

REPORT OF THE PUCL (DELHI) FACT FINDING TEAM
ON THE BILASPUR INCIDENTS OF 21 MARCH 1980

The district authorities and Haryana police in Gurgaon District appear to be covering up the incident involving the burning of Harijans huts in Bilaspur, allegedly by Jat landowners from village Bilaspur Kalan, 1 Km away.

This is the impression gathered by a three member -fact- finding- team sponsored by Delhi branch of People' s Union of Civil Liberties - PUCL. The team met the Senior Superintendent of Police, Gurgaon, Mr. Ramesh Sehgal and the District Commissioner, Mr. Naseem Ahmed in Gurgaon on Wednesday 26 March, ' 80. The team then visited the site in the village where the arson had been committed.

On March 21, 6 Chamar families had their jhuggies burnt down and a newly constructed house destroyed. The circumstantial evidence points strongly to a group of Jat farmers led by one Shri Subh Ram as having perpetrated the outrage.

However according to an Indian Express Report (March 25) by its Gurgaon correspondent Devsagar Singh, Mr. Sehgal the SSP said "The police are inclined to believe that the Harijans set fire to the huts themselves to cash it on the present political atmosphere in the country" .

Mr. Sehgal confirmed his opinion as reported in the Express when he told the PUCL team that "in all probability" the Harijans had burnt their own jhuggies to elicit sympathy from the authorities and get land allotted to them.

The burning of jhuggies was preceded by a disputed that started 2-3 months ago over Muni Ram, one of the Harijans building a house on land claimed by Subh Ram to be his. Subh Ram had been demanding payment for the land from MuniRaam which the latter agreed to pay, but only on condition that the land be measured and registration papers be made over. The land in questin appears to belong neither to the Harijans nor any of the Jats. According to Shri Goverdhan (Jat) who lives near the Harijan jhuggies, this is "Shamlat Dei" (i.e. that is land commonly held by the village within the 1 Lal Dora) land But the police, without checking the land records in the Collectorate already seem to have made up their mind that the plot in question belonged to Subh Ram and his brothers. This, according press reports, was what the Sehgal believed to be the case, and he claimed that the relevant record had been checked from the Patwari. However, when the D.C. pointed out that these records are not kept by the Patwari, but are in his office, the SSP had no comments to make.

According to the Express report, and also what the SSP and D.C. told the PUCL team, while one of Shubh Ram's brothers had gifted away his portion of land to Muni Ram, Shubh Ram and his other brothers were not willing to part with their shares without receiving payment.

Even if the land record do eventually establish Shubh Ram's & family's ownership over the plot, there would still be no justification for him to have taken pre-emptive action he did of pulling down the incomplete structure of the house and allegedly burning the Harijan's huts.

Muni Ram had infact been apprehensive that Shubh Ram's family members and others might attack him and on 19 March had filed a complaint with the Pataudi police that his life has been threatened by Shubh Ram, his son Kartar and other Jats. Shubh Ram had warned him not to complete the roof of his house, otherwise they (Jats) would burn the Harijans' jhuggies and kill him. Copies of the complaint were also addressed to the D.C. and SSP Gurgaon.

But the D.C. and the SSP made no mention of such complaint when they talked to PUCL team about the Bilaspur incident.

The police post in Bilaspur is within seeing distance of the Harijan huts in Bilaspur, and yet it took the police two hours after the jhuggies were burnt to reach the scene of outrage. It was only after the Patriot report datline 23 March that the SSP visited the village on the 24th. The D.C. followed the next day when the Harijans of Bilaspur had submitted a memorandum to the Prime Minister and the Home Minister.

Earlier on 22 March news of the incident had been brought to the Mandi Village in Mehrauli, New Delhi, by Shri Bhule Ram, one of the victims, who is relative of one the Harijans in Mandi. The Heijans in Delhi contacted the Action India workers working in Mehrauli, and it was decided that a team consisting of four Harijans from Mandi and two Action India workers would visit bilaspur on 23 March.

The facts collected by the Action India workers and the PUCL team contradict largely the hasty police opnion, that the Hrijans had burnt down their own jhuggies. According to the Harijans, and two respected Jats, Shri Goverdhan and Mollu, the village Lambardar, the sequence of events was as follows:-

At about 1.00 Pm, Shubh Ram and some 30-35 members, having already threatened Bhule Ram moved in from the neighboring village of Bilaspir Kalan to attack the Harijans. They were armed with lathis, phowras and pharsas. They pulled doen Muni Ram's House and set the jhuggies on fire.

