

## FACT- FINDING REPORT OF MIRCHPUR CARNAGE AGAINST DALITS ON 21 APRIL 2010

*That the Hindus most often succeed in pulling down Untouchables is largely due to many causes. The Hindu has the Police and the Magistracy on his side. In a quarrel between the Untouchables and the Hindus the Untouchables will never get protection from the Police or justice from the Magistrate. The Police and the Magistracy are Hindus, and they love their class more than their duty. But the chief weapon in the armoury of the Hindus is economic power they possess over the poor Untouchables living in the village.*

—Dr. B.R. Ambedkar in 1943

On 24 April 2010, the National Dalit Movement for Justice (NDMJ) of National Campaign on Dalit Human Rights (NCDHR) – and Anhad facilitated a fact-finding visit to Mirchpur in Haryana's Hisar district where 17-year-old girl Suman and her 60-year-old father Tara Chand were burnt alive on 21 April by a Jat mob from the village that also set fire to and looted 18 Balmiki houses and looted 18 houses.

The fact-finding team comprised Shabnam Hashmi, Member, National Integration Council; Bhasha Singh, senior journalist with *Nai Duniya*; Umakant, human rights activist; S. Anand, journalist and publisher of Navayana; Mansi Sharma of Anhad (Act Now for Harmony and Democracy); Jai Singh, Dalit Dasta Virodhi Andolan, Phillaur; and Dr. Sirivella Prasad, Ashim and Abirami of NCDHR-NDMJ.

The key findings of the fact-finding team are:

1. It was a pre-planned attack with the connivance of the police. The row over the dog, highlighted by the media and police, was only a pretext.
2. There was trouble brewing over Dalits managing a local temple festival. The prosperity and independence of a section of the Dalits was begrudged by the Jats.
3. The village Mirchpur has a history of violence against Dalits as evidenced by the 2007 incident where five Dalits belonging to Dom community were paraded naked and abused. Also, the Mirchpur carnage is a sequel to Salwan (2007, Karnal district); Gohana (2005) and the Jhajjar lynching (2003).
4. There was, and continues to be, complete collusion between the Jat-dominated district police and the Jats of the village so much that Dalits have completely lost faith in the administration. Most Balmiki families have left the village and those left behind are demanding resettlement in a safer place.
5. Despite the acute tensions in the village, on 24 April, the administration allowed a Maha Khap Panchayat, attended by 43 Jat khaps from across Haryana, to be held in Mirchpur. The SP and Deputy Commissioner, who were present in the village as the panchayat happened, feigned ignorance of this brazen attempt to intimidate the local Dalits.

## **About Mirchpur**

Mirchpur, located about 145 km from New Delhi in Haryana's Hisar district, is a large village comprising about 1700 Jat households, 150 Balmiki families, and 350 Chamar families and 25 Dom families and a handful of Brahmin households. The Dalit population, despite modest economic advances made in the last decade or so, is largely economically dependent on the Jat population for their regular livelihood based on milking and farming.

The Dalits in this village have experienced caste abuse and atrocities for years without these coming to the surface. In May 2007, 5 Dalits of the Dom community, men and women, were paraded naked by a landlord of the village. Though a case was filed, a compromise was forced by the local Jat-dominated police of Narnaund PS.

## **The Trigger and History**

All media reports so far have parroted the official version, saying trouble erupted because of a mongrel. On the night of 19 April, 10 to 15 young drunk Jat drove into the Balmiki Basti on motorbikes, creating a racket. At Karan Singh's house, his pet dog barked at the revellers. Rajinder Pali, son of a Jat Zamindar, hurled a brick at the dog. To this, Yogesh, nephew of Karan Singh, objected and the Jat men got physical with him. Sensing that things could get out of hand, Karan Singh intervened and offered to apologise since the Jats threatened more trouble. Vir Bhan, a Balmiki community elder, and Karan Singh went to apologise to the Jats but were beaten up and humiliated by the Jats. Vir Bhan had to be hospitalized. Soon, word spread that the Jats sought to teach the Balmikis a lesson they would not forget.

The Dalits in the village had immediately sought to lodge a complaint to the local Police Station at Narnaund, where the Station House Officer (SHO) Mr. Vinod Kumar Kajal, refused to take heed. Ramesh Kumar, 41, whose house was burnt down, told the fact-finding team: "The fact that the SHO Vinod Kajal is closely to the son-in-law of Tara Singh, a prominent Jat of Mirchpur, has always emboldened the local Jats. SHO Kajal in fact came along with the son-in-law Tara Singh and 25-strong police contingent to call the Balmikis to the Jat Chaupal for talks." It is notable that Kajal was the SHO even when the 2007 incident of stripping of Dalits and was instrumental in chalking a 'compromise' and withdrawal of that case.

