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AN ENQUIRY BY THE FACT FINDING TEAM INTO THE POLICE FIRING THAT LED TO THE KILLING OF A TRIBAL AND CAUSED INJURY TO OTHERS IN DAHANU TALUKA, THANE DISTRICT, MAHARASHTRA

On June 5, 1992, about 14 armed policemen and 12 SFJ jawans fired more than 34 rounds on the tribals of Kaitali village in which one tribal, Janya Ladkya Bhuradya, died and another tribal Sakharan Wartha, was seriously injured and is being treated at the J J hospital, Bombay. Several others also sustained injuries.

Several leaders of an adivasi (voluntary) organisation, Kashtakari Sanghatana have been arrested on the charge of attempt to commit murder i.e. Sec 307 of the IPC and Sec 147, 148, 149, 352, 363, 352, 336, 337 and 120 B of the IPC.

MEMBERS OF THE FACT FINDING TEAM

On learning about the incident of 5.6.92 through newspaper reports, and activists working in Thane district, the following members of the Fact Finding Team visited Dahanu on June 12, 1992.

- (1) Bhushan Dza (Lawyer)
- (2) Dr Amar Jesani (Doctor)
- (3) Sushil Mahadeshwar (Lawyer and member, Lokshahi Hakk Sanghatana.)
- (4) Mihir Desai (Lawyer)
- (5) Gautam Vphra (Development Research and Action Group)
- (6) Shailaja Pirangute (Legal Resource Center)
- (7) Doris Rao (Journalist)
- (8) Michelle Brane (Georgetown University Law Center, Washington DC)
- (9) Vinod Shetty (Member, Lokshahi Hakk Sanghatana)

FRAME AND TERMS OF REFERENCE

1. Incidents of firing by the police and the SFJ jawans in Vartapada, Kaitali village, Dahanu taluka, Thane district of Maharashtra on Kashtakari Sanghatana (KS) members on June 5, 1992, killing one man and injuring two others.
2. Role of the local Congress leaders and landlords in the above incident.
3. Background of events leading to the firing on 5.6.92.

On reaching Dahanu, on the morning of June 12, the team divided into two groups. The first group visited Vartapada and Shalkarpada in Kaitali village to talk to the villagers residing near the site where the firing and attacks took place. The second group left for Ganjad to meet the local landlords and the Congress leaders.

ITINERARY OF THE FIRST GROUP AND ITS FINDINGS.

Kaitali village consists of 12 padas. We visited Shalkarpada and Vartapada. As we travelled across the countryside along the highway, we first

came across a stream where women were bathing and washing clothes. The water was a dark green colour and gave off a foul odour. On the banks of this stream there were two distilleries which had been indiscriminately dumping their waste into the water. The IS activists mentioned that they had conducted an agitation against the distillery and its owner had recently begun to partially treat the affluents.

later

After we walked for about three kilometers we reached Shalkarpada. There were no people around; the entire pada was deserted. After a while we saw an old couple emerge from a hut. They were the only people in the entire pada.

K.S
village

The old lady immediately took us to her house which had been ransacked. She did not know who was involved or why they looted. She suspected that the police and the Congress supporters from Bhonarpada and Ganjad were involved. All her belongings, including vessels and clothes, had been taken away. Her small store which sold provisions was pillaged. The couple told us how the police came armed on June 5 and beat the women. The police had come to arrest the menfolk on some charges filed on them for plundering a shop and in the process beat the women who attempted to reason with the police.

The old couple felt the attack on her shop was engineered by Pandya Bhonar, the Uparpanch of Bhonarpada. As for the shop which had been allegedly damaged by IS activists, according to the police records, it belonged to Gopal Bhonar, a relative of Pandya.

We later went to Vartapada. There the women folk had collected under a tree. The women stated that since June 5, they alongwith their families, had been living in the jungle.

Shenu Fakdyia Solar, 10 years, stated: On Friday, the police came to our pada at 11 am. When we tried to explain to them what had happened, they started beating us with lathis and damaged our homes. They were looking for our men and they said they wanted to arrest them as a complaint had been filed against them for ransacking a shop belonging to Gopal Bhonar.

As soon as the beating started we tried to escape to the hills. One man also came with us.

As I go to the afternoon, the police came again, this time with the Shikharis and started hitting us. Nearly 30 to 40 blows were there.

Shveti Shelkar, 10 years, claims that some people from Bhonarpada were also with them.

