

Justice Not Vengeance

The Bathani Tola Massacre and the Ranbeer Sena in Bihar

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Recent judgments of the Bihar High Court have acquitted the perpetrators of organised massacres of dalits and other oppressed groups. What is public knowledge could not be proved in the court of law. It is now over a year since the high court judgment in the Bathani Tola case of 1996 was challenged in the Supreme Court. The hearings are yet to begin. A closer look at this massacre, and the everyday criminal activities that preceded it, shows how absence of timely intervention enhances predisposition to crime and paves the way to repeated massacres. As this case illustrates, the tardy and often biased functioning of the Indian judicial system undermines its basic purpose. Where justice fails, vengeance prevails.

It is easier to denature plutonium than to denature the evil spirit of man.

– Albert Einstein

1 Introduction

Does our vision of ourselves as a “developed” society include a self-understanding of also being “just”? One would think the answer to be fairly obvious. The Bihar High Court verdict (16 April 2012) in the Bathani Tola massacre case, however, belies this simple assumption, making us pause, and think. This small hamlet in the Sahar block of Bhojpur district was witness to a gruesome massacre of 21 dalit and Muslim women and children one July afternoon 17 years ago (1996) at the hands of the Ranbeer Sena, a private army of upper-caste landed local gentry. Family members, relatives and comrades of the victims have since awaited justice. While justice could not bring back their loved ones, nor return their lost years or selves, it might have set right the contours of a world view that had gone terribly wrong that afternoon when evil triumphed over good and the extreme violence deployed by neighbour upon neighbour left in its wake a bereaved, bitter bewilderment at the unfathomable darkness of the human personality.

Their wait was a long one. On 5 May 2010, nearly 14 years after the incident, the Ara sessions court convicted 23 of the 68 accused, sentencing three to death and 20 to life imprisonment.¹ The high court however reversed gear, acquitting all of them. The judgment, predictably, met with public outrage and was called a “judicial massacre”.² On 16 July 2012 an appeal was admitted in the Supreme Court on behalf of the victims as well as the state of Bihar. The case has moved no further.

Before we go on to further analysis, it may be worth our while to have a closer look at the events as they unfolded on that fateful day, the class conflict that prevailed then, and the everyday incidents of violence that the people of the area had been experiencing for the previous two years, the build-up of which led to the Bathani Tola massacre, and subsequently other massacres.

This essay relies on fieldwork conducted in Bhojpur during 1995-96 as part of my doctoral dissertation (Bhatia 2000), including interviews with the victims and their families, landlords and members of the Ranbeer Sena, Communist Party of India (Marxist-Leninist) Liberation (hereafter CPI-ML) cadres, and government officials. I have also used newspaper reports that were published at the time. Sections 2-5 were written

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soon after the massacre and have been retained here with only marginal changes.

2 Yet Another Massacre

Yet another massacre has taken place in Bhojpur, this time in Bathani *Tola* (hamlet) of Barki Kharaon village in Sahar. At a distance of 43 km on the Ara-Sahar road is Khera, a 3-km walk from Khera on the *kuccha* road brings one to Barki Kharaon and after another 10 minutes one is in Bathani Tola, the site of the massacre. In the afternoon of 11 July 1996, 19 poor dalit and Muslim women and children were killed while five sustained bullet injuries and deep cuts of swords and other sharp implements. Two of the injured succumbed to their injuries the following month, bringing the toll of the massacre to 21 (out of eight children who were killed, two were less than a year old).

The sky had been overcast that morning. Fierce clouds and the interminable drizzle seemed to portend another onslaught of heavy rains. Under the weak sun, Bathani Tola, tucked away in the midst of stretching fields on all sides, was silent except for the sounds of everyday life. Naimuddin, a 35-year-old Muslim of the Churi-Pharosh caste and a local leader of the CPI(ML), who was to lose five members of his family in the following hours said “*Hum bargad ke ped ke nichai baith kar khaini bana rahe hai. Aur bhi kuch bhai sath baithe huai hai.*” (I was sitting under the bargad tree and preparing khaini; a few other men were also sitting with me.) Besides these men, women were engaged in their daily chores, or huddled inside taking an afternoon nap, while children, not deterred by whimsical nature, continued to play in the slush and mud, their cries and laughter making the day seem like any other.

But it was not a day like any other. A little after 2 pm the inhabitants were jolted when they heard shots in the air and realised that what they had dreaded for some time had happened – a mob of 100-150 armed men had surrounded their *tola* and were firing indiscriminately. Panic spread like wild fire. Shouts, screams, the sound of running feet, seemed to rent the air. Trying to save their children, the women and men rushed to gather them, and ran in search of a safe shelter. There were as many as 50 Muslim and dalit families who had run away in late April from the main village, Barki Kharaon, and sought shelter in this *tola*, where their new dwellings did not even have doors. These families searched for houses with sturdy doors. Naimuddin narrates: “Gathering all my family together I put them in Marwari Mallah’s house and ran to find a safe hiding place. They would not touch women and children I thought.” Marwari Mallah’s house with a large *angan* (courtyard) enclosed within a concrete wall became a refuge for many families and children like Kusum who had come from the mallah part of the *tola*; she was playing with the children of the displaced families and had no time to run to her own home. Her mother Armanodevi later bemoaned, “If she had not gone to play that day she would have been safe”.

The assailants attacked from three sides and from the sound of their shots it was clear that every second they were moving closer. Soon the rising flames from the northern and western ends of the *tola* signalled that two houses on that side had

been torched. In the next half-an-hour another six houses were burnt, most belonging to those who had resettled recently, or to those who had dared to support and shelter them, like Marwari Mallah. The houses had been on fire for around half-an-hour when it started pouring. And in the rain, the rampage of killings began.

“Men carrying guns broke the door and came inside. They started cutting the throat of Bhauji with a *phasuli* (sickle). I was scared and ran and hid under a *chowki* (a bed made of plain wooden planks)”, said Salma, five-year-old daughter of Naimuddin, who was amongst those who had taken refuge in the walled house of Marwari Mallah (as reported in Ajay Singh (1996)). Inside the courtyard these women and children sat cringing and clinging to each other under the mahua tree when the door finally gave way. Dressed in *ganjis*, lungis or dhotis tied as lungis, the faces of some of their attackers were concealed with *gamchas* while most had not tried to hide their identity. They were armed with not only guns and rifles but also swords, *phasulis*, *katas*, *gadasis* and *lathis*.

In the frenzy that followed, the women and children tried to escape through whatever avenues were available. Holding her three-month-old sister to her, Dhanvarti Khatoon, Naimuddin’s 20-year-old daughter, was trying to escape when she was caught. She was pulled by her hair and a knife thrust through her. The infant’s wheatish coloured body was found face down on the muddy earth; according to some witnesses she had been flung in the air and a sharp instrument pierced into her body as she fell. Najma Khatoon, Naimuddin’s daughter-in-law, was running with six-year-old Saddam Hussein when a bullet hit her thigh and she fell. When she felt that the attention of the assailants was no longer on her she tried to run with Saddam again. She had hardly taken a step or two when another bullet hit her, this time in the ribs; she fell and her clutch on Saddam loosened. Saddam was then attacked by three or four men who tried to chop him with swords and *katas*. Naimuddin’s 40-year-old widowed sister, Jaibun Nisha, was found dead in the position she must have been before the attack, leaning against the wall of the *angan* with five-year-old Amir Subhani in her lap. Her throat had been cut and a bullet had hit her chest while Amir had been hit in the head. Lukhi Devi, a 60-year-old woman of dhobi mohallah of Barki Kharaon who had gone to Bathani to return some freshly laundered clothes, had tried to save herself by hiding under the *chowki*, but died due to asphyxiation and burn injuries. Marwari Mallah’s wife, daughter-in-law and grandson, besides six other victims, were found burnt and dead in the *angan*. Among other victims were Phool Kumari and Ramratia Devi who were found dead near their houses in the Rajwad and Dusadh end of the *tola*.

Some did manage to escape. Amongst them was 10-year-old Rajudeen, who ran and jumped in the *aahar* (part of the traditional irrigation system built during the colonial period) and stayed in a corner among a few overhanging shrubs for the next few hours. Similarly, two children of Babban Chaudhary were found hiding in *kothis* (high mud containers used for storing grain), speechless with fright.

There were other survivors who escaped but who will continue to be haunted by those searing images. Radhika, an 18-year-old pregnant woman who had come to her parents' house for her first delivery from Aurangabad, related to a reporter how in the melee that ensued she found herself on a heap of human bodies where she lay pretending to be dead. When all seemed silent, thinking that the marauders had gone, she got up only to find to her horror that the killers were still lurking around. Panic-stricken she tried jumping over a wall but one of them, Bacha Singh (a 25-year old man), ordered her to stop and then a second later fired at her. She was one of the five who were found alive by the Bathani Tola men who had been anxiously watching their tola from their respective hiding places and returned to it soon after the marauders left. Others like Hasina Begum, Naimuddin's wife, had also been watching Bathani from the outskirts of a neighbouring village where she had gone that morning to sell bangles. She also returned. Little Salma had by then come out from under the chowki and woven her way through the scattered, lifeless bodies to the bargad tree which stood witness to this carnage (as reported in Ajay Singh (1996)).

Wails and cries now rented the air, heavy with the acrid smell from the burnt houses. In the evening light, bodies lay strewn on the wet earth, which bore marks of hundreds of desperate footprints. Even as the men tried to brace themselves for the next task ahead, taking the wounded to the nearest hospital, the policemen from the police camp located just across a field in the middle school of Barki Kharaon finally made an appearance. When they asked the men of the tola to carry the bodies of the dead to the roadside, they met with stiff resistance. These protectors of law had turned a deaf ear and a blind eye to the happenings of that afternoon, now they could at least carry the dead, the people thought. With the help of the chowkidar, the police carried the bodies while the relatives carried the wounded.

