VIOLENCE AGAINST DALITS

SHABBIRPUR VILLAGE, SAHARANPUR DISTRICT, UTTAR PRADESH

05 MAY 2017

Fact Finding Report by:
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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

Incident:

On 14th and 15th May 2017, the National Dalit Movement for Justice (NDMJ) of National Campaign on Dalit Human Rights (NCDHR) facilitated a high level national fact-finding visit including leaders and activists from across the country to Shabbirpur village in Uttar Pradesh, Saharanpur district. This fact-finding was prompted by violence on 5 May 2017 in Shabbirpur in which at least 12 Dalits were seriously injured and up to 55 houses were set on fire, ransacked, and looted after attack by the dominant “Rajput” community. The violence broke out when members of the Rajput community from Shimlana village took out a music-filled procession to commemorate the birth anniversary of Maharana Pratap. When the parade was passing through the predominantly Dalit village of Shabbirpur, the Dalit residents objected to the allegedly raucous celebration, triggering an exchange of heated words. Initially, the local police intervened to stop the procession and move it out of Shabbirpur. Unfortunately, the halt was only temporary. It erupted into violence as Rajput’s from neighbouring villages gathered numbering approximately 2000 as per accounts of both the villagers and administration, entered Shabbirpur armed with swords and allegedly firearms, and set Dalit houses on fire (fuller details below).
The objective of the fact-finding was to ascertain what took place on 5 May 2017 in Shabbirpur village, including the immediate triggers for the violence, sequence of the events, the nature of the violence, and the response of the police and administration. Through the team’s interactions, we were able to discern underlying reasons for the breakout of violence, linked to continuous discrimination of the Dalits by the dominant caste community.

The fact-finding team was made up of 26 individuals and civil society organizations from the states of Himachal Pradesh, Punjab, Maharashtra, Rajasthan, New Delhi and Chhattisgarh. The team spent two days – 14 and 15 May – in Saharanpur. Being a large team, we were able to split up into four small groups to visit Shabbirpur and other neighboring villages as well as the district hospital. On 14 May, the team visited the following villages: Shabbirpur, Maheshpur, Sadak Dudhli, Ram Nagar, Nazirpura, Halalpur, Ambethachand and the district hospital (Baldeo Das Bajoriya). On 15 May, the team met the District Magistrate and the Senior Superintendent of Police (Saharanpur district).

A. About Saharanpur and Village Shabbirpur:
Saharanpur district is the northern most district of Uttar Pradesh state, India. Bordering the states of Haryana, Himachal Pradesh and Uttarakhand, and close to the foothills of Shivalik range, it lies in the northern part of the Doab region. Saharanpur is around 180 kilometers away from Delhi. It is primarily an agricultural area. The district headquarters are in Saharanpur city and it belongs to Saharanpur Division. Other principal towns are Behat, Deoband, Gangoh and Rampur Manihar. Shabbirpur village is situated around 26 kilometers from the district headquarters.

There are around 2400 voters in Shabbirpur village. Out of this 800 people belong to the Rajput community. Around 550 belong to the Chamar community, 350 belong to the Kashyap community, and 150 belong to the Brahimin community. 125 belong to the Balmiki community. The other castes includes Jogi, Bhatt, Sunaar, Baniya etc. The village has one primary school dominated in large part by children from the Dalit community.

Shabbirpur is predominantly an agricultural village with most of the agricultural fields belonging to the dominant caste Thakur community. Among the Dalits, around 25 to 30 families own agricultural fields. Most of the Dalit families work as daily laborers in the agricultural fields of the Thakur community. They are mostly dependent on the Thakur community for their livelihood. The caste-based feudal society still exists in surroundings of Saharanpur, as in the whole of northern India. Caste system and Untouchability practices exist in Shabbirpur and surrounding villages of Saharanpur. In Budhakheda Pundir village, a Dalit girl was not allowed to fetch water from the
government owned hand pump. She was beaten mercilessly. A Dalit woman escaped from a bullet shot in village Rankhandi after she refused to cut the sugarcane from the field. In Shimlana village a Dalit women was paraded naked and beaten up in a Panchayat organized by Rajputs. In Dariyapur village a Dalit groom was not allowed to mount a horse during the marriage procession.

