

Civil Rights Investigation into Police Firings on Gurjar Agitation in May-June 2007

Interim Report

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A 24 member team belonging to the People's Union for Civil Liberties (PUCL), Rajasthan, the People's Union for Democratic Rights (PUDR), Delhi, Association for Democratic Rights (AFDR), Punjab, and students of various National Law University colleges conducted a week-long study of the State and caste violence that gripped Rajasthan. The team undertook visits on 9 and 10 June 2007 to five places where people were killed due to police firing and caste attack. The high death toll of 25 persons including two constables was shocking.

The team spoke to a large number of residents of Patoli, Peepal Khera, Bundi, Ghata, Lalsot, Bamanwas, Bonli and surrounding villages and met the SP, Dausa, Collector, Bundi, police officers at Bamanwas, Nangal, Bonli, Lalsot police stations, panchayat members, journalists, and representatives of political parties and caste committees. Though sites of violence included police firings, road blocks, destruction of public and private property and State sponsored caste confrontation over the week, we decided to restrict our visits to the places where people were killed. In addition we visited Bamanwas in Sawai Madhopur in order to get a glimpse of the alienation between the communities of the Gurjars and the Meenas.

The main conclusion to which the fact-finding teams reached are stated below:

1. Resorting to Firing by the Police was Unwarranted, Excessive and Inhuman

In Patoli-Peepal Khera, the violence was initiated by the police on 28th May, 2007 through a night-long brutal operation in which children, women and men of the villages suffered injuries from lathi blows and tear gas shelling. The immediate spark came from a police party entering houses, pulling out women, beating and molesting them and subjecting them to vulgar abusive language. On 29th May 2007 at around 7.30 am Police opened fire on people even though the highway was not blocked. At least three of those killed were shot in the back. Protestors were camped in fields far away and residents of the two villages were busy with their morning duties and cooking food for the gathering. The killing of the constable occurred after crowds collected on the road.

At Bundi, the killings took place at the Dev Narayan Temple on 29th May about 10 am where people were having food. Violence flared when Ex MLA Nathu Lal came running from inside the temple after negotiations with the people there failed and he was manhandled. The police party outside mistook him for a miscreant and started beating. The DM rushed to protect him. The confusion however was mistaken for an attack and people pelted stones from inside the temple, one of which hit the DM on the forehead. This prompted an attack by the police, immediately followed by firing. People were asked to clear within 10 minutes, and the firing was started by the DSP present there. One person was killed at the spot on the top/fourth floor, not visible from the ground, suggesting that the shot was aimed from a distance. Two others were killed near a makeshift tent and two more who were running away onto the adjoining hill. This description shows use of force far in excess of "necessary". The behaviour of the police was brutal too: A very old man barely able to walk, was mercilessly beaten and fractured both his arms.

At Boli village, on 31 May 2007 around 1 pm police panicked without reason when people working at a NREGA worksite were proceeding towards a free community lunch at a yagya that had started a week before. According to the FIR registered on 2 June 2007, police fired 96 rounds in the air only, but the 4 persons killed not mentioned in FIR where the post mortem was conducted in the night of 31st May and bodies were forced to be cremated in the night itself. All the killed and injured had bullet wounds at three to four feet level and in two death cases bullet entry wounds were through the side of the abdomen. These killings enraged the crowd and the destruction of State property occurred after the firing and police personnel abandoning the police station.

In all the three cases, we found that there was no attempt to minimize casualties. There was no arrangement to take the injured to hospital. Those who were grievously injured as well as the others injured were left by the wayside, to seek their own means to reach medical assistance. To date a list of the injured along with the injuries sustained is not available with the State administration.

Police stories of the happening were found inconsistent with material facts. As a rule the mandatory warning before firing was ignored. In Patoli-Peepal Khera, police claimed that the firing was aimed at protestors on the highway. Our team saw a large blood stain two hundred yards south and witnesses claim to have picked the other dead bodies 100 to 300 metres north of the road. Further, the bullet entry wounds on the bodies of three of the victims were on the back, contradicting that the firing was in self defence. The accounts of Bundi and Bonli villages confirm the same pattern.

2. Government is Responsible for this Political and Administrative Blunder

- (a) The seeds of the present impasse were sown at the time when the present state legislature was garnering support in order to come to power. The gurjar community was promised inclusion in the list of Scheduled Tribes.
- (b) The protest programme of blocking four National Highways was announced well before 28 May providing the government sufficient time to engage in talks and to look for a solution. In fact the size and the form of the protest was an indicator of the lack of will on the part of the government to initiate discussion on the issue.
- (c) The order declaring S. 144 at the places where the protests were to be held and the order to prevent the road blocking at all cost was ill-conceived. It was also discriminatory, given that various protests had been permitted in the recent past even in the state capital, which had led to blocking of road communication for long stretches of time (recall rally in support of Natwar Singh in August 2006).
- (d) Despite the prior knowledge, police did precious little to prevent the gathering. Lathi charge and tear gassing done at Patoli-Peepal Khera, from 28th evening onward was instigatory and illegal rather than preventive. No attempt was made to arrest people for violation of S.144. In fact the S.P., Dausa found the idea of arresting so many people ridiculous. The intent of the police therefore was to allow protestors to collect and then to use brute force to disperse the crowd. The use of force necessarily included opening of fire, given the relative numbers of police and protestors present.
- (e) Far from dispersing the crowd, the police action led to a longer blocking of roads than any of the protestors had initially imagined. It also led to a huge loss of life and to the generation of enmity between different sections of the people.
- (f) The attempt to treat a popular mass protest as a law and order problem is tantamount to the abdication of responsibility of the government towards the people. The

