

# Peoples Union for Democratic Rights

## **Interim Report of a fact-finding Into**

### **Police Excesses on Farmers in Haryana**

It had come to the notice of PUDR, Delhi that in Haryana a large number of farmers, mostly supporters or members of the Bharatiya Kishan Union (BKU), are being arrested under section 124-A of the IPC. Section 124-A deals with sedition, with attempts to overthrow the state; it was one of the most invoked laws in colonial India to conveniently suppress any form of dissent or agitation that could not otherwise be branded criminal. This colonial statute has passed onto independent India virtually without any change or modification. And, to the best of our knowledge, the mass use of this law in Haryana is unprecedented in recent times.

PUDR found it rather curious that farmers in Haryana are up in arms against the Indian Republic, so much so that the police and the state administration has to resort to mass arrests, firing and third degree in police custody, even on seventy-five year olds.

A PUDR team traveled to two of most affected districts in Haryana, Jind and Kaithal, and visited some of the villages where the police crackdown was at its most brutal. We met farmers, BKU leaders, people released on bail and the Jind District Collector. This is what we found.

#### **The Background**

The introduction of the green revolution technology made cultivators increasingly dependent on inputs from the market. Their direct consequences were changes in cropping patterns and selection of crops that made outputs even more market dependent. The vagaries of the market and the existence of merchant monopolies were sought to be evened out by state intervention through pricing of inputs, purchases of outputs, and availability of credit.

Thus, the principal conflict between the farmers and the government revolved around the issue of profitability in agriculture and saw the birth of the BKU in 1978. A confrontation between the farmers led by BKU and successive Haryana governments has been continuing since the beginning of the 1990s. Its manifestations have been the repeated protests over electricity bills, water charges, bank loans, and support prices. This has been the single most visible feature in the history and politics of Haryana over the last 15 years both on the highways as well as in electoral politics.

Opening fire on mass gatherings has been the hallmark of the state's response to this situation of conflict.

#### **The Immediate Context**

Every political party that has ruled Haryana in the last 20 years has tried to utilise the large support base of the BKU for electoral gains. The same is true to a greater degree in the case of the present Chief Minister, O.P. Chautala. Promising the cultivators free electricity played an important part in the election campaign of 2000. Going back on this promise after assuming power generated protests from the BKU. The government retaliated by opening fire on a mass protest resulting in grievous injury to a large number of people. Criminal charges were filed against those participating in the protests.

The by-elections in Yamunanagar in February 2002 once again brought forth the populist face of the Chautala government. Talks with the BKU leaders were held on 31 January 2002, which concluded with the government promising money for the treatment of those injured, withdrawal of criminal cases, regular power supply and another meeting on 1 March to discuss outstanding dues of the farmers. The signatories to the agreement were Ajay Chautala, son of the Chief Minister, and the Agriculture minister J.S. Sandhu on behalf of the government, and the Haryana BKU President Ghasiram Nain and General Secretary Ramphal Kandela.

After the elections the government backed out of the talks. Protests resumed and led to the arrest of 10 people on 13 April. This phase of mass protests finally ended with the police opening fire at three places on 29, 30 and 31 May, 2002 to prevent the rally planned by the BKU at Kandela village in Jind district. Nine people lost their lives. After three consecutive days of firing and nine deaths, the BKU retaliated by detaining policemen in Kandela village for a number of days to stop the police from going on a rampage and to force a dialogue.

Talks with the BKU were resumed. The government ordered compensation for the dead and injured. On 10 June, an order was sent by the Principal Secretary, Government of Haryana, stating that the government had decided to drop all cases registered against Sh. Ghasiram Nain and other office-bearers of the BKU since 1992 till date "in public interest". Process for getting the cases discharged from the courts is to be started. However, it was never implemented, and the administration awarded compensation only to six of those killed and none to the injured. It meant an end to the process of talks once again. Here the matters came to rest.