B. The Trigger and background of the Incident:

1. A majority of media reports so far have carried a particular version of the lead-up to the violence on 5th May, saying tensions started brewing because of a dispute over erecting a Baba Saheb Ambedkar Statue on 14.04.2017. This only provides an explanation for the immediate triggers, but it neglects the overall context. The overall context, which needs attention to really understand the underlying reasons for the violence breaking out on the 5th, is that the Dalits still face “Untouchability”, discrimination and atrocities especially as they struggle for their rights and entitlements in all spheres of life. This is in addition to their struggle for dignity and self-respect. Very few cases catch the attention of the media and slowly disappear into the everyday reality of Dalits. This is a big blow on the development of Dalit communities as they are opposing suppression and exclusion and all forms of violence against them. Therefore, the issue of discrimination also needs to be seen as a root cause.

2. The Dalits in this particular village with the vision of Baba Saheb Ambedkar have struggled to be empowered in all spheres of lives. It is to be noted that Mr. Shiv Kumar, a Dalit, won the elections to the post of village pradhan (Village President) in 2015, even though it was a general seat and not a reserved one thus trying to empower themselves politically. Dalits in the village are also empowering their children with education. The socio-economic empowerment of Dalits in this village and neighbouring villages is seen as a big blow on the hegemony imposed over Dalits by the feudal forces for long.

3. On the other hand the team discovered that even on earlier occasions, hatred was being incited between communities, leading to communal polarization and violence against Dalits and Muslims. For instance, in the lead up to the 2013 Muzaffarnagar riots, isolated events sparked tensions between Hindus and Muslims and these were deliberately stoked by dominant caste feudal forces to split communities and target the Muslims in communal violence. And now, the dominant upper caste feudal forces have started unleashing attacks on Dalits. Many of the people we spoke to feel this is a reaction to the upward movement of the Dalits in Saharanpur.

4. Within two months of BJP-led government coming to power in Uttar Pradesh,
police incited tensions. On the pretext of “Ambedkar Shobha Yatra” in April, Mr. Raghav Lakhanpal, Member of Parliament, Bhartiya Janta Party, tried to take the Shobha Yatra through Sadak Dudhli village, an area mostly dominated by Muslims. The Senior Superintendent of Police (SSP), Saharanpur, Mr. Love Kumar denied the permission for the Yatra to be taken through the Muslim majority area. But the supporters and activists led by Mr. Raghav Lakhanpal attacked the SSP’s house. Despite permission being denied by the SSP, the Shobha Yatra was taken through Sadak Dudhli and a communal conflict erupted in the area. The SSP registered two FIRs in relation to the violence, one of which was against the BJP MP for rioting and obstructing a public servant from carrying on official duty. Immediately after, the SSP was transferred from Saharanpur.

5. Dalits of Shabbirpur and other villages kept themselves away from this communal polarization and being used for any sort of political benefits arising out of the above incident. The team discovered that the Dalit community of Shabbirpur village are ideologically strong and follow the vision of Baba Saheb Ambedkar of a society free from caste and Untouchability. The present incident has to be understood in the above context. Thus, there is a strong feeling among the Dalits that the upper caste feudal sections who are suppressing Dalits in all spheres of their lives are unable to see the overall development of Dalits.

6. The Dalit youth and youth following the Bhim Army movement of Shabbirpur village wanted to put up a statue of Baba Saheb Ambedkar on a 6 feet platform inside the Ravidas temple (temple belonging to Dalit community) of village – Shabbirpur, Saharanpur. But the dominant caste community, the “Rajputs”, objected to this and did not allow erecting the statute of Baba Saheb Ambedkar on the pretext that there was no sort of permission granted for this from the administration.

