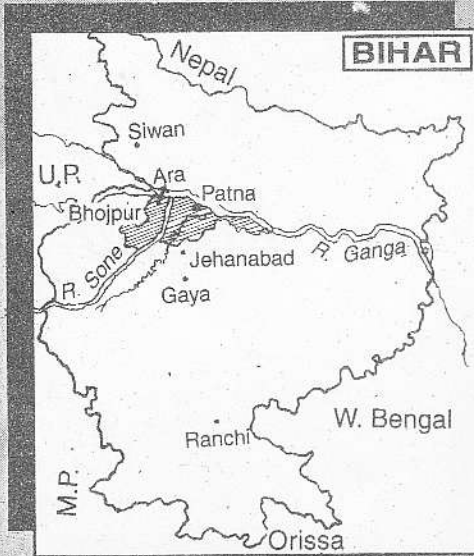


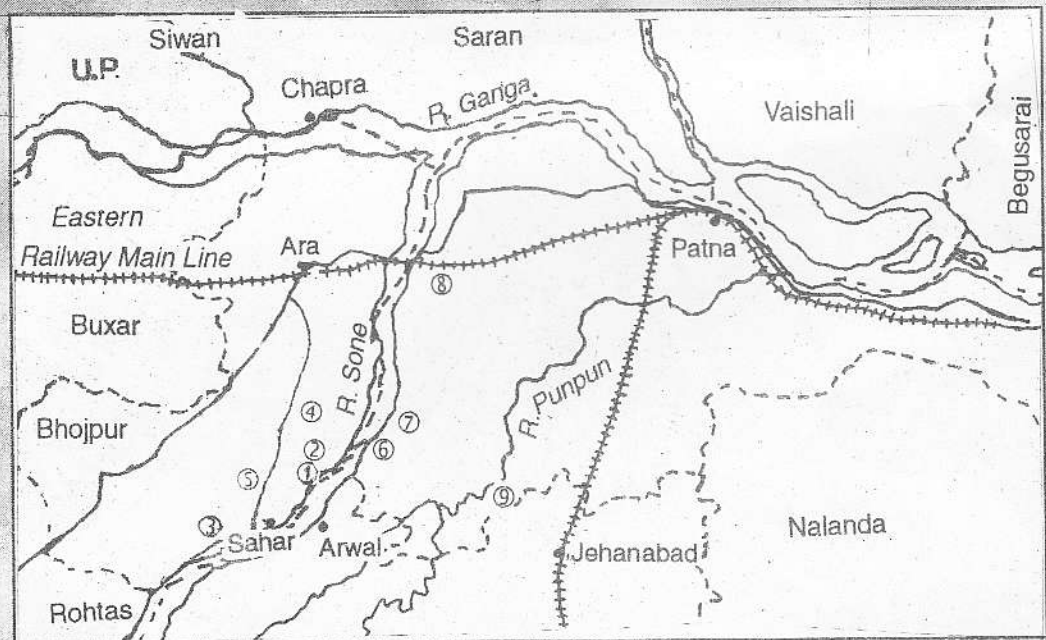
*Agrarian
Conflict
in Bihar
and the
Ranbir Sena*



People's Union for Democratic Rights
Delhi
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The central plains of Bihar, the site today of this bloody conflict between the Ranbir Sena and the Marxist Leninist organisations, are bound by the Ganga in the north. It is Ganga's tributary, the Sone, whose two banks form the backdrop of this most recent phase of agrarian conflict. This river flows from south to north and forms the border between Bhojpur district in the west, Patna in the east and Jehanabad in the south. Further east the region is drained by the meandering Punpun river that winds its way through Patna district, to finally join the Ganga. The Ganga forms the northern boundary of this region.



- ① - Nanaur, ② - Nadhi, ③ - Bathani tola, ④ - Khanet, ⑤ - Ekwari, ⑥ - Jalpura, ⑦ - Haibaspur, ⑧ - Raghopur, ⑨ - Indo

We owe respect to the living
To the dead we owe nothing but the truth

— Voltaire

The organized killing of poor peasants and landless labourers by middle and upper caste landed armies and retaliation by Marxist-Leninist organizations have been flashpoints in the agrarian scene in Bihar over the last fifteen years. Hence, this is not a new phenomenon. What is relatively new however is the entry on the rural scene in parts of the central Bihar districts of Bhojpur, Patna and Jehanabad of a new upper caste landed organization called the Ranbir Sena. It has, over the last three years, been responsible for a series of massacres of rural poor, such that the names of obscure villages — Bathani tola, Haibaspur, Ekwari, etc — where these massacres had been perpetrated became known to a wider public through the national press.

In order to gain first-hand information about these incidents, about the actions and the responses of the various concerned, People's Union for Democratic Rights (PU DR) sent a five-member team to these villages. It probed nine incidents, of varying kinds - killings by the Ranbir Sena, by the ML parties, and 'encounters', real and fake. It did so by speaking to residents of these villages, members of the Ranbir Sena, members of Marxist-Leninist organizations, the District Magistrates of Bhojpur, Jehanabad and Patna and the Superintendents of Police, Bhojpur and Patna.

Following the killing of the activist of the CPI(ML) Liberation, Chandrashekhar, in Siwan district in late March, our team also briefly visited Siwan with the limited aim of locating the issues that dominate the rural and urban scene in Siwan district. The team met senior party members, and the sitting MLA from Mairwah, a reserved constituency near Siwan town.

The report is an attempt to record these massacres, their context, the issues and struggles of the people, and the response of our 'socialist and democratic republic'.

Old Issues, Recent Massacres

BHOJPUR DISTRICT

This district on the west bank of the Sone river has a long history of organized peasant struggle over land and wages. The blocks of Sahar, Sandesh Charpokhri and Udwantnagar are the sites of the ongoing war between the Ranbir Sena and peasant supporters of CPI(ML) Liberation. Even though at the moment it is these bloody battles, that seem to preoccupy both sides, behind it lies the old struggle over wages and control over land, and for social dignity. An account of the recent killings would give one a clear idea of the grimness of the situation and of the old tensions that, with a new protagonist, grip the area today.

1. Nanaur, Block Sahar

Nanaur is situated close to the Sone in the old Sone Canal area, to the east of the Ara-Sahar road. Five people, all children and teenagers, were killed by the Ranbir Sena in this village on 22 April 1996.

Nanaur falls under Nadhi panchayat and comprises six tolas, with roughly 400 households in all. There are 60 bhumihar, 30 rajput, 65 muslim, 63 paswan, and 20 musahar households, besides some yadav, been, and mallah houses. The bhumihars and the rajputs are the largest landowners by and large and stay in two tolas, Bichla and Malik. The largest landowner, Ganga Singh, owns about 40 acres of land. These local upper castes were earlier organized by the kurmi-led Bhumi Sena and the rajput-led Kunwar Sena. It is in these tolas and among these sections that the Ranbir Sena has its base.

The lower and backward castes and muslims, own small plots and work as labourers. They, particularly the yadavs, support the CPI(ML) Liberation, which has been active here for almost two decades and has been taking up issues of land and wages. In 1975-76, the Bihar government distributed *pattas* (individual allotments) for the *gair mazarua aam* land (land historically not settled with tenants and meant for use by the community such

as for grazing, collecting fodder, etc) next to the river nearby, totalling about 150 acres, to be distributed among the landless of the village. There was acute tension and killings then, for which some people have served long jail sentences. The land continues to be controlled by the landlords. In January 1992, the party succeeded in gaining effective control of about 20 acres of this *gair mazarua* land, and distributed it among landless households. This land was being cultivated by Ganga Singh and Dohar Singh. This was followed by a period of attacks and counter-attacks by the landowners and the party. The party has also succeeded in securing a better wage for agricultural labourers in Nanaur. The daily wages are Rs 20 a day plus food. Harvesting wages are one headload (*bojha*) in every ten, which is as per government regulations, compared to the one in sixteen that was the wage a few years previously.

There was no specific tension in Nanaur prior to the incident. On the night of 22 and 23 April, a crowd of about 500 was watching a video show under a *shamiana* in the part of the village close to the irrigation canal and the bhumihar tola. The show had been arranged by Shridayal Kahar on the occasion of his daughter's wedding. The wedding party had come from the adjacent village of Nadhi. At about 12.45 a.m. on the 23rd, this crowd was fired upon from the side of the canal. About 15 of those watching the film, mostly children, were injured. Five were killed. These were Haisamuddin (17 years), Khurshid Alam (about 11 years), Naseem (about 8 years), Kallu (10-12 years), and Manoj Kumar (12-13 years). The last three were from Nadhi and had come with the wedding party.

The attackers numbered about 50-60. They came from the direction of Nadhi and included bhumihars from Brahapur, Dhanchua, Nadhi, Nanaur and Mudaffarpur. On the same day as the wedding at Shridayal's house, *tilak* had been brought from Nadhi to the houses of two bhumihars, Lalbabu Singh and Ramadhar Singh. Their houses were very

close to the site of the shamiana for the kahar wedding. Armed people were coming to these two bhumihars houses all through the day, suggesting local support and preparation for the attack.

After the attack, CPI (ML) activists helped to take the victims to the hospital. However, this was possible only in the morning for fear of another attack outside the village.

Even though there was a police camp at neighbouring Nadhi, the police came at 10 a.m. the next day, after the Liberation party representative came to the village at 8 a.m. and ensured that they did so. The people did not allow the bodies to be taken away until the DM came — at 11.00 — and insisted on a post-mortem right there. An FIR was lodged by Shridayal Kahar, naming some ten persons including Suresh Singh, a bhumihar landlord from Nanaur itself, Sidhi Rai Singh of Mudaffarpur, Brajesh Rai of Mahendora, a Ranbir Sena leader, Brahmeshwar Singh of Khopira, and five persons from Nadhi. They have, however, been granted bail.

Ten thousand rupees was given as compensation for each victim. Houses were also built under the Indira Awas Yojana. Of the injured, only those who had lost limbs received compensation, of Rs 5,000. Some were promised a pension, but it has not been paid. After the firing, the police camp at Nadhi was shifted to Nanaur.

Subsequently, Lok Nath Singh, a bhumihar landlord from Nanaur, was kidnapped in September 1996. On 20-21 December 1996, the property of Ramji Yadav and Bhikan Rajak, the prime accused in this kidnapping, was attached in a *kudki zabti* operation (attachment of an absconder's property) by the police. The people tried to prevent the police from entering the tola, knowing what was going to happen. The police carried out a lathicharge in which four people were injured and had to undergo treatment in Ara hospital. Under the facade of *kudki zabti*, both their houses were deliberately destroyed — holes were punched in the roofs and in the four corners of Ramji Yadav's house, and the grain storage jars broken, all this in the presence of the Superintendent of Police (henceforth SP) of Bhojpur,

Mr Singhal, the Deputy Superintendent of Police (DSP) and the police from ten villages around. The SP is reported to have poured Aldrin, a known poisonous insecticide, into Ramji Yadav's well, a well that was regularly used by the entire tola. We saw leaves and dust on the still water suggesting that the people had stopped using the well.

Five people were taken into custody after *kudki*. Of these two were released and the others jailed. The four injured undergoing treatment at Ara hospital were forced to sign on blank sheets of paper. They were accused of obstructing police work and are now on bail.

On 24 March this year, Vishwanath Sau and his son Gorakh Sau, residents of Nanaur, who worked in Delhi, were coming to Nanaur when they were shot dead near the canal beyond Nadhi by Ranbir Sena men. On 16 April, three houses were ransacked in the course of another *kudki zabti* operation in connection with the same case of the kidnapping and murder of Lok Nath Singh. No list of things seized was given, and the residents of these houses were made to sign blank sheets.

2. Nadhi, Block Sahar

Nadhi is located very close to Nanaur. The village was the site of two clashes between the lower castes led by the CPI(ML) Liberation and the bhumihar landowners, on 5 May and 19 May 1996, that killed at least sixteen people and left several injured. They are flashpoints in a long struggle over wages and control over 200 acres of *gair mazarua* land.

Nadhi is a large village sharply divided into two sections, one part of the village has about 80 bhumihar households. Though there are muslim, teli, musahar, Kanu and yadav households, the other part comprises mainly a tola with about a 100 chamar households. A path runs between these two parts and leads on to the main road to Ara. With killings here and in Nanaur, the tension is palpable. No one crosses from the upper caste to the lower caste areas and vice versa.

The CPI(ML) Liberation has been actively organizing in this village for some years now. Most

close to the site of the shamiana for the kahar wedding. Armed people were coming to these two bhumihars houses all through the day, suggesting local support and preparation for the attack.

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The CPI(ML) Liberation has been actively organizing in this village for some years now. Most

of the chamar households support the party. Labour derives primarily from the lower castes. No one in the chamar tola has any land. On the other hand, bhumihar landowners own vast tracts of canal-irrigated land. They have also controlled about 200 acres of *gair mazarua* land for years. Even though the state had granted *parchas* (ownership deeds) for all the *gair mazarua* land to the landless of the village, actual control of this land by allottees was not ensured. In 1978, control over about 20 acres of this land was taken over by the party and distributed among 100 landless households. There followed a number of attacks by the landowners on those who had taken their land. To date, about 180 acres of *gair mazarua* land is controlled by the landowners.

The CPI(ML) had also been taking up the issue of wages. Whereas the daily wage for agricultural labour earlier used to be Rs 15 plus food, the wage has gone up to Rs 25 plus food as a result of the struggle.

The bhumihars from this village have not formally been part of other landlord armies prior to this but had offered tacit support to most other upper caste armies. Today, some of them are the most vocal and articulate members and supporters of the Ranbir Sena. One particularly exploitative landlord, Nand Kumar, became the chief enemy of the lower castes. He was forced to leave the village some time ago.

This village has had a history of conflict. In 1992, the MLA of the area, Jyoti Devi, herself a bhumihar, visited the village. As a consequence of an altercation, Liberation supporters blackened her face and insulted her. The DSP, Bhole Nath, in retaliation, surrounded the village as the CPI(ML) supporters were gathering to go for a rally, and fired upon them, killing six. A landowner Chandradev Rai is also alleged to have fired at the rally. In 1994, he was killed by the party. His body was kept for 48 hours before the people allowed the police to take it away.

