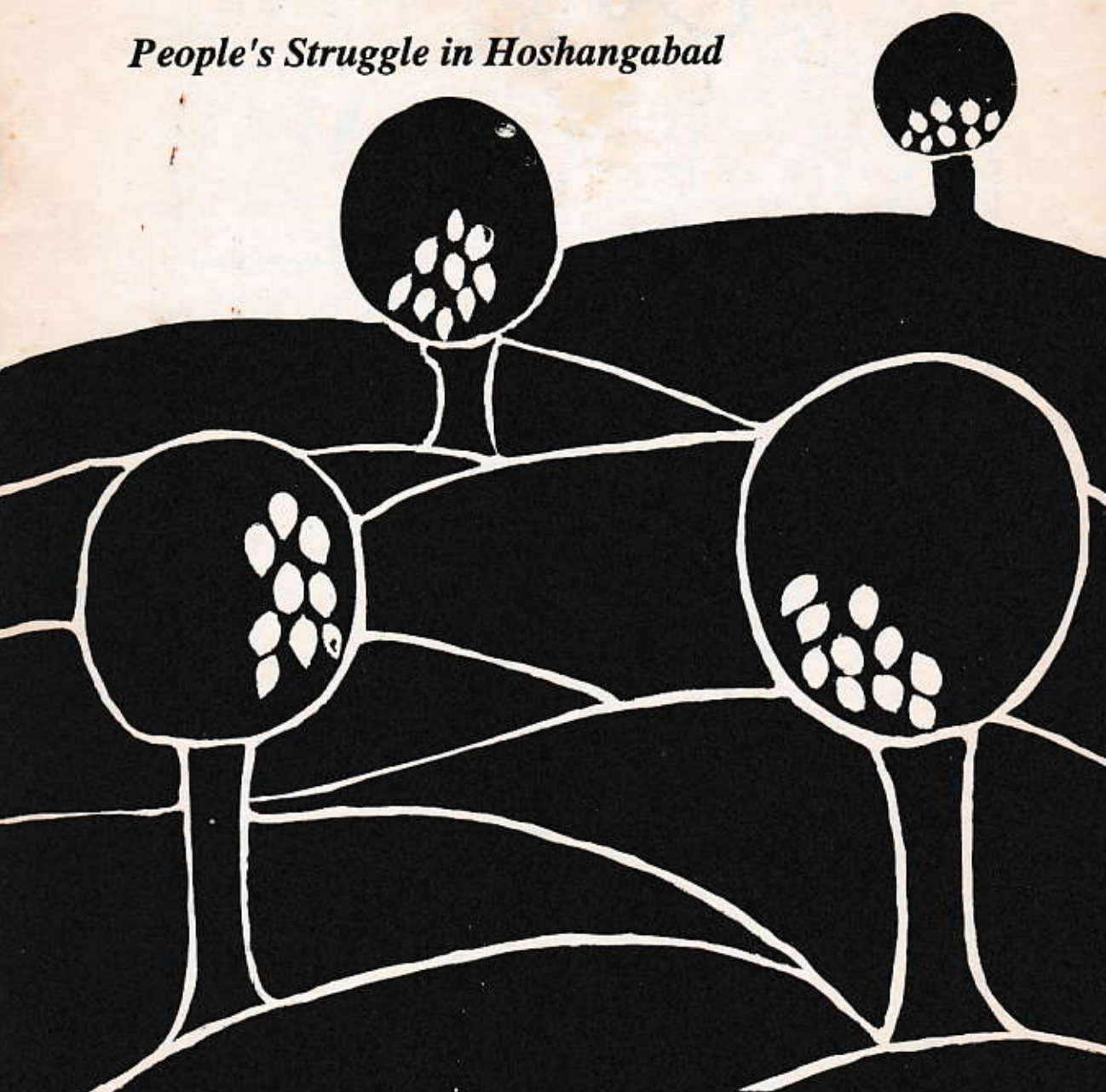


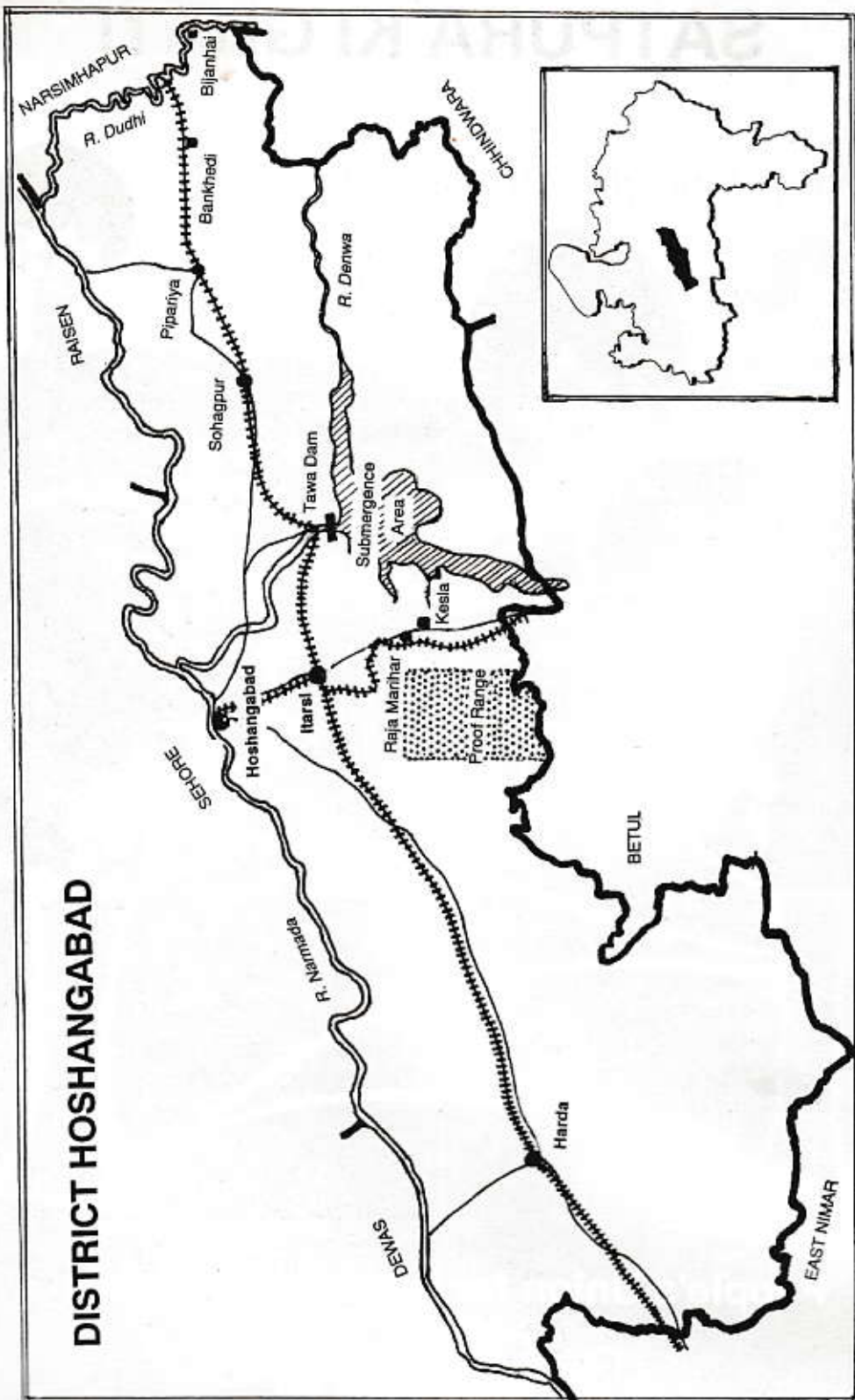
# SATPURA KI GHATI

*People's Struggle in Hoshangabad*



**People's Union for Democratic Rights  
Delhi  
March 1992**

# DISTRICT HOSHANGABAD





South eastern Hoshangabad is known for the Pachmarhi hill station, "nestled" in tourism promotion language, among the Mahadeo hills. The rail route lies from Delhi to Itarsi, then branches to Pipariya town, from whence starts the ascent to the hills. From Pipariya there are roads and buses to nearby Bankhedi and its rural areas. But a part of Bankhedi tehsil lies in the Satpura hills. Transport here is negligible, in fact travel to hill villages is fairly arduous. From Itarsi, you can also go in the other direction to the forested Kesla block in the Satpura range. The road to Kesla is well maintained since it serves both the Tawa Dam and the Itarsi Central Proof Range, both located in this block.

This was the area the PUDR team covered during its visit from 28 December 1991 to 2 January 1992. Its task was to investigate the Bankhedi incidents of 5th to 9th September which had emanated from simmering tensions relating to land, forest, untouchability, and sexual oppression. On its arrival in Pipariya, the team learnt of a separate incident, related to forest and excise, which had taken place a few days earlier in village Raja Marihar, Kesla. PUDR team also visited this village, in addition to Bankhedi and villages Palia Pipariya and Bijanhai. It met with police and administration, but senior officials of the Forest Department were not available. It also interviewed villagers and activists of the Kisan Adivasi Sangathan, Kisan Mazdoor Sangathan, Samta Sangathan, Student Organisation and Harijan Sangh. It met with members of political parties, Congress-I, BJP and its youth wing, Janata Dal, CPI, lawyers and journalists.

The team gratefully acknowledges the assistance given by all the people whom it met, which has made this report possible.

## RIGHT

*I will not stop cutting down trees,  
Though there is life in them.  
I will not stop plucking out leaves,  
Though they make nature beautiful.  
I will not stop hacking off branches,  
Though they are the arms of a tree.  
Because -  
I need a hut.*

**Cherabandaraju**  
**(Translated from Telugu)**

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# I.