The incident over the dog was merely a pretext. Over the past decade, the Dalits of the village have shown signs of economic independence despite their landlessness. They seek work as labourers in Jind, the neighbouring district headquarters; Dalits like Karan Singh, the complainant, have contracts to fishing in the village pond; in fact, in the last two years an enterprising Balmiki called Dharamvir had bid in an auction and won the contract for managing the local Phoolan Devi temple festival that happens every spring. This year he deposited Rs 50,000 with the village panchayat for these rights. In fact, the nascent economic ascendancy of some of the Dalits and their relative independence has caused heartburn

among the Jats. A Dalit winning the contract to manage the temple affairs also means rights to collecting the offerings that many worshippers offer the deity of the temple. It appears that the Phoolan Devi temple festival is in the same league as the famous Sitala Devi temple festival that happens in Gurgaon, also in Haryana.

Several Balmiki women in the village complained that the Jat men sexually harassed them in the temple premises during the festival. "When the Jats indulged in arson and loot, I objected and two of them pulled down their pants, flashed their genitals at us and made obscene gestures," Santra, a Balmiki woman whose house was burnt down, told the fact-finding team.

The 2007 incident of abuse of 5 Dalits also had a sexual element to it. When landlord Hoshiyar Singh discovered that his teenage son Sunny had homosexual relationships with some youth in the village, he beat up Sunny who it appears falsely named a few Dalit youth as his partners. Hoshiyar Singh and his wife Nanhi Singh then apprehended five Dalits – three teenage boys and their mothers – and stripping them naked, abused and tortured them. This case too was documented by NCDHR in May 2007.

### **Planned Conspiracy with Administration**

Clearly, there was build-up to the violence that was unleashed on 21 April. On the morning of 21 April, as SHO Kajal and the local Naib Tehsildar talked the Balmiki men into attending a 'compromise meeting' at the Balmiki Chaupal. While the Balmikis were at the Chaupal, a mob of 300 to 400 Jats, men and women, encircled the Balmiki colony from all sides by 9.30 a.m. The SHO and the Tehsildar told the Jats they would have one hour to do whatever they wished to do to the Balmiki houses. This sounds disconcertingly similar to what happened under Narendra Modi in Gujarat in 2002, where apparently the Hindutva mobs were given three days to do whatever they wanted. The only difference seems to be in the scale of violence. Unfortunately, the words of Dr Ambedkar from 1943, quoted in the beginning, ring true even today: *"In a quarrel between the Untouchables and the Hindus the Untouchables will never get protection from the Police or justice from the Magistrate. The Police and the Magistracy are Hindus, and they love their class more than their duty."*

What followed for the next three hours was selective and targeted burning of 18 houses of those Balmikis who were relatively prosperous. Before the Jat men set the houses on fire, their women looted—jewels, cash, clothes and whatever they could lay their hands on. Wherever possible, gas cylinders were stolen. Phoolkali Devi and her husband Chander Singh had built a one-storied house in 1996. Chander Singh's son, Suresh Singh, ran a general store from within the house. Everything has been gutted. Phoolkali says jewellery worth Rs 25,000 and cash of Rs 50,000 meant for their daughter's oncoming wedding were looted. The room on the first floor in which 9 family members – daughters-in-law and children – were hiding was set on fire. It was their sheer luck that they escaped unhurt.

Two motorcycles were set afire, including one belonging to Suman's brother Amar Chauhan. Suman, a Class 12 student, was polio-stricken, and thereby immobile. She was burnt alive by the gang. When Tara Chand, her father, tried to save her, he was locked inside a burning room and killed. More than 30 Dalits were injured and some of them have been hospitalized.

Surta, a woman whose entire house was reduced to cinders, says, "The first thing they did was to break the Sintex water tanks the government had provided us with, so that we couldn't douse the fire." The planned attack was reminiscent of the Gohana carnage of September 2005. The Jat mob of Mirchpur was armed with lathis, iron rods, kerosene/petrol, and had a well-thought out plan of teaching the whole community of Balmikis a lesson in subjugation in a loud and clear way. SHO Vinod Kajal, SHO Barmure Rohtas Singh, Naib Tehsildar Jaagi Ram in his capacity as duty magistrate, along with about 25 policemen were present in the village and took no action against the marauding Jats. When women begged for help, the policemen asked them to merely run for their lives.