The laxity of the Bhojpur administration, both before and after the massacre, was an extension of the general apathy of the government machinery in Bihar. As in this case and many before it, one finds that the machinery is not only ill-equipped and ineffective but often works in an extremely biased manner. Initially, the district administration wanted the post-mortem to be done in a makeshift camp near the road itself, which the CPI(ML) activists resisted, fearing foul play.³ The bodies were then brought to the government hospital in Ara, where, according to eyewitness reports, they were literally dumped in a muddy open space. No attempt was made to cover the bodies, even of women, who lay maltreated in their death as they were in their life. As the relative of one of the victims said, "*Marnai ke baad bhi garibo ki izzat-abru ki kisi ko padi nahi hai*" (Even after they die nobody is concerned about the respect and honour of the poor). The surgeon is reported to have taken many hours to come to the hospital from his home in Ara. CPI(ML) cadres in their anger broke a few chairs and other furniture in the hospital for which a case was lodged by the district administration against the two CPI(ML) MLAs, Ram Naresh Ram from Sahar and Rameshwar Prasad from Sandesh constituencies.

Of the five wounded, little Baby (barely nine months old with a fractured thigh) and Shailendra (16 months) were treated in the hospital at Ara while Radhika, Kusum and Saddam were rushed to Patna. Even though the quality of health services at Patna Medical College Hospital (PMCH) was reported to be marginally better than in Ara, it was far from ideal. If doctors were available, medicines were not, and so on. The general situation of the whole ward improved after the victims of the massacre moved there and the CPI(ML) drew the attention of the media to the pathetic state of the medical services; ceiling fans were installed, bedsheets were given to all patients and the quality of food improved.

When I visited them, Radhika wore a stony look and talked only haltingly; a bullet was still embedded in her left shoulder. Saddam (born around the 1990 Gulf War and named after the Iraqi leader) had a deep horizontal cut on his neck, which was almost severed, making the insides visible. A nerve in the neck had been partially damaged, leaving a high probability of paralysis of his limbs. Lying prostrate on the hospital bed, Saddam showed the usual recalcitrance expected of a child of his age. Rarely quiet, he asked to be moved to a more comfortable position, or for his *mai* (mother) or Deena *chacha* (father's brother), a medically trained CPI(ML) cadre who was tending to him and who he obviously had grown very fond of, or for another round of "haitem" (his word for Horlicks). Running a high temperature and in a delirium, he mumbled the names of those who had attacked him – Deepwawalla, Belwa, Suberwa...⁴ Another time, a barely audible "*didi tera dewar diwana...*" (a popular song from a Hindi Bollywood film) escaped his lips, a poignant reminder of the child that he was. Besides his bed, little Salma, in a bright yellow frock and a string of colourful beads around her neck, stood quietly looking at her brother.⁵

3 The Context

As the name suggests, *Barki* (big) Kharaon is a large village of more than 400 houses, as opposed to the 100 houses of *Chotki* (small) Kharaon a little distance away. In addition, the village has three smaller tolas, which are almost like separate villages. Tandi tola on the north-west has 35 dalit households including Rajwads, Paswans and Kanu-savs. South-west of Tandi is Ujwallia tola of approximately 100 houses of which 60 are brahmin houses (other castes include Kahars, Paswans and Kanu-savs). South of Tandi is Bathani, a tola of 60-70 houses, including those of Kanu-savs (about 30), Yadavs (20), Mallahs (15) and Chamars (5). South of Bathani tola is a canal, and across the canal is Lodipur village (also in the same panchayat) with around 100 houses of Yadavs and Mallahs. South-west of Bathani is Chotki Kharaon, with 50 households of Bhumihars and the rest of dalits including Chamars, Paswans and others.

If one goes deeper into the history of the formation of these tolas, not surprisingly one finds the root cause to be some painful experience of social or economic oppression which forced some people to forsake the place of their forefathers and reside elsewhere in order to be able to live in peace and without fear. Bathani Tola is a clear example of this phenomenon. The

original settlers of Bathani were the Kanu-savs. The Chamars were from Aurangabad district but 15-20 years ago due to severe repression by the Rajputs there, they came and settled in Bathani where the villagers accommodated them on the village common (*gairmajurwa*) land. The other castes, namely, the Yadavs and Mallahs, used to be part of the main village of Barki Kharaon but continued to break away after some instance of oppression or another. As Naimuddin said, “*Yah log shuruati daur se hi daman-atyachari rahai hai*” (These people [upper castes of Barki Kharaon] have been exploiters and oppressors from the very beginning). The latest addition is a group of 18 Muslim and 32 dalit households (Kahars, Savs, Rajwads, Dusadhs, Mallahs), who decided to quit Barki after one Sultan Miyan was killed in broad daylight on 25 April 1996 (more on this below), and to move to Bathani Tola for protection. There they built around 10-12 mud houses, two to three families sharing one house. Some of the residents of the tola were extremely helpful like Marwari Mallah who opened his house for them, for which he was to pay a heavy price.

Barki Kharaon is one of those few villages in Bhojpur which has both Bhumihar and Rajput presence (Chotki has only Bhumihars). Both castes are roughly equal numerically (about 60 houses each), as well as in terms of landownership. As one enters the village, the Rajputs are found towards the east (as the locals say “*purwari patti*”); a little lane separates this from the *pachari patti*, where the Bhumihars live. The Rajput area is also known as Kharaon Bujurg and the Bhumihar area as Kharaon Chaturbhuj. Even though these two upper castes together constitute less than half the total number of households, they have enjoyed uncontested supremacy. The Bhumihars and Rajputs are all in one area while the dalits and backwards are scattered all over. Besides these two dominant castes, other numerically strong castes include Muslims (35 houses) who used to live right next to the Rajputs before they shifted, Yadavs (25), Koeri (20), Savs (25), Paswan (40), Chamar (20), Dhobi (20) and others. The Rajputs and Bhumihars own most of the land.⁶

Notwithstanding previous history of exploitative and often oppressive agrarian relations, there was relative peace after the four-month wage strike of 1988. *Mazduras* (labourers) of the three Barki tolas as well as nearby villages had joined the strike. The strikers were demanding a daily wage of Rs 21 along with breakfast and lunch instead of *half paseri kacchi* (about 1 kg and 750 gms) of coarse rice which they had been getting for as long as they could remember. Oddly, or perhaps not too oddly conceding their feudal mentality, their employers agreed to pay Rs 20 but not the additional rupee. Finally the CPI(ML) cadres had to resolve the stalemate by suggesting that the labourers settle for that and start work again. There was an increase in the wages they received at harvest time too. Prior to the strike, the harvesters used to receive 1 *bojha* (headload) for every 21 *bojhas* of harvested crop. After the strike this changed to 1 *bojha* for every 10 *bojhas*. The increased rate benefited not only the casual labourers but also the *halwahas*, known also as *bandhua mazduras* (bonded for one agricultural year).

The victims of the massacre said that even a few months earlier they were on talking terms with the Bhumihars and Rajputs, but this stopped after a series of events which made them insecure. The first incident occurred in February 1996, on the occasion of a Karbala Mukti March organised under CPI(ML) leadership, when two upper-caste men from Barki Kharaon were killed.⁷ From then on, there was tension in the area. On 24 April 1996, Gyanchand Bhagat of the Ganeri caste of the close by Dhanchua village was found murdered in the fields at two in the afternoon. The two murderers were identified as Jitendra Oza, a brahmin youth of Ujwallia tola and Ajay Singh, a Rajput of Barki Kharaon, both in their early 20s. No arrests were made after the event. On the night of 24 April, villagers say, a meeting of the Ranbeer Sena was held in Barki Kharaon. Early in the morning the next day, Sultan Miyan, a youth in his early 20s, was killed by Ajay Singh and five other Rajputs of the village as he was going to the local shop to buy some soap.

Ire of the Upper Castes

A tussle followed after this incident regarding his body. Naimuddin, who had always stood up to safeguard the interests of the underdog, even at the risk of antagonising the upper castes, went to considerable length to retrieve the body of Sultan Miyan. This had earned him the ire of the upper castes. After Sultan Miyan’s murder, the 35 Muslim households knew that they had no other option than to leave their present dwellings. Their houses were right next to those of the Rajputs and they feared an attack any time. They decided to seek refuge in the neighbouring Bathani Tola which was also a CPI(ML) stronghold. After seeking the cooperation of the Bathani residents, they moved on 29 April with minimal household belongings, after locking their houses.

On 30 April, the then superintendent of police (SP) C R Kaswan (of the Arwal massacre fame), who had been transferred to Bhojpur just before the Lok Sabha elections in May, visited Barki Kharaon.⁸ He sent for Naimuddin. “I had nothing to fear and so I went when called”, said Naimuddin. But he was in for a surprise. The SP told Naimuddin that he needed to interrogate him and that he should come to Sahar. He was taken with the sub-inspector to Sahar where he was arrested on a murder charge. Naimuddin was kept for 42 hours in the jail at Sahar and then sent to Ara. He was produced before the chief judicial magistrate on 2 May. Forty days after his arrest, his bail petition was accepted and he was released. Upon his return to Bathani, he realised that the displaced families had undergone a lot of tribulations. They had been attacked several times but due to armed response from the tola the attacks were unsuccessful. The locks of their houses in the main village had been broken and all their belongings had been taken; in some cases, even the doors of the houses were not spared. Some upper-caste families had also forcibly occupied their houses, for example, Gopali Singh had made a door in the wall which used to separate his house from Naimuddin’s. Some of the affected pointed out that “*Sarkaar ne hi hamko yah dukh diya hai*” (it is the government that has caused us this pain).

Complaints had been sent to the district magistrate (DM), Amir Subhani, and to the SP, C R Kaswan, but no action was taken.