## Introduction

Hoshangabad district, if you look at the map or the images generated by district level official figures, is a fairly misleading administrative unit. Geographically and ecologically it falls in two intermingling zones: the fertile Narmada plains and the Satpura hill ranges. Though Hoshangabad town, the district headquarters, is located on the Narmada, the river does not enter the district. But important tributaries like the Tawa river, have made the district part of the controversial Narmada valley project.

The focal point of our investigation is the hill region and the plains below it. Submerged by more visible forms of development, the adivasis and dalits of these villages never received due attention until they chose to struggle. Their's is a familiar story of development and underdevelopment, save two exceptions. Both in their own way, have influenced the present social tensions. One was the entry in Bankheddi of a voluntary organisation, Kishore Bharati; the other was the establishment in Kesla, of the Central Proof Range of the Indian army. Both came in 1972. Kishore Bharati, then, was a premier among numerous such organisations in the country. The Itarsi Proof Range is the largest of the country's 93 such ranges. These two externalities, and their consequences have only accentuated the tensions which are an inseparable part of the inherited social structure.

Historically the region was part of larger Gondwana which emerged in the early decades of the sixteenth century. From the time of Akbar the Gond rajas were nominally under

Mughal suzerainty. With the rise of Maratha power, the Gond territories became part of Sagar principality. Eventually they were ceded to the British by Nagpur state in 1818. Other parts of the present day district were ceded by Gwalior state in 1860. It was around this time that the present day Hoshangabad district originated. It came under direct British administration (Central Provinces and Berar).

The Maratha period brought in the malguzari revenue system and new settlers. Among them, rajputs and brahmins. They took over large tracts of land from feudatory gond rajas on payment of small rents, and several became malguzars for the Maratha rulers. The British conferred permanent rights on the malguzars, making them a powerful social class in the rural areas. The British also strengthened the trade by laying down the Bombay-Jabalpur railway line (1871) that passes through the district. With it came the trader-moneylender families from Rajasthan. In the last decades of the nineteenth century, many of these families, belonging mainly to Maheshwari community, acquired landed property during the distress caused by successive

famines. Meanwhile the gradual entry of state control over forest for commercial and industrial purposes began in earnest with the creation of teak plantations. Landed and commercial groups in the plains, and state control in the forests, became interrelated centers of predatory power. The judicial system that was newly introduced, held them together. The legacy of this legal system continues to enmesh

	Hoshangabad	M.P.
Population (in millions)	1.266	66.136
Urban Population (%)	27.44	23.21
Scheduled Castes (%)	15.58	14.10
Scheduled Tribes (%)	15.99	22.97
Density (persons/sq.km.)	126	149
Females (per 1,000 males)	899	932
Literacy Rate:		
Total	42.35	35.50
Urban	65.30	58.80
Rural	33.67	28.50
Male	53.29	47.00
Female	30.19	23.20
<i>Source:</i> SC and ST population: 1981 Census, Others: 1991 Census		



and haunt the lives of the people, as we shall see, despite the many far reaching changes brought in by independence.

The district became part of Madhya Pradesh, the successor to the Hindi-speaking areas in the former CP and Berar. Malguzari was abolished in 1955 and all cultivating tenants were granted the status of proprietors. Subsequently, far-reaching technological changes came in agriculture (more on them later). These changes made a difference -- more to the politics of the region than to the oppressive structure of the village society.

The oppressed sections have become more and more dependent on the forest as a result of these changes. In this part of the district they include basods and rajiars (notified as Scheduled Castes) and kurkus and gondas (notified as Scheduled Tribes). But the state control over forest increased over time. Traditional right of the people gradually became offences punishable under law. To the Indian Forest Act, 1927 was added the MP Forest Rules, 1960. The villagers' remaining "rights and concessions" are confined to nistar rights. But the quotas allowed under various categories of nistar are too meagre for their domestic consumption. Since their means of survival are inadequate, the villagers supplement their income by illegal collection and sale of forest products. Violation of forest laws became thus an inevitable structural part of their lives.

Whatever be the law, within the village society such violations are tolerated. In fact non-adviasis cultivators encourage the adviasis and rajiars to violate the law. For they get wood at throwaway rates from them, be it for rafters, ploughs, carts or household goods. The teak wood needed for such purposes has high market rates. Teak trees come under the reserved category. For cutting such trees, the adviasis has to go into the interior forest during the night. He puts in many such nights of labour in preparing the logs so that they are not too unwieldy to carry, or to bind to a cycle, runs the risk of a possible encounter with the forest guards, beating, bribes, confiscation of wood, implements, lockup at the range office, and worse. All this for Rs. 50 to

Rs. 100 that he might make.

The adviasis are also encouraged to take part in the large scale illegal teak trade in which timber merchants and saw mills are involved. In Bankhedi town, there is no saw mill but there is one at Salai Chowka and several in Pipariya. The saw mills are mainly owned by the kallars, a rising backward community, who also engage in lac, liquor, and timber-related trade. Or by those who have long been dominant in the area, like the former malguzars, the Palia family. The trucks carrying the illegal timber operate throughout the night on the highway near Palia Pipariya. But the arm of the state never falls on the big traders. As in the village, here too, it is the rajiars and adviasis at the bottom rung of the illicit trade who get harassed and arrested.

The modernisation of agriculture, as it is usually described, has only succeeded in intensifying the dependency of these communities on the forest. The modernisation came around the seventies. In the Bankhedi plains where the soil is sandy and infertile, tubewells made irrigation inaccessible to most of the peasants. The introduction of cement ring wells made the difference. Electrification, mechanised farming, and changes in cropping patterns followed. Sugarcane and soyabean have now become important. The changed conditions of agricultural production have transmuted the multiple forms of batai and wage systems, and the pattern of seasonal migration of labour. Here the most notable symbol of this development is the emergence of Thaini Farms. The Thaini Seths are a trader-moneylender family from Rajasthan. By the time of independence they had acquired about 800 acres of land through their moneylending activities. But subsequently, with the advent of Ceiling Laws, they sold off most of their poorer quality land and retained only about 300 acres of land in the family. Since the seventies they have put in a large number of wells, brought in machinery, and acquired a lucrative contract with the Seed Corporation of India. They now lease in land from the poor peasants in the surrounding, and even far off villages. In addition to a dal mill set up earlier, they have also set up a sugar mill.



## Proof Range: Chronicle of a Death Foretold

In May 1981 a reporter of Indian Express filed a series of reports, under the caption "Death Range", on the plight of adivasis in the Central Proof Range. He followed up the story in November 1982. Meanwhile the Supreme court upheld the locus standi of public-spirited persons or organisations, on behalf of those who are in a "socially and economically disadvantaged position [and hence] not able to approach the court for redress" (PUDR vs. Union of India, 1982, 3 SCC 235, 1982). This historic judgement enabled the journalist to file a Public Interest Petition on the basis of his reports (Sudip Majumdar vs. State of Madhya Pradesh; W.P. C.R. No. 1420 of 1982). That was on 15 November, 1982. Almost a decade has gone by.

Initially the two-member bench of the Supreme Court, instead of going into the merits of the case, reopened the whole idea of public interest litigation and referred it to a Constitutional bench. Immediately a prayer was made to the then Chief Justice that the questions of fundamental nature referred to the constitution bench should be separated from the merits of the case, for this involves more serious questions of life and death. The court did not explicitly order to that effect, but it did issue a notice to the MP government returnable in two weeks on 4 April, 1983. Not two weeks but six months later, the MP Government through the Chief Executive Officer (CEO), District Rural Development Agency (DRDA) Hoshangabad filed a counter-affidavit. Subsequently the Ministry of Defence, Government of India also filed a counter-affidavit. Both the governments questioned the locus standi of the petitioner. Four years later the Court passed an order explicitly stating that the merits of this case should be separated from the questions of locus standi in a public interest petition referred to the constitutional bench. That was in 1987.

Both the governments also questioned the facts of the case. Here they first contradicted each other and then contradicted themselves. The official death toll was 26 in the period of 1972-83 according to the Kesla police station, 59 according to the Defence Ministry, and 57 according to the Madhya Pradesh government. For the period 1984-87 the defence ministry claimed 5 adivasis were killed while the MP Government stated that 23 were killed. Later the MP government revised its earlier figures and claimed that during the 1972-83 period there were only 38 as opposed to 57 deaths. Not that 19 corpses had turned up alive; possibly the cause of death was misunderstood. To illustrate that many more adivasis die unnatural deaths due to other causes the government this time provided figures of those who died due to snake bites and drowning!

In any case both the governments took the position that the adivasis were indulging in illegal acts. The area was duly notified under Sub-section 3 of Section 9 of The Manoeuvres Field Firing and Artillery Practice Act, 1938. Furthermore, the MP Government had also notified it as a "prohibited area" (G.O. No. 3982/5947; Dt. 24-11-1971). As the state government affidavits summed it up, "persons willfully indulging in an illegal act fully realising the hazards involved therein cannot and should not expect a human consideration for their wrongful acts" (CEO, DRDA, Counter Affidavit, 25-10-83).

However both the governments also admitted that the crux of the matter is the socio-economic condition of the people. The Defence Ministry stated (and stated repeatedly) that it is a prohibited area, they had put up warning notices both in English and Hindi, and that matters



relating to socio-economic conditions do not fall within their purview. As to the state government, it submitted a series of rehabilitation and social welfare programmes undertaken by it to improve the "socio-economic conditions of the people" of these villages. The programmes include poultry farms, cattle breeding, model sericulture farm, gobar gas plants, ration shops, and of course primary schools (presumably to teach the adivasis how to read the warning boards put up by the Defence Ministry).