After the incident in neighbouring Nanaur, the police camp stationed at Nadhi was shifted to Nanaur. On 5 May 1996, at around 3.10 p.m., a large armed group of CPI(ML) supporters collected outside the village. They included a large number

of villagers and some outsiders. At about the same time, Mithali and Ramzan Miyan, two old men who lived in the midst of the bhumihar settlement were murdered in their houses by the bhumihars. Two old women of the Sau community are also alleged to have been murdered. Their houses were looted; but their bodies have not been found to date.

The party-organized armed group entered the village in groups of fifteen, and killed eight bhumihar landowners — Nathuni Rai (70), Jangaldhari Rai, Venkatesh Rai (in his forties), Mahendra Rai and Rajendra Rai (both 40-45), Mantu Rai (20-25) and Ramayan Rai and Baleshwar Rai (60) — and shot them dead. None of those killed were among those directly indicted in the Nanaur massacre. Three persons were injured in the attack. Kamala Devi lost an eye. But Baleswar Rai's grandchild was allowed to go unharmed. A hawker selling sindoor etc., Radhe Gosain of Badgaon, was also killed. It was difficult to conclude who had killed him.

The police reached the village only at night. Three FIRs were filed. Of the eight persons named by the bhumihars, all but one are absconding. Moti Kahar was arrested for Baleshwar Rai's murder. The bodies were taken for a postmortem without even being covered. Those we spoke to said that the dead were taken to Ara like sacks, tied with ropes on the roof of the police vehicle. Rupees ten thousand was given as compensation by the District Magistrate (DM) to the next of kin to each victim. The injured did not receive any compensation.

On 19 May, the Ranbir Sena supporters from Nadhi and neighbouring villages took revenge for the attack of 5 May by CPI(ML) Liberation. At about five a.m., they started firing from the roof of a house bordering the chamar mohalla at the houses in the chamar mohalla. CPI(ML) supporters returned the gunfire. At about 7 a.m., Ranbir Sena members came down from the roof and entered the houses immediately adjacent to theirs and killed a 45-year old Dusadh woman, Chano Devi, who lived alone, and a couple, Sitaram Das and Chintamani Devi, both chamars. All three, it was noted later, had injuries indicating that they had been shot from the

front at point blank range. This firing carried on until noon. The police reached the tola at about 1 p.m. and exchanged fire with the Sena. One policeman was injured in the firing. The police arrested about 15-20 Ranbir Sena people and beat them up.

No compensation was awarded in the incident of 19 May on the grounds that supporters of CPI(ML) Liberation had returned fire. Six residents of the chamar tola, supporters of CPI(ML) Liberation are in jail. They were arrested in connection with the 5 May incident. Four others are absconding. In February 1997, police conducting kudki zabti raids in the chamar tola on the houses of Ramakant Ram, Vishwanath Ram, Hareshwar Ram, Mushtaq Mian and Sunil Kahar. Only a partial seizure list was given; many household items were taken without recording their seizure.

Following the killings, the party imposed *naka bandi* (economic boycott) on the lands of the bhumihar landowners. The landowners said that they were too scared to work on the lands themselves. The fields are lying fallow.

3. Bathani Tola, *Block Sahar*

Bathani tola is a large tola (hamlet) of Badki Khadaon village, that has three other tolas — Tandhi, Chutki Ajholia and Gulab Chak. The main settlement houses mainly upper caste households, bhumihars and rajputs, along with around a hundred lower caste households. Chutki Ajholia is a predominantly brahmin tola, while Bathani, Tandhi, and Gulabchak do not have any upper caste households. While about a dozen upper caste households own 35-40 acres of land (or about 60-70 bighas; one bigha equals 0.62 acres in this region), the majority own below 12 acres. The upper caste landowners also control about 55 acres of gair mazarua *aam* land. The scheduled caste and backward caste households own less than an acre each.

The CPI(ML) Liberation has been active in this village, organizing the poor, generally lower caste, villagers since 1975. The issue of wages for attached and for free labour has been *the* cause of conflict

between the agricultural workers and the landowners. In 1990, the permanent attached farm servants (called *banihars* in this area) struck work and demanded five kgs of paddy as daily wages. The then DM, Mr M.K. Srivastava, had ruled that this be the wage. However, there being no check, wages soon reverted to the earlier amount and today the banihar gets only one-and-a-half kgs of paddy (about one kg of rice) for a day's labour and one *bigha* of land for self-cultivation. The daily wage for free labour is Rs 20 plus food. As late as 1988, it used to be five rupees.

A unit of the Ranbir Sena was formed in the village in 1994, and is supported by the bhumihars and the rajputs. Its chief organizer in the village is Shraddha Singh. His son, also a Sena leader, was earlier in the Central Reserve Police Force (CRPF). The son of another leader, Guli Singh, is a member of the Bihar Police.

The incident of 11 July 1996 took place against this background of conflict. It was the culmination of a chain of events that started with the killing of Sultan Mian on 25 April 1996. Sultan Mian, a poor tailor and a resident of the main village, was killed by 7-8 people, which included locals and outsiders. When his family resisted the police taking away his body, his 80 year old father was kicked by the additional SHO, Bhanu Pratap Singh. However, an FIR was filed and the accused arrested.

A couple of days later, on 27 April, a shepherd passing by the canal road near the village was killed by the Ranbir Sena. That night, police and the village's upper caste goons kicked open the door of Badharu Ram's house, and threatened him. Fearing for their lives, the residents of 60 muslim and lower caste households migrated from Badki Khadaon to neighbouring Bathani tola, taking shelter with families there. The houses they left behind in Badki Khadaon were subsequently looted; even the doors of some houses were taken away.

Bathani tola had 45 households initially, and it now grew by 60 households. Few of the displaced families had the means to build houses and therefore are forced to live with their hosts. On 29 April, members of the Ranbir Sena surrounded Bathani

tola and fired at it. Following the incidents, a police camp was set up in the primary school in Badki Khadaon. There was another camp in Chutki Khadaon and a camp of the Bihar Mounted Police (BMP) near a tola of Patalpura village, very close to Bathani tola.

On the afternoon of 11 July 1996, 50-60 armed persons belonging to the Ranbir Sena approached Bathani tola from the near the police camp. The men of the tola ran away, leaving women, children, and old people behind. Most of the attackers were bhumi-hars from the village. They attacked the house of Marwari Chaudhuri in which people had taken shelter. After setting fire to the house, they went on a horrifying killing spree, killing 19 people on the spot and injuring five others. Two children died later. People from other lower caste tolas — from Janpura, Patalpur, Karaudi — rushed out to help the victims wielding domestic implements as weapons. After the Ranbir Sena men retreated, they assisted in taking the five injured persons to the Patna Medical College Hospital.

Throughout this attack, the police in the camps situated within sight of Bathani tola did not come to protect the victims, but merely watched passively. The SP, Bhojpur, took seven hours to reach the site of the massacre.

The official reason given for their inactivity by the SP was that the police did not have any orders to intervene, as no officer was present in the camp. Srikrishna Chaudhury, a resident of the tola, filed an FIR that named 25 people, all bhumi-har landowners. One main accused from Chutki Ajholia is still absconding.

The DM has given Rs 10,000 as compensation to the next of kin of the deceased and promised free rations for three months of which they received rations for one month alone. The erstwhile Chief Minister, Laloo Prasad Yadav, who visited the village, granted compensation of Rs 1 lakh from the Chief Minister's Relief Fund, and promised a job to one member of each victim's family, and a house. Those displaced from Badki Khadaon in the earlier tension have been given one *kattha* (1/30th of an acre) of land and Rs 10,000. But the land

given to them is low-lying and swampy and not a part of the *gair mazarua* land occupied by the landlords.

The residents of the tolas, under the leadership of the party, imposed *naka bandi* on the main village after the massacre. The bhumi-har landowners are forcing the 35-odd families of lower caste labourers left in the main village to work on their fields. In October, the upper castes in turn tried to pressurize the labourers. They blocked the flow of irrigation water to the tola's lands. Then they breached the main irrigation canal near the main village causing the lands of the tola to get flooded in November and December last year.

After the massacre at nearby Ekwari village, by the Ranbir Sena on 10 April 1997, police surprisingly conducted search operations for the accused in the lower caste tolas of Tandi and Gulabchak. Women were molested and beaten in the course of this operation. Residents alleged that the SHO of Sahar PS took five thousand rupees from them.

4. Khanet, Block Udwananagar

On 12 December 1996, five people were shot dead in the musahar tola of Khanet by a group of about 40 men organized by the Ranbir Sena.

Khanet village comprises about 300 households including 100 bhumi-har households, about 80 yadav households, and 70 chamar households in separate tolas, 10 teli households, and 25 musahar houses in the musahar tola. The bhumi-hars are clearly the biggest landowners in the village. The land controlled by the biggest landowner is about 20-25 acres. The *banihar* system (attached labour pledged against a loan), once very common, is fast disappearing. Only two people in the musahar tola work as *banihars*, for which they get one *ser* of rice (less than an kilo) a day and two *bighas* (1.25 acres) of land for self-cultivation.

The musahars, who own no land, had tried to occupy a one *bigha* plot of *gair mazarua* land some years ago. It was however distributed to another person by the local administration. Sustained struggle led a rise in daily wages for agricultural

labourers which rose to Rs 20 about three years ago. Those we met also said they are given some food, two *rotis* at 8 am, and then have to work until 5 p.m. Women are not given food for their work. The wages at the time of harvesting is one *bojha* in twenty-one. They had again tried to protest about a year ago, demanding higher wages. This attack could be an attempt to crush such protest. [Economic boycott is not possible in this area, for the musahars, who comprise the majority of agricultural labourers here, do not have any other resource to fall back upon.]

On the night of 12 April 1996, close to midnight, a large group of men, largely Khanet bhumihars came out of their settlement and headed towards the musahar tola. They split into two groups near the village school. One group, numbering about twenty, came into the musahar tola, while the other stopped outside. Some went into the house of Rajandhari Ram (20 years) and shot him dead at point blank range while he was asleep. Then they rapped on the door of Bahadur (in his twenties), Rajandhari's brother, and his wife Sonadhari (in her twenties). They were shot dead as soon as they opened the door. Bhola (also in his twenties) and his infant daughter Kanapi were also shot dead. Rajdev Musahar, Rajandhari's father, who lost two sons and a daughter-in-law, and several others were witnesses to this attack. Another person survived by running away into the fields.

A few hours previously, the policemen posted at Khanet from Pawna PS had come to Khanet, supposedly to conduct a search operation in the musahar houses. And after the massacre, policemen came from Pawna at 2 a.m., without being formally informed, to take away the bodies. In the morning, the musahars, mobilized by the party went and gheraoed police *thana* at dawn, demanding that the bodies be released, and post-mortem conducted. Eight bullets were found in the bodies of the five killed.

In the FIR lodged by Rajdev Musahar, twelve people are named as accused. The main accused, Vishwanath Rai, is absconding whereas the others have been arrested. Two other accused, Jitendra Rai

and Kamlesh Rai, named in the FIR, now in jail, have threatened Rajdev Musahar with dire consequences once they are released.

A compensation of Rs 50,000 per person killed and construction of houses was sanctioned under the Indira Awas Yojana. But the police and searches in the musahar tola continue unabated.

5. Ekwari, *Block Sahar*

On 10 April 1997, ten people including four women were shot dead in Ekwari village by men owing allegiance to the Ranbir Sena. The large village with a population of about 16,000, is a stronghold of both the Ranbir Sena and the CPI(ML) Liberation, the former having its support mainly among the 350-odd bhumihar households, and the handful of Brahmin houses in the village, the latter among the yadavs, koeris, mahatos (90 households each) and the kahar, dhobi and mochi households (about 60 households in all). This clear polarization along caste lines among the supporters of the two groups contributes to the eruption of violence between them, inevitably taking on the garb of caste violence.

The bhumihars control two-thirds of the land in the village, amounting to about 2,500 of the 3,600 acres in Ekwari. The largest landowner, Sankh Singh, used to control about 150 bighas of land. The dominant system of tenancy is *mani* under which the sharecropper uses his own inputs and implements and then gives the landowner a fixed rent in kind, generally between 20-24 *man* of grain (one *man* equals approximately 30 kgs) per *bigha*. There are virtually no *banihars* in Ekwari.

The bhumihar landlords of Ekwari have earlier been organized under different groups, and now under the Ranbir Sena since its inception in 1994. The CPI(ML) Liberation has been active here for over thirty years, taking up issues of wages and forced labour. Wages here increased from Rs 15 a day five years ago to about Rs 20 a day now. Harvesting wage rates are one *bojha* (headload) every twenty-one *bojhas*, which need four days of hard labour. A fifteen kg *bojha* gives about ten kgs of grain.

In 1995, there was open warfare between the Ranbir Sena and the CPI(ML) Liberation. Regular exchange of fire took place for several weeks, between 11 April and 24 May resulting in many deaths on both sides. The mounted police was called in to put a stop to this. Over 150 people have been killed in the course of violent exchanges in recent years from Ekwari alone. This attack in April 1997 is connected to the murder in 1990 of Shivrachan Sharma, a backward caste doctor whose patients included injured ML activists. He was killed by one Pramod Singh, a bhumihar. The only witness to this murder was the doctor's brother, Rameshwar Lohar. The accused were out on bail and the case was proceeding in court. The killers earlier attempted to kill Rameshwar Lohar in September 1995, when he was shot in the stomach. He was one of those killed by the Ranbir Sena in the recent massacre.

On 24 December 1996, Sankh Singh was killed by ML activists, led by a Jairam Kahar. A number of cases, including cases of murder had been pending against Sankh Singh at the time of his death. The SP, Bhojpur, said he had been arrested and released on bail on account of his advanced age some days before his death. Within half an hour of his killing, the Ranbir Sena supporters went on a rampage. They entered lower caste houses located in the midst of upper caste dwellings killing seven and injuring two. Those killed included one person who was labouring for them, Dulaar Mahato who was carrying a load and going towards their tola when he was shot at point blank range. A second police camp was set up in the village after this.

The catalyst for the massacre that occurred on 10 April this year was the looting of standing crop from bhumihar land the previous day. At 7.25 on the following morning, the police, along with members of the Ranbir Sena from the village, came to the lower caste labourers' settlement and searched some houses, supposedly for stolen grain. They came back at 7.45, claiming another search operation. Then they stood aside and allowed Ranbir Sena men complete freedom to attack residents in some of the outlying houses, while they surrounded the village to prevent any resistance from outside.