Hausi, 10 years, was hit on the foot by a sharp instrument, a sickle. The Investigating team found welts and marks, clotted blood on the arms, backs and legs of the women caused by the rubber gloves of the policemen.

① Shalkarpada and Voulharpada happen to be Keshikara Sanghastana
Stronghold in Keshikara area

We later spoke to the men who came out of their hiding places in the forests. Two of those were Chintya Jivya Vartha, 28 years, and Dashrath Vartha, 20 years, both members of the KS.

Their account is as follows:

"There are 35 houses in the Vartapada and Shalkarpada area where about 100 people live. We are all members of KS. We feel that the problem started because 12 persons from Diwanpada joined the KS. This was not liked by the Congress bosses.

"About a week before the June 5 incident, these persons' houses were attacked in Diwanpada. When we went to see the damage done to their houses on June 4, we were attacked. We resisted the attack with stones. Then, those 12 persons from Diwanpada came to our pada and stayed here as they feared for their lives in Diwanpada."

"On June 5 at 1 pm, the police arrived along with the SRP. The Diwanpada residents had earlier worked for Shashikant Panchal, a local Congress leader.

"On May 29, the KS meeting was held at Kasa which was attended by the Diwanpada residents as well as by us. On May 31, Shashikant broke the tiles and damaged the homes of the persons in Diwanpada who had joined the KS. We went to the village to see the damage done to their house. On June 2, these people came to our pada with their families, to escape from Shashikant. On June 4, we went to placate Pandya Bhonar and arrive at some compromise but he was not interested. On the afternoon of June 5, the SRP jawans fired on our people. Thirty-year-old Shakaram Wartha, was shot. He has a wife and three children who are all less than 10 years old. When he was shot, we had to take him to the hospital at Palani by truck. Chintaram Laxman Dalvi was hurt in the finger by a bullet. We are all staying in the jungle since June 5. We try to consume as little food as possible as we cannot venture out for fresh provisions."

"The police accuse us of ransacking the shop and looting goods worth Rs 10,000. I tell you that the shop had provisions worth not more than Rs 100."

Chintya and Dashrath Vartha stated that "Pandya Bhonar is known to roam around in a police uniform."

"The Congressmen are all supporters of the MLA, Shankar Nam, now deputy minister for tribal development. All the goats and chicken from our hamlets have also been stolen."

"The person who was killed in the fracas was Janya Ladkya Bhiradya. He was a guest in our hamlet. He belonged to Chumbatpada. The body was later taken to the village. We never knew when the police took his body away. A lot of people are still missing including the people from Diwanpada."

Pandya Bhonar is 45 years old. He has brick

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factories and deals in land. As many as 21 cases are pending against him.

"Today there is also an acute shortage of drinking water in this village. We have always voted for the Congress as we are not able to face their goondaism."

"The people from our pada earn between Rs 400 and Rs 600 a month. Some of us work on trucks and others in the chickoo wadis where we are paid Rs 14 for a 12-hour shift. We also get work at the balloon factory near the river."

INTERVIEW WITH THE DEPUTY SUPERINTENDENT OF POLICE, MOHEKAR

Mohekar stated that on June 5 they went to arrest those who had beaten some people and ransacked a shop at Bhonarpada. As there was a mob there, the police took the SRF platoon with them. The shop belonged to Gopal.

The Kashtakari people wanted the tribals to leave the Congress and join them. They forcibly tried to take a membership fee of Rs 10. Meetings had been held of which the police has maintained a record. Mohekar said that the KS is anti-national and added, "I was hit by stones and we were surrounded. We were forced to flee to save our lives. My bodyguard was hit on the head and KS supporters attempted to snatch the rifle."

"We arrested Shiraz and Pradeep because they instigated their members to attack us. We could hear the adivasis talking amongst themselves, from which it is clear that Pradeep had told them that the police would not fire at them; and that they should grab the rifles."

INTERVIEW WITH SHANKAR NAM, THE DEPUTY MINISTER FOR TRIBAL DEVELOPMENT AND CONGRESS MLA OF THE AREA.

The members of the Fact Finding Team met the minister in the shop of the local Congress strongman, Dadi Seth. They overheard Dadi Seth ask the Deputy SP, in the presence of Shankar Nam why Pradeep and Shiraz could not be arrested under TADA. Thus, they could be kept behind bars indefinitely.

The deputy minister, Shankar Nam, felt that KS was receiving "outside funds". He said they were teaching the adivasis "wrong things and violence".