In the two months that followed, the situation in Barki Kharaon and nearby villages remained tense. There were several incidents of violence and even murder (see Section 5). One incident led to another sometimes in retaliation, and this spiral of violence culminated in the Bathani Tola massacre on 11 July.

4 The Making of a Caste Sena

Bhojpur, no stranger to militant politics, had been the site of a caste war since August 1994. New ripples on political waters had been created by the formation of the Ranbeer Sena (initially called Kisan Suraksha Sangharsh Samiti), described as the “private army” of upper caste Bhumihar landlords of the district. The Sena had made its presence felt only too frequently since its formation in four blocks of Bhojpur, namely, Udwantnagar, Sahar, Sandesh and Charpokhari.

Since most of the assailants of the Bathani Tola massacre made little effort to conceal their identities, the survivors of the carnage know who they are in most cases. From this and other evidence, there is ample proof that those responsible for the massacre are members of the Ranbeer Sena. A new aspect of the Bathani Tola massacre, however, is the degree of Rajput participation. Until then the Ranbeer Sena had been known as a Bhumihar outfit, even though, like any other organisation of that nature, the Sena did hire goondas of other castes, including Rajputs and members of the backward castes. In the case of Bathani Tola, the Rajputs joined other members of the Ranbeer Sena in large numbers and are even said to have led the attack. This is significant, because there is a history of antagonism between Rajputs and Bhumihars in the area. The two castes had rarely joined forces in the same caste sena in the past.⁹

The origin of the Ranbeer Sena is inextricably linked with Belaur village in Udwantnagar block, the largest village in the district with an impressive Bhumihar presence of 500 houses. Bhumihars, who consider themselves as Brahmarishi brahmins, do not have priestly prerogatives. In their own perception, they are brahmins of a different kind – those who produce *dhaan* (rice) and give *daan* (alms) instead of begging for them. They are the dominant upper caste in the village today. However, according to oral sources this was not always the case. A century ago there was a significant presence of the Rajputs too, but they were driven away by one Ranbeer Chowdhury, a retired military jawan, who had organised the Bhumihars in the village for this purpose and led several fights against the Rajputs before the final outcome.¹⁰ Ranbeer Chowdhury is popularly known as Ranbeer baba amongst the Bhumihars of this area, especially in Belaur. He is revered as an exceptional person who had fought to preserve Bhumihar honour and supremacy. And thus even today, every time an occasion arises when Bhumihars have to fight in order to preserve their supremacy, they turn to him for inspiration.

In 1993, Deepa Musahar, a mild, helpless looking *banihar* (labourer) gave them occasion to gather forces, bring out their guns as they would their swords and clubs in the old days, and

turn to Ranbeer baba for inspiration. All this, because this mongrel of a human being had the audacity to ask his *malik* (employer or “master”), Deep Narayan Chowdhury, for wages that were due to him for the previous year. “Deepwa”, as the maliks like to call their labourers, had to be cut to size, and thinking thus, the malik shut him up in a room.

It should be mentioned that this was not the first time that landless agricultural labourers had been exploited and maltreated by their employers in this village. Belaur in this respect was no different from countless villages in this region which are replete with similar stories of exploitation, oppression and humiliation that many Deepa Musahars had to bear silently for centuries. One oft-mentioned form of social oppression in the old days was to prohibit labourers from sitting on a *khatiya* (string cots), even in front of their own homes. Even guests of the labourers were subject to the same rules. In other villages, labourers were required to register the name of every relative or outsider who visited them with a particular zamindar. Backward caste boys were beaten if they were caught wearing good clothes. Another outrageous practice for which Belaur is particularly known involved forbidding young brides leaving for their *sasural* (in-laws home) from sitting in the *doli* (palanquin) from the house of the parents, as is required by custom. The maliks would not tolerate them sitting inside the dolis when they crossed their houses; the brides of Belaur were required to walk barefoot until the outskirts of the village. The *izzat* (honour) of dalit women has always been cheap, and many prominent upper caste men have been involved in raping them. For example, in the present case, the son of Deep Narayan Chowdhury is known to have raped several women including a Yadav woman of the Bhagwanpur tola of the village. Deep Narayan Chowdhury, quite unconcerned, once commented “*maine saand pala hai*” (I have raised a bull).

In his dealings with Deepa Musahar, however, Deep Narayan Chowdhury had not reckoned with the fact that times had changed. No sooner had the news of this event reached the other labourers that a *rasta roko* (road blockade) was organised in protest by local members of the CPI(ML); the Belaur road (the main thoroughfare linking Ara with Sahar) was jammed. After the local administration and police intervened, the combined pressure made Deep Narayan release Deepa Musahar who had been detained for four hours by then. This instance, besides other strides that the CPI(ML) had made, led some Bhumihar leaders (including Deep Narayan Chowdhury, Dharichan Chowdhury, and the panchayat *mukhiya* Shiv Narayan Chowdhury, who were to play a crucial role in the bloody events that followed) to feel that the CPI(ML) base in the region was growing and that they had to pluck this thorn out before it destroyed their very existence.¹¹ This led to their mobilisation in the shape of the Ranbeer Sena. The Ranbeer Sena was banned in November 1995, but continued to operate in the area, as the Bathani Tola massacre and subsequent massacres show.

5 Sequence of Events (August 1994 to July 1996)

Besides the massacres that hit the headlines is a long history of day-to-day incidents of antagonism and violence. The following

sequence of events helps to understand the build-up of tensions between the Ranbeer Sena and CPI(M) in Bhojpur district from the time of the formation of the former to the Bathani Tola massacre. This chronology aims to convey the tone and texture of the ground situation at the time, but remains only a partial picture – the reality is likely to be worse.¹²

1994

10 August (Belaur village, Udwanthnagar block): At 10 in the night a squabble took place between Sunil Chaudhury, a Bhumihar youth in his early 20s known to be a lumpen, and Sidhnath Sav, a local shopkeeper and CPI(M) supporter, over a cigarette. As journalist Mammen Mathew later wrote, cigarette smoking certainly turned out to be injurious to health that day – not for the smoker but for the seller.

Earlier that evening Sunil had tried to buy a cigarette from Sidhnath's shop but since Sidhnath could not figure out where his son (who helped him) had kept the packets, he had to return empty handed. Meanwhile the son returned, found the cigarettes and sold one to another customer. When Sunil saw this person smoking a cigarette and learnt that it had been bought from the same shop, he was so incensed that with some of his friends he immediately set out to find Sidhnath who had closed for the day. Angrily beating at the door, he demanded that it be opened. Sidhnath refused but explained through the window and also offered him the cigarette. But Sunil's anger was not to be appeased and angry poundings on the door continued. Fearing that the door would break, Sidhnath opened it. The five Bhumihar youths then nabbed him and his son, and beat them black and blue.

11 August (Belaur, Udwanthnagar): At 10 in the morning, Birbal Yadav, a local CPI(M) leader who had come to the village to enquire about the incident, was attacked by around eight to 10 Bhumihar goondas, led by Sunil Chaudhary. They beat him with lathis and *raama*,¹³ shouting, "*Pichada ka yahi man badhaya hai maro isko*". (He is the one who has encouraged the backwards, beat him). Birbal suffered a serious head injury. Even though the police were later notified, no action was taken against the assailants. Instead, a false case was lodged claiming that Sidhnath Sav and Birbal Yadav had thrown a bomb which had led to the assault; bail was granted to Birbal only two years later. Instances such as this and many more which were to follow made transparent the complicity of the police.

Tension soon enveloped the entire village. This could be especially felt in Bajar tola and Chakardah tola, located on the main road half a kilometre away from the main Belaur village, where the dalits live. Soon a group of around 500 of them had gathered near the bus stand at Bajar tola. At two in the afternoon this group, a large majority of them CPI(M) supporters, finally gave expression to their anger when a private bus owned by one Dharichan Chaudhary of Belaur (also a leading member of Ranbeer Sena) stopped at the stand. Badu Chaudhary, the conductor of the bus, was pulled down and done to death. However, there is still some confusion as to who was responsible for the action. Initially, the CPI(M) owned it, attributing it to people's collective anger.

Badu, also a Bhumihar, was considered a "bad element". A week prior to the cigarette incident he had misbehaved with a woman passenger which had led to a squabble of sorts. Besides, an old man belonging to the Chamar caste was found murdered in 1993 for which a police case had been lodged with Badu as the main accused. Another man belonging to the Bijendra Yadav group was also allegedly murdered by him, for which he had earned the ire of the Yadav community. Bijendra Yadav, a ganja smuggler and notorious criminal, is a Janata Dal leader who enjoys considerable clout in the area. That anybody could get away with killing a man under his patronage is unthinkable to the locals. Moreover, a week preceding the bus stand incident there was cross-fire between the Yadavs and the Bhumihars in which Badu was involved. These incidents and intra-party enquiries have led the CPI(M) to claim that members and supporters of their party in their anger had decided to "arrest" Badu and hold him for some time as a

pressure tactic. However, their plan was foiled when somebody in the mob fired at Badu and killed him on the spot. Conceivably, this could be the work of some non-CPI(M) Yadavs who support the Bijendra Yadav group and took this opportunity to settle scores.

28 September (Belaur, Udwanthnagar): Bhumihar goondas attacked Gung tola (near the Bhumihar tola) and fired at an old dalit couple, Ramruchi Ram and Rajkeshwari. They left Rajkeshwari's dead body behind and disappeared with Ramruchi Ram's.

1 October (Belaur, Udwanthnagar): 150-200 armed goondas attacked five tolas of backward and dalit castes – Gung tola, Siyarahi tola, Balwahi tola, Bajar tola and Chakardah tola. While the attackers completely ravaged Gung and Siyarahi tolas, where most of people's belongings (including their cattle) were taken and their houses completely destroyed, they were unsuccessful in Bajar and Chakardah tolas because the occupants fired back in self-defence. The occupants of the ravaged tolas took refuge in Chakardah and Bajar tolas.