The first house to be searched and attacked was that of Rameshwar Lohar. Rameshwar Lohar was hit by bullets in the face and back. This was the final attempt on his life. They then killed his daughter, Madhu Kumari. Others entered a house on the outskirts and killed a middle aged couple. The list of those killed on 10 April is as follows: Rameshwar Lohar (60), Madhu Kumari (17), Ramkesh Ram (50), Sanjoga Devi (45), and Sanju Devi (20), Radha Kishan Gosain and Ravindra Kahar.

Apart from the killing of Rameshwar Lohar, these killings appear to be untargeted and intended to create terror. It also seems an attempt to teach a brutal lesson to those who dare to steal a landowner's grain. The partisan role of the police in the ongoing agrarian conflict was most clearly apparent in Ekwari. However, the official version of the police, according to the SP, Bhojpur, is that after conducting the search operation for the stolen grain the police hid in an abandoned house when they saw the Ranbir Sena men arrive. Hence, as per the authorities, the police are guilty not of connivance in murder but of cowardice, for which a police officer and five constables have been suspended. A police inquiry is on. After the attack, 39 persons named in the FIR lodged by some survivors were arrested. The property of two persons named in the FIR but who are absconding has been attached. In addition, the property of two persons said to have been involved in the stealing of grain of 9 April has been attached. The families of those killed received compensation of Rs 10,000 per person killed and 50 kgs of wheat from the DM. In addition they received Rs 10,000 per affected family from the Block Development Officer, Sahar.

As a consequence of all these killings and tension, the labourers have not been able to work on the lands in this village itself. Since December 1996, they have been working only in neighbouring villages.

PATNA DISTRICT

The Ranbir Sena has moved in this area on the east bank of the Sone river relatively recently -

since early 1997, and after some early skirmishes between the CPI(ML) Party Unity and the Ranbir Sena a major massacre took place in Haibaspur village. However, prior to that, it was Jalpura village that had seen the first major confrontation between the two adversaries. Paliganj, Bikram and Masaurhi blocks have been the main sites of the clashes.

6. Jalpura, Block Paliganj

On 1 February 1997, four bhumihars, all members of the Ranbir Sena, were killed by squad members of the CPI(ML) Party Unity in an exchange of fire near Jalpura. This is the first clash between the Ranbir Sena and an ML organisation outside Bhojpur district.

Jalpura village is located close to the banks of the Sone river. The village comprises roughly 100 bhumihar households, ten kahar households, ten scheduled caste households, and a few muslim, teli, and nai households, and some Dusadh households in another tola of the village. The village lies near the fertile land thrown up by the shifting bed of the river called *diara* land. Other villages in the same stretch, such as Masaurha and Rajipur also benefit from the high productivity of this land. This land is submerged during the monsoon but otherwise ideal for growing wheat and potatoes. *Sarkanda* grass, used as thatch and therefore of good market value, also grows in the area.

The *diara* in Jalpura is collectively controlled by bhumihars, and includes about 400 acres of *gair mazarua* land. This *gair mazarua* land has been the direct source of conflict between the lower castes of Jalpura, neighbouring tolas of Rajipur and Rajipur itself and the bhumihar landowners for over twenty years. About 300 acres of this land is cultivable. Twenty years ago, the administration had allotted this land to the landless, largely scheduled caste families of Jalpura and neighbouring villages and *parchas* of two acres were issued to each family. However, the state did not ensure actual possession. This in effect meant that the bhumihars continued to enjoy control of the land.

Most lower castes own little or no land and work as agricultural labour. The tenancy system,

mani operates here at the level of 20-22 *man* per bigha depending on the quality of land. There has also been a sustained struggle over wages which has risen from one kg of paddy and half a kg of millet to Rs 20 a day plus a meal that it is today. Rates during the harvesting season are one *bojha* in sixteen and the *banihar* gets one kilogram of rice, half a kg of sattu and 10-12 *katthas* (half a bigha) of land.

The CPI(ML) Party Unity and its banned mass organization, MKSS, popularly known in the area as Sangram Samiti, have been organizing lower caste landless labourers in Jalpura and particularly in the neighbouring Madhuban tola of Rajipur and in Rajipur itself. Prior to this, the CPI(ML) Liberation had been active here in the early 1980s. In 1988, Party Unity had managed to ensure the distribution of 700 acres of *bakasht* land (land under the personal cultivation of the landlord) belonging to the mahant of the a local math. The land had been lying fallow for a long time. However, it is only in January 1997 that the Ranbir Sena has come to the assistance of the landlords from Bhojpur. This has intensified the conflict. Party Unity had organized the labourers to finally get control over some of the disputed land in 1996. After the clash with the Ranbir Sena and the police which our team investigated, the labourers once again lost control over the land.

In July 1996, the residents of Madhuban tola and scheduled castes of Jalpura forcibly captured part of the *diara* land and sowed it with cucumber, maize and mustard. When they went to harvest the mustard in January, landowners from various nearby villages gathered there, refused to allow them to do so. Earlier, on 1 December 1996, members of Party Unity had demanded tractors from the landed to take them to a rally in Bikram. They refused. There was already ongoing tension with the party demanding the use of agricultural machinery, pumpsets, etc and the landowners refusing to allow it. It seemed evident that from January 1997 the bhumihar landowners aided by the Ranbir Sena and the party appeared to be gearing up for a confrontation.

On 21 January 1997, Balam Das of Madhuban tola was beaten up by Ranbir Sena members, but local bhumihars interceded on his behalf and prevented him from being killed. On the night of 28 January, bhumihars of Jalpura went on a rampage in the village for three hours, looting scheduled caste and muslim houses and raping a kahar woman. Following this the dalits and the muslims from the main village sought shelter in the nearby tolas. A false FIR, naming a number of ML supporters, was registered by the police that claimed that a bhumihar house had been attacked on 28 January. An FIR was also registered at the village police camp against those accused of the rape.

On 1 February 1997, about 50-60 people went from Madhuban tola to harvest the mustard and *sarkanda* crop at seven in the morning. Expecting trouble, there were an armed squad of CPI(ML) PU with them. About 15-20 landowners, some armed Ranbir Sena men among them also went to the *diara* at about 9.30 to dig out potatoes in the fields. There was a confrontation between the two groups and two bhumihars were shot dead. Two others were killed a short while later. Those killed by the party were Narendra Tiwari (40), Shrigobind Singh (about 50), Shambhu Singh (28), and Deokumar Singh (30). These four were probably targeted and killed, since two others — Jata Pandey, a brahmin, was allowed to go after they cut off his hand, and one Ashok from Karkatbigha was also allowed to leave despite getting caught.

The police in the Bihar Military Police (BMP) camp set up about one and a half months prior to this incident were alerted and when they informed Paliganj PS about it, forces were summoned from various police stations and sent to the *diara* near Jalpura. An encounter followed between about 400 policemen and Ranbir Sena members and about 100 members and sympathizers of the CPI(ML) Party Unity. The encounter lasted for eighteen hours, late into the night. The DM of Patna, Rajbala Verma and the SP also arrived there. The SP's bodyguard was shot dead in this encounter, and an inspector from Bikram was injured.

Following the two earlier FIRs lodged on 28

January, *kudki zabti* notices were brought on 17 February against Rajeshwar Singh (65), Rajindar Singh (60s), Rammurat Singh (40), Ranjit Singh (30; out on bail), Devanand Singh (released on account of his extreme age), Akhilesh Singh (out on bail), and Radheshyam Singh (also out on bail). Since these accused presented themselves in court, *kudki zabti* of their property was not conducted.

On 2-3 February, Jalpura bhumihars came with the police and wrecked a large number of houses in Madhuban tola under a so-called *kudki zabti* operation directed particularly against those named in the FIR in January by the bhumihars. In the course of this operation, houses were totally destroyed, doors taken away, and fodder vessels and hearths smashed. Later, on 5 February, three houses were destroyed in another supposed *kudki zabti*. Once again, the collusion of the police with the Ranbir Sena and the bhumihars is stark. Only after the Haibaspur massacre perpetrated by the bhumihars in March did the police confiscate the licensed weapons of some bhumihars, particularly those of Prasad Singh and Satyadco Singh. The DM has given a compensation of Rs 20,000 to the next of kin of each person killed. The CM has not visited the village but Murli Manohar Joshi of the BJP did.

Since the encounter, the party imposed *naka bandi* on the village Agricultural labourers do not work on the fields of the bhumihar landlords of Jalpura, Masaurha, Dariyapur and other villages nearby. The bhumihars claimed they tilled the land themselves. Small tensions continue to erupt as the bhumihars claim that their pumpsets are stolen by the scheduled castes. More recently, a young boy and his grandmother were killed by Masaurha bhumihars in Masaurha Mathia village while they were cutting grain.

'*Varchasva ki ladai hai* (it is a struggle for dominance)', the bhumihars of Jalpura said. But underlying that, the struggle for disputed land continues.

7. Haibaspur, Block Bikram

On 23 March 1997, the day of Holi, ten musahars of the musahar tola of Haibaspur village

under the Rania Talab PS were brutally shot dead by Ranbir Sena members from neighbouring villages of Kaab, Jalpura, Masaurha and others. This attack followed a reported printed warning by Ranbir Sena that they would 'play Holi with dalit blood'. The attack on this village was the second major Ranbir Sena action in Patna district.

The Haibaspur musahar settlement has about 25 ramshackle houses and is about three kilometres to the east of the bhumihar-dominated village of Kaab. The *banihar* system (referred to in this district as *harwaha*) of attached labour is common to Haibaspur musahari. The *banihars* get ten *katthas* of land (half a bigha, one third of an acre) and two *kutchas* of paddy (one *ser* equals 600 grams). Most residents work as *harwahas* and casual labourers in the fields of landlords from Kaab, and other villages nearby.

There was no indication that the dalits of Haibaspur Musahari have been organized by the CPI(ML) Party Unity. The CPI(ML) Party Unity has however been organizing the rural poor in this area for over a decade. Agricultural wages and harvest rates are better than neighbouring areas indicating that the party is active in the region if not specifically among the musahars of Haibaspur. The Ranbir Sena has recently grown in strength here. Several members of criminal and non-criminal gangs have joined the Ranbir Sena. A leader of one of them, a certain Langda Singh, landowner of Kaab, is the main accused in the Haibaspur massacre.

On 23 March at about 7.30 p.m., Langda Singh accompanied by a Bhojpuri speaking person came to the village and asked the musahari residents to escort them to Kaab village. Seven villagers agreed. At some distance from the village, some fifty Ranbir Sena men came out of the fields and the villagers hands were tied while four other villagers relieving themselves in the fields were also similarly picked up. According to a survivor, Ramesh Majhi, the armed group escorted them to a well at Kokarwa Ban, equidistant between Kaab and Haibaspur. They were then shot at point blank range. Those killed were Keshav Majhi (35 years), Rajan Majhi (22), Prabhu Majhi (20), Kamba Majhi (45), Bhuteli

Majhi (18), Raj Kumar Majhi (15), Saguni Majhi (50), Phenku Majhi (35), Etwaru Majhi (20), Suresh Majhi (16)

The Rania Talab PS, five kms from Haibaspur, was informed at 10 p.m., but the police came to the spot only at 8 a.m. the next day. (reported in *The Statesman*, New Delhi, 26 March 1997, p. 6).

No police post was set up in the tola after the massacre. A compensation of Rs 30,000 was awarded for each victim. This is the Rs 20,000 *ex gratia* compensation awarded by the Bihar government via the DM, plus the Rs 10,000 under the central government's National Family Benefit Scheme, that applies if the victim of a tragedy is a bread earner, and is below the poverty line. Houses are also being built under the Indira Awas Yojana Scheme for the next of kin of those killed.

A noticeable aspect of the information given above regarding the Haibaspur massacre is the lack of information. Those we spoke to said very little. There was understandable suspicion, even hostility, arising out of fear and anger.

8. Raghapur, Block Bihta

On 21 April, 1997, six people, all bhumihar landowners, were killed by an armed squad of CPI(ML) Party Unity at Raghapur village. It is widely believed to be in retaliation for the massacre of ten musahar agricultural labourers in Haibaspur about a month prior to Raghapur.

Raghapur comprises about 150 households in all, including about 50 bhumihar and 50 musahar households, and some households of Dusadhs and Kanu Saus. Two bhumihar households control more land than most others, about 20-25 acres each. But most have holdings of about 5-10 acres. Janardhan Sharma, the BJP MLA, is a resident of Raghapur. After the incident, Murli Manohar Joshi, the prominent BJP leader visited the village to express sympathies for the families of the deceased.

More than one CPI(ML) group seems to have been active in the village over the years. The CPI(ML) Party Unity is the most active at present and has been waging land and wage struggles in the area and organizing villages nearby. The daily

wages here, according to the landowners themselves, are Rs 25 plus food. During the harvesting season, the labourer's share is about one *bojha* in every sixteen.

The attack by the armed squad took place shortly after midnight. The attackers were dressed in police uniforms. At about 12.30, they blew up the house of Janardhan Sharma using explosives. Before doing so, they pulled out Pawan Singh who was sleeping inside the unoccupied house. They then encircled the village and killed six persons between 12.30 and 12.45. Some were taken out into the fields and gunned down. Those killed were Pawan Singh (25), Mithilesh Kumar (26), Chandreshwar Singh (65), Awadesh Singh (35), Purnesh Singh (24) and Bal Kumar Sharma (22). The victims in the Raghapur killing appear to have been targeted on the basis of caste; only bhumihars seem to have been murdered. The squad members also picked up Sajjan Singh, Indradev Singh, and Mahendra Singh along with the others. It appears that they were allowed to go because they said that they were not bhumihars. The squad then blew up Janardhan Sharma's house from another side at 12.50 p.m.

As the attackers had not accounted for a phone in the village and thus had not cut the phone line, the villagers were able to contact the police at Nagahar PS who came at 1.15 even as the armed squad was in the village. One group began to walk away while the second fired upon the police, while also moving away. The SP came to Raghapur at 1.45 a.m. and the DM at 3.30 a.m. They took the dead bodies away. FIRs naming 25 people were lodged in Rania Talab, Bikram and Paliganj. The residents said that no one has been arrested.

A police camp was set up after 21 April. Twelve policemen provide round the clock protection. Members of the Congress party have also visited Raghapur. The DM has given compensation of Rs 10,000 to the families of the deceased.