In the following year, 1988, the case concentrated on various suggestions to prevent the tribals from engaging in this hazardous occupation. The Defence Ministry suggested the enhancement of punishment, fixed originally in 1938, under The Manoeuvres Field Firing and Artillery Practice Act, as a way of deterring the wayward adivasis. It perhaps did not occur to the Defence Ministry that there is no greater punishment than a horrible death, or being maimed for life, which the adivasis are evidently prepared for when they enter the Proof Range. The second suggestion that came up was the construction of a pucca boundary wall all around the range. The Ministry objected to it on the grounds of prohibitive costs. It would involve Rs. 20.7 crores of capital investment and Rs. 2.4 crores of recurring expenditure. Further the Ministry also apprehended that building a wall here would also set a precedent for all other testing ranges, and that would involve Rs. 939 crores of capital investment and a recurring annual expenditure of Rs. 94.20 crores for all such Proof Ranges in the country (all costs are estimates at 1987 prices). But eventually it was this suggestion, in modified form, which came to be accepted as a solution.

On 5 August 1988, the Defence Ministry agreed to construct a wall at the corners around the target areas, and a road along the perimeter of the Proof Range. It asked for three years time to complete it. Exactly three years later, in August 1991, the Defence Ministry asked for an extension. Building the wall at the corners and the road involve clearing 118 acres of forest land for which the clearance from the Ministry of Environment is awaited. Further, the construction also requires felling about 40,000 trees. But felling trees is "against declared national policy" and hence it "will require a review of national policy on felling of trees." In view of these impediments, the Ministry asked for a further two-year extension.

Nine counter affidavits by the state, ten counsels representing it, eleven judges of the Supreme Court, nineteen adjournments and ten years later, this is where the case rests. It is likely to come before the court in 1993. Meanwhile, blissfully unaware of these juridical attempts to protect their right to life guaranteed by the Constitution, the adivasis continue to scavenge small fragments of metal pieces.

Just one question remains. What happened to the review of the principle of Public Interest Litigation referred to the constitution bench? The bench never deliberated upon the matter. The Public Interest Litigation came to stay. In recent years, former Maharashtra Chief Minister Abdul Rahman Antulay's petition seeking quashing of proceedings against him, Congress(I) member H.R. Chowdhary's petition seeking quashing of proceedings in the Bofors case, petitions of the share-holders of Bombay Dyeing, Larsen and Toubro and Reliance, now India's largest corporate group, were all public interest petitions. As an example of judicial innovation ("for those classes of people who are socially and economically disadvantaged") the Public Interest Litigation remains in the annals of the Indian judiciary. But perhaps it is the definition of "public" that has undergone some imperceptible changes.



The modernisation of agriculture in the Itarsi area came in the form of Tawa dam, completed in 1975. The canal irrigation in the Itarsi plains had initially increased productivity with the familiar package of HYV seeds, fertilisers, and the like. It also changed cropping patterns and, as in Bankhedi, soyabean cultivation picked up. But over time, water-logging has become a major problem in the area. As a matter of fact there never was any need for irrigation facilities in this area during the kharif season. It receives heavy rainfall and the black soil also has a heavy retention capacity. But due to the water from the Tawa dam, the water table is steadily going up. As a result productivity is going down. The Tawa irrigation project is unique in that it is actually contributing to the decline in the yields! An evaluation report of the Comptroller and Auditor General of India ruefully commented that "the project was ill-conceived and the benefits that were presumed . . . could not have been realised."

In the hilly region of Itarsi where the reservoir is located in the Kesla block, the dam is a disaster of a different kind. Here nearly 20,000 acres of land was submerged and 20 villages were evacuated. The low water table and the terrain has made canals and tubewells unsuitable here. Though there are numerous rain-fed streams, due to lack of bunding, there is a serious paucity of drinking water or water for irrigation. In recent years droughts have made the area a chronic water shortage area. The plans for small stop dams and feeder channels over the streams have never materialised, despite repeated promises by successive governments.

The perennial water shortage has only compounded the deterioration of agriculture. A majority of the villagers here are landless and small farmers. Those who have small plots get a meagre crop of kodun and kutki, inferior cereals that form their staple diet. With the decrease in the forest cover of the so-called forest, wild animals start raiding their fields. The worst menace to the crops are wild pigs. They are notified as "protected" under The Wild Life (Protection) Act, 1972 (Section 9 read along with Schedule I in MP). The villagers have to keep constant vigil as a herd of pigs can destroy a field in a matter of a few hours. In the past, hunting and eating wild pigs used to be a part of adivasi life.

Feasting on wild pig meat was an occasion for community gatherings. Now if they attack the wild pigs, even in defence of their crops, they are liable to be prosecuted [Section 51 of the Act]. Thus the source of their food, protected by law, has now become a destroyer of their crops.

This kind of developmental process that marginalises the most oppressed of the village society, is fairly common to many other parts of the country. In Kesla it was compounded by the establishment of the Central Proof Range in 1972. The Range covers 117 sq. kilometres. A little over 1,000 families in about 23 villages were evacuated to facilitate the

9. No person shall hunt any wild animal specified in Schedule I.

51. Any person who contravenes any provision of this Act . . . . .

shall, on conviction, be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to two thousand rupees, or with both

Provided that where the offence committed is in relation to any animals specified in Schedule I . . . . .

or meat of any such animal . . . . .

such offence shall be punishable with imprisonment which shall not be less than six months but may extend to six years and also with fine.

*The Wild Life (Protection) Act, 1972*

range. The displaced people were dispersed and rehabilitated in 36 villages along the boundary of the range (at the cost of Rs. 84.83 lakhs according to government claims). Some of them were allocated land, but not all, due to the "impending displacement of families from the lower Narmada Valley" (CEO, DRDA, Hoshangabad). The government claims to have spent more than a crore of rupees on these people to improve their condition. One such village we visited, Raja Marihar, tells its own story. What actually happened was that the Proof Range became a source of livelihood for the people in a ghastly manner.



Testing of armaments and ammunition take place five days a week on the Proof Range. There are 8 target areas and 6 proof butts where the ammunition normally lands. On the days of testing people flock to the range to collect golas (bombs) for metal scraps. Over the years, the competition in scavenging has become fierce, as other opportunities both for land and in the forest become scarcer. To stake first claim over a gola, the people run and throw a piece of cloth or a stick as a marker, even as the firing continues. This is very hazardous as the interval between each firing is 30 to 60 seconds. It is thus a life and death occupation. The unofficial figures suggest that over 500 people died in the first decade of the Range's existence. The deaths have been terrible, as bodies get blown to bits and pieces. Many of those injured live with agonising pain or permanent disability. They prefer not to go to the sole Primary Health Centre for fear of attracting prosecution. When the infection and gangrene spread too far they do go to a hospital, but lie about the cause of their injuries. A decade ago a Public Interest Petition was filed in the Supreme Court (See Box: Proof Range). No effective intervention was made. Meanwhile, driven by the desperate circumstances, the villagers continue to risk their lives to collect the metal scrap from the Proof Range., supplying high-grade brass, copper, aluminium, and iron to traders of Indore, Nagpur, Moradabad, and Aligarh.

In Bankhedi the story is different. Here Kishore Bharati entered in 1972 (See Box: Kishore Bharati). Initially it made a determined effort to introduce modern farming techniques and make them accessible to the less privileged sections. Its attempts to modernise agriculture, unlike that of the Thaini Seths, were not particularly successful. However its Science Teaching Programme became successful and stabilised over time. As a result, the organisation decided to hand over to the people 120 of the

150 acres granted to it on lease by the Madhya Pradesh government. In order to facilitate this process, a Mazdoor Sangathan was formed under the aegis of Kishore Bharati, in 1981. Mazdoor Sangathan, is the precursor of the Kisan Mazdoor Sangathan that is now active in the area. Whatever be the limitations of Kishore Bharati, its effects on the consciousness of the people in Bankhedi are unmistakable.

### People's Organisations

Kishore Bharati apart, people's organisations in this area originated with the activities of the socialists. Their influence in Hoshangabad can be traced back to the forties when the then Collector H.V. Kamath joined the freedom movement (He subsequently represented the area in the Lok Sabha). The first conference of the socialists, after their break with the Congress in the fifties, took place in Pachmarhi. In the eighties after the split and fall of the Janata Party, Lohiaites among them formed the Samta Sangathan under the leadership of Kishan Patnaik. It found a response in Kesla, where the Lohia Academy is located. In 1985 the Kisan Adivasi Sangathan was formed under its guidance. KAS has been taking up struggles related to irrigation, forests, and education.

In Pipariya a Samta Yuvajan Sabha was formed in 1981 which six years later assumed the name of the parent organisation: Samta Sangathan. The Pipariya activists were in close touch with Kishore Bharati. By then, we should recall, Mazdoor Sangathan had been formed in Palia Pipariya village. From about 1987 the Mazdoor Sangathan expanded its activities beyond the village of its birth and emerged as the Kisan Mazdoor Sangathan. Both Samta Sangathan and Kisan Mazdoor Sangathan are working closely with Harijan Sangh in Bankhedi. It is these organisations that invited the wrath of the ruling establishment during recent events. But let us first go to Raja Marihar, Kesla.



## II.

## Raja Marihar

Kesla bazar is simply a row of small houses on the road to the proof range. In these are the shops, the telephone exchange, the local offices. Just off the road is a school. Water from a drainage nallah has entered the ground where the children sit. Due to the current drought, crowds of villagers come to the bazar every morning. They wait long hours for the ration shops to open. The doors open briefly, some manage to get wheat or rice, others have to return empty handed, to join the crowd the next day. The food supplies are sold off to traders, literally through the back door. Such siphoning off of supplies is normal, particularly sugar. For years the villagers have not got sugar at the fair price shop.