When I visited the site in November 1995, Gung and Siyarahi tolas wore a desolate and crumbling look. It was difficult to imagine that people lived there once. Near Chakardah tola 60-100 small thatched huts had sprung up, and women and children were huddled in the primary school building close by to protect themselves from the cold. The government had not given them any aid until then except plastic sheetings to 45 households. They had been assured time and again that the government would resettle them on gairmajurwa land. But most of the gairmajurwa land in these areas is in possession of the landlords, who claim rights over it, and in this particular instance they are resisting tooth and nail to safeguard their "rights". A writ petition has been filed by them recently and now since the case has become subjudice, the DM alleges that he is unable to take action.

The local police camp was also supposed to ascertain that the displaced, most of them labourers and sharecroppers, would not be deprived of their share of the produce on the land they had cultivated prior to their displacement. But none of this has happened. The displaced families have protested against the unresponsive district administration time and again, many dharnas and rallies were organised, but with little effect.

3 October (Maniach village, Sandesh block): One Sambhu Sav was kidnapped while cutting some grass in the fields east of Belaur. He was later murdered.

17 October (Chasi village, Sahar block): Sri Bhagwan Bari, a CPI(M) cadre, had gone early in the morning to the fields to ease himself when he was shot by a Bhumihar of his own village.

20 October (Belaur, Udwanthnagar): Rajeshwar Paswan was in the wood business and used to go to Ara regularly to sell wood. He was returning from Ara on a tractor when upon reaching Belaur he was shot. He was rushed to the Patna Medical College Hospital but died on 18 November.

13 November (Belaur, Udwanthnagar): A group of around 50-60 armed individuals attacked Chakardah tola. Firing from both sides went on for four hours after which they had to retreat. By this time the CPI(M) had increased the armed capacity in Chakardah and were ready to retaliate and defend themselves.

14 November (Belaur, Udwanthnagar): Prayag Sah, resident of Chakardah tola, was killed as he was returning from the field after his morning ablutions. After killing him the miscreants fired 300 rounds with the clear aim of intimidating the residents and forcing them to flee Chakardah. They attempted to take the dead body of Prayag Sah but failed to do so.

27 November (Bara village, Sandesh): Ramjag Mahato of Bara village went to Belaur for some medicine for his cattle. He was kidnapped, killed and his body disappeared. Though not a CPI(M) supporter, he was killed because he belonged to a backward caste, clearly on the assumption that all members of the lower castes must be supporting the CPI(M).

1995

2 January (Bartiyar village, Sandesh): CPI(M) cadre Suresh Thakur of Aahpura village was kidnapped and murdered in Bartiyar. His body was never found.

3 January (Bartiyar, Sandesh): Early in the morning some Ranbeer Sena members started firing indiscriminately as they were walking on a village street. Vinod Sah was washing his face on his terrace when a bullet hit him and he was killed. That very day a dalit youth, Ranvijay, was returning to Bartiyar in a bus when some assailants shot at him and ran away. He was admitted in PMCH and survived the wound which could have proved fatal.

17 February (Belaur, Udwananagar): Ramji Sah and Indrajit Ram of Chakardah tola, Belaur, make their living by selling cloth. Their merchandise was snatched and they were fired at; they escaped death narrowly.

22 March (Chasi, Sahar): Soon after the state assembly elections were held in this village on 20-21 March, Subhash Yadav was shot dead. The allegation against him was that he had protested against booth capturing and that he was a CPI(ML) supporter.

26 March (Chasi, Sahar): CPI(ML) cadre Lalkeshwar Yadav was shot dead in the morning as he was going to the fields to ease himself.

3 April: Ayodhya Rai, a local landlord and office bearer of Ranbeer Sena was killed by CPI(ML) activists.

4 April (Khopira village, Sandesh): At nine in the night Ramanuj Mahato, Avadh Mahato and Kunj Bihari were in their fields guarding the *chana* (gram) crop, when they were attacked and killed.

After this incident CPI(ML) party leaders approached the administration but government officials remained indifferent. Tension in the area was now building up.

13 April (Gulzarpur village, Sahar): Antu Ram was killed at six in the morning when he stepped outside his house to help his daughter defecate.

In the face of an indifferent administration which at times had even sided with the Sena interests, the CPI(ML) had by then decided that the people should retaliate, while being careful to focus on particular targets and avoid hurting innocents. All this time, their aggressors were being supported by the ruling state government as well as mainstream political parties. The police targeted the poor and organised many instances of *chapamari* (raids); an equal number of such actions in the houses of the upper castes and suspected members of Ranbeer Sena were not attempted until much later. Whenever there were instances of encounter between the two sides, the administration was always seen to trouble members of the CPI(ML). All this was adequate proof that the district administration was siding with the landlords. None of them were arrested nor was a single weapon confiscated. After every killing of CPI(ML) members and supporters, the party organised protests and rallies. Each time they were promised monetary compensation but usually they were given just Rs 500 for cremation. Each time the government promised that they would arrest the murderers, without any result. In one particular instance the DM announced that he had confiscated 40 weapons, and the chief minister announced this in the assembly too, but it turned out to be a hollow claim. The party later demanded that they produce the names of villages and persons from whom the weapons were seized but the administration did not respond.

A State of Terror

Meanwhile the villagers had to cope with this situation. From every village where such an incident took place, people who had alternatives left the village and shifted to new places, but those who had no alternative continued to live where they were, in a state of terror.

14 April (Ekwari village, Sahar): Rajkeshwari Devi who was sitting outside her front door was hit by a bullet and killed. Another woman,

Janurata Devi, was injured. They were targeted because they were dalits and belonged to a family which supported CPI(ML) politics.

19 April (Belaur, Udwananagar): Jibrail Ansari was known for his kindness. Over 60, and barely able to make a living out of a *pheri*, he had supported his neighbour's widow and her children (who were Bhumihars) as best as he could for many years. On 19 April, the Bhumihars of Belaur killed him and threw his body in the village pond. They had seen him in Gulzarpur village a few days earlier with Gafarmiyani, a CPI(ML) cadre who was also Jibrail's brother-in-law. Interestingly, the son of the Bhumihar widow, Jibrail's neighbour, was the one who surmised that the body was in the pond when he spotted a leg amongst the overgrown weeds. At great risk to his personal safety he lodged an FIR with the police and the body was finally fished out two days after the event. According to some other villagers he (Jibrail's neighbour) does not stay in the village anymore.

20 April (Gulzarpur, Sahar): Nagendra Ram, CPI(ML) cadre from the neighbouring village of Dullamchak, had gone to Gulzarpur when he was kidnapped and then murdered.

29 April (Khopira, Sandesh): Hiralal Sah was murdered at 10 in the night when he was going to the women's quarter from the *dalan* (outhouse where the men sleep).

5 May (Chasi, Sahar): Shivnandan Prasad, a dalit youth of village Pande Dehri, Charpokhari block, was on his way to Chasi when he was shot at and seriously injured. He was going to Chasi to pay for a buffalo he had bought earlier from a Chasi farmer. The 20-25 goondas who had fired at him later surrounded the village and started firing indiscriminately. The dalits returned fire when suddenly the police intervened and started firing at the dalits too. This put a stop to the action of the dalits, and getting this respite the attackers escaped. Indeed, had the police not intervened, it is quite possible that the goondas would have been overpowered.

5 May (Khopira, Sandesh): A 50-year-old dalit woman was fired at and suffered serious injuries. She had to undergo treatment in Patna for 3 months.

6 May (Gulzarpur, Sahar): A 25-year-old CPI(ML) cadre, Surendra Sah, was having a meeting with members of the party when they were attacked and he was killed.

8 May (Ekwari, Sahar): Maura Musahar used to earn his living by carrying *dolis*. On this day members of the Ranbeer Sena of this village summoned him with the message that they needed his services. Along with another person, Maura went to their place to fetch the palanquin. He was, however, nabbed by them and murdered shortly afterwards while his friend had a narrow escape. A bullock belonging to Angrahit Ram was also shot dead.

Soon afterwards 100 Musahar households who used to live very close to the houses of Sankh Singh (a notoriously oppressive landlord) and other Bhumihars were attacked, their houses raided and set ablaze. They had no other option but to run for their lives. These displaced families now live at a distance of one kilometre from the main village close to Hanuman Chapra, a tola with a large scheduled caste and backward caste population.

11 May (Ekwari, Sahar): Goondas of Ranbeer Sena torched another 11 houses, this time of people of the Kahar caste. One of them, Mahendra Ram, had a heart attack due to the shock and died.

13 May (Ekwari, Sahar): The target of attack now shifted to the Doms. The Ranbeer Sena goondas set fire to Badri Dom's house.

14 May (Chanargadh village, Sahar): In this village close to Ekwari, some of these goondas tried to take away four buffaloes by firing several shots in the air but had to run when the villagers fired back.

15 May (Ekwari, Sahar): Approximately 100-150 goondas of Ranbeer Sena gathered in a field close to the tola of the backward castes in the night, planning to continue their rampage. Suddenly they started firing and invaded five houses belonging to persons of Baniya, Kahar and Sundhi castes.

17 May (Ekwari, Sahar): As if to complete what they had started two days earlier, goondas entered the house of one Baliram Sah in the night, beat up his wife, Tetradevi, and mother, Butna devi, and then raped his 12-year-old daughter, Asha. While the rape was contested by

the administration, Asha claims that Pramod Singh, a noted criminal and son of Sankh Singh, had raped her.

17 May (Ekwari, Sahar): Nathuna Ram, a dalit youth and CPI(ML) cadre, was shot at in broad daylight and seriously injured.

