and the vulnerability of small town local journalists in particular. As a result the Supreme Court on 9 August directed the CBI to start investigations. Evidently had the journalists and other sympathisers not assertively sculpted the matter into a movement with all the advantages of being at the centre to hold it together, Umesh's legacy would have been murdered again at the level of the investigative agencies of the state government.

On investigation the CBI found enough "oral documentary and circumstantial evidence" to prove the guilt of Manmohan Singh Negi and 13 others - one of whom is absconding to date. They were charged under sections 302 (murder), 120(B) (criminal conspiracy) and 201 (causing disappearance of evidence) of the

Chronicle of a Death Foretold

On 25 March, at 3.20 p.m. Umesh Dobhal checked into room no. 10 of the Sun and Snow Hotel in Pauri. The same evening, initially Baldev Singh and eventually Manmohan Singh Negi, Balraj Singh and Rajinder Rawat gathered in Umesh Dobhal's room and discussed his press publications with him. At night Dinesh Kumar Balmiki, another accused and an employee of the hotel joined them. At about 11.30 p.m. or so, after the manager had left the hotel, these five killed Umesh by strangulating him with a muffler. They carried the body and Umesh's belongings into a white Maruti van which was driven upto a culvert near village Chopra on the Pauri-Srinagar road. Here the body and the belongings were temporarily placed.

The following morning the two policemen on the list of the accused, Sub Inspectors S.S. Yadav and S.S. Chaudhary arranged for a home guard and a constable to stand guard over the body. In the evening these two were relieved of their duties and Umesh's body and belongings were again transported by the Maruti van to a spot near village Deb Srikot. These were carried by Manmohan Singh Negi, Baldev Singh, accompanied by the SIs and two constables to a nearby field where a pit had already been dug for the body. The body was covered with soil, stones etc. and hidden. And so it is that Umesh Dobhal's mortal remains have not been recovered till date.

Indian Penal Code. The tale of this guilt unfolds in pitiless sequentiality.

For five years after this the case ricocheted between procedural delays, legal wrangling and the due process of the trial. Again and again the prosecution iterated and the judges agreed that on questions of bail etc. the possibility of the accused threat-

ening the witnesses was very real. Thus Negi was denied bail by the Sessions Court, Dehradun as well by the Supreme court. The Supreme Court also gave an order sending the accused to Kerala. The U.P. High Court prohibited Negi and Baldev Singh from entering Garhwal during the period of the trial except on the dates of hearing.

On 12 April 1994 the CBI Special Magistrate Swatantra Singh in a 95 page judgement acquitted the 13 persons accused on grounds of insufficient evidence. No witness was willing to depose against Manmohan Singh Negi and the others in the final instance.

In another region, on 28 December, yet another journalist, Ghulam Rasool was killed by the police. He had been regularly exposing the role of police in land grabbing and slum evictions in Hyderabad city through his articles in *Udayam*. Three months before this Shankar Guha Niyogi was murdered by industrialists in Bhilai. Niyogi had been involved in trade union activities in the region for nearly two decades.

While charges against Umesh Dobhal's killers were dropped by the court and the prime accused in Niyogi's killing was "allowed to escape", Ghulam Rasool's killers were successful in circumventing the law by asserting that he was killed in an "encounter".

Umesh, Ghulam Rasool and Niyogi were among the first generation of literates in their families. They saw a purpose in their education - an acquired tool to change the lives of those whom society had denied this right. In their different worlds, they visualised a hope of giving real meaning to the words of Article 21. These meaningfully democratic people fought their battles within and with respect for the arena defined by the Constitution. They became victims of subversion of the rule of law. The complicity of the state and its institutions in this subversion negates their hope in these institutions. In this sense the court verdict marks Umesh's final death.

जहाँ हो
जैसे हो
फुसफुसाहटों को स्वर दो
स्वर जो संकेत हैं
बर्फ गिरते इस शहर में

सरपट भागते घोड़े की तरह नहीं
अलकनन्दा के बहाव की तरह
धीरे धीरे आएगा बसंत !
पतझड़ के नंगे पेड़,
बसंत की पूर्व सूचना दे रहे हैं,
मिट्टी, पानी और हवा से ताकत लेकर
तने से होता हुआ
शाखाओं प्रशाखाओं में पहुंचेगा बसंत !
अंधेरे में जहां आंख नहीं पहुंचती है,
लड़ी जा रही है एक लड़ाई
खामोश हलचलें
अंदर ही अंदर जमीन तैयार कर रही है
जागो ! बसंत दस्तक दे रहा है

Note: All poems in this booklet are by Umesh Dobhal
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