

## **Bathani Tola Massacre victims denied justice**

The Patna High Court on April 16, 2012, set aside a death sentence and life imprisonment decision promulgated earlier by the Bhojpur Court. The Patna High Court virtually overturned a May 2010 trial court judgment in Ara that had sentenced 23 people to the death penalty for the carnage in which 21 Dalits were killed by Ranvir Sena on July 11, 1996 at Bathani Tola in Bhojpur district.

On July 11, 1996, the bloodthirsty killers of Ranvir Sena brutally massacred the innocent people of Bathani Tola in Bhojpur district, Bihar. Twelve women and eight children were murdered in cold blood on that fateful day. The abdomen of a pregnant woman was slit open. A little infant's tongue was cut off before the tiny tot's head was chopped off with a sword, and another little baby's fingers were severed from his hand. A new-born baby, cringing in its mother's lap, was butchered with a sword, and their hut set ablaze. A girl in the prime of her youth was raped and her breasts chopped off before she was put to death. Among those injured, two little children lost their fight for life.

The brutality was staged in broad daylight around 2 pm, with old and young, men, women, and even children being massacred, but police and the authorities took several hours to reach the place. People knew that their protection was not possible if they depended on other people for it, and had thus already fled the village. No one can contradict the fact that such degree of brutality is unprecedented in the history of independent India.

Ajay Singh was charged with brutally killing 10-year-old Phool Kumari, Manoj Singh was charged with the murder of the three-month-old daughter of Naimuddin (one of the prime eyewitnesses) and Nagender (alias Narendra Singh) was charged with slaughtering two women, Sanjharu and Ramratiya Devi. They were sentenced to death by the district court. But they have been let free by the Patna High Court.

The Patna High Court's acquittal of the 23 people accused of the Bathani Tola massacre of 21 Dalits in 1996 is not only shocking but a complete miscarriage of justice. Patna High Court's judgment shocked all who trusted the rule of law and impeccability of higher judiciary. The High Court's judgment is technical when it says that there was no evidence. But the fact cannot be denied that Bhumihars are a powerful caste that not

only own land but also control the politics in Bihar, and they have the support of law enforcers, the so-called intellectual lawyers and journalists.

The conflict began when CPI (M-L) began organizing agricultural laborers to demand the statutory daily minimum wage of Rs. 30.75 (US\$0.77). Landowners were only willing to pay Rs. 20 (US\$0.50). CPI (M-L) members convinced laborers to refuse employment at that wage and called for an economic blockade against landowners. The Dalits have been fighting for their land rights and minimum wages for working on the land of these feudal landlords, much to their discomfort. The Ranvir Sena was founded by the dominant-caste Bhumihars (landlords) in Belaur village, Bhojpur district, in 1994 with the objective of protecting the crumbling edifice of feudalism from the fury of the revolutionary movement of poor peasants of Bhojpur. Since its inception, the Ranvir Sena has been implicated in killings, rapes and lootings in the villages of Belaur, Ekwari, Chandi, Nanaur, Narhi, Sarathau, Haibaspur, Laxmanpur-Bathe, Shankarbigha, and Narayanpur. On April 22, 1996, the Sena gunned down five members of a marriage party in Nanaur village. Sena chief Brahmeswar Singh, who faces charges in 22 criminal cases for murder and massacre, killing over 277 persons, was arrested in 2002, but is now out of jail. The state of Bihar does not bother to take the cases against him further and hence, Singh remains free even today.

What kind of evidence does the court want? There is direct evidence and there is indirect evidence. Media focus has always helped issues not only in getting them highlighted but also in taking them to logical conclusions. When a Delhi court released the accused in the Jessica Lal Murder case, the Times of India front-paged the story with 'No one Killed Jessica,' and so inspiring was this headline that a Hindi film was also made on that line. Today, we do not find newspapers screaming on the issue of the acquittal of the Bathani Tola massacre. There are no TV panel discussions or front-page news analyses of the incident. This reflects the society that we are in India, with high levels of prejudice and where the lives of Dalits are paid very scant respect and deaths of landless Dalits do not make headlines. Disappointingly, this time, the higher court has given space to the power elite to breathe, despite their foul play. But, one can only hope that the apex court will definitely not allow this miscarriage of justice and pull up the state apparatus of Bihar for their negligence in duty and providing evidence.

Is it not ironic that the investigation process was delayed under the pretext that none of the relatives of the victims, dead or alive, have registered an FIR against the accused?

Many political leaders in Bihar had tacitly supported these goons to influence the powerful Bhumihar vote on their side. These grave facts reflect the pattern of Indian law and workings of the investigating agencies. In massacre and brutality cases, there is urgency for investigation, and not waiting for an FIR, as vital evidence will be either erased or wiped out. Besides, how can one expect the people who have been threatened, frightened and finally killed, to file cases against the murderers?

The Bathani Tola massacre and the government response to it is a living example of how Bihar, the centre of democratic movement, is being converted into the graveyard of democracy. If the state government fails to take immediate steps, then it is sure that Bihar is again getting ready for a new form of bloody caste war. The media has played very well to ignore the issues of justice and fair play. The Bihar government must not play politics with this heinous crime against humanity and immediately prepare a strong case in the Supreme Court to bring justice to the people of Bathni Tola.

We appeal to all progressive, democratic, socialist organizations and people to come together in this struggle for democracy and take it forward. We demand that the administrative officers responsible for the Bathani Tola massacre be punished. If we fail to win this battle, the Dalits in Bihar will have no protection, as there is no one who will stand up for Dalits who are in more vulnerable conditions.

(Tamil Nadu Dalit Women's Movement (TNDWM))