In 1985, he claimed that the KS had supported him in the election. Today, he claims to have no knowledge of the politics of KS. He also says that a couple of years ago he had gone with Dadi Seth and the police to one of the KS camps in Sheshur when they were training adivasis in martial arts. Talking of the recent events, he said he had visited Raitli on the evening of June 5 (at 7.30 pm); he went to Vartapada, but there was nobody there as they had all fled the pada.

The KS, he felt, was trying to forcibly make adivasis leave the Congress and join their organisation and this was the chief cause of tension which had culminated in the firing.

He maintained that if the police had not fired, nearly 14 policemen would have been killed. The firing was totally justified.

Nam was asked by the team that being an adivasi minister, why has he not felt the necessity to announce a judicial inquiry into the incident so that the facts leading to the killing of an adivasi be known or relief announced to those affected. Nam flatly refused to do so and observed that he was very close to the Dy SP (Mohakar) who was in attendance at that time.

He said that at one time nearly all the 12 padas were with the KS. But today they have only a few because the adivasis had become disillusioned with the KS.

The KS and the CPM did not believe in educating the adivasis whereas he and his party had introduced schools where 6000 children had been admitted.

He stated that the Bhoomi Sena and the FS were similar in their approach. He does not recollect any earlier clashes with the KS.

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INTERVIEW WITH INSPECTOR INDURKAR

(Investigating Officer) Daham
Police St.

Sy Inspector Indurkar stated that on June 5 they had gone to the village to arrest 40 persons who were charged with vandalism and looting. They had first gathered at Bhonarpada where the SRF was stationed since the morning. The tehsildar also arrived at the site as he was trying to bring about a compromise. At around 12.30 pm they went to Vartapada and were faced by a volley of stones which caused injury to 14 policemen including the tehsildar. The mob never gave them a chance to lathi charge as they continued to hurl stones at them without a pause. None of his policemen used their canes as they could not get near the mob which numbered about 300 to 400 adivasis. They were all men.

The members of the Fact Finding Team pointed out that if there is a clash between two groups, normally the leaders are not arrested, whereas in this case Shiraz and Pradeep had been put behind bars, a strange thing to do in view of the fact that they were far away from the place where the firing occurred. Indurkar replied, "Daham is different from Bombay. The FS activists had been told by their leaders, Pradeep and Shiraz, that the police would never shoot at them. Hence they were so violent and openly assaulted us and snatched our rifles." He said further investigation was taking place.

gave us the chronology of the events:

1. May 29, 1992-- The Advisory Hall Parishad held a meeting at Kasa. Around 7000 tribals gathered.
2. May 30 -- After the Parishad meeting in Raitali and Ganjad, Congress party workers created tension. Some tribals from Diwanpada (Ganjad) working in the brick kiln of Shashikant Panchal approached KS activists in Vartapada (Raitali) with a request to enroll them as KS members. As the Congress party workers came to know about it, they created tension in Ganjad and Raitali areas.
3. May 31 -- Tension in the area, loud shouts threatening one another between padas of the Congress and KS supporters.
4. June 2 -- Congress party leaders held a meeting.
5. June 3 -- Diwanpada residents were attacked by Congress (I) boss, Shashikant Panchal. When tribals of other padas went to Diwanpada to see what was happening, stones were hurled at them.
6. June 4-- Supporters of the Congress gathered at the shop owned by Gopal Bhonar and pelted stones at the KS supporters. Retaliatory stone throwing by the KS supporters lead to the damage of Gopal's shop.
7. June 5 -- Police and SRP jawans arrived in Raitali and visited the damaged shop, and thereafter advanced towards Vartapada. Women reasoned with the police and the SRP, but were badly beaten up. The tribal men in response threw stones at the police and the SRP, who fired at them.

ITINERARY OF THE SECOND GROUP AND ITS FINDINGS:

The Congress leaders of Ganjad village

A four member group of the investigation team met most of the prominent Congress party leaders in Ganjad village on June 12, 1992. The following Congressmen were sought to be contacted:

1) Shashikant Fanchal 2) Venu Tripathi 3) Vayada Guruji 4) Bhiva Gopal Borkar and 5) Narottam Prajapati.