Located a short distance from Kesla bazar is Raja Marihar village, lying close to the proof range. The people here, all kuruk adivasis, are amongst those evicted for the setting up of the range. The village consists of a small group of dwellings lining a kuccha road. When the team visited the village, men and women mazdoors were working on this stretch of road leading to the fields. Repair is done every two or three years as the road gets washed away in the rains. Some mazdoors were at work on a well being dug in the fields. Water for cultivation is a major problem. The village got a hand pump for drinking water a few years ago. It is located in the small courtyard of the primary school. About twenty girls and boys were seated on strips of matting. Somehow the teacher was managing to do a friendly supervision of all five grades. The school is supposed to have another teacher, but for the past year he has drawn his salary and never turned up. Such teacher absenteeism is a common phenomenon. In 1988, led by the Kisan Adivasi Sangathan, about a 100 adivasi children sat on protest dharna outside the Block Education Office in Kesla. They sat through the night demanding teachers for their schools. The net result was police cases against the organisers. The village has no electricity despite repeated petitions. At night, despite the bitter cold then prevailing, people sleep outdoors around a meagre wood fire. Some have to keep watch in the fields against marauding pigs.

There is no regular occupation, people go off for mazdoori, or to the proof range, or to tend the fields. Some go to the forest which is far off. Important among the forest produce they collect is mahua, which is used both for food and for brewing liquor. Brewing is done in every dwelling for liquor is part of the family and social life of the adivasis. But thanks to the revenue that the government gets from the mahua trade and from contracts for manufacture and sale of distilled liquor, there are severe restrictions both on the mahua and the liquor adivasis can brew. The temptation to brew liquor beyond the sanctioned quota is great. For the quota is totally inadequate for domestic consumption. Moreover, illegal sale of mahua liquor gives them a small income. Outsiders come to adivasi villages to buy such liquor, and there is an established market in Itarsi for illicit sale of mahua liquor. But such sales bring the adivasis into violent encounters with mahua traders, liquor contractors, and the excise department.

In Kesla bazar, a local trader has a license for mahua. The Excise Sub-Inspector (bhatti daroga) colludes with the trader. At his behest, the SI either threatens or conducts raids to confiscate any mahua that might have been stored for future use. Out of fear, the villagers hasten to sell it to the trader. Later, they have to buy it from him to brew liquor. The trader often tips off both the SI and the liquor contractor based in Itarsi. There is a convergence of interests between the liquor contractor and the government. The contractor loses profits, since the more the mahua liquor in the home or market, the less the market for distilled liquor. And the government loses excise revenue. Hence the frequent spectacle of the SI using the contractor's jeep or conducting raids jointly with the contractor's henchmen. The raids are often conducted after a tip-off from the local trader.

### The Incident

On 25 December 1991, in the early hours of the morning the Excise SI, K.C. Jain, accompanied by about 20 of the liquor contractor's men raided the



village. People were just awakening when the jeep and motor-cycles arrived. A few days earlier, there had been some minor tension concerning illicit liquor. That morning, parking the vehicles outside the village, the men came in armed with lathis, iron rods, and even a pistol. They first caught Tejaram who was relieving himself in the fields, beat him mercilessly, then his brother who came to his rescue. They entered their dwellings, ransacked everything, and threatened to molest the women. Finding no liquor, they went berserk. They hit Phoolavati who was fetching water, and beat old Mangal who

was warming himself around the remains of the night's fire. Such was the terror that some of the villagers ran three or four kms. to escape. Four children were beaten, ten men and four women seriously injured. The swellings and marks of injury were still there when the team met the villagers on 1st January.

Within a few hours of the attack, the local BJP MLA Dr. Sitaram Sharma visited the village. Thanks to his prompt intervention, the goons were arrested. We were told that charges have also been framed against the Excise Sub-Inspector

### III.

## Bankhedi

The main "harijan basti" in Bankhedi town is a sprawling area located behind the Range Office, nistar depot, and the market centre (the dalits here call themselves harijans). The market has offices and shops for farm machinery, wholesale grain trading and provision stores, dhabas and hotels, and hair-cutting saloons. The residences and shops of the old trading families, mostly marwari, are located here. The 10 to 15 eating places are owned by brahmins, souis, saus and banias; the hair-cutting shops by nais. Socially, the shopkeepers and traders belong to the savarn and backward castes. Politically they are divided between the Congress(I) and the BJP. The harijan basti has generally supported the BJP in the Lok Sabha, Assembly, and Panchayat elections. Since Bankhedi has an SC population of 15%, either the sarpanch or up-sarpanch post has to be filled from the SC community. In the last panchayat elections, Mangelal, a harijan, had become an upsarpanch with BJP support. But he resigned six months later due to party factions in the panchayat.

All the people in the harijan basti are landless. There are a few chamar and mehtar (sweeper) families. The chamars make a livelihood from processing animal skins to make leather goods. But the advent of substitute plastic goods has made inroads into their income from this occupation. About 70 basod families carry on their occupation

of making tokris (baskets), winnowing fans, and brooms. These are sold to traders from U.P. and M.P. at the weekly Friday market and to local people. The nistar depot is supposed to sell bamboos to basods at controlled rates, Rs. 1.10 paise per bamboo piece. But frequently the basods cannot get the control rate bamboo, and even spend Rs. 6 per piece. A family of four can make about 30 tokris a week, which gets them about Rs. 750 a month. But this income fluctuates according to season, price of bamboo, and the market demand. Their supplementary income comes during the marriage season and

#### 4. Punishment for enforcing social disabilities.

Whoever on the ground of "untouchability" enforces against any person any disability with regards to --

(i) access to any shop, public restaurant, hotel or place of public entertainment; or

(x) the observance of any social or religious custom usage or ceremony. . . .

shall be punishable with imprisonment for a term of not less than one month and not more than six months and also with fine which shall be not less than one hundred rupees and not more than five hundred rupees.

*The Protection of Civil Rights Act, 1955*



celebration of religious festivals. In past decades they have formed small music bands, with contemporary instruments, uniforms and decorated push carts. One such band is that of Suresh, a twenty year youth, who has studied upto 12th class at the Bankhedi high school. So have some of the other harijan boys. Girls however rarely go beyond the primary stage. Some of the harijans have Class IV jobs. Others do daily wage mazdoori at Bankhedi, a few go to Pipariya for work. The basods are socially and economically better off than the other scheduled castes. Their houses and courtyards are bigger, and they have a higher caste ranking among the basti harijans.

of the BJP, for whom the basti people had been actively campaigning in the 1989 elections to the Parliament and the 1990 February elections to the State Assembly. The hopes they had placed in the ruling party were belied after the elections. The BJP became lukewarm on the issue and the local Congress(I) leadership was in no mood to assist the harijans who till recently had electorally been with the rival party. Reliable support came only from the KMS and the Samta Sangathan. It may be mentioned here that the BJP had started developing tensions with the Samta Sangathan after the latter undertook an anti-communalism campaign to oppose the Advani led rath yatra of October 1990. Till

### 3. Punishment for offences of atrocities-

- (1) Whoever, not being a member of a Scheduled Caste or a Scheduled Tribe
- (v) wrongfully dispossesses a member of a Scheduled Caste or a Scheduled Tribe from his land or premises or interferes with the enjoyment of his rights over any land, premises or water . . . . .
  - (xvi) denies a member of Scheduled Caste or Scheduled Tribe any customary right of passage to a place of public resort or obstructs such member so as to prevent him from using or having access to a place of public resort to which other members of public or any section thereof have a right to use or access to: . . . . .

Shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to five years and with fine.

*The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.*

From the early eighties, a few educated basod youth from the basti, supported by elders of the community, have been trying to campaign against the humiliating discrimination they face at the barber shops and in the eating places. The barbers consider their razors "polluted" if used on "untouchable" customers and discourage them by deliberately quoting double the normal rates. Tensions have developed in the bazar area, ever since the "untouchables" have tried to get service in the eating places and at the barber shops. (1981-1989). About a year ago, some of the harijan youth came in contact with the Kisan Mazdoor Sangathan (KMS) and with its support formed the Harijan Sangh (1990). In March-April 1991, the Harijan Sangh undertook a campaign against the untouchability practices in the town. The agitation had the support

then, when the BJP was an opposition party, its leaders had lent support to Samta Sangathan programmes.

When the Harijan Sangh took up its equality campaign in March 1991, its activists were faced with offensive abuse, threats and beating. The hostility against them climaxed in a two day market bandh. Later, in April, further aggressions against them took place after they commemorated Ambedkar Diwas jointly with KMS and Samta Sangathan. As a response, they refused to play their music bands at marriages and in the Ramanavami procession.

These events have brought a complete alignment of savarn and middle castes in Bankhedi town. The alignment cuts across political party affiliations and the social distances maintained within



and between these castes. Arguments are made that no discrimination is being practiced against the "untouchables". But it should be noted that they have been allowed to eat at the dhabas only after they challenged customary ban on their entry. And even so, they have to sit separately, and are served in discardable clay kullars and leaf plates. Any chinaware or glasses touched by them is thrown away. Upper caste families disclaim any ill-treatment of "untouchables". They give familiar arguments as to how well they treat "untouchable" caste servants on their farms, shops, and in their homes. The servants gather "to watch TV within the baithak itself" (drawing room). The protestations of "harmonious" and paternalist relations have a basis. For, codes of social norms evolve and change during the course of economic production, commerce and domestic work. It is when such codes are broken and consciously defied, particularly through collective struggles, that polarisation occurs. For in defying customary caste practices, the dalits are calling into question the social hierarchies which structure exploitation of their labour and insult their dignity as human beings. These empowered by caste/class hierarchies close ranks and put the blame on the dalits for causing tensions.

Thus in Bankhedi, the tensions are acknowledged but attributed to "uppity and aggressive" behaviour of the harijans during the equality campaign and to their refusal to play their music bands. Accusation is levied at instigation by "unemployed educated youth", by political parties and by such "anti-social" organisations like the Samta Sangathan and Kisan Mazdoor Sangathan. Attitudes of local police have been varying. The previous thanedar, S.I. Rana, seems to have made honest attempts to break nefarious satta and gambling networks headed

by a timber merchant of the Palia family, and made sympathetic efforts to help the harijans get their civil rights. He has since been transferred. The present thanedar S.I. Saxena, however, stated that no discrimination exists. Conflicts have occurred because of "testing" done by "unmannerly" groups of harijans. By this logic, discrimination emerges only when equality is "tested". Otherwise, in normal conditions, equality prevails.