18 May (Ekwari, Sahar): 70-year-old Sri Kahar and 50-year-old Dashrath Kahar, who were sitting outside their homes, were shot at and killed.

Police Chapamari

After the 18 May incident, the administration seemed to wake up. The then chief minister, Lalu Yadav, ordered that arrests be made on both sides. But on the ground this order was carried out only on the CPI(ML) side. Mukeshwar Yadav (known to be close to Lalu Yadav), the thana-in-charge at Sahar, played a key role in these proceedings. In one instance he is reported to have asked, “*Tum log Janta Dal mai kyon nahi, Malai mai kyon ho* (why are you people not in Janata Dal, why in CPI(ML))?” On the pretext of looking for weapons, there were many instances when policemen entered the houses of CPI(ML) supporters and indulged in chapamari which usually includes breaking the earthen roof tiles, utensils and whatever they can lay their hands on. In one case, on 21 May, while the chapamari was happening on one side of the village, upper-caste goondas were looting houses on the other. The next day in Khopira village, while chapamari was seemingly being conducted on both sides, the repression on the CPI(ML) side was more. In Ekwari, the following day, the police in the process of chapamari beat up 40-50 women, broke some earthen pots and threatened them with rape in disrespectful and obscene language. The AIPWA (All India Progressive Women’s Association, an organisation linked with the CPI(ML)) staged a dharna in Ara in protest and on 5 June burnt effigies of the chief minister to protest against his denying the rape of Asha Kumari. On many occasions, the party demanded an enquiry into police repression and that the thana-in-charge be transferred, but none of this was done.

5 July (Ara town): Ranbeer Sena organised a demonstration in Ara where they announced that all their members and supporters would stop employing labourers in that agricultural season. This seemed to be in solidarity with the landlord of Ekwari, Sankh Singh, against whom an economic blockade was in force by the CPI(ML). According to the CPI(ML), the Ranbeer Sena had taken this step so that the labourers could be taught a lesson. The fields remained barren in many villages, especially Khopira, Gulzarpur, Ekwari and part of Belaur. But their strategy failed because of lack of unity in their organisation. The farmers of Belaur broke the self-imposed ban and cultivated their fields, resulting in friction among the Bhumihars.

During the following 20 days there were other small incidents of attack on dalits.

25 July (Sarathua village, Udwanthnagar): At around 10 in the night, an armed group woke the sleeping Musahars and asked them to show the way to the neighbouring village. They took eight dalits with them. One ran away on the way. After they had walked a kilometre away from the tola, six were shot dead while one escaped this gory fate after he was shot just below his knee and fell where he lay pretending to be dead.

24/25 July (Salempur village, Sandesh): Ajay Kumar, 18 years old, was shot and seriously injured.

29 July (Lahthan village, Piro block): Mubarak Ali’s old mother (name not known) used to run a small shop. That day a Bhumihar of the same

village asked her to sell him some stuff on credit, which she refused. Her angry customer immediately fired at her, killing her on the spot.

5 August (Noorpur village, Barbara block): On this day six dalits (Ganesh Bind, Tribhuvan Paswan, Sampat Bind, Laxman Bind, Dashrath Bind and Srihari Bind) were fishing in the Ganga when a group of Rajputs belonging to the Ganga Sena attacked them with guns, rifles and knives. They were seen to be CPI(ML) supporters because they were poor, dalits, and had voted for CPI(ML) in the state assembly elections; this was enough reason to teach them a lesson. One would never have learnt the details of this attack were it not for Srihari Bind, who jumped into the Ganga and continued to swim in spite of the fact that his neck was cut and his intestines were sticking out of another wound. It is also said that his intestines were fish-eaten when he was found. He was rushed to the PMCH in Patna where there was just enough time for him to give his testimony before he died. Since the dead bodies were found in Chapra while the victims belonged to Bhojpur district, the police of both sides refused to take up the case. It is widely rumoured that the massacre was the joint work of the Ranbeer Sena and Ganga Sena.

12 September (Ekwari, Sahar): Early in the morning as 55-year-old Rameshwar Sharma left his house he was fired at and seriously injured. After this, 10,000 people assembled near the village high school and reiterated the CPI(ML) demand that the weapons of the Ranbeer Sena be seized, and that the police should be impartial.

28 September (Lachidih village, Tarari block; Lathan village, Agiaon block): Shital Mahato and Wahida Khatun were killed in these two villages respectively.

7 October (Chauri village, Sahar): Goondas attempted a raid in Chauri but had to retreat after meeting with stiff resistance. One Bharat Sharma of Chauri who was part of the gang of goondas was injured.

11 October (Intor village, Charpokhari block): Lallan and Babban Musahar sustained bullet injuries after an attack on them.

12 October: Murder in Bagar (details not available).

14 October (Banwari, Chauri, Sahar; Karanth village, Tarari block): On the question of fishing rights over the village pond, supporters of CPI(ML) and Ranbeer Sena had an armed encounter which lasted the whole day. Encounters also took place in Banwari and Chauri villages. That same day, in Karanth, CPI(ML) supporters set fire to a private bus owned by one of the Ranbeer Sena members.

16-21 October (Ara town): In protest against these atrocities, the CPI(ML) launched a *mahadharna* (a sit-in protest) for six days. The dharna continued day and night and was attended by hundreds of CPI(ML) supporters from different blocks in the district. The main demands were: (i) Mukeshwar Yadav, thana-in-charge of Sahar police station be transferred; (ii) a departmental enquiry against him should be held and appropriate action taken; (iii) the main accused of the Sarathua massacre, Brahmeshwar Singh, mukhiya of Khopira village, should be arrested; he was then roaming about scot-free in Ara.

18 October (Ara town): A hand grenade planted under the main podium of the mahadharna exploded, seriously injuring 10 supporters of which one, Paras Ram of Mulkua village in Piro block, died on the way to the hospital. The attack was clearly aimed at killing some of the main leaders of the CPI(ML) who were addressing the people or sitting on the podium. Anticipating an attack, the party had asked the district magistrate, Amir Subhani, for some security force but this had been denied. A police van was present at the time of the explosion but the police blamed the CPI(ML), saying that they had placed the grenade. This proved to be the turning point in the CPI(ML)’s strategy to deal with the Ranbeer Sena miscreants and the atrocities that they had perpetrated so far. It seemed as though people had had enough and their anger had exploded. In the following days Ranbeer Sena men were also murdered. The dharna continued as per schedule.

19 October (Imadpur village, Tarari): Two men of Ranbeer Sena were killed. That very day in Sonbarsa and Bartiyar villages of Sandesh block, two Bhumihars were shot.

24 October (Gulzarpur, Sahar; Belaur, Udwanthnagar; Pavar, Sandesh): On this day, within six hours, four murders took place. It all started in

Gulzarpur when a 20-year-old youth, Kamlesh Paswan, went to fish in the *aahar* early in the morning and was found murdered there. Even some of the Bhumihars in the village admitted that Kamlesh was an innocent youth and liked by everybody in the village. When news spread to nearby villages, Umesh Chaudhary, thought to be close to the Ranbeer Sena, was killed in Belaur. At 10 that morning, Nirmal Paswan of Pavar village in Sandesh block, who was going about his duty as a postman, was found murdered around five kilometres from Belaur. Half-an-hour later, one of the murderers, Satya Narayan Singh, was shot dead by CPI(ML) supporters.

2 November (Bartiyar, Sandesh): A CPI(ML) cadre of Aahpura village in Sandesh block, had gone to Bartiyar village to investigate the cross-firing that had been going on in that village between members of the CPI(ML) and the Ranbeer Sena. He was killed by Ranbeer Sena members on the way.

12 November (Bichiaav village, Sandesh): One Ramji Kahar, aged 12 years, was found murdered.

1996

24 January (Ekwari, Sahar): Ram Lal Ram, father of a CPI(ML) cadre, was sleeping with a few others in his *dalan* (outhouse) when he was attacked by a group. He was killed immediately while his eight-year-old grandson who was cuddled in his lap sustained serious injuries.

7 February (Chandi village, Charpokhari): Gorakh Ram, Raghunath Ram, Prahlad Ram and Kashi Kahar worked as *halwahas* (ploughmen hired for a year). That night they were guarding the rice crop of their malik's fields which had just been harvested when an armed group attacked them and shot them dead.

22 February (Baruhi village, Sahar): Butan Sav had made an advance payment to a Bhumihar for some rice as is customary in the villages. When he went to collect it, he was shot at by a bhumihar supporter and died immediately.

22 February (Kosdihra village, Sandesh): Gudri Yadav was found murdered.

7 March (Kaup village, Charpokhari): Munidra Sav and Chandradeep Sav were killed by three goondas known to be members of Ranbeer Sena.

9 March (Patalpura village, Sahar): Except for one Bhumihar house there are 60-70 houses of dalits and backward castes in this village. Some Ranbeer Sena men from other villages are reported to have taken shelter here and attacked the dalit tola in the evening when the residents were listening to the radio news. Three dalits, Tapeshwar Ram, Budhan Ram and Kaushal Kumar were killed. According to CPI(ML) sources, this attack was meant to dissuade the people from participating in the Adhikar rally which was to be held in Delhi on 11 March. Members and supporters of the CPI(ML) were scheduled to leave the next day.

17 March (Ekwari, Sahar): Rampujan Mistri was found murdered.

22 April (Nannor village, Sahar): There were two *barats* (marriage processions) in the village that day. The marriage party as well as some local people, especially children, were watching a video film when suddenly at 1 am an armed group attacked them killing four immediately (Khurshid Miyan, Munna Miyan, Kallu Miyan, Aissammudin Miyan) and injuring 13 others. One other person died in the hospital.