9. Indo, *Block Masaurhi*

The massacre at Indo differs from any of the other incidents we investigated. It is a case of a fake encounter on the banks of the Punpun river that

occurred in the immediate aftermath of the Raghapur massacre on 23 April 1997.

Kurmis and yadavs comprise more than half the 250 households in Indo. It was evident that Indo is a stronghold of the CPI(ML) Party Unity, a village in which a squad being chased by the police was expecting shelter. The slogans painted on the walls suggest that more than one group has been active here. We were told the party has been organizing villagers in Indo since 1985. Land is not an issue here. There is no *gair mazarua* land and the biggest landowners own about 10-12 acres. The major issue was the struggle against criminal gangs that were rampant in the region at one time.

Reports suggest that after the attack in Raghapur, the squad split and spread out. They were probably followed by the police. One group came to Indo village at about 3 a.m. on 23 April and asked the residents to give them shelter. About 13 members of the squad went to Chakiya village, some distance away, while about twenty stayed on. The police force, drawn from a number of *thanas*, approached Indo from four sides about 15 minutes later. An exchange of fire took place for about an hour, after which the squad managed to escape. Meanwhile, the other members who had gone to Chakiya, heard the firing and came back to provide cover for the first group. Nine people, including one non-squad member and a twelve year old boy, Mantu, came towards Indo where the police had spread out. They landed in a police cordon and were trapped. The non-member and one squad member swam across to safety. The others continued firing at the police for some time. One squad member was killed in the crossfire. One police person was injured in the firing. The other five surrendered and threw down their weapons when they found themselves surrounded on all sides in the middle of the stream. The surrendered were made to cross the river. There they were beaten. Then two of them were made to stand in midstream and were shot dead. Two others were killed on the western bank and the last also along the incline on the western bank. The killings were witnessed by a large number of residents of Tikulpar tola on the western bank of the river.

After the firing, the police forced some residents of Indo to carry them across the river. Those residents have now run away and left the village out of fear of harassment. Four villagers from Indo, Ganora Mochi (62), Chaneshwar yadav (50), Indradev Yadav (60) and Baldev Yadav (25) were ordered to put the dead bodies into the police jeep. They were then arrested along with Mantu, the boy who was accompanying the squad. The four were poor villagers with no criminal record or affiliation to the banned MKSS. These were taken to Sigori PS, Paliganj, and were kept there illegally for some days and are now in jail. They were falsely charged on eight charges including that of the Raghopur

massacre. Ganora Mochi's brother, Jiten, and a friend, Balam Mochi, went to find them. They were also beaten, kept in the PS for two days, and Rs 2,500 was extorted from them by the police before they were allowed to go. The twelve year old Mantu was taken from one police station to another in Bihta, Pali, and other places. He was kept in a remand home and finally released several days after he was picked up

The SSP, Patna, Mr Sunil Kumar, was categorical in claiming that the six persons were killed in an armed encounter. And thus any compensation was denied to the families of the victims. No inquiry has been conducted.

The Roots of Oppression

The killings and conflicts described in the first chapter are not instances of random or irrational violence. Nor can they be described as purely caste violence. They are instances of *agrarian* conflict, because the issues that underlie these clashes are agrarian - land, agricultural wages, rural crime, feudal oppression. To understand this conflict, let us take a brief look at the nature of the economy and the history of land reform in Bihar.

Agriculture is the primary economic activity in the districts of Bhojpur, Patna and Jehanabad. The latter two districts are in the middle of the central plains that have the Ganga as the northern border and extend southward to the Chotanagpur plateau. The Sonc river is the western border of these central plains and beyond that, further west, is Bhojpur district. The Sonc, the only source for canal irrigation, is crucial for the development of the entire region. The major crops that grow here are paddy and wheat, both of which require assured water for irrigation. There is little industrial activity worth the name.

Most of the industrial activity in the state is to the South, and is geared towards basic metals and alloys. The rest of Bihar, particularly central Bihar, is industrially barren. With liberalization, Bihar's plight is worsening relative to other states. One-

hundredth of India's total industrial investment proposed between August 1991 and March 1997 was earmarked for Bihar. According to data published by the Centre for Monitoring the Indian Economy (CMIE), it received just 1.2 per cent of private sector investment in 1993-94, compared to the 14.3 per cent that Maharashtra received, Orissa's share of 13.2 per cent, Gujarat's 13.5 per cent and Madhya Pradesh's 12.2 per cent. The average total investment per person in Bihar that year was Rs 2,200, compared to Rs 22,600 for Gujarat, Rs 25,900 for Orissa and Rs 9,200 per capita for India as a whole.

With a poorly developed industrial base, the crux of economic activity lies in agriculture. A very large proportion of rural labour is employed as cultivators or as agricultural labour. But the situation in the agricultural sector is also grim. Bihar has the lowest per capita annual rural income among India's major states, just Rs 948 in 1993-94 compared to Rs 3,929 for Punjab that year and Rs 1,522 for India as a whole. Some of the areas we visited were next to the Sonc, and are relatively fertile and productive; the situation is not so promising for the region as a whole. Productivity in India overall is one and a half times that of Bihar. Growth rates of output have been uniformly low. A part of this lack of

agricultural development is explained by the limited application of technology and the limited area under irrigation. For instance, in central Bihar, the Sone canal system provides the only irrigation network that exists, and is available only to a few areas next to the Sone river.

The poor industrial development mentioned earlier has negative repercussions on rural areas. In the absence of developed industry, surplus rural labour is unable to find employment in industry. It also contributes to depressed wages. Most importantly, land hunger, already acute because of the extremely unequal landholding pattern, becomes all the more acute. The consequence of such pressure on land resources for those who depend on the land for sustenance is that large sections of them either end up with holdings below subsistence level or are pushed into the ranks of landless agricultural labourers. They are then forced to work either at a wage that is generally below the legally stipulated minimum or work as unrecorded tenants on the land controlled or owned by the landlords.

In fact, the main reason for poor agricultural development is the nature of relations that dominates agricultural production, tenancy relations in particular. Tenancy relations are varied; more than one kind can be prevalent in the same village. What is significant is that all these are unrecorded tenancies whose terms can change at the whim of the one who exercises controls over the land. Under *bataidari* (sharecropping, in which the produce is shared and the arrangement is entirely oral, not written or recorded), the labouring tenant (or sub-tenant) puts in all the inputs such as fertilizer, manure, seeds, water and his own cattle and labour power and then has to hand over half the produce to the landowner. Of the second type of relation, we found ample instance - *mani*, in which the tenant leases in land for a year, and pledges a certain amount of produce, using his own inputs and implements; in the villages we visited, *mani* levels varied between 20 to 24 *man* per *bigha* (each *man* equals about 30 kgs). The tenant gets to keep what is the surplus over and above that. In a year with a good monsoon, a maximum of 30 *man* of grain can

be obtained from a *bigha* of land during the kharif season. More commonly, almost the entire kharif harvest is passed on to the landowner. The tenant is left with the uncertain rabi crop. He bears the risk entirely, since the amount pledged remains firm. What's more, if there is a shortfall in one year, it is added on to the next at the rate of 1.5 *man* for every one *man* that is short in this one! The linkage of production with credit makes the form self-perpetuating and more exploitative. The *nagdi* system is qualitatively different from other tenancy systems, in that a sum of money, ranging between Rs 2,000 to Rs 2,400 per *bigha* (one *bigha* equals 0.62 acres in Bhojpur and Patna districts, and 0.74 acres in Siwan) is paid in advance of the season. The tenant gets to keep all the produce. It is self-evident that only the well-off with substantial savings can afford to enter into this kind of relationship. The fourth kind of relationship is the *banihar* system (also known as *harwaha* elsewhere). It is different from the three forms of tenancy in that it is the most unfree. *Banihars* pledge their labour power generally for a season or a year against a loan; they are thus attached (*lagua mazdoor*) or fixed labour, as opposed to casual labour, and are forced to work on the landowner's land. The tragedy of this arrangement is that loans, initially quite small, are used often for everyday expenditures, leading to perpetual indebtedness. There's no end to that and *banihars* find themselves having to work on the landowner's land season after season. This burden can even pass on from generation to generation.

Estimates of the extent of land under tenancy vary sharply; that it is very high is undisputed. Whereas we found limited instance of *bataidari* in the villages we visited, and no instance of *nagdi*, the other kinds of terms of labour were widespread. Such systems are not conducive to agricultural development. The landowner avoids the financial and administrative costs of employing wage labour by parcelling out his land in these small units; he does not need to provide any inputs that would yield returns in the middle or long term. The linkage of production with credit makes the form self-

perpetuating and more exploitative. As for the poor peasants or labourers actually working on the land, few have the savings to invest in qualitative improvements on the land. Even if they did, since these tenancy agreements are oral in nature, the threat of eviction is ever-present. Hence they have no interest in putting scarce, if available, resources in the land they till. And thus the dominant social relations impede agricultural production and economic growth.

The major agrarian tension that plagues this area at present is between the landless labourers and sharecroppers on the one hand and the landed elite on the other. Land is *the* central issue, and the very unequal landholding pattern is an important part of the problem. For instance, the average size of landholding in Bihar as a whole is 2.17 acres; nearly half the households in the plains are landless. On the other hand, there are reported to be 84 landowners in the state with holdings of above 500 acres.

Caste is inextricably meshed with prevalent hierarchies, domination and subordination, and is an essential part of lived reality, mobilization and collective politics. But it would be simplistic to directly correlate caste and economic status that derives from landholding. Undoubtedly, landless labourers and those at the lowest rungs of the agrarian hierarchy in central Bihar have largely generally drawn from the lowest of the backward castes, such as the lohars, kahars, kunbars, telis, nais, and from the scheduled castes, particularly the chamars, dusadhs, doms and the musahars. A very high proportion of these lower backwards and scheduled castes are landless and work as agricultural labourers. According to a study by the A.N. Sinha Institute, Patna, in the eighties, roughly 61 per cent of the lower backwards and 69.5 per cent of the scheduled castes in Bihar's central plains were landless. None among the scheduled castes owned over ten acres of land; the proportion of those owning above five acres was infinitesimal. At the same time, over 65 per cent of the upper caste households own less than five acres of land.

The caste and social background of the

dominant landowners has become more diffuse over the years and widened beyond the upper castes. Over 20 per cent of those who own between five to ten acres of land and nearly 12 per cent of those over ten acres belong to the upper middle castes, the yadavs, kurmis and koeris. The political weight enjoyed by these upper backwards in north India in general, and Bihar in particular since 1977, when Karpooori Thakur became the first backward caste person to be elected chief minister, reflects these shifts.

Zamindari Abolition: The immediate catalyst for the growing weight of the middle and upper backward castes was the abolition of the zamindari system in the 1950s. It ensured the decline of zamindars as a group because they now no longer had an institutional role of the collection of revenue and exaction of rent. Roughly 57 per cent of privately owned land operated under zamindari at the time of its abolition and it is estimated that about 20 million tenants gained control over land at one go.

Bihar was the first state to abolish zamindari via The Bihar Land Reforms Act, 1950, or the Zamindari Abolition Act. It had qualified success; for one, the Act allowed the ex-zamindar to retain land for 'personal cultivation' with an imprecise definition of what that meant; as it is in practice, such land was being tilled by attached labour or unrecorded tenants, many of them belonging to the lowest castes. It also did not impose a ceiling on the land that could be so retained; with abolition, the zamindar had been transformed into a large landowner; how large a landowner he was could vary.

Two, the abolition of zamindari did not end the practice of landlordism. The recorded tenants, or *raiyyats*, who came in touch with the state had already been sub-leasing their land, or working on it under sharecropping arrangements. With the abolition, the former recorded tenants, drawn mainly from bhumi-hars and the upper backward castes such as the yadavs, kurmis and koeris, gained effective ownership of the land and became the new *maliks*. The large landowners in the villages we visited generally were bhumi-hars, and sometimes they were

Killings in Siwan District

On 31 March this year, two leading cadres of the CPI(ML) Liberation, Chandrashekhar Prasad and Shyamnarayan Yadav were gunned down opposite the district court in the busy JP block in the town of Siwan, allegedly by goons owing allegiance to the Janata Dal (now Rashtriya Janata Dal) MP and criminal gangleader, Shahabuddin. Their murder brought the number of activists of the CPI(ML) Liberation to have been killed in the district to seventy-seven. These killings have taken place in different contexts - agrarian struggles, organized criminal activity, and electoral conflict.

The first killing, on 9 September 1990, of Amin Mian of Babunamli village, revealed what lay in store for peasant activists and labourers. He had been earlier with the CPI, and contested the post of *sarpanch* in 1980. When the CPI(ML) Liberation began working in Siwan, he joined them, in late 1989. He was killed because local landowners feared that he was enabling naxalites to enter the area. The party continued its efforts through the early 1990s. Three years ago, when the workers refused to work for the prevalent wage, landlords blocked the roads leading to the dalit tola in Babunamli. When attempts were made to lift the blockade, landowners opened fire on the protestors in the presence of the police.

Siwan district was formed a few years ago, and lies to north of Chapra and to the northwest of Bhojpur. Rice and wheat are the major crops, and it has good irrigation facilities. Eighty-four per cent of its labour is engaged in agriculture. There is a high proportion of women among labourers because the men have left the district as migrant labour. The average size of operational holdings in the district is about 1.70 acres. Though few landowners in the district own over 250 acres of land - one Viswanath Dubey owns about 550 acres - the majority of large holdings are about 20-40 acres. In 1991, upper caste landowners organized themselves under the Gana Sangram Parishad (GSP), but it dissolved about four years ago.

Despite the fact that control over *gair mazarua* and formally redistributed land remains with landowners, land has not been the primary issue for the CPI(ML) Liberation here. There has been a bitter struggle organized by the party for better wages in this district. In villages in which wage struggles have taken place, the daily wage for sowing has gone up from Rs 5 to Rs 20 over the last few years, but in many villages, wage levels continue to be extremely low, about five rupees a day. The party in Siwan has been prioritizing the struggle against social oppression and feudal social practices.

Our visit to Chota Manjha, a village about 13 kms northwest of Siwan town, provided a glimpse into all these issues. The village is fed by a canal but the canal is wrongly inclined and so the village gets no water for irrigation. Of the 1,000 households, about 80 are upper caste, the majority of which are rajput. The largest landowner, Shuddhi Singh, owns about 150 acres of land. There are about 300 lower middle caste households such as dhobi, hajjam, kushwaha, and muslims. Over 600 are dalit households that own little or no land; they mostly work as agricultural labour. Labourers had received *pattas* for 186 acres in 1956 (when the Hathua estate was abolished), but elsewhere the landowners still control this *gair mazarua* land. In May 1995, the state government announced that *bataidari* would be recorded, and that cultivators would get possession of land. Promptly, the landlords began taking land away.