The group reached Panchal's house to discover that he was not there. His house is close to the Ganjad bus stop and his farm adjoins it. We found that work on the construction of his new house was under way. A few structures, like a garage to keep his Maruti car, and his office had been built. At Panchal's residence we met Pravin Koli, a Dubla caste Gujarati, who introduced himself as the manager of Panchal's brick kiln. He told us that Panchal had gone to Bombay with his children in their Maruti car as they were insistent on visiting it before their convent school in Dahanu reopened after the summer vacation. However, this information turned out to be false as several people claimed to have seen Fanchal in Dahanu that day.

According to Praveen Koli and others of Ganjad village, Fanchal owns one of the eight brick kilns in the village. He pays Rs 50 to Rs 55 per 1000 bricks to a family of labourers as wages. The bricks then are sold at a price of Rs 700 to Rs 1000 per 1000 pieces. The brick kiln is operated for seven or eight months in a year. The labourers working at the kiln are paid *kharchi* or an advance every week. But an account of their full earnings is prepared at the end of the season. This suits the owner as well as the workers. The latter need money during the four months of the monsoon to farm their land. If the earnings of the *adivasis* (Warli is the main) during the seven months is not sufficient for their needs, Panchal advances money to them at an hefty interest. This gives Panchal extra income and also ensures that the workers are indebted to him and thus will return to work and that too at lower wages, as they are under pressure to pay back the loan. Koli explained that normally such indebted workers were responsible and reported for work. However, when some of them do not do so and have no money to pay back the loan, Fanchal himself goes and persuades them to report for work.

Koli said that Fanchal also does business in grass, but not on a major scale. Fanchal does not go around to other villages to buy grass. He purchases it only from those tribals who bring it to his shop. He also informed us that all the brothers of Shashikant Fanchal are well placed. The eldest brother is into the grass business in a big way, the second makes dyes for the production of

rubber balloons and the third has a car repair garage at Charothi naka.

The second Congress leader we visited was Venu Iripathi. Venu's father is from UP and purchased land in Ganjad in the 1940s. Venu came to Dahanu to look after the farm in 1900. He told us that his business in chicku and coconut plants was flourishing. According to him, the return on the investment was high, so much so, that once investment is made, two to three generations (pidhi) of a family can survive on it. In addition, to manage his farm he is also involved in the grass business.

Iripathi was very critical of Kashtakari Sangathana. He alleged that it was run by Christian priests and they were converting tribals to Christianity. He alleged that it was receiving foreign funds, and in addition, collecting Rs 25 per member per year as membership fee. According to him, the KS was not interested in the welfare of adivasis. If they were, then they would have opened schools, hospitals, provided water, electricity etc. Instead, they were taking advantage of petty quarrels among tribals and supported one group against the other. As a result, they have made tribals fight amongst themselves. He alleged that the KS was a Naxalite-type outfit resorting to violence, arson and looting.

Iripathi projected himself as an important Congress leader having contacts with taluka, district and state leaderships. He informed us that his name appears in the list submitted by the concerned authorities for the appointment of Special Executive Magistrate. He also claimed that villagers constantly approach him with requests to provide electricity, water etc for their villages.

He would have talked more but his father arrived on the scene and angrily scolded his son for discussing politics and talking about events about which he had heard from others.

We proceeded to meet Vayada Guruji who is Upsabhapatil (deputy chairman) of the Dahanu Taluka Panchayat. He had gone to a nearby village, Jamshet. We met his daughter-in-law and for a brief while, a teacher from the school which is located in Guruji's house, on the first floor. We also met the eight-year-old son of the KS member, Janya Ladhya Bhiradya, who died in the recent police firing on June 5, in Raitali village.

Thereafter we visited Borkar, the adivasi sarpanch of Ganjad village, at his house. There we met two adivasi families of Raitali village who had come to take shelter following the SNP-police firing. Borkar is a member of the Congress party and this affiliation was primarily responsible for his election to the post of sarpanch.

He has 3.5 acres of land and a well from which water is used for irrigation. His Congress

membership and position as the Sarpanch have helped him in getting a loan of Rs. 10,000 from the bank under a government scheme to start a small brick kiln near his house. This puts him in the category of a small businessman but he is well aware of its precarious nature.

He did not use kind words for his party colleague, Shashikant Fanchal. He told us that there are numerous cases filed against him by the people of Ganjad and other villages. Due to the people's anger against his goondaism the police had begun exterriment proceedings against him. But the process appears to have got stuck at some level. According to Borkar, there is no tribal in Ganjad who is not harassed or exploited by Fanchal. He had even beaten up Borkar and his wife in August 1990 when they had refused to help him in his attempt to acquire the land of a tribal.