24 April (Dhanchua village, Sahar): Gyanchand Bhagat of ganeri caste of this village was found murdered in the fields between the two villages of Chakk and Barki Kharaon where he had taken some buffaloes out to graze at two in the afternoon. The two murderers were identified as Jitendra Oza, a brahmin youth of Ujwallia tola, and Ajay Singh, a Rajput of Barki Kharaon village. No arrests were made after the event.

25 April (Barki Kharaon village, Sahar): Sultan Miyan, a youth in his early 20s was shot at by some Rajput members of the Ranbeer Sena early in the morning when he was going to the local shop to buy some soap.

5 May (Nadhi village, Sahar): Nithali Miyan and Ramjan Miyan were killed by the Ranbeer Sena members of this village. Either in reaction or as a pre-planned action, armed CPI(ML) cadres attacked the Bhumihar tola in three different locations and killed eight Bhumihars, allegedly members of Ranbeer Sena who were said to have been involved in the Nannor massacre.

11 May (near Barki Kharaon): One Rajeshwar Lal of Bhakura village (Tarari block) used to go from village to village to sell cloth. He was found murdered near Barki Kharaon.

19 May (Nadhi, Sahar): A dalit couple, Sitaram and Chintamanidevi, were attacked in their house by armed men who first ordered them in a position of sexual intercourse and then shot the man in the anus and the woman in her vagina. Another woman, Chanodevi of the same tola was also killed.

20 May (Dhanchua, Sahar): Tapeshwar Rai, a CPI(ML) supporter of Bhumihar caste, was killed in the morning when he was returning after easing himself, by other Bhumihars of the same village. He had been under constant pressure for some time to join the Ranbeer Sena or support it actively by giving donations. But Tapeshwar Rai had refused to comply. He is also known to have spoken out clearly against Ranbeer Sena on a few occasions.

20 May (Belaur, Udwantnagar): At 10 in the night, 25-year-old Sunil Sav was returning home from his shop when he was shot at and killed. He was not a supporter of CPI(ML), but seems to have been killed because of his caste which in this village is generally supportive of CPI(ML).

25 May (Morath village, Udwantnagar): On this day three Musahars of the same family were gunned down by Ajay Singh and Bhim Singh of this village. Rajputs are the dominant upper caste in the Musahar village. Two months earlier, some houses were being constructed under the Indira Awaas scheme in the Musahar tola for which money had been given directly to the Musahars. Ajay Singh had forcibly taken one thousand rupees each from 27 Musahars. The Musahars lodged a case against him. When Ajay Singh got to hear about the case he tried to pressurise them to withdraw the case and work out a compromise, but the Musahars did not agree. Unable to get them to agree to his plan, in his anger, he shot dead Lal Mohar Musahar and his two-year-old grandson Sudhir as well as his relative, Mita Musahar.

8 June (near Barki Kharaon): Nandu Chaudhury of Lodipur village was shot dead.

11 July (Bathani tola, Barki Kharaon, Sahar): 19 dalit women and children were killed in broad daylight. Two of the injured succumbed to their injuries, bringing the toll of the massacre to 21.

As we can see, this period from August 1994 to June 1996 included five major massacres – Sarathua (July 1995) was the first massacre in the Ranbeer Sena build-up, followed by Noorpur (August 1995), Chandi (February 1996), Nannor (April 1996) and Nadhi (May 1996), besides scores of murders. In this volatile state of almost daily violence, most of those who lost their lives were ordinary villagers. The fact that one was a dalit or of a backward caste was enough reason for him or her to be seen as a member or supporter of the CPI(ML). During this period, the tension in the area was palpable and a general atmosphere of fear, suspicion, insecurity and uncertainty prevailed.

6 The Verdict¹⁴

Even in a generous mood, it would be difficult not to find the high court judgment (henceforth HC-J) on the Bathani Tola case as anything but unconscionable. What the verdict does is to prepare the ground for the acquittal of the 23 found guilty by the sessions [lower] court (henceforth LC-J). It uses old tactics: overdrawing upon the weaknesses of the prosecution and discrepancies in witness accounts to discredit the investigation and garnered evidence as unreliable. Having effectively done away with the witnesses, it invokes case law to justify its decision.

The high court judgment reveals a clear leaning in the direction of the accused. The closing observations of the judgment are an example of the predilection that marks the treatment of the case:

...the investigation was not fair in respect of the persons who perpetuated this ghastly crime . . . [it] was directed in a particular direction far from truth and not above suspicion. Truth was deliberately suppressed . . . only to project an involvement of the accused persons, examined witnesses who were totally unreliable. Unfortunately, in this exercise, who actually perpetuated the crime, got away with it. . . . (emphasis added; HC-J: 56).

On closer examination of the two judgments, it is clearly the HC-J that is guilty of the bias it attributes to the LC-J. Some of the main indications of this bias are as follows.

Prosecution and Investigation

The independence of the investigating agency is crucial to the affirmation of truth in any crime. In the Indian judicial process, however, the state has a monopoly over prosecution in criminal proceedings. In cases where the state is implicated the limitations of this arrangement have become apparent time and again because even though the prosecution is not a spokesperson for the state, its appointment by it, in effect, often renders them to become dummies of the state. In the Bathani Tola case, the state is implicated on two counts: one, because there were three police outposts within a distance of 1.5 km of the carnage site that included 30 police personnel who did not intervene even though the carnage continued for a few hours in daylight; second, as members of the Ranbeer Sena, the accused enjoyed the patronage that the Sena did – of powerful personalities who were part of or close to the state; there has been therefore an implicit interest in protecting the perpetrators in order to protect those who are part of the “long arm” of the crime. Affirmation of truth by a compromised prosecution, under such circumstances, is a challenge.

As we can see from the basic facts of the case provided in Table 1 (p 51), its most prominent drawback is the inordinate delay in proceedings. Since the case had received much media attention at the time, some action by the official machinery was taken immediately: the officer in-charge of the police outpost of Barki Kharaon (Defence Witness 1) was suspended and a large number of the alleged accused were arrested soon after the crime. However, the police took almost two years to complete its investigations and submit the charge sheet. A long delay followed once the case was admitted in the sessions court. As the HC-J notes somewhat acerbically, “Prosecution...[took] virtually nine years to examine 13 witnesses.”(HC-J: 22)

Another lapse worth noting is that notwithstanding directions from the court, the Test Identification Parade (TIP) of those arrested was not organised; while the investigation officer (IO) maintained that the people were not ready for the TIP, the prosecution witnesses said that they were never called (HC-J: 9). They were finally asked to identify the accused a decade after the occurrence when they were examined in court. Not surprisingly, many of the accused remained unidentified. Statements of witnesses too, when verified in court after a decade or so, registered discrepancies that had naturally crept in resulting in weakening their testimonies. Two witnesses and two accused also died in the intervening years.

Despite structural drawbacks, foot dragging by the prosecution, and the chronic tardiness of the judicial process there

was still something to go ahead with. The prosecution had an FIR based on a statement made by Kishun Choudhury, who lost his wife and two daughters that day. It had 13 witness statements, amongst whom were eyewitness accounts of Radhika, a survivor of a bullet injury, as well as of Paltan Ram who had witnessed the killing of his daughter Phool Kumari and Ramratia Devi, wife of Lalmuni Gorawat. Both Radhika and Paltan Ram had named the accused in their statements, held their ground during cross-examination, as well as identified them during the identification parade in court.

The statement of another important witness, Naimuddin, was deemed inadmissible by the HC-J due to alleged discrepancies in successive versions. Immediately after the carnage, Naimuddin, who had lost five family members and whose six-year-old son lay battling for life, was in no condition to give a statement. Later, he gave two oral statements and a written one. Some additions were made to the first oral statement and this made his testimony suspect in the eyes of the high court judges. While the LC-J admitted his statement, the HC-J deemed it unreliable.

The Defence Case

The defence case rests on claiming false implication on three counts: one, that even though the Sahar police station was informed by the police personnel of the Barki Kharaon picket in writing late afternoon on the day of the carnage, on the basis of which a wireless message was transmitted to concerned officials in the district and many of them arrived on the scene, and although statements of eight persons were taken in the following hours, these were not admitted as *fardbayan* (information received by an individual); the *fardbayan* that was made the basis of the FIR was recorded in the early hours the following morning, 12 hours later, having “thoughtfully planned the accusation”. The “authenticity, correctness and reliability” of the FIR thus stood challenged (HC-J, pp 9-10). Second, the accused were arrested “like sitting ducks” soon after from the village and another location. Third, they were produced for remand in the chief judicial magistrate’s court after a delay of two days, and despite directions of the court, TIP was not arranged. Due to these lapses, the defence has maintained “false implication”. However, while the first two reasons could possibly lead one to the conclusion they reached, it is not clear how it follows from the third: if indeed the police, in connivance with the informant and relatives of the deceased, were keen to implicate the alleged accused falsely, would they not have taken the further step of clinching the matter through the TIP?