### **The Bitter Taste Of Sugar – BKU Marches Again**

The protracted and bitter agitations of the BKU flared up again around the end of 2002 at Banodi Sugar Mill, Shajadpur (Hissar district), over non-payment of sugarcane dues. The government had fixed the sugarcane rate at Rs. 110 per quintal. The sugar mill, which the BKU claims enjoys special favours from the district administration, purchased sugarcane at a rate lower than the fixed price. Moreover, it hadn't paid the farmers their dues for more than 2 years. And, by the end of 2002, the total outstanding dues had reached a whopping Rs.28 crores.

In order to pressurise the mill owner and attract the attention of the administration to get it to intervene on behalf of the farmers, a rally was organized on 25 November 2002. While the state applies pressure on the farmers to pay up for the electricity or water they have used on their land, even on bad years, it's only fair that the state also steps in when the money due to farmers are not being paid. The rally called upon the District Collector to give them an assurance that their dues would be paid within a mutually agreed stipulated date. The administration refused to comply.

When the farmers resorted to a roadblock, the police started a lathi-charge. 17 people were arrested. Among them was Ghasiram Nain. And he has not been released yet.

He was initially accused of hitting a policeman with a *sua* (*long needle*), and arrested under section 307 (attempt to murder). Later, when he was produced in court at Hissar, he was charged under section 124-A (sedition). His appeal for bail was rejected and the government seemed hell-bent on charging him under as many cases as they could get. As an undertrial in Ambala jail, he has even been denied the right to meet people. Only his sons are allowed to visit him. It is to be noted that Mr. Nain is 72 years old and is a respected figure throughout Haryana as a *Kisan* leader.

### **The Movement Now**

Ever since the arrest of Mr. Nain the BKU movement has mainly focused on one central issue: his release. Though the question of arbitrary electricity charges slapped on the farmers was added later, the major demand still remains the release of Ghasiram Nain.

The BKU rallies against the arrest started soon after he was denied bail. On 7 January 2003, there was a rally at Pabnawa in Kaithal district. On 16 February, there was another rally at Kalayat in Kaithal, attended by more than 15,000 people. The BKU called for a Haryana Bandh on 20<sup>th</sup> February. Roads were blocked at various points. In April the organization called for hunger strike, which lasted almost 50 days. There were indefinite strikes at Kaithal city, Kanadih (Fatehabad), Shahpur in Jind, Narnond in Hissar and Batda in Bhiwani. Relay hunger strikes were organized in Rohtak and Jind. On 11 May a rally was organized at Kalwan village in Narwana. One bus was damaged during the rally. Another rally was organized at Kandela village on 9 June, 2003. After the rally a road block call was given. On 15 June another meeting was called at Kandela village. The struggle was then called off on 20/21 June since it was time for rice sowing and all hands were needed for work on the fields.

### **State Response**

#### **Police Firings**

Over the past decade of the farmers' agitation, the single most terrifying feature has been the ease and frequency with which police has opened fire on mass protests. Ever since the movement gained momentum, police firings have happened with clockwork regularity.

Since 1992, incidents of police firing on mass gatherings have happened every year, resulting in grievous injuries including loss of limb and vision, and in several deaths. In 1993 two people died in the firings at Nising village in Karnal. In 1994, during the agitation over support prices for rice, the police bullets killed another farmer in Tohana, Fatehabad. In 1995 six people were killed in Narnaul and Kadma for protesting over electricity and water charges. Again in 1997, 14 lives were claimed by three successive police firings on protest meetings in Dhamtain, Mandili and Mandiyali over escalating electric bills. 2002 saw more agitation over electricity payments, and nine people lost their lives in three firings that took place within a span of three days. The long list of the dead includes a 14-year-old boy who was beaten to death, and some men over 70

years of age. No one has a definite record of how many people have been seriously injured in a decade of police violence. But today, if you are travelling through the heart of Haryana, you'll meet many a innocuous looking farmer, both young and old, whose dirty white dhoti-kurtas hide the bullet wounds on their bodies.