In all this 24 dalits have been implicated in cases under various sections for instigation, abetment, breach of peace (S. 107 CrPC, S. 116 & 117, IPC). Against those leading the campaign, more serious charges have been registered, assault with lethal weapons and attempt to murder (S. 304 and 324, IPC). Cases have also been registered against owners of some dhabas and barber shops. The Harijan Sangh has sent several petitions to the Harijan thana and Harijan Adivasi Kalyan Cell, Hoshangabad; to the Chief Minister Shri Sunderlal Patwa; and to the Prime Minister and President. But no effective intervention has been made to prosecute those charged with the violation of the Civil Rights Act (1955) and the recent The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. Instead the cases of March-April have been used to implicate leaders of the Harijan Sangh in cases launched against activists and villagers of Kisan Mazdoor Sangh after the confrontation at Bankhedi range office on 9th September 1991. Two months after the incidents at the range office, Dharma, his nephew Chandrabhan (who has a shoe shop opposite the Range office), and Suresh were arrested. In all there are 14 cases against Chandrabhan and Suresh. Both were sent to Hoshangabad jail and received bail in December, shortly before we visited the basti.

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## IV.

## Bijanhai

At the eastern most part of Hoshangabad district lies Bankhedi tehsil, sub division Suhagpur. The Dudhi river, a minor tributary of the Narmada, flows through both the plain and hill area of the tehsil. At the northern hilly tip where the river forms

the boundary with the neighbouring Narsimhapur district, is located Bijanhai, a small village of about 75 families. Hiring a vehicle from Pipariya to go to the village is a problem. For though there is a jeepable road to cover the 45 kms. distance the



terrain gradually becomes very difficult. The villagers have no option, except on rare occasions, but to walk long distances to get to any urban area. Even Salai Chowka, across the river, is at a 15 kms. distance. The life of the village is dominated by Jhiria forest and by a saw mill owned by a local Congress(I) dada, Suresh Rai. The forest is both their succor and their terror.

Several communities live in the village.-- about 30 gond thakur, 30 rajjar patel, 10 chamar, gadaria, kacchi, mai, sahu, khwas, one kotwar and 2 rajput families. The last two, known as rajas, no longer hold much power. In fact, one of them does mazdoori. The other rajput, owning about 60 acres of partially irrigated land, seems to enjoy social respect and is on friendly patronage terms with the villagers. The rajjar patels used to control most of the land. Some families were prosperous and even owned the village oil presser. Over the decades, the rajarars have fallen into miserable poverty, and are scoffed at for being "stupid" enough to have lost out to more enterprising communities. Most adivasis and rajjar families have about 5 acres of land, a few have 10 acre holdings. Though the village has some wells, 2 electrified pumps, and a hand-pump, irrigation facilities are negligible. Cultivating the stony land requires hard labour and the yields are uncertain and miserable. Destruction of crops by wild pigs is a constant menace, as in Kesla.

Livelihood depends on seasonal work: agricultural labour (khet mazdoor), collection and processing of minor forest produce, and mazdoori of different types. About 8 families do seasonal khet mazdoori on the raja's land. At harvest time, the village is almost deserted. Known locally as "chait par jana", whole families lock up their dwellings and walk 15 to 40 kms. to farms in Salai Chowka, Juncta, Palia Pipariya, Bankhedi and elsewhere. General khet mazdoori gives them wages of Rs. 10-12, women and children get less. They get higher wages, Rs. 20-25, for soya bean since the crop has to be harvested fast within 15 days; selling at Rs. 800-900 per quintal. At the Thaini farms, they also do mazdoori in cane harvesting and sugar processing, the wages being Rs. 14 for men and Rs. 12 for women.

Rajarars take on batai (50-50 share) kosum trees on private lands for cultivation of lac. The costs and labour of implanting the worms, caretaking, collection, cleaning, grinding, and processing is that of bataidar. Costs are shared only if some labour is hired for these tasks. While the caretaking is fairly light, the other tasks require highly intensive family labour. Lac from a tree can be cropped about three times a year. It is sold to traders who come to the village or at the weekly market in Salai Chowka. The rajarars also collect kosum seeds which are used to make oil.

The forest continues to be the major provider for both rajarars and adivasis in the village. In May-June they collect tendu patta (leaves). Former Chief Minister Arjun Singh had promulgated a major welfare measure to cut out middlemen in the tendu trade. The welfare programme was part of a political strategy to contain the Naxalite movement in the forest areas of Bastar as well as for electoral gains. The contractor system was abolished, cooperatives were formed, and the patta collectors were promised a bonus (labansh). His successor Motilal Vohra, who enjoyed the support of the powerful tendu-beedi lobby which includes Congress(I) and BJP legislators, had to go along with the cooperatives programme and the promise of bonus. The present ruling party, the BJP, kept a low profile on the issue. The tendu pickers waited out years while three Chief Ministers in successive elections, assumed the reins of government in Bhopal. Some progress was made on the issue when in March 1990, the Kisan Mazdoor Sangathan led a gherao at the Pipariya range office. In Itarsi, the Kisan Adivasi Sangathan did a chakka jaam (traffic blocking) on the Boran river bridge on the Itarsi-Betul highway. Finally the first installment of the bonus was paid. At present, the villagers get Rs. 30 per 5,000 tendu patta. To increase the quantity, they sometimes pluck even tender leaves, which are not suitable for beedi making. Inadequate attention has been paid to the problem of providing experienced supervising personnel. As usual, some hapless government school teachers have been pressed into this forest work.

Men cut and haul the timber for their nistar needs and for legal and illegal sale to the saw mill.



## A Forest of Legislations

It is impossible to convey the enormity of rules, regulations and laws woven around forest and their implications for the day-to-day lives of the people. The central piece of this labyrinth is the Indian Forest Act (IFA) 1927. The Act classifies forests into reserved, protected and village forests with varying degrees of control by the government. It confers wide-ranging and sweeping powers on the forest officials. They have police power to issue search warrants and to detain, arrest, seize and confiscate forest produce they suspect to be stolen; confiscate axes, sickles, ropes and means of transport like bullock carts, trolleys, etc. used for such purposes, and to impose fines (Ch. IX and XI of the Act). The procedure and prosecution under the Act are subject to the Criminal Procedure Code and the Indian Penal Code.

At the bottom rung of this huge legal edifice are basods, rajjars, gondis, and kurkus in Hosangabad. Some of them are foot soldiers for the large-scale illegal timber trade in the area that thrives with political and police patron-traders themselves the forest legislation. The timber attract not so much the forest legisla- (Forest Transit (Forest Produce) Rules of 1961. Predictably they fought a prolonged legal battle questioning the legislative competence of the state in this matter. They finally lost the battle (Itarsi Timber Merchants' Association vs. State of MP, MPLJ, 307, 1986).

आज-कल जिस पेड़ के नीचे से निकलो  
वही एक दरख्वास्त थमा देता है

The Indian Forest Act is also subject to state amendments. One such amendment was made by the M.P. government to Section 51 of the Act (M.P. Act 9 of 1965, S. 8). Under this, punishment in cases involving timber enhanced from "six months or fine which may extend to five hundred rupees" to "one year or fine which may extend to one thousand rupees". This amendment, as we have seen, is a handy instrument in the hands of the officials to intimidate and harass people. The Act confers powers on the state government to lay down rules of its own "to carry out the provisions of this Act" (S. 76). Thus M.P. Forest Rules, 1960 came into existence. It lays down rules regarding nistar right of the people in the protected forests.

The rules encode nistar rights into three categories. Occupational nistar, required for carrying on an occupation as a means of livelihood [S. 1 (g)], paidawar nistar, which includes collection of edible roots, fruits, flowers, gum, etc. [S. 1 (f)] and a general category which covers grasses, bark, thorns, dry fallen wood, timber for agricultural implements, and for household purposes, etc. [S. 1 (e)]. The actual collection of these permitted things in permitted areas are again subject to 5 clauses and 25 sub-clauses of the Rules (specified in S. 3). All such forest produce collected, except those covered by occupational nistar, are only meant for domestic consumption [Explanation (1) S. 2(1)]. The area chosen for various varieties of nistar in varying seasons is subject to change as "specified, from time to time" [S. 2(3)]. The quantum permitted is also subject to "actual requirements of the individual and availability of the material" [Explanation (2), S. 2(1)], both of which are to be assessed by the forest officials. Thus there is a law lurking behind very nook and corner of the jungle.

The basods, for instance, require bamboo to make tokris for their livelihood. We made an attempt to figure out how many rules and regulations they can possibly violate in the process. They are subject to approximately six sections, 14 clauses, two explanations and 32 sub-clauses of the M.P. Forest Rules, 1960, in turn subject to the Indian Forest Act, 1927 which is again subject to the Criminal Procedure Code and the Indian Penal Code.



An unequal triangular relation of conflict and collusion prevails between the villagers on one hand, and the Congress(I) leader Suresh Rai, and the forest guards on the other. Suresh Rai has political clout and goons at his disposal. Depending on the variables of his relation with village families, he can get forest guards to harass them. The forest employees are fairly obliging, and in any case, they have their own gains in such matters. Conflicts between forest guards and villagers have become frequent in recent years.

Women collect headloads (sirghatta) of fuel wood which they sell at Salai Chowka or even Bankhedi. Sometimes they smuggle bamboo or

teak into their headloads. Collecting fuelwood is hard labour. Women leave around nine in the morning and return before dark. After two days of such hard labour, they earn about Rs. 15-20. At times, they are accosted by forest guards, and have to abandon their headloads and flee. Apart from having to give bribes or being taken to the checkpost, they sometimes suffer sexual abuse. But they will return to the forest, for they or their families cannot do without fuel wood, be it for domestic needs or for the small but essential income they make from it. The forest beckons and threatens; the men and women have no option but to go.