Doubts and Discrepancies

Those familiar with criminal proceedings know that legal professionals are not above misusing the largesse of the guiding principle that “charges against the accused should be proved beyond all reasonable doubt”. A common tactic that is deployed is to ask irrelevant questions during cross-examination. Emergent discrepancies on unimportant points are then used in casting a doubtful shadow on the veracity of pertinent

Table 1: Basic Facts of the Case

1	Place	Bathani Tola	Barki Kharaon village, Sahar block, Bhojpur district.
2	Date and time	11 July 1996	Afternoon; from 2-4 pm approximately.
3	Deaths	21	Except one adult male, 18 others who were killed on the spot were women and children. All victims were landless poor: 6 were muslims and 13 others included dalits and lower backward castes.
4	Injured who survived	3	Radhika Devi survived a bullet injury and was a prime witness.
5	FIR	Informant: Kishun Choudhary	'Fardbayan' that formed the basis of the FIR was recorded at 4.30 am on 12 July 1996. Exact time when FIR was registered is not known. Crime registered as no. 98, 1996, Sahar PS, 12 July.
6	Accused	68	33 of them were named accused and 35 unknown persons.
7	Arrests		A large number of arrests were made between 12 and 15 July. Other (named) accused surrendered subsequently.
8	Charge sheet submitted	16 January 1998	Following investigation the police had charged 62 accused under various sections of the IPC, Arms Act, and SC-ST (POA) Act. The CJM committed the case on 24 January 1998 to the Sessions Court, Bhojpur, Ara, from where it was transferred to the court of additional district and sessions judge I, Bhojpur, Ara.
9	Prosecution witnesses	13	Besides 3 witnesses who are doctors who conducted the post-mortems and 1 who was the investigating officer, 8 others are relatives of the victims and 1 is an injured victim who survived.
10	Defence witnesses	3	A prominent defence witness was the ASI in-charge of the police outpost at Barki Kharaon. Besides, there were 2 others who were village chaukidars.
11	Trial begins	2000-10	Prosecution witnesses were examined in court between 23.11.2000 and 29.01.2009. This was also when they were asked to identify the accused for the first time. Trial was held against 53 accused. Proceedings against the remaining 15 were dropped as some died, absconded or for other reasons. Statements of the accused were recorded between 4.11.2009 and 1.05.2010.
12	Judgment Sessions Court (Ara) (Sessions Trial No. 28 of 1998)	05 May 2010	Convicted – 23; acquitted – 30 Death sentence to 3; life imprisonment to 20. Except two, all are from Barki Kharaon village.
13	Criminal appeals	17 May 2010	'Death Reference No 7 of 2010'
14	Juvenile claimants	4	4 convicted persons (including one who was sentenced to death) filed applications claiming to be juvenile when the crime occurred.
15	Judgment High Court (Patna)	16 April 2012	Upheld juvenility of 3 of the 4 claimants. Acquitted all those who were convicted by the lower court.
16	Appeal in the Supreme Court	16 July 2012	There has been no hearing so far.

Facts mentioned have been taken in the main from the two judgments: Sessions court judgment (101 pages) and the high court judgment (57 pages).

Table 2: Massacre Victims and Survivors

Name	Killed or Injured (as per post-mortem reports)	Relative and Relation with the Victim or Survivor (and age of victim where available)	House Burnt*	
1	Jaibun Nisha	Killed, "fire arm"	Naimuddin (sister), Latif (wife)	Yes
2	Dhanvarti Khatoon	Killed, "sharp-cutting weapon"	Naimuddin (daughter, 20 years)	
3	Azma	Killed	Naimuddin (daughter, 3 months old)	
4	Amir Subhani	Killed, "fire-arm and sharp cutting weapon"	Naimuddin (son, 5 years)	
5	Saddam Hussein	Injured (died in hospital)	Naimuddin (son, 6 years)	
6	Najma Khatoon	Killed, "fire-arm"	Naimuddin (daughter-in-law, 25 years), Imamuddin (wife)	
7	Sunar Devi	Killed, "fire arm and extensive burns"	Kishun Choudhary (wife)	Yes
8	Kalavati Kumari	Killed, "fire arm"	Kishun Choudhary (daughter, 14 years)	
9	Ramavati Kumari	Killed, "sharp-cutting weapon and flames"	Kishun Choudhary (daughter, 5 years)	
10	Sanjharia Devi	Killed, "fire arm and extensive burn injuries"	Marwari Choudhary (Mallah) (wife)	Yes
11	Kunti Devi	Killed, "fire-arm and extensive burns"	Marwari Choudhary (daughter-in-law), Mithilesh (wife)	
12	Shailendra Choudhary	Killed, "sharp-cutting weapon"	Marwari Choudhary (grandson), Mithilesh (son, 7 years)	
13	Sanjharo Devi	Killed	Lalchand Choudhary (wife)	Yes
14	Baby	Injured (died in hospital)	Lalchand Choudhary (daughter, 9 months old)	
15	Balchand Choudhary	Injured (died in hospital), "fire-arm"	Lalchand Choudhary (brother, adult)	
16	Phool Kumari	Killed, "fire arm"	Paltan Ram (daughter, 10 years)	Yes
17	Ramratia Devi	Killed, "fire arm"	Lalmuni Gorawat (wife, 30 years), Satyendra Prasad (mother)	
18	Duja Devi	Killed, "fire arm"	Dimangal Ram (wife, 35 years)	Yes
19	Lagni Devi	Killed, "fire arm and extensive burns"	Babban Choudhary (wife)	Yes
20	Saguni Choudhary	Killed, "sharp cutting injuries"	Babban Choudhary (son)	
21	Lukhi Devi	Killed, "extensive burn injuries"	late Musafir Razak (wife)	
22	Radhika Devi	Injured but survived	-- na -- (18 years)	
23	Kusum Kumari	Injured but survived, "bone cut injury and incised wounds"	Raj Kumar Choudhary (daughter, 10 years)	
24	Shailendra Choudhary	Injured but survived	-- na -- (16 months)	

This table attempts to summarise information scattered in the two judgments: Sessions court judgment (101 pages) and the high court judgment (57 pages). Information about age of the deceased and cause of death has been taken from the post-mortem reports mentioned in the sessions court judgment (pp 50-51, 62-69).

* Miscreants used kerosene oil to burn 8 houses (sessions court judgment, p 3). Besides the houses mentioned in the table, Ramlagan Ram's house was also burnt.

details. Justice can thus be derailed quite innocuously. It is up to the wise judge not to fall in this trap, to sieve the relevant from the irrelevant, and weigh the importance of relevant discrepancies according to the circumstances of the case.

Important doubts and discrepancies that the HC-J has brought up in the present case are with respect to the following:

Fardbayan and FIR

An FIR of a crime is important. The objective of such an FIR is to achieve justice. It should not become a tool to subvert justice – this is what the HC-J does. It makes too much of the 12-hour delay in recording the fardbayan. No consideration is given to the circumstance of the case, that it involved mob violence of a particularly macabre nature. Individuals who were expected to make statements had to do so when their houses were still burning, family members lay dead, and others needed to be taken to the hospital urgently. To expect coherence and accuracy of detail in such circumstances is unfair. Statements given under such conditions can at best be patchy.

What is being suggested is that Kishun Choudhury, the informant, may have consulted other members of his organisation, the CPI(ML), in the intervening hours. Such consultation in the villages of Sahar block in the mid-1990s (without mobile phones) would have required a face-to-face meeting. Without convenient transport, on that rainy evening and the impenetrable darkness of night (in the absence of electricity), Kishun Choudhury, besides taking the time to collect himself considering

that he had lost three members of his family, would at best have been able to talk things over with comrades of his village (many of whom like him had also lost family members) and a few others in nearby villages. And if he did so, can he be blamed?

The high court judges have let themselves be overly concerned with the question – why was the initial written message by the picket personnel, Raghuraj Tiwary (Defence Witness 1) not treated as a fardbayan? We begin to better understand their motive when we learn that the Defence Witness 1 had maintained in his message that there was cross-firing. The insinuation and unsaid conclusion here is that this was the reason why the message was not admitted as a fardbayan. It is interesting to note that this detail was treated as a “fact” by HC-J even though there was no basis to do so; cross-firing was not mentioned by anyone else nor was there any other evidence of it (e.g., fallen cartridges, confiscated ammunition, death or injury of any person from the other side). Even if we assume for a minute that there was indeed cross-firing, would the brutal murder of so many innocent women and children, including infants, be less of a crime?

Importantly, nowhere in the HC-J do the judges ask – why did Defence Witness 1 not intervene in the conflict? His statement that he was outnumbered is taken at face value. Why? If the 30 or so police personnel had intervened would the assailants not have been discouraged? At the very least they would have become crucial eyewitnesses. Why should HC-J give so much importance to the statement of a person who abdicated

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his duty and was later suspended for it? Why was his statement deemed reliable – even in the absence of evidence – while the statements of the victims and their relatives were not?

The HC-J then worries about other minor discrepancies such as the time in the morning when the fardbayan was recorded – while the IO maintains it was 4.30 am before the autopsies, Kishun Choudhury has maintained it was 6.30 am. Such questions of detail have been used to cast doubt on the authenticity of the FIR.

Unreliable Witnesses

The most shocking aspect of the high court bias is the treatment that is accorded to witnesses especially those who are survivors of the violence. Let us take three of the most important witness-statements for our scrutiny here.

Radhika Devi (mentioned earlier), as an adult survivor of a bullet injury, was one of the most important witnesses. She has stated how she was shot at point-blank range by Bachcha Singh and also identified him as well as five others including Bela Singh and Dilip Singh. Her statement is also important because as someone who sought refuge in the house of Marwari Mallah (Choudhury) she was witness to what happened there. She was examined in court on 25 July 2001, and the sessions court had upheld the evidence provided by her as “truthful and reliable” (LC-J: 35). However, the high court casually dismissed her statement as unreliable after pointing to superficial gaps in the evidence. For instance, according to HC-J, an “important thing to be noted is though she alleges that her fingers were crushed to see whether she was alive, none of the injury reports show any injury on the fingers” (HC-J: 26). I leave it to the reader to decide whether finger injuries being left unmentioned in the medical examination of a person who has been shot at point-blank range is such an important lapse that the victim’s entire testimony should be dismissed. It would also be interesting to know how and why, according to the high court judges, the victim would invent such details. The above reference to the injury reports is itself mystifying because in a previous sentence in the same paragraph, the HC-J notes: “Curiously though she was treated at PMCH and discharged from there, not a chit of paper with regard to her treatment or the nature of injury found and treated at PMCH has been brought on record.”