According to Borkar, Panchal also works as a moneylender and beats up the workers at his brick kiln. Panchal belongs to the nouveau riche. About 10-15 years ago, he was working as a blacksmith near the bus-stand. He soon acquired money by exploiting tribals, joined the Shiv Sena and became a bully of the area. About two years ago he joined the Congress. The other Congressman, Tripathi, Vaidya Guruji and Narottam are, according to Borkar, better than Panchal but all of them support him and his activities covertly if not openly and often use Panchal's muscle power to their advantage.

Borkar told us that Panchal did not like anybody helping the tribals. He told us about Dr Dagle from Kasa who visited villages on his motor bike and helped tribals. But on one occasion, he was chased by Fanchal and beaten up in Kasa in front of the police station.

Borkar, though a Congressman, is sympathetic to the KS because of work it has done for the tribals.

The last leader of the Congress, Narottam Prajapathi, was not available at his shop. Although we spent a hour-and-a-half near his shop, he did not turn up. However, the impression we got about him from others is that he is a senior Congressman, highly experienced and the real power behind the other Congressmen in Ganjad village.

SEQUENCE OF EVENTS AS TOLD BY THE CONGRESSMEN.

The Congressmen interviewed above narrated whatever they knew about the events that led to the firing at Reitali.

One month ago, there was a dispute in Reitali village. A woman from Vartapada was married to a man from another pada. In the village Vartapada, the tribals are members of the KS, whereas the man's pada belongs to the Congress. The man sent the woman back to her house due to some domestic

problem.

When the Congress activists of Kaitali village came to know that the woman had gone back to her parents' house, they went to Vartapada and in anger beat up some people and damaged property.

This dispute was resolved when Narottam Prajapati intervened and their own committee found that the woman had not walked out of the husband's home but the husband had thrown her out. As the Congress activists were proved to be the wrongdoers, Narottam under the pressure of the Vartapada tribals compromised by making the Congress tribals pay Rs 2051 as compensation to the Vartapada residents.

This event was described by one Congressman as an internal dispute. One quoted it to prove that the IS was using such petty disputes to pit tribal against tribals. And one even tried to misdirect us by initially saying that it was not the Congressman but a CFM member who had thrown out his wife. In any case, one point was clear, that this compromise showed the strength of IS in Vartapada and that the Congress lost face in the dispute.

Thereafter, tension mounted again when Shashikant Panchal ill-treated the workers, at his brick kiln. These workers were staying in Diwanpada of Ganjad. There was a dispute about the way Panchal calculated the wages for the year. As a result the workers went to Vartapada and became members of the KS.

It is not clear from their testimonies whether the Diwanpada workers belonged to Ganjad village. We were told by one informant that they were originally Kaitali residents who had come to Diwanpada for work.

As soon as Shashikant Panchal came to know about this development he went with his men and beat up three workers in Diwanpada.

As a result of this physical attack, the Diwanpada residents ran away and took shelter at Vartapada.

In the meanwhile, tension had mounted within Kaitali. The Congress leader, who owns a shop in the village, decided not to sell anything to the IS tribals of the village.

Deprived of their daily needs by the shop, one informant told us that this decision not to sell anything from the shop to IS members was wrong. Another told us that in response, the IS members looted the shop.

Following this, the Congress leaders from Kaitali, viz Narottam, Panchal and others gathered at Vayada Boraji's house. Boraji contacted the police in Thane on telephone. Thereafter, Narottam and others personally went to Thane. One informant

stated that a minister in the state government who is from Dahanu taluka was contacted and he instructed the police to get the SRF. (Shankar Nam, deputy minister for tribal development).

WHY DID THE CONGRESS REACT IN THIS WAY?

We enquired in detail about the reasons for the Congress leader's reaction to the events. The following issues emerged during our discussion with them:

1. The Congress leaders are anxious about the increasing influence of the KS in the area. In the village around Ganjad, the Congress always had a stranglehold over the tribals. The recent events showed that tribals were disenchanted with them and were gravitating to the KS. Tripathi felt that the KS was trying to expand and eventually planning to contest elections.
2. The militancy and defiance shown by the tribals in spite of attacks on them by Panchal, the solidarity of the tribals from Jamshet with the Raitali tribals etc. made the Congress leaders apprehensive and therefore they resorted to violence.
3. The very fact that some Congress leaders are harassing and exploiting tribals belonging to the Congress has alienated the latter from the Congress. Although they still are with the Congress, their sympathy is now with the KS. The sarpanch of Ganjad, a tribal from the Congress, has suffered at the hands of Panchal. He told us that he is constantly told by fellow tribals to take steps so that his Congress colleagues stop their harassment. He has thereby become defiant and told us that he is no longer afraid of his leaders and would like us to quote him to this effect in our report.
4. There is also some anxiety, on the part of Congress leaders about the KS claiming credit for the regularisation of encroachment of forest land by the tribals for cultivation. Tripathi claimed that the state chief minister has recently announced that such regularisation will take place. However, since the KS had gone to the court (upto Supreme Court) on this issue and agitated for a long time, the tribals believe that it is the KS that has done the work, pressuring the government to regularise the land.

SUMMARY AND RECOMMENDATIONS

Dahanu is a busy trading and administrative centre in Thane district with a predominantly adivasi population. A number of non-tribals have set up large farms where a variety of fruits and other products are grown. One would expect fruit vendors in Dahanu selling the produce of these farms, but these are neither cheap nor easily available for they are transported for consumption to urban centres, (Bombay), or exported. The profits of these farms are built on cheap tribal labour.

Another important business of the area is in grass which is produced in huge quantities in the hilly and forested areas of Thane district. The history of long, bitter and militant struggle to secure better wages for the tribals employed to cut grass and a higher price for the grass they sell to the trader, is well known. As a consequence, every year the government, in consultation with various political parties and tribal organisations, fixes the wages and the price of grass. However, it is no secret that the traders and landlords rarely adhere to the wages or prices so fixed, except in those areas where tribal organisations are strong enough to enforce these. The grass business is highly lucrative and its annual turn-over runs into several crore rupees.

The infiltration by outside traders and businessmen since the beginning of the century, particularly in the 1930s dislocated the traditional economy of the tribals. The forest tracts have almost disappeared and as a result they have been forced to earn a living as agricultural labourers. Since such work is seasonal they seek employment in the small scale and informal sectors and in the orchards. The wages are kept down by an intricate system of indebtedness, bonded labour, alcoholism and brute force. To protect them against such exploitation, a number of tribal organisations have emerged, some of whom are responsible for highly militant struggles against the existing unjust situation.

There also exists a well-developed system of co-opting tribal leaders into the process of exploitation. Running of small shops in villages and padas, seasonal contracts of milking, toddy trees, labour societies for cutting trees, grass-cutting contracts, supply of labour and many other avenues are available to the aspiring tribal leadership to develop bonds with the economically and politically powerful people (outsiders) in the area.

The Congress party and Kashtakari Sanghatana (a mass tribal organisation) the two antagonistic parties involved in the incident under investigation, represent two different and conflicting interests in this area.

All established and well-known tribal and non-tribal leaders of the Congress were found to be from the upper socio-economic strata. In the village Raitali, where the firing took place (ie in Vartapada), the Congress tribal leaders not only dominated the panchayat but one of them owned the only shop in village; he possesses a large tract of land and is involved in various business ventures including the grass trade. In Ganjad, the village strategically located between Dahanu and the National Highway 8 (Charothi Naka), the local non-tribal Congress leadership is well-established. Narottam Prajapati, Venu Tripathi and Shashikant Panchal are the three non-tribal businessmen of Ganjad who control the local Congress set-up in collaboration with Vayda Guruji. These leaders or businessmen run shops, trade in grass, manage their farms and small-scale industries (like brick kilns). Of them, Shashikant Panchal has made it big in the last 10-15 years from a modest beginning as a labouring blacksmith in Ganjad. Now he is a landowner, businessman and money-lender with a Maruti car parked in the compound of a not inconspicuous house. The local Congress sarpanch (a tribal) told us that he and his musclemen have terrorised the tribals in that area. He had the sarpanch and his wife beaten up as she refused to sanction the transfer of tribal land to a non-tribal. We were told that there are several police cases pending against Panchal and that the police had started externment proceedings against him. Curiously, his rise is associated with his membership of the Shiv Sena, which he left to join the Congress about two years ago and since then, the externment proceedings have been stalled at some level in the administration. In fact, as we will see later, he has played a prominent role in the incident under investigation.

Two tribal leaders of the Congress were interviewed by us. They stand at the two extremes of the Congress power structure in that area and therefore have a diametrically opposite perception of the incident and the situation of tribals in that area.