7. After this incident, the “Rajputs” announced that they would organize a Maharana Pratap procession on 05.05.2017. Dalits of Shabbirpur village opposed this on the same pretext that this procession too did not have an administrative permission and they cannot take out the procession from the village.

8. On 5 May 2017, on the occasion of Maharana Pratap Jayanti, a gathering of the Rajput community was organized in the nearby Shimlana village of Saharanpur. The permission had been taken for a programme at Maharana Pratap Memorial Inter College in Shimlana, 5 km from Shabbirpur. Rajputs from different parts of the region participated in this programme and planned to take out a Maharana Pratap procession en route to the college venue, for which there was no permission from the administration. Noticeably, Mr. Suresh Rana, Minister in the
UP cabinet along with BJP MLAs, namely Mr. Kunwar Brijesh and Nakli Singh, Member of Zila Panchayat from Saharanpur and other places, gathered for the Shimlana programme. The villagers also revealed that one of the accused in Phoolan Devi murder case, Mr. Sher Singh Rana, was being facilitated in this programme.

9. While narrating the incident, Dalit villagers of Shabbirpur told the team that the Rajputs deliberately took a procession towards Shimlana village, passing through Shabbirpur village and that also near the Dalit settlement. The Rajputs were playing loud DJ music and shouting slogans such as “Jai Sri Ram” and “Ambedkar Murdabad”. When Dalits of the village asked for permission papers to be shown for playing loud music and taking out the procession, Rajput community started attacking the Dalits who retaliated by throwing stones.

10. The Superintendent of Police, Saharanpur, was called and the DJ was stopped. The procession left the village with the intervention of police officials. But the Thakurs took offence to the Dalits stopping the DJ and calling the police to stop the procession.

11. Some of the assailants flashed this news to the Thakurs who had reached Shimlana. By then false rumours were spreading that one or two Thakur youth had been attacked. Through social media and mobiles, Thakurs in Shimlana got the news of the clash with Dalits in Shabbirpur. They converged on the village Shabbirpur in a mob of thousands. The fact that such large numbers were able to assemble so quickly does suggest that this very rapid mobilization was perhaps prompted by advance planning. It is precisely factors like this which need to be examined by the police investigation.

12. What followed for the next few hours was selective and targeted burning of 55 houses of Dalits of Shabbirpur village. Before the Thakurs set the houses on fire, they looted—jewels, cash, clothes and whatever they could lay their hands on. Wherever possible, things were stolen. Everything has been gutted. The mob was armed with swords, spears, lathis, iron rods, kerosene/petrol, and clearly had a plan of teaching the Chamar community a lesson in subjugation. All the houses, and crop stored in front of houses were burnt. Everyone present in the area were attacked with swords. The villagers told us that the upper caste goons while attacking the Dalits shouted “Ambedkar murdabad”, “Jai Shri Ram”, “Sarkar Hamara Hai”, “Police Prashasan Hamara Hai” (the police and government is ours) when Dalits called the police. They attacked, burnt and destroyed 55 Dalit homes, burnt 11 motorcycles and two handcarts. They also attacked the buffalos and cows of the Dalits who own livestock.
13. The Ravidas temple situated in the midst of the Dalit settlement was attacked by the mob and the Ravidas statue was broken. It is to be noted that some of the assailants urinated inside the premises of the Ravidas temple to defile this revered site of the Dalit community.

14. Several Dalit women in the village complained that the assailants sexually harassed them. Many of the assailants pulled down their pants, flashed their genitals at them, and made obscene gestures. Women told the team that a group of assailants tried to cut off the breast of one Dalit woman, whose sister in law intervened to protect her and herself suffered injuries on her lower back. Both were still hospitalized at the time of the fact-finding.