The Harijans women and children, and few of the men who were not away at work, were too scared to offer any resistance. There are 4-5 bhangies, 3-4 brahmins and about 35 Jat families in the village. In adjoining Bilaspur Kalan from where the attackers came, there are 15 Harijan, 10 Brahmin and over 180 Jat families.

The Harijas are clearly a small minority. Moreover, being landless, they are almost exclusively dependent on Jats for their livelihood. Except working for the landowners, there is virtually no other form of employment in the area.

The D.C. and the SSP in Gurgaon were rather surprised that the Harijans did not make a serious attempt to recover their belonging from the burning jhuggies. But even a cursory understanding of the political economy of the mixed caste villages where the low caste are in tiny minority, should be enough to appreciate why groups like Harijas are too terrified to retaliate or to defend themselves.

Mr Ramesh Sehgal SSP and Mr Naseem Ahmed the D.C., after their inspection of the site on 24th and 25th March respectively, convinced themselves of the theory that the Hrijans had set their own jhuggies on fire. They were able to do this by simple expedient of making only a peremptory investigation of the damage caused to the property owned by the Hrijans. Thus both Mr. Ahmed and Mr. Sehgal told the PUCL team that whereas the Harijans claimed 6 8 charpoys, they were only able to spot the three payas (legs). The PUCL team was able to spot the remains of at least 13 payas when it visited the site on 26 march immediately after a meeting with the D.C.and SSP.

There were more discrepancies in what the district authorities and police told the PUCL team and what they saw for themselves. According to the former, the Harijans had prepared for the fire by removing most of the belongings in advance. Whereas burnt or charred clothes, utensils, boxes and cots were plainly visible to PUCL team.

The D.C. and SSP made much of bartan of ghee in a woodeb box, which had escaped the flames. They could not understand how much an inflammable substance could have possibly escaped a genuine case of arson. To the PUCL team, however, it was fairly evident that the Harijans had been able to recover a few of their belongings from burning inferno. The ghee was one such item, places as it was in a wooden box, which was not burnt out, though clearly charred by the flames.

The D.C. also thought that the Hrijans appeared to be in no hardship as a result of their homes having been razed to the ground. To the eyes of the PUCL team, the impression of the Harijans' plight was quite contrary.

Some 30-35 Harijan men, women and children have only 2 small straw huts, which escaped the fire, being some distance from the 5 which were burned, to shelter in. The Harijans women were in tears when they related the event of March 21 and their subsequent hardship. Moreover, inspite of the D.C.' s visit, the authorities had not made the slightest effort to provide any relief to the affected families This the D.C. and SSP admitted as much to the PUCL team, though when pressed further, the D.C. did agree to compensate the Harijans for the losses incurred.

There is also wide discrepancy between what the authorities think the losses amount to and the amount computed by the Harijans. While the former think the total losses did not exceed Rs 1000/- the Hrijans gave the following figures:-

- ... 5 jhuggies (not 3 burnt out)
- ... brass, copper and other utensils damaged
- ... silver ornament damaged
- ... 7-8 charpoys burnt out
- ... Masala, tobacco and desi ghee burnt
- ... And some cash also reduced to ashes

The total damage appears to be worth Rs 6000-7000 for the 6 affected families.

Mr. Naseem Ahmed (D.C.) emphasised that Bilaspur was a village with no previous record of caste animosities in the past, and therefore, it was highly unlikely that the jats would have taken such drastic action against harijans and whom they had lived peacefully until then. He also referred to the magnanimity of the decision of the traditional (not official) village panchayat to compensate the Harijans to the tune of Rs 1000/- for the losses suffered by them.

However, an entirely different picture emerges from the spot investigation made on 23 March by the Action India and the Mandi Harijans team, who "were told that there was going to be a Panchayat of both villages that day, and all the men were gathering in the nearby Dharamshala and found the Panchayat in session, as also three policemen, including Chandan Singh SHO, Pataudi, and the Sub Inspector from the local police post. Shri Chandan Singh informed us categorically that the Harijans have burnt their own jhuggies to get Shubh Ram in to trouble. He immediately went on to say that the Panchayat would get to the truth of whole affair, as in these villages (not "sarkari") Panchayats, oath are taken on Ganga Jal and 'name uthana' , and these oaths are not taken lightly by the villagers.

The Panchayat proceeding continued until it was decided that a group of elders, having heard all sides, would pronounce judgment after separate deliberations. They demanded that their judgment be accepted by both parties. The Harijans insisted that they would only accept the fair decision.