<b>FATAL FIRINGS</b>		
<b>YEAR</b>	<b>VILLAGE(District)</b>	<b>KILLED</b>
1993	Nising(Karnal)	2
1994	Tohana(Fathehbad)	1
1995	Narnaul	1
1995	Kadma(Bhiwani)	5
1997	Mandyali(Mahendergarh)	5
1997	Mandili	8
1997	Dhamrain(Jind)	1
2002	Khandela(Jind)	9

While the administration has complained of lawlessness among the agitating farmers, the evidence of police brutality is far more visible. Very significantly, there have been no deaths or serious injuries to members of the law enforcing authorities.

### Arrests

The most significant form for suppressing the farmers has been the launching of criminal cases and arrests. The variety of charges and the people targeted speak volumes for the ingenuity of the authorities. The arrest of Ghasiram Nain is a case in point. He has been the president and the most respected leader of the Haryana BKU since 1982. Over the years, each phase of struggle conducted by the BKU has led to the launching of a series of cases against him. In all there are 128 such cases instituted against Mr. Nain since 1992. Of the 22 cases that have reached a decision, he has been acquitted in 21. The state has itself withdrawn 18 of the cases. It is important to note that while extremely serious charges like sedition and attempt to murder were being slapped on him, during this same period he was negotiating with the heads of the Haryana government, meeting chief ministers and signing agreements with high-powered government bodies. He was being arrested only when it was convenient for those in power, or when the BKU would launch a movement. In this context, the cases seem politically motivated, patently spurious and as evidently a means to control him and the BKU.

<b>District</b>	<b>Cases</b>	<b>Withdrawn</b>	<b>Investigation</b>	<b>Pending trial</b>	<b>Under trial</b>	<b>Acquittal</b>	<b>Conviction</b>
Hissar	20	0	2	0	17	0	1
Jind	43	7	7	0	20	9	0
Karnal	3	0	0	0	2	1	0
Kurukshetra	3	0	1	2	0	0	0

Kaithal	14	10	2	0	2	0	0
Narnaul	1	0	0	0	0	1	0
Rohtak	6	0	0	0	6	0	0
Bhiwani	22	1	1	0	20	0	0
Fatehabad	1	0	0	0	1	0	0
Rly Police	15	0	1	0	4	10	0
<b>Total</b>	<b>128</b>	<b>18</b>	<b>14</b>	<b>2</b>	<b>72</b>	<b>21</b>	<b>1</b>

The manner in which the cases have been made ‘serious’ is seen in the recent arrest, where, on his production at the Hissar court under heavy security, a charge of sedition was additionally slapped on him. Its basis is a statement by a security personnel that Mr. Nain was heard saying that farmers should come out on the streets and overthrow the corrupt government. This charge being ‘serious’ has enabled the state to detain him for the past 8 months.

To a lesser degree, the same pattern has been operational for the other BKU leaders. Any speech at a public meeting asking people to oppose the policies of the government and to dislodge it from office has been considered tantamount to sedition. The exact number of people thus charged is not possible to ascertain. Our estimates range between 50 and 70 people, 11 of who are currently in jail. Our talk with the Jind District Collector was of no help. He initially denied that anyone was charged under sedition in his district, though later he admitted that there might be "a few". Our investigation was able to find 30 such people in the district! The number charged under this provision in Fatehabad and Kaithal districts are 17 and 22 respectively.

### **What is Sedition?**

**Section 124-A, IPC: Whoever by words, either spoken or written, or by signs, or by visible representation, or otherwise, brings or attempts to bring into hatred or contempt, or excites or attempts to excite disaffection towards, the government established by law in India, shall be punished with imprisonment for life to which fine may be added, or with imprisonment which may extend to three years, to which fine may be added, or with fine.**

Since the arrest of Mr. Nain, every new acting BKU chief has been targeted immediately after assuming office. First, Fateh Singh ‘Fatwa’ was charged under 124-A and arrested. The next *pradhan*, Palaram Goud was elected on 30 April. He was similarly charged and put in jail 13 days later. On 27 May Joginder Singh Mor was elected *pradhan*. He has also been charged under 124-A and is currently evading arrest.