Until 1993, the daily wage was Rs 1.50 and half a kg of *sattu*. Labourers had to work for one day free during the periods of sowing and harvesting, in return for which landowners reciprocated with the symbolic gesture of oiling their hair. Sugarcane sowing had to be done without any payment;

after sowing the labourers received rice and *kadi*. During harvesting, the labourer's share was one *panja* (headload) in every twenty-four. Many areas in the village were forbidden to the lower castes. They would frequently be beaten up and abused in the fields if they were perceived as being lazy. Sometimes wages would not be paid at all.

Things began to change in 1993, when the party began work in the village and led the struggle for an end to the various oppressive practices. On 1 July 1993, one Anirudh Sonar was accused of stealing. He was beaten by Bhim Singh, Arjun Singh, Bhanu, Anand, Umesh and Sheshnath, and then illegally detained in the *dak khana*. When people got to know, they left the fields shouting slogans. The landowners opened fire, and then set fire to the dalit hamlet; seventy-two houses were gutted. The then Congress MLA of that area, Gorakh Ram, came with his goons and threatened the labourers with dire consequences. The villagers imposed *naka bandi* refusing to work on the fields of the landowners for six months. They also feared getting killed and went elsewhere for work. Between 1993 and 1995, five residents of Chota Manjha were killed in the conflict.

As a consequence of the labourers' struggles, daily wages increased to Rs 6 (in some cases Rs 10), but they stopped getting the food they used to get earlier. The share during harvesting increased to one *panja* in every twenty. The lower castes have greater access within the village. Most importantly, women said that molestation, that was quite common earlier, has stopped. Yet, dalits and the upper caste landowners do not enter each other's areas. The situation is too tense.

The issues in 'urban' Siwan are different. On the one hand, industrial activity has come to a halt with the closure of four sugar mills and a saw mill. That, combined with low rural wages, absence of land rights, and social oppression, has resulted in migration of labour to Punjab, Haryana, and western UP. Some are permanent migrants whereas others migrate seasonally. About a quarter of Siwan's population is muslim; a large section among them migrate as labour to west Asia. As a consequence of repatriation of their savings, Siwan has a growth rate of 2.5 per cent, but a growth in savings of about thirty per cent. Repatriation has resulted in a boom in construction activity as savings gets put into housing, and in the growth of trading activity.

It is this nature of development that underlies non-agrarian conflict in the area - no industrial activity, development funds coming in with limited development, the prevalence of construction and contracts, such as for road-building, and liquor licenses. Much of this is controlled by the RJD MP and Laloo Yadav protegee, Shahabuddin. To start with, he established his writ over the area by eliminating or winning over all other criminal gangs in the region. His influence among local police and administration became considerable over time. He uses that influence to corner development funds, and to get contracts. The funds allocated by the government for development projects is a major source of income for the crime mafia. He also reportedly entirely controls the thriving practice of extortion of money from the large traders. Fear of Shahabuddin is so deep-rooted that it is reported that local newspapers refused to identify, let alone condemn, Shahabuddin for the killing of Chandrashekhar and Shyamnarayan Yadav.

In 1990, Shahabuddin contested elections to be elected as an independent from Jeeradai. He later joined the Janata Dal, and was elected MP from Siwan. CPI(ML) Liberation has also been gaining electoral significance in the area and won two seats, from Mairwan and Darauli, in the assembly elections of 1995. It is reported that a large chunk of the yadav vote transferred its loyalty to Liberation. The party candidate then polled 1.26 lakh votes in the 1996 general elections. As a RJD MP, Shahabuddin considers the rise of the CPI(ML) Liberation in the area as a direct electoral threat. Though in jail since August 1996, he is reportedly responsible for the killing of numerous activists and supporters of the CPI(ML) Liberation. Chandrashekhar was the last in that grim series.

rajputs, but in other villages of the same blocks of Patna district, upper backwards are also known to be the biggest landowners — kurmis in Masaurhi and Punpun, and yadavs and koeris in Pali.

Zamindari abolition had widened the base of the landowning class beyond the upper castes; however, it did not affect the fortunes of the labourers and sharecroppers actually tilling the land to the same extent. While the base of the landowning class was widened beyond the upper castes by the nature of zamindari abolition, the relations between the owners of land and labourers remained largely unchanged.

Land Ceiling: The determination of surplus land and its takeover and distribution has had less success than the abolition of zamindari. Under the Bihar Land Reforms (Fixation of Ceiling Areas and Acquisition of Surplus Land) Act, 1961, the individual landholder was regarded as the unit, and could retain at least up to 45 acres of land. As a consequence of further amendments to the Act, the unit is now a family comprising a couple with three minor children, and the ceiling limit has been classified into six categories ranging from 15 to 45 acres depending on the quality of land.

Whereas under zamindari abolition, zamindars had attempted to evict unrecorded tenants to claim a greater amount of land under the category of personal cultivation, with land ceiling, once its enactment seemed imminent, many of those with holdings above the statutory limit either sold land to occupancy tenants or indulged in *benami* transfer of land, showing sale of land to buyers who did not exist. And since, partly as a consequence of organized opposition, the Act was enacted seven years after it was introduced as a bill in the Bihar legislature in 1955, it gave owners of surplus land all the time to transfer surplus land to kith and kin and indulge in other such fraudulent practices to avoid the ceiling provisions. Overall, over 500,000 acres of surplus land in Bihar was hidden through fictitious transfers. Another fraudulent practice was carried out in tandem with lower level functionaries who tended to collude with the landed to under-register the amount of land deemed surplus. The

extent of fraud can be gauged from the fact that in 1972 the target for acquisition of surplus land was 18 lakh acres, over three and a half times of the 4.80 lakh acres which had been declared surplus till 1990. Of this, 3.85 lakh acres had been taken possession of, and 2.62 lakh acres actually distributed.

Tenancy Reform: The greater failure of land reforms in the state has been in the sphere of tenancy reform. As far back as in the 1950s, the Second Plan had recommended that 'personal cultivation' should be defined in a precise manner, and should incorporate three criteria — that the owner of the land bears the risk of cultivation, that it is under his or his family's personal supervision, and that it should involve personal labour. The Bihar Tenancy (Amendment) Act of 1986 clarified that 'personal cultivation' could include use of family labour, hired labour, or labour by servants for wages in cash or kind. It does not, however, include crop sharing arrangements even if under personal or family supervision. It was also stipulated that the landlord's share should be limited to 25 per cent, and by-products such straw and *bhusa* should remain with the sharecropper. In actual practice, absentee landlordism still continues. Even when the landlord is not absent, land is leased out under one or the other form of unrecorded tenancy and the landlord claims half the produce without contributing at all to the cost of inputs. The landlord has only to bear the land revenue tax. As mentioned earlier, various unrecorded tenancy arrangements flourish. The Bihar Tenancy Act provides that a non-occupancy tenant or under-riyat working as a tenant continuously for more than 12 years in the same village is entitled to the status of 'occupancy tenant'. Regular ongoing tenancies are interrupted by the landowner so that a tenant does not fall into this category.

This comprehensive failure of land reforms in Bihar has meant that not only have the prerequisites for agricultural development been denied, but also that the essential needs and demands of the labouring poor have remained unfulfilled. In Bhojpur and other areas in central Bihar over the

last quarter of a century, Marxist-Leninist organizations have been mobilizing rural labour and voicing their pressing concerns. To clearly situate the ongoing bitter conflict between landowners and labour, it is to these struggles that we must turn our attention.

AGRARIAN ISSUES AND MOVEMENTS

In the villages of Bhojpur that the team visited, the Bihar Pradesh Kisan Sabha (BPKS), affiliated to the CPI(ML) Liberation, has been active since the 1970s, locally referred to as 'Ma-Le'. On the other side of the Sone, in Patna district, the primary peasant organization is the Mazdoor Kisan Sangrami Parishad (MKSP), affiliated to the CPI(ML) Party Unity. This is the later incarnation of the Mazdoor Kisan Sangram Samiti (MKSS), which was banned in 1986. People there now refer to this organization as 'Sangram Samiti', or simply as 'Sangram'.

The agrarian issues voiced (before independence) prior to the entry of these ML organizations were reduction in rent, a halt to the exaction of arbitrary levies by the zamindars, and the struggle against eviction. These issues were relevant to both occupancy and non-occupancy tenants. These tenants belonged to middle and upper castes. The interests of those at the lowest rungs of agrarian society, agricultural labourers and sharecroppers, were not articulated in these struggles. For these sections, the struggles for dignity, ownership of land, control over common property resources, and for a better wage, have seriously taken place in rural Bihar under the leadership of Marxist-Leninist organizations.

The first issues taken up by these ML organizations did not in fact relate only to economic equity, but also to self-dignity. These organizations have had to combat oppressive, feudal social practices that still exist to a degree. The lowest castes were not allowed access to all parts of the village. To date, they cannot sit down in the presence of the upper caste landowner. Women, as usual, face the brunt of oppression. They are sexually attacked and raped. Custom decreed that dalit brides were forced

to spend the night of their wedding with the local dominant landlord. Dalit women still face regular harassment while working on the fields of the upper caste landlords.

The CPI(ML) Liberation members in Siwan told us that they view the struggle for dignity as primary and that it should precede economic struggles such as those for land and wages. How, they argue, is it possible for the landless labourer to demand a higher wage or right to land, without having the voice to speak up in the first place? In fact, this is the kind of strategy pursued by the CPI(ML) Liberation in Siwan, whereas in Bhojpur it appears that wage struggles are the predominant plank of the party's policies.

Crime: Another issue that ML organizations have had to tackle is crime, of two kinds. One, which has existed over the years, committed by the *lathaits* of the landlords. It was common for them to make away with livestock, hens, grain, etc from poor peasant households. Such crime was part of the mechanism of exploitation, organized activity by those supporters of landowners. For poor peasant households, it amounted to a forced extraction of their savings. The second kind of criminals have a more autonomous existence; criminal gangs, whose activity and purpose itself is crime. They are common in many parts of the state at present. Instances abound where such gangs have provided their services to augment the coercive apparatus of the landowners.

In many areas, the earliest struggles of the peasant organizations were against such organized criminal activity. Around Indo village, Patna district, criminal gangs were rampant and were known by the names of those who led them - Ramanand Yadav, Naresh Yadav, Rajdev Yadav, etc. Inhabitants told us that the MKSS first got active and gained support in the area by mobilizing the local peasantry against these gangs and that the people had supported them for that reason. Bloody battles were fought that finally led to the decline of these gangs. Once such confrontation occurred some years ago. When a public meeting was organized by MKSS in Sigori, a village near Indo. Some noted

criminals of the area did not want such a *sabha* to take place. They fired on the *sabha* (in tandem with the police). An armed squad of the party with the gathering returned fire, in which two members of the criminal gang were killed, and the *sabha* was held.

Terms of Labour: The struggle for wages became an issue only with the entry of peasant organizations affiliated to Marxist-Leninist parties. The BPKS in the 1930s under Sahajanand Saraswati had as part of its agenda a minimum wage for agricultural labour. But it was not very effective in this because its social base comprised middle and upper caste occupancy tenants, and did not permit taking up the issue of labourers' wages on a sustained basis.

The official minimum daily wage in Bihar is Rs 30.50. In not a single village did we find the stipulated wage being paid. To speak of a going market wage is impossible, for the form of payment varies - time rate or piece rate, in cash or in kind. And this variation takes place over regions, over the nature of work performed, over the sex of the worker, and over the form of labour arrangement, which very often depends on the caste to which the worker belongs. For example, wages in cash are more prevalent in Bhojpur and Siwan than in Patna and Jehanabad. However, irrespective of the region, wages in harvesting are paid as per piece and in produce. Women workers are generally paid lower wages as compared wages - for instance in Nadhi, for the work of transplantation (*ropni*), they are paid fifteen rupees whereas men doing the very same work are paid twenty rupees. Where money wage is the same, women workers are denied the meagre meal of two rotis that is given to male workers. In areas where payment is in kind, male workers alone are paid a small additional sum in cash. Both the form and the level of wages vary sharply under different labour arrangements. In sharecropping and other tenancy arrangements, it is difficult to compare the rate at which labour is remunerated, not only because the tenant's payment varies with the harvest, and inputs are difficult to quantify, but also because labour is expended by the entire family over the

entire agricultural season, in different forms and in different intensities. Such comparison has not been attempted here. However the lowest wage rates are found in the *banihar/harwaha* system. Under this system, the worker is paid a small wage in kind, normally less than half that is paid to free labour, along with a tiny patch of land for self-cultivation. The *banihar* is wholly tied to the land and is expected to provide labour services at any time. That these lowest paid normally belong to the lowest castes is not incidental.

Another factor affecting the level of wages is the extent of worker organization and wage struggles launched within a village. The team found that wage levels varied quite sharply in contiguous villages, depending on how well agricultural labour was organized. For instance, dalits near Jalpura who work as *harwahas* get one kg of rice and half a kg of *sattu* as daily payment while in nearby Haibaspur, where *harwahas* are not organized, they get two *kutchas* of paddy (approximately 800 grams of rice). In fact, how strongly agricultural wage is linked to the struggle for better wages is clear from the fact that the wage vary even among areas in which the Marxist-Leninist organizations are active. In Siwan district, agricultural labour has been relatively recently organized. Here, in Babunamli village, until 1992, the daily wage paid was 500 grams of grain and Rs 1.50. In Chota Manjha, after some recent increase, wages stand at about ten rupees, but the landowners have stopped providing the food they used to earlier. Compare this with Bhojpur district where the same party is active. The daily wage around Bathani tola, in block Sahar, has moved up after a long and sustained struggle. It was Re 1 in 1964, Rs 3 plus food in 1975, and Rs 5 in 1988. It is now Rs 20 a day plus food. In Nadhi village, the daily wage used to be Rs 15 plus food; it has risen through struggle to Rs 25 plus food, which incidentally was about the highest daily wage that the team encountered. In Ekwari, Sahar block, the wage level has gone up from Rs 15 to Rs 20 a day. In Khanet village, Udwantnagar block, again as a consequence of sustained struggle, there was a similar improvement from Rs 15 to Rs 20 three years

ago.