operation planned in this manner amounts to a premeditated crime, and cries out for justice.

3. Generation of Tensions and Clashes between Communities

- (a) There is sufficient reason to believe that senior functionaries of the government in power were actively engaged in provoking the Meena community to fight the Gurjars. For example, the blockading of roads by the Meenas to prevent provisions from reaching the Gurjars at Patoli-Pipal Khera was well organised. Towards this purpose Meenas blockaded roads at four places. These blockades surprisingly did not attract the provisions of violating S. 144, nor did they face the ire of the police.
- (b) In the case of blockading of roads near Bamanwas in Sawai Madhopur, false intelligence messages were shared with the Meena community, both by the police as well as the SDM, to provoke Meenas to retaliate. It was only due to timely persuasion by elders from the Meena community that a major clash was averted.
- (c) The killings at the road blockade at Ghata, Lalsot clearly shows that police was in connivance with the Meena community and facilitated the attack. There were only 150 gujjars who had been peacefully organising the blockade since 30 May. Police acted as a mute spectator and thus facilitated the attack which resulted in four deaths, destruction and loot of property in nearby villages. Even after the attack, police investigation has still not named any accused, and fear looms large in the gurjar settlements

4. Discrimination and the feeling of Alienation among Gurjars and the deep divisions that have developed between the the two communities

Vasundhara Raje and Colonel Bhainsla may have signed the statement on the evening of the fourth of June, which may have resulted in the lifting of the various road blocks and prevented further smashing and destruction of Public property, however the week long situation of State violence and violent public protest by the Gurjars and its retaliation by the Meena community has changed the rural scenario in several villages of Rajasthan.

Tragically what the entire week has left behind are deep divisions between the two communities and the feeling of hate as well as the fear of the other. In village after village that we visited the two communities, who were till now political partners in helping their candidate win, even in non ST seats in these districts, are now keeping their distance from each other. Even a Sarpanch belonging to the Gurjar caste and from the BJP said that he was not comfortable about visiting the neighbouring village which was Meena dominated. Several Gurjar families out of fear are not even going to the market.

Similarly members of the Meena community were lamenting that a historical relationship between the Gurjars was now over because of a leadership that had led the Gurjars to the path of destruction. At the same time they feel that their achievements in the field of politics and administration has come from hard work which now would be grabbed by the other community. Very quickly this analysis would change into stereotyping the other caste. On both sides the communities are building stereotypes of who is the aggressor, who is the bigger criminal etc.

The present atmosphere of hate and mistrust has resulted in the Gurjars conducting a caste analysis of the denials of development which perhaps can be attributed to the rampant corruption within the administration. They are connecting the denial of development benefits which include basic needs like the supply of water to their villages in the last 15 to 20 years to the presence of a particular caste in the administration, hospitals and at the police stations and Courts. Therefore in the instance of the repair of the Dehari village pipeline to Bamanvaas there is resistance by the Gurjars as they feel that their village ground water was being used as a source of providing water to the Meena villages without them being the beneficiaries of piped water. So they have agreed to get it repaired only when the piped water would also be supplied to them. 1

6. Demands

- An impartial judicial enquiry into the entire week long cycle of violence and particularly all incidents of police firing and in the case of the Ghata, (Lalsot)
- Lodging of FIRs against the police in the cases of those who died and of the injured
- Changing the administrative and police leadership in the districts of Dausa, Bundi, Sawai Madhopur where the police and people were pitted against each
- Paying compensation to the injured.
- The manner in which arrests are being made is arbitrary. We were told by SHO of one place that they had been instructed not to make more than a hundred accused in one case. He was patting his back for writing only 66 people as the accused. We demand that people presently in custody be released in order to prevent unnecessary incarceration of innocents and conduct arrests where necessary only
- The State must not discriminate between communities in providing facilities like that water and other basic needs to the people.
- Legal Action against the Ministers Dr Kirori Lal Meena, Virendra Meena, Rajendra Singh Rathore and Kalu Lal Gurjar for violating the oath of office for a Minister for a State. The oath clearly states that “..... I will do right to all manner of people in accordance with the constitution and the law without fear or favour, affection or ill will.”, *The Constitution of India, form of oath or affirmations, third schedule.*

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