Although the nearby town of Jind is only 16 km from Mirchpur, the fire brigade arrived only at around 3 p.m.

### **Local Dalit Protests**

While the media has reported the 'prompt action' of suspension of SHO Kajal, the truth is that his suspension was a result of brave and insistent protests of the Balmikis of the village who refused to cremate the bodies of Tara Chand and Suman for two days unless action was taken against the local magistrate and the SHO, and adequate compensation announced. The 29 of the 43 accused were arrested only after the Balmikis' vehement protests. SHO Kajal was suspended since the Congress government feared a political backlash.

The Fact Finding Team countered the Deputy Commissioner (DC) and the Superintendent of Police (SP) of Hisar District when it found out that the relevant sections of the SC and ST (Prevention of Atrocities) Act had not been properly mentioned in the F.I.R. This would allow the offenders to be released with minimal punishment or even acquittal in the case. Their defence was in most PoA Act cases in Haryana, the sub-sections are not listed. This clearly amounts to a planned conspiracy on the part of the Jat-dominated police to botch cases even as they are filed. However, a very unconvincing verbal assurance was given to the Fact Finding team by the officials that this lapse on their part would be corrected when the investigation starts into this case.

The DM announced Rs. 1 lakh compensation for each of the 18 houses that were totally burnt, and Rs. 5 lakh compensation to each of the kin of the two deceased persons. A 'damage assessment' is in process for the other 14 houses which were looted and partially broken. After these assurances, on 23 April, the bodies of the deceased were cremated.

## **Exodus of Dalits**

However, the Dalits of the village still fear for their lives. Even as the fact-finding team was driving towards the village, we saw several Dalit families leaving the village with their meager belongings in tractors and trucks. The few Dalits who remained told Mr. Buta Singh, Chairperson of the National Commission for Scheduled Castes who was on a visit at the same time as the FF team, in one voice that they had had enough and no longer wished to live in the village. They wanted to be resettled in a new place, far away from the Jats who never let them live in peace.

Within three days of the carnage a Maha-Khap Panchayat of the Jats was organized in the village. Representatives of the 43 khaps met on the premises of the Animal Husbandry Department. They demanded the release of the 29 Jats arrested and reinstatement of suspended SHO, "their man" Vinod Kajal. The Superintendent of Police and Deputy Collector said they were not aware of such a meeting attended by about 2,000 men that was happening within the earshot of the top district officials. Across Haryana, there's a war being waged on the Indian state by khap panchayats, an open defiance of law. Besides, Mirchpur has to be seen in the context of other Haryana milestones: the burning of Balmiki homes by Rajputs in Salwan in 2007; the Gohana carnage of 2005 (where sixty Balmiki houses were set afire); the lynching of five Dalits in Jhajjar in 2003. It's an everyday war against Dalits in Indian villages, as Dr Ambedkar said.

Outside the khap panchayat, several Jats confronted the FF team. Arjun Singh, a young Jat advocate said: "Please make sure you write that the Dalits set fire to their own homes for the sake of compensation. These *dheds* will kill their own for the sake of money." The brazen and defiant attitude of the Jats indicates that they have thrown an open challenge to the district administration.

## **Our Demands**

- 1. Immediate arrest of the 14 absconding culprits named by Karan Singh in the FIR.**
- 2. Immediate suspension and initiation of criminal cases against Deputy Commissioner and Superintendent of Police of Hisar District for allowing the illegal Khap Panchayat of Jats on 24 April 2010 in the premise of the Animal Husbandry Department (Pashupalan Vibhag) at Mirchpur Village.**
- 3. Immediate alteration of sections in FIR and Include Sections 3(1)(x); 3(1)(v); 3(2)(iii); 3(2)(v) of SC & ST (PoA) Act and initiate legal proceedings against official not registered the case under appropriate section under section 4 of PoA Act as per the advisories issued by Ministry of Home as well as Ministry of Social Justice and Empowerment.**