Wages during harvesting also exhibit the same change. The harvested produce is bundled into a headload (*bojha*) of paddy (which yields about ten kgs of rice); this has to be transported by the labourer to the landlord's storage place in or near his house. In the villages we visited in Bhojpur and Patna, the share of the labourer during harvesting is about one in twenty-one *bojhas*, but did vary to one in sixteen *bojhas*, and in one village, one in ten. In Raghobpur village, Patna, landowning *bhumihars* also told us that the labourers make their one *bojha* bigger than the rest of the bundles. Villagers told us the same in Ekwari. It normally takes three to four days of labour to cut twenty bundles of grain, out of which they are entitled to one for their own consumption. This works to 2.5 to 3 kgs of grain per day.

Struggles are also launched for better remuneration to *banihars*, whose labour is pledged against loans. Their labouring day begins at six in the morning until six in the evening, with one break for a meal at 2.00 p.m. during which they get to eat onion, rice and salt. Around Bathani tola, there was a concerted struggle in 1990. The district magistrate intervened and proclaimed a wage of five kgs of rice for the *banihars*. With the formation of the political grouping of the employers in the form of the Ranbir Sena, the wage reverted to a kilo of rice.

That the market mechanism is unable to provide a living wage and to play an equalizing effect on differences in wages based upon gender and caste, as well as class mobilization is apparent. This is so no matter how much the efficiency of the market is being extolled as the prime determinant of economic policy today. That the administration finds itself incapable or unwilling to implement minimum wage legislation is also apparent. What this entails for the agricultural labourers, *banihars* and sharecroppers is that struggles, often bloody and violent, have to be fought over and over again in village after village.

The Struggle for Land: For the oppressed, gaining possession and control over land is crucial. On this depends their social worth, mobility, which

in turn bears upon conditions of labour, and level of wages. The two kinds of land available for administrative takeover and distribution among the landless are ceiling surplus and *gair mazarua* land. However, peasant organizations, in addition to the above, struggle for the takeover and distribution of all lands of absentee landowners as well as the settlement with tenants of the lands operated by them.

According to the district magistrate of Bhojpur, ceiling surplus land is not a major issue in the district; there are only 8-10 cases of ceiling surplus land pertaining to about 400 acres. It is true that there are few, if any, extremely large landowners in Bhojpur, as there are in parts of Gaya and West Champaran districts; but in every village the team visited, the largest landowner had at least 45-60 acres. In Ekwari, for instance, the notorious Sankh Singh owned about 90 acres of land. In Nanaur village, Ganga Singh owns about 60 acres of land. Sixty acres is probably a good average for the large landowners in the district. It was not possible to ascertain the quality of the lands to determine the degree to which they exceeded ceiling limits. These lands are in addition to the stretches controlled coercively by the landowner. The areas we visited benefit from canal irrigation; it is likely that a large portion of their land falls under the first three categories under the Land Ceiling Act, which pertain to irrigated and orchard land, the ceiling limits for which lie between fifteen and twenty-five acres. Even for lower categories of land, such as *diara* land (land created by a changing river bed), and hilly and sandy land, or land incapable of yielding paddy, rabi or cash crops, which pertain to categories 4-6 of the Act, the ceiling limits are between 30 and 45 acres; all in all, it is safe to conclude that these large landowners exceed the ceiling limit to a moderate degree, anywhere between one and a half to three times the limit.

The possession and takeover of *gair mazarua* land is currently the major bone of contention. *Gair mazarua* land is of two types. Lands meant for common use such as grazing, irrigation sources, graveyards, etc. was termed *gair mazarua aam*. On

the other hand, cultivable lands neither under the zamindar's self-cultivation nor under tenancy were called *gair mazarua khas*. Over time, powerful landowners brought *gair mazarua khas* lands under their cultivation. With independence, both the lands came under the control of the state, though the village *gram sabha* still retained some control over the former. Increasing pressure on the land as well as the fall into disrepair of traditional irrigation systems led to the passing of *gair mazarua aam* lands into the hands of landowners within the village. Officially though, such land is earmarked for distribution.

The SP, Bhojpur, told the PUDR team that land was not a serious problem as there was not much *gair mazarua* land in the district; the DM claimed that physical verification of *gair mazarua* land had already taken place. In the 1,152 villages in the district there were about 3,400 acres of *gair mazarua khas* and 588 acres of *gair mazarua aam* land fit for settlement. As many as 14,655 acres of *gair mazarua khas* and 12,404 acres of *gair mazarua aam* land was unfit for settlement. He said there were a total of about 7,000 families who did not have land even for homestead purposes. Title deeds (*parchas*) were being issued, allotting them three decimals (three-hundredths of an acre) of land each. *Parchas*, he claimed, had been distributed in three instalments of 1,670 families, 3,080 families; the final lot of about 2,300 *parchas* were to be distributed in June. Then everyone in Bhojpur would have land for their dwelling.

What these figures highlight is that approximately 4,000 acres of land fit for cultivation is currently undistributed, i.e. it is either under control of the landowners, or else it is the focus of struggle and is lying fallow, or else has been forcibly distributed by peasant organizations. This is reflected in the experience of the team that in almost all villages visited, the massacres had taken place against the background of either a wage dispute or struggle for *gair mazarua* land. In some cases the illegal control of *gair mazarua* land by the bhumihars is part of the general backdrop of the struggle. Such as in Bathani tola, where landlords

control 90-95 *highas* of *gair mazarua aam* land. In some cases, bitter contestations had occurred in the past but always seemed part of current agrarian tension. In Nadhi, Sahar block, for instance, land had been distributed by the CPI(ML) Liberation in 1978. In neighbouring Nanaur, land was distributed by them in 1992. As the preceding chapter shows, these have become the sites of acute and brutal agrarian conflict. In some villages the struggle was more immediate, such as in Jalpura, where about 400 acres of *diara* land has been under dispute and is under the control of the Jalpura bhumihars. The administration had earlier allotted much of this *gair mazarua* land to the landless scheduled caste families of Jalpura and adjoining villages. Since the state did not ensure possession, the allotted land continued to be under the control of the landlords. Such was the situation for years. The people, organized by the party, managed to wrest control of the land in 1996. Following sustained unrest, killings, and firing, the Ranbir Sena managed to wrest it back.

The people and ML organizations attempt to put into practice what is already law or what has been already granted, an effort to bridge the gap between the law and its enforcement. There could be a lack of rigour in the law to start with. When that is not the case, the nexus between dominant social interests and the civil administration, particularly local civil authority, undermines it. And even in those instances in which administrative orders go against dominant interests, the latter's muscle power ensures that it is not implemented in practice. And thus, while it is generally true that laws, statutes and administrative orders are often the result and embodiment of prolonged struggles, it is equally true, as the instances in the first chapter show, that they do not get automatically translated into the lived reality of those they are supposed to benefit.

For instance, in 1975, in Nadhi, the government had granted *parchas* to the landless of the village of about 200 acres of *gair mazarua* land controlled by the bhumihar landowners; In 1978, about 19 acres of that land was captured and

distributed among 100 families. There immediately followed repeated attacks by the landowners on the poor who had taken the land. To this day, the *gair mazarua* land is in the control of the landowners.

The amount of land under dispute or directly under contention could however be quite small. Getting control over and access to even small units of land matters to a degree that transcends its size. In Khanet village, Bhojpur, musahar labourers some years ago had collectively attempted to occupy one *bigha* of *gair mazarua* land. In Nadhi, the party managed to briefly gain control of and distribute land that finally was about one-sixth of an acre per family. The infamous Arwal firing in Jehanabad in 1986 had taken place on a meeting that was demanding the distribution of 0.27 acres of *gair*

mazarua land to the landless. At one level, such gains, however small, are political victories. But the real importance of such victories stems from the meaning and importance of land in agrarian Bihar. With control of land, the labourer becomes that much less dependent on the landlord, and acquires a basis from which to fight back. Which also explains why landlord response to any dispute over land is immediate and vicious. The unwillingness of the administration to intervene and implement its laws thus inevitably pushes the poor peasants and the landless into a conflict with the landed elite. In the districts of Bhojpur, and more recently Patna and Jehanabad, the response of the landowners is currently being orchestrated by the bhumihar landlord organization, the Ranbir Sena.

The Ranbir Sena

The phenomenon of armed groups working for landlords is as old as feudal society itself. Zamindars had groups of musclemen, *lathaits*, who worked for them, and who were employed to keep the peasantry and sharecroppers in their place, and ensure that rent, taxes and irregular payments such as *abwabs* were paid up. Their coercive influence made the plight of the poor peasantry and labour particularly grim in central Bihar, where the latter were subject to forced labour to a significant degree. Besides, local disputes were also settled on the zamindar's estates and the *lathaits* were often used to enforce the decisions taken.

The landlord *senas* that have intermittently flourished in parts of Bihar are of recent vintage, roughly over the last fifteen years. They arose specifically as a response to the organization of rural labour in the seventies by Marxist-Leninist organizations. These *senas* are also qualitatively different from *lathait* groups of earlier times. To start with, they are not maintained by an individual landowner. Much as they tend to include local criminals and avail of the services of existing criminal gangs, these again are not under any individual landowner's control. They are

organizations in their own right. The Ranbir Sena is believed to even have offices in a few towns. They also exist and thrive as organizations in a situation of electoral politics, and are important as a political base for parties as well as mechanisms for booth capturing at the local level.

They draw their social base from within the middle and upper layers of rural society. Besides bhumihars and rajputs, this base includes sections among the middle caste ex-tenants, such as yadavs, kurmis and koeris, who had faced zamindari oppression earlier and are now petty and medium landowners. These middle and upper castes, landowners all, are now mobilized against rural labour, composed mainly of lower middle and scheduled castes, and poor muslims. In this context, these *senas*, erstwhile and present, represent the interests of the middle and large landowners in the ongoing agrarian struggle against rural labour and sharecroppers.

Given the significance of caste as a factor that underlies domination and exploitation and influences the conditions of labour in rural Bihar, it is not surprising that these *senas* have over the years coalesced around caste identities. The

bhumihars, who form the base of the Ranbir Sena, were among the first to group together as the Brahmarishi Sena in the early eighties in Gaya. They dispersed some years later, only to surface again as the Savarna Liberation Front in 1990, which was active in Gaya and Jehanabad. The widening of the social base of the dominant landowners saw the rising middle castes organize their own groupings in the mid-eighties, the yadavs under the Lorik Sena (Patna, Nalanda) and the kurmis under the Bhoomi Sena (Patna, Jehanabad). The Kisan Sena, which carried out its excesses in Patna and Bhojpur, was somewhat of a rarity in that it brought together the yadavs, rajputs and bhumihars under its wing for a while. And in Palamu district, the Sunlight Sena was responsible for bringing together rajputs and pathans.

For a caste group that is today so strongly organizing itself around its caste identity, it is ironic that the earliest bhumihar bodies tried their best to fuse this identity with that of the brahmins. Originally, bhumihars dominated Magadh in Central-South Bihar. In Saran as well, they were the principal zamindars. They were also a presence among the upper levels of the tenantry. In the last quarter of the nineteenth century, their primary issue was claim to brahminical status. They claimed they were originally brahmins who had at some time adopted Buddhism and later reverted to brahminism. They customarily wore the sacred thread. But in their perception, they were brahmins with a difference, brahmins who produce (rice), and give alms instead of going about begging for alms. The break with brahmins, but not with brahminical ideology, occurred in 1889. In an attempt to prise out the hold of brahmins over their community, they formed the Pradhan Bhumihar Brahmin Sabha, that focused on the demand for brahmin status, and opened schools to teach Sanskrit.

Later, bhumihar loyalties got divided between the bhumihar zamindars and occupancy tenants. A major issue then was regarding control over *bakasht* land (land under the zamindar that he claimed to be cultivating with his own stock, or servants, or by hired labour). Tenants, not just bhumihars but

also the present-day backward castes, who had been dispossessed of their lands due to non-payment of rents, attempted to recover their land in a sustained movement in the latter half of the 1930s. The bhumihar community split on roughly class lines, with bhumihar (and rajput) tenants, who were supporters of Sahajanand's Bihar Pradesh Kisan Sabha (BPKS), opposing bhumihar landlords. (But even in this period of struggle, bhumihar perceived superiority was ever-present. When the collector restored four-fifths of the disputed land to tenants in Reora in 1938, and the local peasant leader distributed the land to the tenants, the bhumihars among them strongly objected that equal amounts of land had been distributed to them and lower-caste tenants).

The qualitative break for bhumihars as a group came with zamindari abolition and later, the promulgation of land ceiling laws. The majority of the *larger* occupancy tenants at the time of zamindari abolition were bhumihars and rajputs, and they became among the larger landowners. And the greatest beneficiaries of land ceiling provisions were the large occupancy tenants, some of whom gained additional land as the result of partition, transfer and sale of surplus land by the erstwhile zamindars. According to one calculation, roughly ten per cent of the total cultivated area passed from the control of the zamindars to these intermediate cultivators. And thus currently, a significant section among bhumihars find themselves in the middle and upper end of the landholding spectrum. Data that pertains to the entire central plains for the eighties that clubs the upper castes together reveals that 69 per cent of those having holdings of 5-10 acres and about 77 per cent of those having holdings of above 10 acres belong to the upper castes (primarily bhumihars, brahmins and rajputs). Significantly, although a good proportion - about 65 per cent of the households - own smallholdings of 0-5 acres, nearly all the upper caste households own land. Of the landless, less than three per cent belong to the upper castes, and little over 5 per cent of upper caste households are landless.

This brief background of this caste gives us a

sense of their present location in rural society and of the base of the Ranbir Sena in central Bihar. In the villages in Patna and Bhojpur, bhumihars were the largest landowners, but they did not have extraordinarily large holdings; they ranged between say, 50 bighas (about 33 acres) and 90—100 bighas (about 60 acres). The majority among them, an average bhumihar household, would have a small to medium-sized holding of about 5-15 acres. But these holdings are significant as they are next to the Sonc river, irrigated by canals and extremely fertile.