## V.

## Palia Pipariya

Palia Pipariya is perhaps not more than a 100 year old settlement, but it has within it, peoples and communities that carry by their very presence, at least 400 years of this region's slow-changing history. And a remoter past. Oral history has it that the land belonged to the gonds and the rājars. Formal history begins with the settling of the Brahmin families, when the Palias, after whom the village is named, were given *malguzari* rights over groups of villages and a teak plantation. At the centre of this large 1200 acre village are the residence, the grain and fodder godowns, flour mill, and animal sheds of the Palia family. Radiating from it are the *mohallas* of different castes and social groups. Close by is the Dudhi river in which the rājars seasonally catch some fish. The kahars grow vegetables in the river bed during the summer. Beyond, 10 kms. away is the Jhiria forest, to which the rājars and *adivasis* go for fuel wood, timber, and forest produce.

Located close to Bankhedi, the village got electricity, ring wells, and tube wells in the seventies. Work opportunities have increased for the labouring majority, so much so that some "damads", sons-in-law, of the village are settling in, much to the resentment of the locals. But the village presents sharp contrasts of rural poverty and affluence. As expected, this is based on the land ownership patterns. The Palia family holds about 200 acres, the rest of the 40 brahmin families have holdings of 10-

40 acres of land. All of it is irrigated land, through privately owned wells. The rest, about 150 families, 40 kahars, 20 muslim, 40 *adivasis*, 40 rājars, and scattered *chamar*, *basod*, *ahirs*, and *gaderias*, are either landless or have small 1-5 acre plots. Officially the village is deemed irrigated, but in fact, if the small plot-holders want to go in for irrigated farming, they have to buy water at expensive rates. So they go in for dry farming. Or if they are in desperate circumstances, they rent out their land on the *kohli* system. The landless take in land on *batai* if possible; if not they do farm labour as *harwahas*, or seasonal *khet mazdoori* as daily-wagers. Since work can be found in nearby areas, at Machera, Lamta, Malanwada, the Thaini farms, they no longer have to go off to the distant fertile region near the Narmada. Feudal servitude of the old kind has been modified. *Harwahi* is now for a contracted period, though generally with the same family, and involves 12-14 hours labour. *Batai* is often a form of share wage. For the landowner with irrigated land and inputs, the principal remaining factor for production is labour. This he ensures by giving land on *batai*. What the *bataidar* gets in this situation as a share of the crop, covers essentially the costs of labour; him and his family's sole resource and input. What this means in real terms we shall see later in the case of Bhabūti, just released from jail.

The government provides subsidies and low-



interest loans to adivasi and dalit families. Those are channelled through the local Kshetriya Grameen Bank. But as elsewhere, the money rarely reaches the intended beneficiaries. For instance, under the Jeewan Dhara Scheme, a subsidy of Rs. 13,000 is given to a holder of 2.5 acres to put in a ring well. But a bank loan of Rs. 10,000 is also necessary to install pipes, electric pump, etc. To prevent expenditure of money for non-productive purposes, the money is not given in cash. This is a reasonable precaution. But it has given rise to systematic corruption involving the gram sevak, BDO, local BJP dalal, and traders. The gram sevak takes Rs. 50 to fill a form, whether the grant materialises or not. About Rs. 3,000 gets distributed as "commission" among the intermediaries and the traders sell the necessary materials at higher rates. Not surprisingly, so far only one adivasi, Phul Singh, has been able to get a ring well installed on his 2.5 acre plot in the village.

In the mid-seventies came the Integrated Tribal Development Programme (ITDP). An area organiser makes weekly visits to Pipariya and Bankhedi from the tribal development headquarters in Suhagpur. Under the ITDP is the Tribal Sub-Plan (TSP), which allocates funds for setting up Ashram Chattravas, hostels for adivasi students. The free food and lodging offered as educational incentives have a farcical irrelevance to the gond children of Palia Pipariya who barely manage to acquire some literacy at the village primary school.

The TSP also has sericulture schemes to promote avenues for livelihood. According to government publicity, through Resham Kendras (Pachmarhi and Mutkuli), an annual income of Rs. 4,000 - 7,000 could be gained per acre of land, depending on whether it is dry or irrigated. Needless to say, the landless and small plot-holders of the village are in no position to avail of the government schemes. But the village did get a silk worm farm, but through a route the TSP had not envisaged. It came as part of the people's struggles.

As mentioned earlier, the genesis of the present Kisan Mazdoor Sangathan lies in the symbiotic

relation it had with Kishore Bharati, located near the village. The initial struggle was to stop panchayat corruption concerning control rate sugar. Next came a land struggle relating to government wasteland which had been usurped by the dominant families of the village. Numerous petitions were sent, to no avail. Finally the Sangathan took control of 50 acres and collectively planted kodun kutki on it. This time the administrative response was immediate. An agreement was made that in return for withdrawing from the 50 acres, a silk farm would be set up on community land. In 1986 rank corruption on the farm brought the Sangathan into week-long strike. Attempts were made to break the strike by police and armed henchmen of the landed families. But the villagers persisted, an agreement was reached, and finally the Tribal Sub Plan did enter into the homes of the adivasis of Palia Pipariya.

One such adivasi home is that of 60 year old Bhabuti who lives with wife, son, daughter-in-law, and four grandchildren. The dwelling looks deceptively large, for it actually consists of a verandah, two dingy dark rooms, and an all-purpose courtyard, where a cow and calf are tethered. Bhabuti used to be a harwaha for the sarpanch, Satyendra Palia. Presently he takes in 6-8 acres on batai from maharaj Onkar Sahari. As bataidar, this landless family gets 1/8 share of the wheat crop and 1/5 of the rice crop. This year the share from the rice crop was a maximum of 270 kgs. The wheat batai gives a maximum of 400 kgs. The rice consumption is 2.5 kgs. per meal for the family, that is, about 120 meals. The wheat batai provides about 200 meals. Going by the average of two meals a day, the batai gives at best 320 of the 730 meals needed for the year. The family has to struggle to get the rest of the 410 meals. Taking in silkworms by father and son gives the family a small income, a maximum of Rs. 700 through the year. The son does mazdoori, and they get some subsistence from the forest. Somehow the family manages to survive. The family, it may be mentioned, is part of the Sangathan. Bhabuti was among those who is jailed in Hoshangabad after the Bankhedi events.



## KISHORE BHARATI: End of an Experiment

Late sixties mark the first major crisis of post-colonial India at all levels of its economy and polity. The crisis gave birth to two alternative perspectives. First was that of the peasant struggles which sought a radical transformation of existing social structure, and thus were consciously anti-state. They continue to challenge the existing social order in some pockets of the country. The second alternative was reflected in voluntary organisations. Over time these came to be seen as a reflection of the failure of existing institutions, including the political parties, especially of the left. At the grass-root level they appeared as a non-violent, if gradual, path of conscientizing the people. At another level they were to an extent perceived as an alternative path to more equitable development with an emphasis on the role of the people. From about the time of the fifth Five Year Plan the government itself, selectively, encouraged such agencies in its developmental and welfare programmes. Thus a wide range of such organisations came into existence and a whole range of restless youth were attracted to these organisations spread all over the country. In many ways Kishore Bharati served as a symbol of this second alternative. The legion of young men and women attracted to it include scientists, engineers, doctors, social scientists, and scores of other social activists.

Kishore Bharati was registered in November, 1970 (Societies Registration Act, 1860, Bombay; No. 189/70 G.B.S.D. and The Bombay Public Trusts Act, 1950; No. F 2082, Bombay). It was formally established in 1972. The Madhya Pradesh government granted 150 acres of land to it in Bankhedi tehsil of Hoshangabad district in 1972. Donations to the organisation were exempted from income tax [under S.80 (G) of the Income Act; No. Ch. 752-B]. Subsequently it was also recognised as a Research Association initially by the Indian Council of Agricultural Research (ICAR) and later by the Indian Council of Social Science Research (ICSSR). Such recognition again exempted its donors from income tax [under S. 35 (i), (ii), and (iii) of Income Tax Act; No. 1224/F No. 203/39/74-II A II and No. 1546/F No. 203/41/76-II A II respectively]. The M.P. government also permitted Kishore Bharati to start a Science Teaching Programme in 16 middle schools of Hoshangabad district.

Inspired by an idealism, informed by an alternative perspective and permitted by the state, Kishore Bharati evolved as it grew along learning from its experiences. Its multi-faceted activities can be classified into three categories; modernisation of farming, supplementary economic activities of people, and educational programmes. Introduction of cement rings and improvement of irrigation facilities, cattle breeding programmes, experiments to evolve new high yielding seeds best suited to local agro-climatic conditions, were all part of Kishore Bharati's attempts to improve farming techniques, and through them raise the standard of living of the people. In the attempts to modernise the agriculture in the area, Kishore Bharati, unlike the trader-turned-landlord family of Thaini Seths, was not particularly successful. Its supplementary activities included development of cottage industries (tubelight chokes, tailoring, leather tanning, etc.), health and education. On the educational front it experimented with non-formal education, and of course the well known Hoshangabad Science Teaching Programme (HSTP).

The landlords of the area had adopted a hostile attitude towards Kishore Bharati, while its relationship with people evolved over time. The turning point was the formation of the Mazdoor Sangathan in 1981. By then the focal point of the organisation's activities became



merely the Science Teaching Programme. Meanwhile in 1975 the government invoked the provisions of the MP Ceiling on Agricultural Holdings Act (MPCAH Act 1960) and served a notice on it. On application from the organisation, however, the government granted exemption in 1980 (under Clause (h) S. 3, MPCAH Act 1960, No. F. 28-53-28-75; 9-12-1980; Bhopal; GOMP; Land Reforms department). Kishore Bharati on its own permitted Mazdoor Sangathan to take over 120 acres of its land. This act was somewhat illegal since the lease signed between Kishore Bharati and the MP government (dt: 3-2-72) explicitly prohibits sub-lease. Hence it was done under the programme of non-formal education. Of the 120 acres of land about 80 acres were distributed to landless families on an individual basis. The remaining 40 acres were to be jointly managed by Mazdoor Sangathan and Kishore Bharati as forest land. A joint social forestry programme was also launched.