15. The police failed to prevent, and then contain and stop the violence. Many villagers stated that police officials were present and took no action against the attacking mobs. The police’s account, through the present SSP of Saharanpur, is that they did not anticipate violence would break out after the procession exited the village, and it took them by surprise. The SSP claims that as soon as he was informed that mobs had gathered in thousands and were moving into Shabbirpur, he called for reinforcements from the neighbouring police stations. But it took them more than an hour to reach, and by then the violence was full-scale and the police was also heavily outnumbered. Peoples’ accounts are that the fire brigade and ambulance arrived, but were stopped by the assailants.

16. The mob after the carnage in Shabbirpur went on to Maheshpur village and ransacked and destroyed 5 shops on the main road. All of these shops are owned by Dalits.

17. The fact -finding team found that other than the one person, belonging to Rajput community, who died as a result of asphyxiation as concluded in the post mortem report, the 13 injured who were admitted in the District Hospital are all Dalits and all have received sword injuries. One of the injured Satya Kumar, who is the village Pradhan’s son, is critical. Other than the Dalits, houses belonging to one Balmiki family and one Dheemar family were also destroyed in the attack. No Thakur home has been destroyed.

C. Serious Failure of the Administration:

The following facts listed below indicate complete failure, and connivance at worst, of the district administration to prevent, contain and stop the violence.

- Trouble had been brewing in these areas since April in relation to Ambedkar Jayanti, and yet, the police did not take adequate precautionary measures.
Despite the UP Police registering an FIR against the BJP MP, the political leader and his supporters have not yet been arrested. Instead, SSP Love Kumar, who registered the FIR against the MP, was transferred out immediately thereafter.

- UP Police also did not take any of the preventive measures allowed under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act 1989, as amended in 2015 (hereafter the POA Act) and the accompanying Rules (1995), such as recommend removal of a person likely to create unrest from a particular area for a specified period of time (Section 10(1), 1989 Act), consider revoking arms licenses and seizing illegal fire-arms of the Thakurs with a view to ensure safety (Rule 3(1)(iii and iv)), or set up vigilance and monitoring committee to closely monitor situation on the ground (Rule 3(1)(vii)). These measures may have helped contain violence.

- Knowing that tensions were high post-April and that an event to commemorate Maharana Pratap Jayanti was being held in the Maharana Pratap Memorial Inter College, the administration should have taken all needed steps to ensure that the event in the college premises does not spill over into any surrounding villages, including any procession whatsoever. It is of serious concern that BJP leaders were present at the college programme as it escalated into a procession. The police was not deployed in adequate numbers and failed to ensure security. As a result, when the situation got out of hand, and the mob turned violent, the police found themselves heavily outnumbered.

- A Dalit woman, whose shop was burnt and who was attacked by the mob, shared that when she and her brother went to the police station to register an FIR, the police ill-treated them and told them to wait while hurling casteist abuse (although eventually the police did register the FIR). Hurling any kind of abuse by caste name, even by a public servant, is an offence under the POA Act. UP Police must investigate the delay and circumstances under which the FIR was registered, and hold concerned police officials found guilty of abusing their authority and insulting Dalits by caste name to account.

- The team reviewed some of the FIRs registered on the side of Dalits in relation to the attack. The team found several important sections of the POA Act missing in the FIRs. These were brought to the attention of the Senior Superintendent of Police.

- After the violence of 5th May 2017, some of the Dalit youth called for a meeting at the Ravidas Hostel on 09th May 2017 to demand justice for the
Dalit victims. The meeting was stopped in the name of law and order. Later when Dalits gathered at Gandhi Park demanding justice and rehabilitation and compensation, the police lathi charged the peaceful gathering.

The administration have also started to come heavily on the activists and leaders of Bhim Army, an organization of Dalit youths in the area working for the rights of Dalit community. Several false charges have been filed against the founder member of Bhim Army, Mr. Chandrashekhar Azad. Several Dalit youths have been arrested and put behind bars in Saharanpur District Jail. It is to be noted that while arrests from the Thakur community for provocative social media posts is being carried out under the Information Technology Act 2000, the arrest of Dalits for the same action is being considered under security laws such as the National Security Act, 1980.