Shankar Nam is the tribal Congress MLA who has made it big in the political system by becoming deputy minister for tribal development, Maharashtra. He claimed that the Congress and the KS shared a very good relationship in the past, to the extent that he could not recollect a single clash between them. He also claimed that the KS had supported the Congress in the 1985 elections. However, now he characterises KS as an extremist organisation advocating violence, giving training in martial arts to tribals. He alleges that it receives outside funds, and so on. He showed no sympathy to the tribals affected by the firing simply because they belong to the KS, and refused to institute a judicial inquiry as well as to grant compensation to the victims. The IT had located him in the shop of a big businessman of Dahanu (Dadi Seth, also a Congress leader) who was advising the police in the presence of Nam to book the KS

leaders under the IADA.

In contrast, Borkar, the tribal Congress sarpanch of Ganjad village is in full sympathy with his adivasi brethren and had given shelter to a couple of tribals from Raitali village. Borkar has benefitted by being in the Congress fold and as sarpanch, for instance, he has been able to obtain a loan of Rs 10,000 under a government scheme to set up a small brick-kiln. However, unlike Nam, he is at the lowest level of the political power structure. In his interview, he made a scathing attack on his Congress colleagues who have used their economic and political power to exploit tribals and usurp their land. While interviewing him we learnt from the tribals who had taken refuge in his house that the man who died in the firing was initially alive with a bullet in his leg but was killed subsequently by the second bullet in the back of his head after the Congress leader of Raitali identified him as the KS member who was behind much of their woes.

*Confidential
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half*

The Kashtakri Sangathan (KS), on the other hand, is a mass organisation of tribals. In about two decades of its existence, the KS has had to face repression from various government agencies, in particular the police, the forest department as well as political parties and their hired goons. In spite of a mass following it is not interested in contesting the elections either at the district or the state level.

The KS members are essentially the poor tribals. Any attempt to fight on their behalf on issues such as the payment of minimum wages, the payment of the sale-price of grass fixed by the government, liberation of bonded labour, preservation of tribal community land, cultivation of forest land from which the forest has disappeared, and so on, immediately pits the KS members against the local land owners, businessmen and money-lenders who also double as Congress party leaders in the area. Thus, at the grassroots, the essential conflict is between the interests of powerful people and the exploited tribals, which is reflected in the political conflict between the KS and the Congress. In this conflict, the Congress has easy access to state agencies, including the police and the SRP to suppress the protest of tribals.

The KS has for the last decades been involved also in getting the forest land of the tribals regularised. Although the government has announced its decision to regularise encroached and other land not over 10 years ago, the order it issued has not been implemented. The KS has taken recourse to the courts and fought the case upto the Supreme Court to force the administration to implement the order. As tribal land is likely to be regularised shortly, there seems to be panic among local Congress bodies who feel that the KS will obtain all the credit. This fear was expressed by Tripathi, the Congress leader of Ganjad, and MRA

Shankar Nam.

Events which led to the firing on June 5, 1992.

The Western Express Highway divides Daharu taluka into almost two equal halves. Although the residents of several padas of various villages in the Western half of the taluka are KS members, its strength lies in the Eastern half. But this was not always so. In the late '70s and early '80s, the KS had a strong presence in the Western half of Daharu taluka. In the early '80s repeated attacks on the KS members were launched, several of which involved brutal physical attacks on its two leaders (who survived because the attackers thought they were dead). Moreover, the tribals were constantly terrorised. As a consequence, the KS lost much of its membership in a majority of the villages in the Western half of the taluka. Since then, the Congress party has held almost unchallenged sway over this area and its leaders consider it their vote bank. During this period, leaders like Shashikant Panchal have emerged and Shankar Nam has become a minister. Thus, this is a prestigious constituency and any erosion of its influence is not tolerated.

At the same time, the testimony of the Congress sarpanch of Ganjad village makes it clear that the tribals are becoming alienated from the Congress. Its intolerance came to the fore a year ago as evident from the incident of Dr. Dagla of Kasa. He used to visit the area regularly and provided whatever assistance he could to the tribals. This was not appreciated by the Congress. Dr. Dagla was once chased and almost beaten to death near the police chowky in Kasa by Shashikant Panchal.