The giving of land in 1981 marked the end of many experiments of Kishore Bharati. Meanwhile the Science Teaching Programme inspired a similar experiment on a larger scale by a different organisation. And thus Kishore Bharati itself declined. Eventually in 1991 the organisation decided to close down, terminate the lease, and hand the land back to the state. Thereby an intense tension was given birth for the land surrendered by Kishore Bharati includes the 120 acres that is- as of now- under the control of the people.

The people of Palia Pipariya and the adjoining villages have in the meantime become conscious of their rights. Kisan Mazdoor Sangathan and Samta Sangathan are now on the path of struggle with the state. Militant struggles of the people, as an alternative to which organisations like Kishore Bharati came into existence, now mark Bankhedi tehsil.

In the changed scenario the future status of the 120 acres of land hangs in suspense. The people and their organisations are fighting to retain it. The local ruling elite is against it. The BJP government, it is widely believed, is planning to allocate all of Kishore Bharati's land and property to a trust that is connected with the Rashtriya Swayamsevak Sangh (RSS) which would involve forceful eviction of peasants from the land which they are cultivating for more than a decade now. The violent potential of a conflict like this need hardly be emphasised in a country like ours.

Legally what remains of Kishore Bharati and its trustees have no more role to play. Politically and morally some of them do not seem to be on the side of the people in the recent events. Two decades ago the landlords of Palia Pipariya perceived a threat from Kishore Bharati. Today some of its associates have come to be considered their allies. Whether or not it introduced modern and equitable economic infrastructure and progressive and scientific values in Bankhedi, Bankhedi seems to have refeudalised some of the associates of Kishore Bharati. And thus the development alternative of the late sixties has come full circle.

But then, a more humane development programme was not the only goal of Kishore Bharati. Encouraging local initiatives and promotion of grass roots organisation was also part of it. "The clear indication of our success will be the speed with which villagers assume responsibility for their own development and thus render us superfluous" stated a Progress Report of the organisation prepared in 1973. The Mazdoor Sangathan formed under the aegis of Kishore Bharati grew up to become Kisan Mazdoor Sangathan and with the help of other organisations and forces is challenging the establishment independent of the vicissitudes of Kishore Bharati. In that sense perhaps the success of experiments like Kishore Bharati lie in their failure.



## VI.

## Events

Between 5-8 September 1991, a massive search and seize operation was launched in the Jhiria forest, Bankhedi range. The patrolling force was personally headed by the Ranger, P.K. Vadiya. It included deputy rangers, nakedars, and several watchers. The latter are daily-wagers mainly drawn from local adivasis. Villagers from both Palia Pipariya and Bijanhai were affected by this operation. Eventually, it led to the confrontation at the range office on September 9, affecting the harijan basti also.

On September 5, six persons were apprehended for carrying off ballis (logs) of teak wood at the Chirapani checkpost. These six from Palia Pipariya were four adivasis, Kubbu Thakur, Pravesh Thakur, Shekhar Thakur, Bharti Thakur, and two rajjars, Baba and Panna. They were detained at the naka (checkpost) that night and taken to the Bankhedi range office in the morning. All this is permitted under the Indian Forest Act, 1927 and the MP Forest Rules, 1960, which confer sweeping powers on forest officials. Ordinarily, the culprits would have been detained for the night and let off on payment of Rs. 50 to Rs. 100 each. But this is not what happened, for they belonged to a village which is the strong base of the Kisan Mazdoor Sangathan (KMS).

According to the Van Karamchari Sangh, the Palia Pipariya villagers were caught with 68 pieces of teak wood, valued at Rs. 30,495. Such a large quantity of wood needs to be transported by some vehicle, a cart or at least, cycles. But no such vehicles are mentioned as having been confiscated. We are left wondering how 68 heavy logs of wood could have been carried on the heads of six persons. The Preliminary Offence Report (POR) under the Forest Act, is dated September 8 (POR No. 1582/12, No. 16368/20) to suggest that there was no delay in framing charge and following regulations. But the detention of the six accused was not denied when activists of the KMS went to the range office to secure their release on September 6th and 7th. Reportedly, they were told that the Ranger had expressly ordered that the detention should be continued till he returned. He returned from the

forest operation only on September 8. There is therefore strong evidence to suggest that the illegal detention was sought to be covered up and the offence enhanced so as to impose the maximum punitive fine of Rs. 1,000 (MP Amendment to S. 51 of Indian forest Act, 1927; MP Act 9 of 1965, S. 8).

Independently on the same day, September 5, around 4 p.m. four women from Bijanhai were accosted by forest staff when they were returning from collecting headloads of fuelwood. They were Guddibai Thakur, an adivasi, and three rajjar women, Munnibai, Kamodbai, and Chottibai. Accompanying them was a relative, Kursilal. The forest staff consisted of nakedar Kunwar Singh Bahadur, nakedar of Jhiria, and 6 watchers. The offence was smuggling out teak wood. The women deny this. They state that the 8 forest officials surrounded them, gave filthy abuses, cut fresh teak and placed it on their headloads. Then their thumbprints were taken on blank sheets of paper, and they were made to walk a long distance to the Kamti checkpost. They arrived there around nine in the night. All through they were subjected to lewd remarks. Kursilal was badly beaten and he was bleeding. At the checkpost his hands and feet were tied, and the women were dragged into the dark checkpost room. Their parents raised a collection from Bijanhai villagers, and paid Kunwar Singh Bahadur Rs. 150 to get them released. They finally got back to the village at two in the morning. The next day they were threatened by forest staff to keep quiet on the matter. Later, in their statement to SDOP, Pipariya (September 13) the women stated that they had been gangraped on the night of their detention at Kamti checkpost. The concerned forest employes deny the charge. But though the rape charge is disputed, there is no denying that the women were detained in the checkpost in the late hours of the night. This in itself is illegal (CrPC, S. 160/1), about which the forest and police officials are maintaining silence.

Thus on Sept. 5 two separate incidents, one at Chirapani checkpost and one at Kamti checkpost took place involving villagers from Palia Pipariya



and Bijanhai, respectively. Three days later, on Sept. 8, a massive raid (by forest officials) was conducted in Bijanhai. In the raid, according to Sangathan activists, the houses of the real culprits were spared. From these the activists recovered a number of logs, made a panchnama and handed over the logs to the local official. Otherwise, in the raid people were indiscriminately beaten and abused. Several dwellings were ransacked, grain, cooking oil, chicken were taken away. Looted were 8 silver anklets from Sardar Singh, Rs. 2,000 from Hakki, and a watch from Jagdish. Apart from the terror unleashed by the raid, two persons, Ramswarup and Tantu, were arrested. They were detained at Bankhedi Range and tortured. As it happened, they became witnesses to what happened in the Range office the next day.

The explosive events of Sept. 9 started on a

minor key. A phone message was received from the Range Office for Hargovind Rai, KMS activist, to come and get the six Palia Pipariya villagers released. Hargovind from a relatively well-off kallar family, and Pradeep from an impoverished Brahmin family, are among the few educated activists of the KMS. Some manage to write their names; for the majority the inked thumb impression represents their interaction with the world of offices, thanas, and courts. In response to the message 4 villagers went to the range office early morning to pay the fine and arrange for the bail. The Ranger demanded Rs. 1,000 as fine, an amount far beyond the means of the detained. He was angry on being asked why the persons had been kept since September 5 and why such a heavy fine was being imposed. The KMS activists were abused, pushed around. Hargovind was manhandled and beaten.

### Law and Kamti Checkpost (5 September, 1991)

**376. Punishment for Rape**

(2) whoever,-

(a) . . . . .

(b) being a public servant, takes advantage of his official position and commits a rape on a woman in his custody as such public servant or in the custody of a public servant subordinate to him;

. . . . .

shall be punished with rigorous imprisonment for a term which shall not be less than ten years but which may be for life and shall also be liable to fine.

*--The Indian Penal Code, 1860*

**114-A. Presumption as to absence of consent in certain prosecutions for rape.-**

In a prosecution for rape under clause (a) or clause (b) . . . . of sub-section (2) of Section 376 of the Indian Penal Code, where the sexual intercourse by the accused is proved and the question is whether it was without the consent of the woman alleged to have been raped and she states in her evidence before the court that she did not consent, the Court shall presume that she did not consent.

*--The Indian Evidence Act, 1872*

**73. All forest officers shall be deemed to be public servants within the meaning of the Indian Penal Code**

*--The Indian Forest Act, 1927*



Things thereafter happened in a spontaneous and unpredictable manner. When an urgent message reached Paliya Pipariya concerning problems at the Range, Pradep and many other villagers set out on foot and cycle to Bankhedi. On arrival they found the police had been called, Hargovind under arrest, and being taken away in a jeep. Some threatening remarks by the police made them apprehensive that Hargovind's life was in danger. Men and women lay down before the jeep, there was a heavy lathi charge. Tempers ran high and a free for all broke out. Ranger Vadiya received minor injuries, more seriously hurt was ASI Mishra who was bleeding from a sharp blow on the head and had to be hospitalised. Among the villagers, about 30-40 were beaten; at least 10 men and women had bad injuries and broken bones.