The HC-J also casts doubt on whether Radhika Devi was inside or outside Marwari Mallah’s house at the time of the carnage. This is a very important detail since if doubt can be created about her location then her claims about witnessing the killings that occurred inside the house can also be dismissed. In her examination, Radhika Devi states that “she was cutting mud from land adjacent to the Ahar [with two others]. She saw people coming from the side of the village Barki Kharaon firing and seeing that she, along with others, ran into the house of Marwari Mallah.” Since she was pregnant, it is very unlikely that others who were also outside, including her mother who was working with her, and were running to seek refuge in Marwari Mallah’s house would not have ensured her safety.

Similarly, the HC-J does not waste much time over Paltan Ram (also mentioned earlier). While Radhika’s alleged drawback was that she was a disoriented woman, Paltan Ram’s was his age (about 60 years) and weak eyesight. The most important part of his statement, namely that “his daughter, Phul Kumari, ran out of his house when Ajay Singh shot her and Nagendra Singh cut her arms. Nagendra Singh also shot the mother of Satyendra Prasad [Ramratia Devi]” (HC-J: 30), is not given credence because the IO denies that Paltan Ram had mentioned this when he gave his statement, while Paltan Ram affirms that he did and also reiterated this at the time of cross-examination.

We find that what he stated is a bundle of lies. Police state that they had reached the village in the evening itself. He states that they had come in the next morning. Police state that there was no one in the village. He states that he was all along in the village. He admits that because of age he had weak eyesight and he had seen the miscreants for the first time on that day but still he was able to identify them and given graphic details from his hiding place of what was happening (HC-J: 31).

In other words, the police’s statements are taken at face value, but Paltan Ram is held to be a liar as soon as his statement conflicts with that of the police, ignoring the fact that Paltan Ram has no reason to lie while the police has good reasons to do so, considering its irresponsible behaviour in this incident. In fact, the HC-J chooses to believe the IO at times and disbelieve him at other times. On closer scrutiny, it is clear that they believe the IO whenever his assertions work in favour of the accused (e.g., when he contradicts the statements of key witnesses), and disbelieve him when they do not (e.g., on the fardbayan and FIR). As for Paltan Ram’s “weak eyesight”, there is no obvious reason why it would have prevented him to see what he did see, though it might have prevented him, say, to read. As for maintaining that Paltan Ram had said that he saw Ajay Singh and Nagendra Singh for “the first time” on that day, both are residents of Barki Kharaon, and Paltan Ram, as a member of the lower castes who have been living near their upper caste neighbours and working for them for many years, must not only know them but know them well. So here again, the HC-J casually dismisses a key witness, even though the LC-J had taken the view that Paltan Ram’s statement “... so far it relates to accused Ajay Singh and Nagendra Singh and deceased Phool Kumari and Ram Ratiya, has emerged truthful, reliable, intact and well corroborated by medical evidence. Therefore, statementto that extent is accepted” (LC-J: 52).

There are other instances of inconsistent treatment of key testimonies in the high court judgment such as that of Naimuddin who lost six members of his family in the massacre. As with Radhika Devi and Paltan Ram, the high court dismisses Naimuddin’s crucial testimony by playing up alleged inconsistencies. The LC-J, however, had already acknowledged minor inconsistencies in Naimuddin’s testimonies and yet, unlike the high court, did not reject it:

Naimuddin has made some inconsistent statement in respect of identification of accused persons, but for these reasons alone the statement of PW11 Naimuddin cannot be brushed aside as his statement otherwise appears free of any infirmity, improvement and embellishment

and was corroborated by [others]...therefore, evidence of PW11 appears truthful and reliable and so his statement is accepted (LC-J: 69).

The Juvenile 'Tragedy'

The only place in the 57-page HC-J where the judges invoke a sense of "tragedy" is while commenting on three accused, Manoj Singh, Bela Singh and Dilip Singh – who claimed to be juvenile when the crime occurred but had "... spent a long time in prison contrary to law because of insensitivity of the trial Judge on this issue" (HC-J: 46). The HC-J omits to mention that it is only in 2010, as they were about to be sentenced by the sessions court, that this claim of being juvenile was made – a claim that was immediately dismissed by the sessions court who maintained that there was "no substance in the claim" (LC-J: 99). The high court judges however mourn: "We, on our part, could only express regret and apology on behalf of this institution for this serious lapse" (HC-J: 46).

In short, the high court judgment is shot through with biases and inconsistencies, all in favour of the accused. It raises deep questions not only about how the victims of the Bathani Tola are supposed to get justice, but also about the integrity of the judicial system.¹⁵

When Justice Falters

Justice for the Bathani Tola massacre victims was long in coming, and when it did, it came on a false note. What is public knowledge could not be proved in a court of law.

The Bathani Tola residents exercised restraint for many years. It must not have been easy for the survivors of the carnage and families of victims to live alongside those they know to be killers of their loved ones. The fact that "the court" was looking into the case however provided them some hope. Fighting for justice has made them even more vulnerable. We must not forget that in these regions, until recently (and to a large extent even now) just looking into the eyes of the malik while talking to him was held as audacious. Taking them to court is an unimaginable affront.

Had justice been accorded judiciously it would have given strength to the victims, and worked as a deterrent. Many other lives could have been saved – lives that were lost in the interim as the Ranbeer Sena's activities continued and many other "successful" massacres of the dalits and other oppressed groups in this region were perpetrated, especially against those who dared to rebel.

The Bathani Tola residents were seeking justice, not revenge. In a region where private revenge is common, seeking justice through the custodians of the "rule of law" becomes an important step. It is a chance for a court of justice in a democracy to intervene and make pronouncements that become a warning to "the murderers of tomorrow". When this does not happen, people, especially the poor and oppressed, begin to doubt the capacity of the court to uphold justice and may well feel constrained to take the law in their own hands. Where justice fails, vengeance prevails.

NOTES

- 1 The case was lodged as the Sahar PS Case No 0098 of 1996, dated 12.07.1996, instituted under Sections 147/148/149/302/307/324/326/436 of IPC, Section 27 of the Arms Act and Section 3 (v) of the SC and ST (POA) Act. Out of the initial 68 accused, 53 were tried; proceedings against the remaining 15 were dropped because a few died, some absconded or for other reasons.
- 2 For an online version of the judgment see <http://patnahighcourt.bih.nic.in/judgment/pdf.aspx?ord=-1&noc=5&caseno1=727&yr=2010>.
- 3 This was not the first time that the local people and the CPI(ML) had protested against the propensity of the Bhojpur police personnel to disregard official norms and procedures. A similar situation had arisen during the post-mortem of the victims of the Chandi massacre in February 1996. In spite of the protests of the relatives of the victims and the local CPI(ML) cadres, the police administration had deemed it fit to bring a group of doctors to the police *chowki* (outpost) and conduct the post-mortem there.
- 4 The reference here was to Manoj Singh (20 years old) and Santosh Singh (25 years old), sons of Deepan Singh, Bela Singh (25 years old) and Subaidar Singh, a retired jawan with a criminal record. The ages are as per information available at the time of the massacre; later, in 2010, as they were being sentenced by the sessions court, the first three claimed to have been juveniles at the time of the massacre.
- 5 Both Saddam and Baby, who were said to be out of danger in late July, succumbed to their injuries the next month.
- 6 Around 12-15 of them own land up to 60 bighas.

The others have less than 20 bighas. Similarly, most of the gairmajurwa land (both *aam* and *maliki*) is reported to be under their control. A few landlords have also forcefully occupied around 1.5 acres of Karbala land and some Imambada land.

7 The circumstances of these killings are not entirely clear. According to CPI(ML) sources, some attempt was made by upper caste hoodlums to disrupt the march violently; the killings occurred in the tussle that followed.

8 On 19 April 1986, just three days after C R Kaswan took charge as the first SP of Jehanabad subdivision, he ordered the police to open fire on a peaceful assembly of agricultural labourers against the illegal eviction of nine landless dalit families from a small piece of land (26 decimals). This massacre, called "the Arwal massacre" after the place where the meeting was being held, claimed 21 lives and was then called as the "Jallianwalla bagh of Bihar". The state government's claim that the police fired in self-defence when an armed mob attacked the police station was subsequently proved baseless by many investigations, reports, and the proceedings of the Indian People's Human Rights Tribunal.

9 One exception is the Kisan Sangh, a caste sena which includes members of several landed castes. Rajput senas in Bhojpur have included Ganga Sena and Kunwar Sena; the Brahmarshi Sena was a Bhumihar Sena.

10 Bhumihars and Rajputs, with roughly the same social and economic status, are said to have always had an antagonistic relationship in Bhojpur as well as in the rest of Bihar, a consequence no doubt of inter-caste rivalry in the pursuit of power and control; both castes rarely inhabit the same village.

11 A mukhiya is the elected head of a Gram Panchayat (a public institution at the lowest level of the government structure) in Bihar. Panchayat officials and members have played a prominent role in the formation and workings of the Ranbeer Sena. Brahmeshwar Singh, its main leader, was also a mukhiya.

12 All the places mentioned in this section are in Bhojpur district. The place names in brackets (after dates) indicate the name of the village where a particular incident has taken place followed by the name of the block. The affected blocks are Udwanthnagar in central Bhojpur; Sahar, Tarari and Charpokhari in the south; and Sandesh and Agiaon in the south-east.

13 This is a long bamboo at the end of which an iron spade is attached. It is used to maintain the *aari* (the boundary of the field).

14 This section owes much to senior counsel, Girish Patel. I am immensely grateful to him for patiently explaining the knots in criminal jurisprudence as well as discussing the Bathani Tola verdict despite his ill-health.

15 In another recent case not dissimilar to that of Bathani Tola, on 1 March 2013, the Patna High Court acquitted 11 Ranbeer Sena members earlier found guilty by the Ara sessions court of a massacre of 10 CPI(ML) Liberation supporters in the night of 11 November 1998 in Nagari Bazaar (Charpokhari block, Bhojpur district).

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