The domination of the bhumihars derives not just from being the largest landowners, but also from being able to exercise their social superiority, partly sanctioned by custom. Domination is a function of landholding, caste status and numerical strength. The relationship between land and labour is a central marker of domination and subservience in an agrarian setting; part of their superiority derives from the ability and practice of hiring labour. By custom, bhumihars prefer not to touch the plough as not touching it is a marker of their upper caste status. And thus they get the land tilled with the help of hired or attached labour, and by parcelling the land out to tenants. Even those with smaller holdings, whose size of landholding enables the tilling of land with family labour, opt for this kind of arrangement. However, two situations arising out of the agrarian struggle are bringing about significant changes in these practices — one, when the ML party enforces *naka bandi* in the village, that is, when labourers stop tilling the land of the landlord. In Bathani tola, where twenty-one people were massacred by the Ranbir Sena on 11 July 1996, the residents of the tolas imposed an economic blockade on the main village after the massacre. The bhumihar landlords are now forcing labourers from the roughly thirty-five labourer families who are left in the main village to work on their fields. In Nadhi village, Bhojpur, an economic blockade has resulted in some bhumihars in the village taking to ploughing their own land. Residents of the chamar tola in Nadhi said that now the bhumihars work on their own land, though the latter claimed

they could not do so out of fear. The second situation arises when no labourer is tilling the land in the main village out of a similar fear of being attacked, and they go to nearby villages in the search for a livelihood. In such situations, land, particularly disputed land, may lie fallow. But that tends to affect different strata among the same caste grouping differently. Relatively less well-off bhumihar households do not have the kind of saving that can enable them to see through the period, and are forced to take to the plough. Medium and large landowning households tend to have the savings to tide over a period, and it could be short-sightedly argued that labourers would suffer greater privation from the stoppage of their daily wage. But *naka bandi* not merely hits landowners financially by halting the work on the land, it also disrupts the functioning relationship of landowner and labourer, thus questioning the landowners' very position in the agrarian structure.

This brings us close to understanding why even the small and middle peasants among bhumihars, even those owning say five acres or thereabouts, are aligning themselves with the larger landowners. Regarding land, the landowners particularly large landowners, have a stake in such *gair mazarua* or ceiling surplus land whose control is under dispute. The landowners collectively have an interest in ensuring that the peasant organizations or the landless do not gain control over such land, irrespective of how small or large are their own gains from the land. In Jalpura, bhumihar landowners claimed that the ongoing struggle in the village is for *varchasva* (roughly translated as dominance). But the bitter dispute is primarily over a large area of *diara* land, about 400 acres of land that is created by the shifting of the river, of which about 300 acres is cultivable. The land is fertile and is good for potatoes and wheat, besides the remunerative *sarkanda* grass that grows there. The bhumihars refused to forgo that land even after *parchas* were issued to the landless twenty years ago. Ever since they briefly lost control of the disputed land last year, there has been bitter struggle to retrieve it. They regained control of it this year.

As for the struggle over wages, given a situation in which the bhumihars do not labour in their fields, the interests of small and large landowners coincide to an even greater degree. It makes perfect economic sense for each small landowner to align with the larger landowners and ensure that they collectively suppress wages. Only by suppressing wages is it economically rational for the small landowner to parcel out his land, or get it tilled by hired labour, rather than use one's own or family labour.

And that collectively takes a caste form for what is an economic interest. Because what the Ranbir Sena manages to do is to bring together bhumihars in a village or an area or region, and give them coherence and the strength of a collective. This is no longer the individual landlord suppressing the poor with the help of *lathais* but a caste organization protecting the class interests of their landed against the landless.

The Ranbir Sena was formed in Belaur village, Udwantnagar block, Bhojpur, in 1993. The story goes that the Ranbir Sena is named after a retired bhumihar military jawan called 'Ranbir Baba' who in the late nineteenth century led the local bhumihars to throw out the rajputs from the village. Belaur is reportedly the largest village in the district; with its 500 bhumihar households, it is a bhumihar stronghold. The catalyst for the formation of this sena was an incident in Belaur in 1993, in which a landlord detained in captivity a labourer who had the audacity to ask for higher wages. He had to be released after villagers led by ML party workers blocked the main road connecting Ara and Sahar. Prominent bhumihars from the village, including the village *mukhiya*, felt that ML influence was on the rise and had to be checked. From this grouping and gatherings was formed the Ranbir Sena.

The base of the Ranbir Sena, as has been stated, is among bhumihar *landowners*. In a pamphlet printed in Jehanabad, thirty-nine bhumihar signatories categorically stated their opposition to the politics and practices of the Ranbir Sena, saying that it does not represent all bhumihars. Interestingly, these are all urban professionals - teachers, professors, journalists. This underlies the

fact that the Ranbir Sena is essentially the expression of the landed in the rural economy, with caste as its organizing factor.

The perception in some quarters after the Bathani tola incident was that the Ranbir Sena was not or no longer was a single-caste organization, but combined the bhumihars and the rajputs. There was little evidence of it in the incidents we investigated. Dominant sections do collude to some extent, since they have a common adversary. The importance of caste in the issue of domination hampers long-term and thoroughgoing unity among the dominant castes. Generally, there has been antagonism between rajputs and bhumihars as both groups are struggling for dominance, particularly political dominance. In general, rajputs and bhumihars do not reside in the same village in equal proportion. Badki Khadaon seems to be an exception in this area, where there are about sixty households each. Both these caste groups' economic interests were under threat by the struggle in the village for better wages. This situation probably brought the rajputs to ally locally with the Ranbir Sena. Attempts have been made to bring together the two social groups under its aegis, with little enduring success.

The Ranbir Sena is currently a presence in four southern blocks of Bhojpur—Sahar, Sandesh, Udwantnagar and Charpokhri—and in Bikram, Pali and Naubatpur blocks in Patna. Makdumpur block in Jehanabad and Bela and Tekari blocks in adjoining Gaya district.

It has been active since 1994 in Bhojpur, and despite being formally banned in November 1995, the Ranbir Sena has since December 1996 also revealed its presence on the east of the Sone river. As a Ranbir Sena member told us in Bhojpur, 'yahan humne Ma-Le [ML] ko khatam kiya hai; ab ladai Sangram ke saath hai'. Virulent rhetoric aside, it is unquestionable that the Ranbir Sena is currently attempting to widen the geographical spread of its influence, and is succeeding to a degree. The killings in Jalpura in February earlier this year and the attacks on the musahars in Haibasapur on 23 March mark the entry of the Ranbir Sena in Patna district.

It has since been reported though, that the retaliatory killings by the CPI(ML) Party Unity in Raghapur on 21 April has resulted in their lying low in Patna for a while since then.

Over the last three years, the Ranbir Sena has carried out several large and small massacres, raped women working in the fields, and perpetrated other kinds of violence. The villages and tolas that have suffered have become known names on account of these tragedies—Belaur, Bathani tola, Ekwari, Haibasapur—the list goes on. According to a compilation by CPI(ML) Liberation, over a hundred people have been killed by the Ranbir Sena in Bhojpur between September 1994 and December 1996; the list and numbers do not claim to be comprehensive. The prime targets of the Ranbir Sena are the families of smallholders and landless labour, including women, who generally derive from the lowest castes. The exception to this would be when the target of ire is the party activist, such as Ramji Yadav from Nanaur, who might occasionally belong to a more privileged background.

It is relatively easy for the Ranbir Sena to carry out its excesses, because it has legal access to arms (in sharp contrast to poor peasants or members of ML organizations); what's more, its members and sympathizers can flaunt the weapons openly. It is a symbol of prestige and exclusivity for the upper caste man to openly carry a gun in Bihar. Their weapons are for the most part licensed arms. It is an absurd situation in which you can ban an organization, but you cannot ban its members and sympathizers from carrying lethal weapons!

A distinction must be made between the violence perpetrated by the two forces on either side of the agrarian conflict. The recent killings by the Marxist-Leninist parties, in the context of the activity of the Ranbir Sena, though caste-based, tend to be of landowners who are perceived locally as oppressors. Killings by the Ranbir Sena have tended to be more general. People passing by a village had been attacked. Women and children are not spared. In the Bathani tola massacre, it is reported that a three year old child was flung into the air and a sharp weapon plunged into her body as she fell. The

Ranbir Sena's aim is to spread general terror among labourer households either for raising their voice against oppression or for supporting the activities of the Marxist-Leninist organizations.

This distinction in violence is not accidental and is in keeping with the political aims of the two groups. The violence perpetrated by the Ranbir Sena is aimed at strengthening the grip of the dominant on rural society. Party squads have at times targeted non-combatants, or members of other ML groups, and have then rightly invited censure. But in general their acts of violence are aimed at disrupting the status quo, and questioning existing rural hierarchies.

By all accounts, the Ranbir Sena is the strongest among the senas that have risen in Bihar over the years. It is the most organized and widespread, with the most resources, and enjoys political patronage to a degree that earlier groups could not boast of. One reason why this is so is because it is a response to intensified organization of agricultural labour.

Another reason could be the rise of right-wing forces, particularly the Bharatiya Janata Party (BJP), in north India. It is reported that prominent leaders of the Ranbir Sena include Brahmeshwar Singh and Janardhan Sharma of the BJP. Janardhan Sharma is the BJP MLA whose house was blown up by CPI(ML) Party Unity cadre in Raghapur as a retaliation for the Haibasapur massacre. According to press reports, Janardhan Sharma got anticipatory bail from the Patna High Court following the Raghapur incident. A former BJP member of parliament, C.P. Thakur, is believed to be among those financing the Ranbir Sena. That such a senior national-level leader of the BJP such as Murli Manohar Joshi visited Raghapur after the incident and Nadhi village suggests the linkages between the two organizations, and makes it evident that the BJP is patronizing the Ranbir Sena.

In this, the BJP is not alone. Local party leaders of the Janata Dal and the Samata Party, are also sidling up to the Ranbir Sena for their own narrow ends. Those considered close to the Ranbir Sena include Chandradev Prasad Verma of the Janata Dal and Shivanand Tiwari of the Samata Party.

Chandradev Verma, who was the Janata Dal candidate from Ara during the Lok Sabha elections has demanded that the ban on the Ranbir Sena be lifted.

This is the compulsion of electoral politics acting in tandem with its criminalization. The Congress Party was once the primary supporter of these senas. The Congress member of the Rajya Sabha, King Mahendra, was a patron of the Savarna Liberation Front. The Kisan Sangh was patronized by the Congress legislator who later moved to the Janata Dal, Ram Lakhan Yadav. The support for landlord senas is spread across the political spectrum from the centre across to its right. Besides their members sharing a similar social background, at the local level, these parties at the local level tend to be dictated entirely by pragmatic ends.

The complicity of the police with the Ranbir

Sena is, if anything, more blatant. In incidents that we investigated, police connivance with local dominant interests and the Ranbir Sena was obvious.

At an utilitarian level, it is evident that the administration is using the Ranbir Sena to further its own ends in its war against Marxist-Leninist organizations. However, the shared interests between the dominant landed interests and the state in general is, to a degree, more nuanced. Every state institution tends to act or react in favour of the dominant class. Parliamentary parties that give them political patronage. The police, who openly connive. The administration, which bans both the Ranbir Sena and the ML organizations, but in effect treats the former differently. And the judiciary, whose actions and pronouncements are influenced by the social and political background of the people concerned.

Role of the State

The official policy on these incidents of violence between the Ranbir Sena and the Marxist Leninist organizations in Patna and Bhojpur is found to be one of precisely timed and selective passivity and equally selective intervention. Starkly put, the commonly prevalent notion of general lawlessness in this region stems in fact from an opportunistic maintenance of law and order. The general bias is reflected in the Bhojpur SP's statements that described the connivance of the police in the Ekwari massacre as mere cowardice. He also uncritically accepted the standard explanation for the partisan behaviour - that the police personnel live away from their homes in camps with few facilities, and they often obtained food and shelter from the houses of better-off landed villagers. In practice, this general bias against the poor translates to both covert collusion with the Ranbir Sena, as well as more active alliance. In Bathanitola, the deliberate indifference displayed by the police stationed in the proximity of the tola, their failure to act on the flimsy pretext of the lack of a superior officer to give orders, shows where

their sympathies lie. In Khanet, the behaviour of the police before and after the massacre, before the prior search of the musahar tola or their suspiciously coming again to collect the dead bodies without being informed of the killings also indicates the more covert of the linkages between the Ranbir Sena and the police.

On the other hand, overt and active connections can be seen in the Ekwari massacre, where the police personally checked the houses of the victims and stood aside after ordering them to open their doors, letting the Ranbir Sena men accompanying them kill the residents. Such complicity can also be seen in Jalpura. In this village, the long encounter between the CPI(ML) Party Unity and combined forces of the police and the Ranbir Sena was triggered off by a confrontation between the Ranbir Sena and Party Unity members, in which exchange of fire did take place, for both sides were armed. Yet when the police came, they joined the Ranbir Sena and together fought the party squad in an encounter for eighteen hours.

Attachment of property (*kudki zabti*) of those

accused of offences but evading arrest, also shows up the one-sided nature of police intervention. This is a procedure under section 83 CrPC, under which the police obtains court orders to attach the property of the absconder and keep it in their custody. But they can only attach the household's movable property. A complete list of items seized by the police has to be given to the other residents of the house,

and the all the items should be returned intact once the accused is arrested or hands himself over.

Yet as the incidents of Nanaur and Madhuban tola show, what happens during these operations is sharply at variance with the rules. The shocking incident of the SP of Bhojpur pouring a poisonous insecticide into a well in the course of an operation only adds credence to the widely-held view that

Where is Judicial Activism?

On 19 April 1986, police opened fire on a public meeting at Arwal town in Jehanabad district, killing 23 people. Widespread public opinion had condemned this brutal massacre of poor peasants. Yet, no judicial inquiry was ordered, nor was any policeman prosecuted for the act. The Supreme Court directed the petitioners to file their petition in the Patna High Court. That was the end of the matter on the legal front. Every year, the Lok Sangram Morcha organises protest meetings to mark the Arwal Day. Such a meeting was to be held at Jehanabad town this year. As a prelude to it, a torchlight procession was held on the evening of 18 April at Makhdumpur, a small town situated between Jehanabad and Arwal.

Around 7 p.m. a private jeep with defaced number plates carrying police in plain clothes was seen suspiciously moving around the processionists. The latter feared that the jeep belonged to Ranbir Sena. Half an hour later, occupants of the jeep, openly carrying firearms, ordered the processionists to stop. At this, somebody from the procession fired at the jeep killing the driver instantaneously. In the ensuing firing from both sides, a policeman and a demonstrator were injured. It was later learnt that the occupants of the jeep were policemen. The processionists dispersed. Police later arrested six persons from their houses and charged them for the killing.