The jeep took off for Pipariya thana before noon. Hargovind was so badly beaten in the lock-up that he could hardly stand. Though a local journalist Nainumal Malkani, spoke to him with the permission of the police, and the report he filed was carried in MP newspapers the next day, the team was categorically told that he had never been brought to the Pipariya thana. For a case of attempted murder has been foisted on Hargovind for leading the "lethal attack" in the morning. How he could have led the alleged attack while sitting in the jeep in police custody defies common logic.

Police reinforcements had been called in from Suhagpur and Pipariya. These arrived in 3-4 jeeps around 2 p.m., headed by SDM Shukla and SDOP Mishra, Pipariya. But along with the police the jeeps brought in a sizeable group of local people. Some of them were from landed and trading families. Others were goons. Like anti-socials elsewhere, the goons are henchmen of merchants with underworld gambling, satta, and video parlour networks. The dadas and their followers align themselves with whichever party is in power. Currently the Bankhedi thugs are strutting around as the Bajrang Dal. Other locals gathered because of wild rumours that the villagers were indulging in murderous attacks on the police and forest guards, setting fire and looting the range. But the villagers were now simply gathered in an open space by the

railway line. These hapless tired villagers, men and women with small children, were terrorised with indiscriminate beating, subjected to public humiliation, and arrested. Some were made to crawl on their knees to the jeep. Those attempting to flee were chased 3-4 kms. in the fields, and along the railway line. The jeeps with police and thugs then raided the adivasi part of Paliya Pipariya. Villagers were dragged out, beaten, their tools and implements taken away, money stolen, and possessions broken.

That private parties were involved in the attack on the villagers is being explained as coming to the defence of the police in the interests of law and order. No doubt some of them were citizens who genuinely believed the rumours. But thugs can hardly come in this category. Apart from the thugs, the attacking locals reportedly included hotel and barber-shop owners involved in the March-April anti-harijan offences, the objective seems to have been to teach a bloody lesson to the Sangathan.

Around evening, a team from Pipariya representing different organisations and parties -- Congress(I), Janata Dal, Samajwadi Janata Party and Samta Sangathan visited the village and Bankhedi Range office. A selective attack on the Sangathan members of the team was made. One of them Shrigopal Gangora, had to be hospitalised. A small fire at the nistar depot was shown as proof of "arson" by the villagers. This proof is being dismissed even by those unsympathetic to the Sangathan.

The next day the BJP organised a market bandh in Bankhedi against the KMS and Samta Sangathan. Slogans on the walls in the market area, "Samta Sangathan Murdabad" are still to be seen. In Pipariya there was a pro-Sangathan bandh led by the Student Organisation. On September 12 there was a retaliatory rally and public meeting by government employees. The planning and organising of the anti-Sangathan rally is alleged to have been closely guided by the local BJP MLA, Murlidhar Maheshwari, the SDM and the SDOP, Pipariya. Open demand for banning the Sangathan was made. Similar demand was made in a memorandum to the governor by an MP and four MLAs of the BJP,



including the Minister of State for Revenue, Madhukar Harney (MLA, Hoshangabad). The team found remarkable similarity in the allegations, hostility, and narration of events by the police, administration, representatives and sympathisers of the ruling party.

The team also found heated local controversies concerning the delay in making public the charge of rape. Irrespective of such controversies, the team found serious irregularities and violations of administrative, legal, and political norms. For instance, the complainants and the social workers helping them were unnecessarily made to run around by the M.O., Mrs. Verma at Civil Hospital, Pipariya to get the medical examinations done. The complainants were adult women, nevertheless the doctor insisted on the consent of parent/husband. Then the doctor insisted on getting the SDM's signature though the order for medical examination was perfectly valid, issued by the Pipariya police thana. The team was told at the Bankhedi thana that there is an MP government circular that the SDM's signature is needed in rape cases. This was denied by another police official. It took one and a half days for the medical examination to be done.

About a week later, September 21-22 came the enquiry team headed by an official sent by the Commissioner for Scheduled Castes and Scheduled Tribes. The Commissioner is empowered to conduct investigation in matters relating to constitutional safeguards for people of SC and ST communities. The reports of Commissioner's office, set up under Article 338 of the Constitution, are placed before both the houses of Parliament. As such, an official deputed by this institution is expected to conduct an impartial enquiry. But the concerned official seems

to have conducted the enquiry in a less than objective manner. The official chose to meet people very selectively, excluding any representative of people's organisations. She was intimidating and harsh with the complainants, and suggested that they had been coerced by a social worker to file their complaint.

Later in October, after the complainants had identified the accused in presence of the naib tehsildar in Hoshangabad, on the way to jail, the principal accused escaped from police custody possibly with their connivance. Two months later, the government announced citations and cash awards for police and forest officials involved in the Bankhedi events. Among those included for this honour was the forest guard, Kamti checkpost, Kunwar Singh Bahadur, who had "escaped" police custody, was under suspension, had a warrant against him, and was absconding. Three weeks before the team's visit, the BJP MP Sartaj Singh presented on December 7, the award in absentia to a relative of Kunwar Bahadur at a public ceremony in Pipariya. After a whole month of public pressure in the press and campaigning by KMS and the Sangathan, the award was finally withdrawn.

In all, cases have been made against 69 people for the events of 5-9 September. Of these 27 are charged with forest offences. 20 were arrested on Sept. 9 and sent to jail. A few were released shortly after, but 14 were detained for a whole month. Another nine were arrested two months later, including three from the harijan basti. Charges are of criminal assault, arson and attempt to murder. Ten persons from Palia Pipariya are listed as "absconding". Among them is 50 year old Shivraj, adivasi, limping with fractured leg, whom we met on December 29 in the village.



## VII. Heart of the Matter: An Epilogue

There are many ways to get lost in this chronicle of struggles of the people of Hoshangabad. The fundamental obfuscation of their lives is that the land question gets articulated as that of the forest. Wherever you go people want but a small piece of sustainable land. Yet except that 120 acres of uncertain future, there is no land struggle here. Not having land only accentuated their intricate relation with the forest.

In the forest the law confronts them. And it also distorts their lives. If they go to the Reserve Forest they violate Section 3 of The Indian Forest Act, 1927. If they cut bamboo in any manner other than prescribed in the five clauses thereof they violate Section 3 of The M.P. Forest Rules, 1960. If they collect edible roots more than the prescribed quantity within the permitted paidawar nistar area, they violate Sections 2(1) and (3), read along with Section 1(f) of The M.P. Forest Rules. If they protect their crops from marauding wild pigs they violate section 9 of The Wildlife (Protection) Act, 1972 and get punished under its Section 51. If they collect scrap metal from the Proof Range, that was once their home and habitat, they violate Sub-section 3 of Section 9 of The Manoeuvres Field Firing and Artillery Practice Act, 1938. If they brew mahua in their homes, they violate The M.P. Excise Act. If they cut timber they violate Section 51 of The Indian Forest Act, 1927 as amended by Section 8 of The M.P. Forest Act, 1965. In the process they also

get morally condemned as 'lakdi chors'. The jurisprudence thus stands majestically in its opposition to the political economy of survival of the people.

And thus disarticulation of their basic needs gets entangled with the law of the land and, in an extended sense with 'morality'. It is these obfuscations that cloud their struggle for survival. In turn they can also be a rich source material for various discourses which further obscure their lives and struggles. But the articulation and obfuscation are part of the historical process that denies them the right to natural resources. And when they assert their rights, it becomes, in the words of Criminal Procedure Code, a "breach of peace".

The peace is that of four hundred years of social history. Malguzars and money lenders, money lenders turned progressive capitalist farmers, other caste hindu communities and their inviolable codes of social conduct, teak plantations, and excise contracts, army golas and wild pigs, sugarcane and soyabean -- their social history is a volatile and stable mix of communities and commodities, that is now under turmoil.

The struggle of the people is an attempt to recapture for their lives what is but theirs (jungle hamara hai, nahin kise ke baap ka). It is an attempt to reassert their rights. It is an invitation to polarisation. The heart of the matter is: which side are you on?



## Demands

1. The erstwhile Kishore Bharti land must be legally granted to those who are in possession of it now.
2. Prosecution of upper caste offenders in Bankhedi under Civil Rights Protection Act and The SC and ST (Prevention of Atrocities) Act.
3. Prosecution of all the police and forest officials involved in unlawful acts in Bankhedi, Palia Pipariya, Bijanhai, Chirapani and Kamti checkposts.
4. Provision of viable and sustainable alternative to those engaged in scrap collection in the Central Proof Range.
5. Cancellation of licence of the liquor contractor of Kesla and prosecution of the excise and police officials in collusion with him.
6. Invocation of The Wildlife (Protection) Act (S. 62) to exempt wild pigs from the protected species in the villages affected by their attack.
7. Withdrawal of all cases against people arrested in the events between 5 to 9 September.



## AN APPEAL

The adivasis of the Dangs district, south Gujarat, are engaged in a bitter struggle not very dissimilar from that of the people of Hoshangabad. Most of the district, notified as reserved or protected, is under the direct control of the forest department. Officially not more than 9 per cent of the district's 143,000 people are permitted to cultivate whatever little land is available for cultivation. The people, under the leadership of the Adivasi Bhumiheen Kisan Hak Sangharsh Samiti, are waging a struggle to continue cultivation in the area taken over by the forest department. In January 1991 they held a successful blockade of some of the villages into which forest officials were not allowed. Government compromised and allowed them to carry on with cultivation in some of the so-called protected forests. But subsequently in October-November the forest department conducted raids. In one such raid led by the Conservator of Forests, police opened fire killing Taraben Pawar in village Kosidama on 20 November. Following widespread protest, the government announced allotment of ownership rights with 1980 as the cut-off date. But again raids and destruction of standing crop continued. Recently the Samiti began its indefinite dharna at the Collector's office. Two of its leaders Irfan Engineer and Vir Singh Patel were detained under National Security Act in the first week of January. They are now lodged in Baroda Central Jail. We appeal to you to join us in demanding the unconditional release of the two leaders detained without trial.

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