Most district and block level leaders have been targeted using the same charge. They are either in jail or else evading arrest. The obvious motive is to disrupt the BKU chain of command and its organizational abilities.

But arrests are not limited to the leaders. A number of those arrested were either participants in protest agitations, or were campaigning for a future programme. Even a number of people unconnected with the current movement who happen to reside in a village considered a BKU stronghold, or else are family members of a BKU functionary are being picked up. Their number

in different districts is well over a hundred. Such arrests go a long way in terrorizing the movement into submission.

The number of people charged is not possible to ascertain since FIRs include many unnamed 'others'. This practice has also enabled the police to pick up people at random and charge them in any existing FIR.

### Custodial Torture

There is evidence of an official policy to torture arrested persons before sending them to jail. We met farmers from villages in Jind who had just been released on bail and complained of brutal torture while in custody. Six of them were arrested when they were campaigning for a proposed rally. Two were picked up while working on the fields and one was arrested while driving a tractor to town. These nine were sent to the Criminal Investigation Agency (CIA) Staff from the Sadar Thana and detained there through the night. All of them were thrashed, and given the 'roller treatment' with one or two policemen standing on wooden poles and rolling them over the legs of those arrested. They were then kept manacled through the night, unable to move. The victims identified the SHO of Sadar Thana, Ram Kumar Nain, as one who personally participated in the torture.

The PUDR team saw the bruises and marks on the bodies of the torture victims. It is to be noted that some of the victims were of advanced age. In fact, the team met Mr. Nafe Singh, who, despite being a frail old man of 75 was not spared from the brutal beatings and was held immobile all night by manacles that virtually cut off his blood circulation. The team met Mr. Singh a few days after his harrowing encounter with the law, on the day he was released on bail. He could barely walk or talk. Similar was the situation of 65 year old Balmat Singh. Some of the torture victims reported that on the day they reached jail, people arrested from Uchana Kalan were also brought there. One of them, Nihala, was beaten so that he was bleeding from his left ear. He was not provided any medical treatment in jail and survived on painkiller tablets provided by other detainees.

### The Courts

The attitude of the courts in ensuring safety of those arrested was one of apathy. Those arrested were produced before the magistrate in handcuffs. They were trooped in and out of the court without being given a chance to narrate the harrowing experience of a night of torture, or worse for some others who had even suffered longer periods of illegal detention. The magistrate did not enquire about how they were treated and whether they were well even though evidence of torture was visible.

As a rule, bail was not granted to any of those arrested at the first hearing even though cases were clearly false. A fortnight later when the courts finally started allowing bail, some of the detainees had additional charges slapped on them to continue their detention. Courts remained uncritical of such illegal practices of the police. Kuldeep Shahpur, and Rishipal Kandela are two such people who are presently in jail through this practice.

## Conclusion

The agitations by the farmers of Haryana led by the BKU are clearly on economic demands that have their basis in the strategy of agricultural development envisaged and put into practice by the Indian State. While we have neither investigated nor commented on the extent to which these demands are legitimate or justifiable, it is quite evident that the successive state governments have shown no intention in finding a long-term solution to these issues. There is a concerted attempt on the part of the Haryana government to project the BKU and its movement purely as a law and order problem.

The methods employed by the state in this regard are highly irresponsible and illegal. The Haryana government is responsible for the killing of 32 people in police firings in the last 10 years. Arrest on flimsy charges and ridiculous invocation of sedition too amounts to gross violation of the right to liberty and dissent.

### **PUDR demands:**

1. That enquiries be instituted into the police firings and those responsible be charged.
2. That all people injured in police firings are adequately compensated.
3. That charges of sedition be dropped against agitating farmers with immediate effect. People suffering detention under S.124-A be released immediately and adequately compensated.
4. That the police personnel responsible for conducting tortures are brought to justice.