The elders, each of them a jat, came out, sat in the field for a while and then came back to announce that Kartar Singh, son of Shubh Ram, (the man accused by Harijans) would pay the latter Rs 1000/- as compensation and the matter would end there. At this Goverdhan (Jat) who had been sitting outside the Panchayat all this while, stormed into the assembly and strongly condemned the Panchayat decision. He said that he had himself tried to dissuade Shubh Ram from launching the attack when the latter had informed him of his intention earlier in the morning. He strongly held that the only solution was to give the disputed land, plus Rs 1000/- as compensation to the Harijans. He also denied that Shubh Ram had any ownership right to the land.

At the Panchayat decision, the Harijans walked out in the protest. No oaths had been taken, but as several Jats told us, that the Panchayat only wanted that the 'bad smell' emitting from their village be suppressed, 'Gaon Ki beisti na ho' , i.e., the good name of the village must be preserved.

No one was interested in justice or tracking the offenders down and bringing them to book. The Harijans must be content with the paltry thousand rupees 'not sufficient even to pay for two goats' and the matter must be dropped. Also, it was absurd to think that the Harijans, if they had wanted to make political capital out of burning their huts themselves, would have done so in broad day light in everyone's presence. The fact that Kartar Singh was told to pay this amount seemed to us clear enough evidence that he and his family were held responsible for the carnage. But the police seemed to remain unimpressed and continued in their belief that the Harijans are guilty party. The Harijans are convinced that Shubh Ram has paid off the police and they never expected justice from Panchayat anyway. The Harijans and their few sympathizers are intimidated, are heavily outnumbered, and expect no help from local authorities.

According to the latest news from Bilaspur (March 28), those hostiles to the Chamars in the village are trying to 'change' what happened in the Panchayat. The Jats and authorities have been alerted to the implication of the Panchayat decision that Kartar Singh pay Rs 1000/- as compensation. Now they want to make out it has intended that the entire Panchayat pay out this relief.

The district authorities and police have relied too readily on evidence provided by a Brahmin's wife who lives near the Harijans. She told the police

that she had seen Bhule Ram setting fire to the jhuggies. The Brahmin also said that Kartar Singh was not present at the Panchayat as he had been arrested by the police. In fact Kartar Singh was taken away by the police after the panchayat about 4 p.m. Not only was the brahmins' statement about Kartar a patent untruth, but also appears to have had a personal interest in incriminating Harijans. His family had previously ousted the Harijans from a piece of land bordering their homestead, which had been allotted to them by the village for use as a dump for cowdung, etc. Also, the harijans' Brahmin neighbor did not like their entrance opening in to the plot where chamars lives. This was also a reason why they were keen for the harijans to leave the area.

From the investigation carried out so far by the PUCL team and the and the Action India/ Mandi Harijan team two days earlier, there are strong ground to believe that the authorities want to prevent a true picture of what happened in Bilaspur from reaching the Indian people and central authorities in Delhi. They seem to be as keen to save the reputation of their district as the jat dominated panchayat of Bilaspur is to prevent the 'bad smell' emitting from their village to be suppressed.

Moreover, the police contention that the Harijans were in all likelihood out to make political capital out of the incident by burning their own huts, is fraught with very dangerous consequences. If statements to such effect are thrown about without proper investigations, they could be used by the middle and upper castes as a license to commit further atrocities.

The district and police authorities in Gurgaon appear to be hamstrung with a limited perspective in regarding the Bilaspur incident as an isolated case. The Bilaspur incident, instead, needs to be viewed in line with the struggle of Harijans in Mandi nearby and other parts of the country, news from where has recently knocked hard on the conscience of the Indian people.

In view of the happening in Bilaspur narrated above certain immediate demands need to be met and steps taken:-

1. The culprits needs to be brought to book (here it may be noted that though 10 persons are mentioned in the F.I.R., there are actually closer to 35. The count in the F.I.R. was of heads of families only).
2. Immediate compensation should be paid to the affected Harijans families.
3. The SHO Pataudi should be suspended.

4. The inspector of the chowki at the Bilaspur crossroads should be transferred.
5. It is plain that by pre-judging the issue, the S.S.P. has abdicated his responsibility. His credibility has further been eroded by hasty political statements, and accepting the landowners' version of events too readily. In such a situation, unless corrective administrative action is taken, the Harijans can obviously not expect to get justice.
6. Land on which the house was being constructed be made over to the Harijan family.

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Note:

According to latest reports from Bilaspur the harijans met D.C. on 28th March and he refused immediate relief in the form of shelter, saying he had no resources for this. He also told them they would receive compensation only if he was satisfied by his own officials as to the extent of losses incurred.