The immediate sequence of events that led to the firing are as follows:

On June 4, the Congress leaders contacted the district level police officers in Thane and the KS supporters allege that Shankar Nam was also contacted, who in turn advised the police to go there with the SRP. According to Inspector Indurkar, a case of looting and arson was filed against forty KS members in Vartapada. However, the IT learnt that the offences registered against the tribals (not 40 as the inspector claimed) were under Section- 147, 149, 316, 427, 504, 506 of the IPC. All these sections are for stone throwing, mischief etc and not for vandalism and looting which fall under section 395. All the former sections are bailable but the latter (395) is non-bailable. Interestingly, in the FIR No 12 of 1992 dated June 4, 1992, even the former sections are not mentioned. These sections against 20 tribals are mentioned in passing in the FIR of June 5, which is for the arrest of the KS leaders, Pradeep Prabhu and others.

On June 5, the police and the SRP arrived in

Raitali, went to the shop and then advanced towards Vartapada to arrest tribals against whom the cases were registered. The women of the pada started reasoning with the police and a scuffle ensued. In the process, women were beaten up by the police. Shankar Nam in his interview described this as a strategy of the KS and told us that he had instructed the police to take more police women the next time. The beating of the women led to stone throwing by the tribals. The police said that 14-15 policemen were injured due to the stone throwing. The police fired on the tribals who were running away towards the hills and jungle for shelter. One informant in Mr Borkar's house told us that the man who died (Janya Bhiradya) was hit first from behind on his leg. He fell down. He was recognised by a congressman, as a KS activist who had played an important role a month back in forcing the Congressmen to pay the compensation of Rs 2051/-. On the congressman's prompting, a second round was fired on him which took apart the back of his neck, head and he died on the spot. This account was not verified by the tribals from Vartapada whom the IF met as they had only seen injured men falling behind while they themselves had run away to safety in the jungle.

The IF met several women who showed injury marks on their bodies and they alleged that those were inflicted by the police. The women were hiding in the jungle and hills and were too scared to go to the hospital for treatment and to file complaints.

The IF also saw many houses of the Varapada tribals ransacked and looted. The tribals were not able to tell us who did it as this had happened after the firing and they went into hiding in the jungle. However, the tribals suspected that the police and the Congress supporters from Bhonarpada and Ganjad were responsible.

On June 5, 1992, when the firing took place in Raitali village, Pradeep Prabhu, a leader of the KS, was in a village 12 kms away alongwith the PSI of Vangaon, Khamkhar, where they were settling a land dispute between a landlord and his tenants. This information was not contradicted by the police.

Another KS leader, Shiraj Balsara was at that time in the KS office in Dahanu deep in a discussion with Jyoti Kelkar of Bhoomi Sena and Trupti Shah of Sahiyar Stree Sangathan, Baroda. A member of the IF spoke to Trupti Shah who confirmed the presence of Shiraj Balsara in the KS office at that time.

The police alleged that on May 29, during the Masa meeting, the tribals were told by Pradeep Prabhu and other KS leaders that the police would never fire at the tribals and if the police came near them, they should grab the rifles. The police insisted that they also heard the tribals talking amongst themselves that Pradeep had said so and they

should not fear the police. One of the police officers, (the SP, Mr. Mohekar) who made such allegations also told us that he was hit by a stone and so had left the scene and thus was not present when the firing took place. Another policeman (Inspector Indurkar) also told us that police could never get close to the tribal men as they were pelting them with stones. This was also a reason for not lathi-charging them and for not using canes, before firing on the tribals.

We also asked the police to show us some evidence for their allegations that Praleep and Shiraz incited the Kaitali tribals and had stated that the police would never fire on the tribals. But they could not tell us anything, except to repeat themselves.

We feel that there is no credible reason for the arrest of the KS leaders and much less for charging them for attempt to murder the police. Their arrest seems to be purely politically motivated to immobilise the KS leadership so that the demoralised tribals bow down to the Congress political pressure in that area.

We also feel that the entry of the SF into the area and the subsequent firing were totally unjustified and were resorted to for totally collateral purposes.

The team demands that:

1. A judicial inquiry into the firing must be held immediately.
2. Officers responsible for the firing, including the tehsildar, must be suspended until the inquiry is concluded, as they could tamper with the evidence.
3. The family of the dead person, and the two injured people, should be awarded compensation.
4. The SF should be immediately withdrawn from the area, and day-to-day harassment of the adivasis of Vartapada and other villages sympathetic to the Mashtakari Sanghatana, should be stopped.
5. The Minimum Wage Act must be enforced in Adivasi areas and brick factories.
6. An investigation must be launched into the role of the local Congress(I) leaders and their links with the police and SF.
7. The minister for tribal development should be held responsible for the events in his constituency. *Shankar Nant*