Next morning, unaware of the events at Makhdumpur, Pankaj, a member of the Bharat Naujawan Sangh at Jehanabad, was busy organising tents and loudspeakers for the public meeting at the Gandhi Maidan later that day. Hearing that section 144 had been imposed in the town, he inquired about it from the Sub Divisional Officer and was informed that it was not meant for the Arwal Day but for the Id-ul-Zuha festival. When he returned to Gandhi Maidan at 9 a.m., he was thrashed by policemen, put into a jeep, taken to Arwal Modh, told that he was going to be killed in an 'encounter' and asked to unboard and run away. He refused. Pankaj was then brought to the police station and thrashed by different policemen till late on the following evening. At 10 p.m. on 20 April he was taken to a magistrate, but he was not brought *before* the magistrate. He was sent to the jail. Two days later Pankaj was back in police custody for four days, through a court order, but he had still not seen the magistrate.

That day he was hung by his wrists and beaten with poles and belts. He was not given food. Next two days were repetitions of the same. By 25 April he was in no shape to walk. A day earlier than required he was taken to court to be sent back to jail. But he was still not brought before the judge.

From Jehanabad Sub Jail, Pankaj was sent for treatment to the Sadar Hospital 15 times and twice to the Patna Medical College and Hospital. Finally on 28 July, he was released on bail, but by then he had lost the ability to walk.

Soon after his release he filed a case at the court of the Chief Judicial Magistrate against the police. Three months have passed. No policeman has been charged. Pankaj has not been provided any medical help.

senior police officers are party to such acts. We found that most often *kudki zabti* operations are conducted by and in the presence of the senior-most police officials of the district. Used almost exclusively against lower castes, these operations are obviously meant to deter activists and sympathizers of ML organizations from carrying on political work. Their impact is not qualitatively different from the Ranbir Sena - spreading destruction and terror.

While recognizing the illegality of these actions, the police and civil heads of Bhojpur district stated that these actions were necessary to 'teach the absconders a lesson'. It is important to note that *kudki zabti* is rarely conducted in the houses of Ranbir Sena members who evade arrest. A case in point is that of Jitendra Ojha, resident of Chutki Ajholia and main accused in the Bathani tola massacre, attachment proceedings for whose property have not been initiated. Though there are a few exceptional instances of property of upper caste absconders being attached, none of their houses have been wilfully damaged. It is also a fact that the houses of lower caste members, tend to be poorly built, are easier to destroy and for lack of money, more difficult to rebuild. As it is, what savings or goods the poor have get destroyed in these operations. Rajak Dhobi's house in Nanaur was wrecked by the police in December 1996. His family, unable to rebuild their house, have been forced to take shelter with others.

The bias operates also in the matter of arrests - Ranbir Sena members are given the option of presenting themselves in court at a later date rather than being arrested in the village. In jail, they receive much better treatment and food from their houses. On the other hand, when the poor are arrested, no such option is given to them. They are severely beaten, and often illegally detained in police custody. Such as in the case of the twelve year old boy, Mantu, who was picked up by the police in Indo after the false encounter and moved from place to place in illegal custody for several days.

What is evident from the above is that there is in fact no dearth of policemen and active policing of the areas where such massacres have been

perpetrated. There are two companies of the CRPF deployed in Bhojpur alone and 31 of the total of 38 police pickets are in so called 'Naxalite-infested' areas, according to the district SP. Three companies of the Bihar Military Police are also deployed. It is the nature of the policing that is in question.

Further proof of the bias of the police force are the search operations conducted in the region. Significantly in villages like Khanet, searches are invariably carried out only in the musahar tola whose residents were victims of Ranbir Sena attack in the first place, instead of the main village from where the attackers came. Ironically, the police conducted search operations in backward and scheduled caste inhabited Tandi and Gulabchak tolas of Badki Kharaon to flush out the Ranbir Sena men who killed ten backward caste members of Ekwari. The loot of property and molestation of women by policemen in the course of this search is a fairly common feature of routine police searches in poor settlements. So searches end up as punitive measures inflicted upon a section of the populace already targeted by the Ranbir Sena. Search operations in upper caste localities are not only rare but also very cursory.

There are other examples of police activity which, on the surface seem to indicate a commitment to maintaining law and order, but in their implementation, are solely directed against the peasant movements. The policy of encounters is one such example. For one, there are few instances of encounters between the police and the Ranbir Sena, even though its leaders are well known landlords. Ironically, the only encounter of the Sena with the police was the consequence of mistaken identity, in Jehanabad in August 1997.

On the other hand 'encounters' are, by definition almost, directed against ML organizations and their sympathizers. The case of Jalpura makes this clear, as does the fake encounter at Indo, where the Party Unity squad members were killed by the police after they had surrendered in front of many witnesses.

Regarding the control of weapons, the Senior Superintendent of Police (SSP) at Patna, Sunil

No	Incident	Date	Police Action
1.	Nanaur	22.4.96	Police arrived nine hours after the incident after CPI(ML) Liberation party members pressurized them.
2.	Nadhi	5.5.96 & 19.5.96	Police arrived about five hours after the incident. The bodies were piled high on a bus and taken away. In the latter incident they arrived six hours after Ranbir Sena men began firing on the dalit mohalla. Police and residents retaliated.
3.	Bathani tola	11.7.96	Police watched as Ranbir Sena men massacred 21 people in the village. The SP reached the spot seven hours after the incident.
4.	Khanet	12.12.96	Police checked the tola before the killings occurred and came to the spot two hours after the massacre to take the bodies away without being informed of it.
5.	Ekwari	10.4.97	Under the pretence of a search operation, police got people to open their doors, and let Ranbir Sena supporters attack while they encircled the village to prevent help from outside.
6.	Jalpura	1.2.97	Police fought along with Ranbir Sena members in an 18-hour encounter with the squad.
7.	Haibaspur	23.3.97	Police was informed within two hours of the killing of ten musahars, but arrived only twelve hours later. No police camp here yet.
8.	Raghopur	21.4.97	Police arrived at this bhumihar village within half an hour of the killing. Then pursued squad.
9.	Indo	23.4.97	Police killed five squad members in a fake encounter. Illegally detained a twelve-year old for several days afterwards.

Kumar, finds it impossible to control the issue of gun licences (which can be acquired from anywhere in the country) or confiscate licensed arms carried by landlords who are Ranbir Sena leaders. According to Home Ministry reports, the Ranbir Sena possesses 4,000 guns, both with and without licences. Until they actually fire their weapons, a group of Ranbir Sena members could be merely a group of landowners carrying legal arms. On the other hand, guns carried by labourers and poor peasants are likely to be unlicensed. When they pick up arms against the exploitation of the landlords or against the Sena, their weapons and those of the ML groups would be illegal and liable to confiscation. The SSP gave an interesting

explanation for not trying to withdraw licences from weapon-wielding members of the Ranbir Sena - that in the present state of agrarian conflict, the state could not protect all the bhumihars. Hence they had to be allowed to have guns for their own security and to safeguard their properties. When asked whether likewise the state was in a position to defend all dalits who did not possess weapons, he maintained a telling silence.

The response of the police in the aftermath of these massacres also follows a set pattern which is presented in the table given above.

While in Haibaspur the police took over twelve hours to reach the village after the massacre, where

no police camp has been set up till date, in nearby Raghapur where bhumi-hars had been killed they reacted with remarkable promptness and have set up a camp immediately outside the house of the *mukhiya*.

In one significant respect, the supporters of the Ranbir Sena and those of the ML movement receive equal treatment - that is, in the disrespect with which the dead on both sides are treated by the officials. In Nadhi, when bhumi-hars were killed by CPI(ML) supporters on 5 May 1996, the dead bodies were dragged on the ground and then piled high on the top of a minibus, and tied with a rope, despite protests by their family members. In Indo, after the fake encounter, local villagers were recruited by force to pick up the bodies of the victims and pile them at the back of a police jeep, and made to sit upon the dead bodies.

Realization that the peasant movement stems from the gaps in rural development and land reforms, has led to the launching of developmental programmes by the state. In Bhojpur, the DM has been giving grants under the Indira Awas Yojana to those without proper shelter, or as rehabilitation for victims in the recent massacres and for those displaced due to tensions arising from the conflict. They are also employed under the scheme to build the *pucca* houses. Prior to the massacre, residents of musahar tola, Khanet, for instance lived in straw shacks; it is ironical that they have had to lose loved ones in order to get permanent shelter. Such piecemeal developmental work can often aggravate the conflict as the following example of Parsona village, Jehanabad district in 1990 shows. *Pucca* houses built for musahars under the Indira Awas Yojana were not only seen as an affront by the local high castes. The ensuing tension led the police to arrest some residents on the charge of murdering a local landowner, and in the course of conducting a *kudki zabti* operation completely destroyed the Yojana houses. The tola was finally abandoned by the residents.

Some distribution of *gair mazarua* land is also being done in Bhojpur. But as the examples of Madhuban tola or Nanaur show, mere allotment of

parchas to the land without ensuring actual implementation is not sufficient, for control over the land continues to remain in the hands of landlords.

In Jehanabad, the literacy programme is being promoted as the chief plank of the developmental plan. It is ironical that while literacy campaigns are stressed, village school buildings are the most common sites for setting up police pickets. As the persistence of these problems, the conflict and the peasant movements has shown, until issues of wages and land which are at the root of these massacres, are directly addressed, literacy and education alone can achieve little.

In this entire region, there exist close networks based on caste, kinship, illegal gratification, connections with politicians etc., between the mainly bhumi-har rural landed elite, and state institutions and apparatus at the village, *tehsil*, district level, and beyond. In Bhojpur and Patna, once those accused of massacres are arrested, the social, economic and political connections of the Ranbir Sena members enable them to obtain bail and have easier access to competent lawyers, and gain favourable judgements. Differential access to the law makes the need for judicial initiative all the more imperative and is least forthcoming (see box: *Where is Judicial Activism*, p. 29). In a sense therefore the coercive forces raised by landowners, such as the Ranbir Sena, are almost complemented and supported by the state, simply because of the interpenetration of the two. The fact that the Ranbir Sena is banned loses all relevance.

The district administration in these areas plays a role which is completely supportive of the police action. Apart from implementing some developmental projects, even the basic process of initiating inquiries into any of these incidents has not been done. The mandatory magisterial inquiry under section 176 of the CrPC into the massacre at Ekwari or into the fake encounter at Indo has not take place even when newspapers in the state and outside clearly established police connivance with the Ranbir Sena in the first case, or also established that the police encounter was a cold-blooded murder

in the second. The recent guideline of the National Human Rights Commission to state governments that cases of homicide be registered in all cases of police encounters and these be investigated by an agency independent of the police has not been complied with in the case of Indo. Only police departmental enquiries have been conducted into the role of the police in major massacres such as Bathani tola and Ekwari. In a farcical show of meting out justice, the very agency that actively or passively aided the marauders sits in judgement over its own actions. In any case these departmental inquiries cannot lead to criminal prosecution.

The task of giving compensation to the victims is also partly the work of the district administration. The amounts of compensation paid to the victims' families are completely arbitrary. They seem to depend primarily on whether or not the Chief Minister announces the one lakh rupee compensation, which lies within the CM's discretionary authority, a discretion exercised with an eye firmly fixed on the vote bank. It also depends on the unverified version (and unverified it is doomed to remain) of the police regarding the nature of the killing. In Nadhi, the Ranbir Sena killed Chano Devi, Sitaram Das and Chintamani Devi in cold blood. There then followed a shoot-out between party activists and the Ranbir Sena. The administration has deemed that the entire incident was one of exchange of fire and not attack by one group, and hence no compensation would be given. In an identical situation in Jalpura however, where exchange of fire between Ranbir Sena and Party Unity led to the killing of bhumihars, compensation was promptly awarded.

In most cases, the compensation granted by the government of Bihar through the DM of Rs 20,000 in case of death and Rs 5000 for permanent disability is grossly insufficient. Apart from these sums, there is provision for a further Rs. 10,000 to be granted to the victim's family under the central government's National Family Benefit Scheme, if the families are found to be below the poverty line, as was the case in Khanet. This is granted for every earning member

(between the ages of 18 and 65) killed.

Rehabilitation too lacks a policy. Many dalits displaced from their villages such as those at Badki Khadaon and Jalpura have been provided no alternative place to stay. In Belaur however, 136 backward caste families, displaced from their village by the tensions arising out of massacres and killings, have been given grants in the same area under the Indira Awas Yojana. Rehabilitation is often delayed as the land given to the affected is either low lying and unsuitable for house building, or is part of the tracts controlled by the Ranbir Sena members, and challenged in court by the landlords, as at Belaur.

Political parties and members of the legislature show no deeper sensibilities than of guarding their vote banks. The erstwhile Chief Minister, Laloo Prasad Yadav, for instance, chose to visit only those villages in which dalits were killed, whereas the BJP and the Congress expressed grief when the victims were bhumihars. But at the district and village level, functionaries of mainstream political parties are either active with or sympathize with the Ranbir Sena.

About four years ago, a PUDR team investigating massacres by the Savarna Liberation Front, Kisan Sangh, Sunlight Sena and such other upper caste landlord armies and instances of retaliatory violence by Naxalite groups, found the state response similarly biased. In a region where tragic massacres repeat themselves with monotonous regularity, the state's response is predictable and misdirected - setting up more police camps, increasing the financial allocation for anti-naxalite operations, continuing to deal with this issue like they would any ordinary crime.

The issues remain the same; the landlord army is different each time. We are condemned to reiterate the same demands and like some ritual drama whose script is familiar to all, the same events are re-enacted each time, drawing the same reactions from the state. While the analogy of theatre may be applicable here, one has to remember the dreadful reality of bloody massacres that are the outcome of this refusal to address basic questions of agrarian struggle.

PUDR Demands

1. That judicial enquiries be conducted into every incident of killing in which police connivance, overt or covert, has been alleged.
2. Families of all those killed in these massacres be paid compensation of at least rupees one lakh.
3. Cases of murder be registered against the police for the fake encounter at Indo, and its investigation be handed over to the CBI.
4. The administration should (a) ensure the payment of minimum wages; (b) ensure possession of land to those granted *parchas*; (c) record the rights of tenants and ensure implementation of tenancy laws; and (d) conduct an inquiry into every instance of land dispute.

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