4. **Registration of case against SHO and Tahsildar under Sec 4 of PoA Act, which specifically deals with the negligence and dereliction of duties on part of the officials in carrying out their duties.**
5. **A Fast Track Court should be set up at the earliest.**
6. **Special Public Prosecutor should be appointed and be supplied with the necessary details of the case without any further delay.**
7. **Proper estimation of damages (physical as well as psychological) inflicted on Dalits and relief and rehabilitation package should be announced without any further delay.**
8. **The State Government and also the District Administration should ensure justice to Dalits are provided immediate compensation, relief and rehabilitation. As top priority, their security should be ensured and reprisals should be prevented.**
9. **Long-term preventive action and peace-building measures should be initiated by the police; there should be special emphasis on sensitization workshops for the police at all levels on discrimination against Dalits.**
10. **Since many Dalits are anyway landless in Mirchpur, and have sought relocation, in the long term the government must consider resettling Dalits and give them cultivable land and other resources of employment.**
11. **The state government has promised a job for one person in the deceased Tara Chand's family. This rehabilitation must in fact be extended to all 18 Dalit households which have been burnt down. While there are said to be over 200 government school teachers from the Jat community in the village, none of the Dalits have found similar employment.**

## ANNEXURE

### NDJM-ANHAD FACT FINDING REPORT ON MIRCHPUR VIOLENCE

#### TESTIMONIES AND PHOTOS

1. SURESH S/O OF CHANDER SINGH. Owned a general store. Shop is completely burned along with the goods inside. His shop was constructed in the veranda of the house with its entrance facing the lane. In Chander Singh's house most



of belongings – clothes, TV, cooler, and refrigerator, furniture – were charred.



2. PHOOLKALI DEVI: Chander Singh's wife Phoolkali Devi said jewellery worth Rs. 25,000 and cash of Rs. 50,000 were looted. These belonged to her daughters-in-law and partly for her daughter's wedding. On the first floor nine people, including children and women were hiding in a small room. The arsonists set it afire. Fortunately, they were rescued. Only the husband and wife are in the village, daughters-in-law and children have been sent away.



3.

2. RAM NIWAS S/O RAJMAL: Bed and TV were destroyed. Except mother named Sona no one else from the family is in the village. Children and the daughter-in-law fled the village in fear.

4. RAMPHAL S/O RAJMAL: One-room house. Roof fell down after burning. Food grains were burnt, along with all the belongings.
5. RAM NIVAS S/O RAJMAL: House was gutted. Bed, TV burnt down, jewellery looted.



6. JAGPAL S/O OF VIR SINGH: One portion of the house is fully charred. His marriage was to take place on 28 April 2010. In that portion of the house, goods gathered for giving away as dowry were burnt. This included, two beds, two sewing machines,

jewellery, bari ka kapda, suits for marriage, 2 beds, 4 chairs, Dholak, Mike, and other musical instruments used in Satsang. Loss is estimated to be about Rs 5 to Rs 6 lakhs.



Thousands of bangles were charred. They use to sell bangles. The rest of the family had to run away with small children and daughters.



7. DHOOP SINGH S/O RATAN SINGH: He ran a General Store. Dhoop singh was beaten up badly. One hand and one leg were fractured. The house was gutted and we could only see burnt fans and some

other metal items. Entire house is charred. Roof of one portion has fallen down. Nobody from the family was in the village. They have perhaps fled the house for temporarily. He also had two shops which he had given on rent: a Chemist Shop and a Barber's Shop constructed on the

premises of the house. The barber shop was hired by SANSAR s/o Om Prakash, while the chemist shop was run by BITTU s/o Inder Singh.

8. SUSHIL KUMAR s/o SURTA RAM. The house has been looted and destroyed. One bed and TV were broken.
9. MAHAJAN S/O PALA RAM: House has been looted; utensils are spilled on the ground. No food grains.



10. DILBAG S/O RAMPAT AND ARKESH S/O DHANPAT: They had evacuated their homes. They were leaving in a truck when we met them. They said they had no faith in the police and were afraid to

live in Mirchpur any longer.

11. JAGDISH S/O RUPA – Cash worth Rs. 10,000 and Rs. 1 lakh worth jewellery



belonging to daughters-in-law was looted.

12. SURTA S/O SANTU RAM: Thatched roof fell down and the entire house was charred. There was nothing left.



13. DILBAG SINGH S/O GULAB SINGH: Gulab Singh is a Chowkidar in the village. He is injured and still in hospital. A mattress and other belongings were burnt. Large number of bangles was burnt down. Women did maniharis

work. The house was looted.

14. PREM S/O PRATAP



Two chairs and two beds were burnt down

15. 60 years old Tara Chand and daughter Suman were burnt alive to death. Suman was a physically challenged girl and hence could not escape , Tara Chand was locked inside the room and could not escape from the fire.



Tara Chand was burnt in this room where motorcycle belonging to the household was also fully damaged.



Suman, aged 17, was burnt here. Since she was polio affected, the government had given her a tricycle which lay outside the house.