- The villagers also revealed that many of the Dalits branded as anti-social elements are merely arrested because of a Facebook post condemning the attack on Dalits in Shabbirpur. But villagers also told us that the main masterminds and those who led the carnage have so far been not arrested.

- The scale of police negligence suggests total apathy towards the Scheduled Castes in the region. It is no surprise that Dalits from the village have no faith in their own police to protect them from such atrocities, and are deeply suspicious of the collusion between dominant castes and the administration in general.

D. Key observations of the fact-finding team:

- In view of the sequence of events on 5th May, particularly the quick mobilization of large numbers of heavily armed Thakurs, it can be concluded that the violence may have been pre-planned by the Thakurs. The serious issue of the level of involvement and complicity of BJP political leaders must also be probed. All of this needs to be objectively pursued in the police investigation to go towards who was involved in motive, planning and intent. The administration, in particular the police, failed on serious counts to prevent, contain and stop the violence. In the section above, we have identified ways in which these serious lapses must be identified, followed by the legal actions that can be taken against public servants for acts of both negligence and complicity. It is imperative that this larger process of accountability of the police and administration is not diluted or delayed and immediately put into motion.

- Visible accountability is the only way that the total loss of faith of the Dalits in the administration can begin to be addressed. In fact, Dalits believe there is complete collusion between the Rajput community, and the district police that is dominated
by Rajputs. Many Dalit families have left the village and those left behind are demanding resettlement in a place where they will feel safe. This immense trust deficit of the Dalit community must be addressed through tangible immediate and long-term measures by the police and administration.

• Lastly, the larger background of a resurgent Dalit community, which is moving ahead politically, socially and economically, and the resentment of dominant castes of this forward movement cannot be ignored, particularly for any long-term lasting peace. This must be acknowledged and ways must be found to address it going forward, with the involvement on an equal footing of all communities involved.

E. Recommendations:

a) Immediate alteration of sections in FIR and Include Sections 3(1)(r), (s), (t), (u), (v), (w)(ii) & 3(2)(iii)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act 1989 as amended in 2015 and initiate legal proceedings against the concerned officials for not registering cases under appropriate sections under Section (4) of the POA Act as per the advisories issued by Ministry of Home as well as Ministry of Social Justice and Empowerment.

b) Prompt identification of the main assailants of the violence through investigative steps and their immediate arrest once identified.

c) Take urgent steps to locate and arrest absconding suspects named in the FIR.

d) Immediate suspension and initiation of criminal cases against previous Deputy Commissioner and Superintendent of Police and other police officials of Saharanpur District for not taking any precautionary measures, despite the tensions prevailing since mid-April 2017.

e) Registration of case against the SHO and Tehsildar under Section (4) of the POA Act.

f) UP Police to institute a comprehensive inquiry into the performance of all concerned units of Saharanpur district police to identify all acts of negligence, complicity and/or violation, particularly against its duties in the POA Act.

g) Cancel arm licenses of the Rajput Community, their near relatives, servants or employees and family friends and get such arms deposited in the Government
Armory as per Rule 3 (1) (iii) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Rules 1995.

h) With a view to ensure the safety of Dalits, provide arms licenses to the members of Dalits in the village as per Rule 3 (1) (v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Rules 1995.

i) In order to maintain law and order situation, the state government shall take measures to remove all the assailants belonging to Rajput community to beyond the limits of the area and not to return to that area for such period as directed as per the provisions of Section 10 (1) of the POA Act.

j) The investigation should be completed within 60 days as per Rule 7 (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Rules 1995 and charge sheet shall be submitted to the Exclusive Special Court within the stipulated time frame of 60 days.

k) Special Public Prosecutor of the victim’s choice should be appointed by the administration as per the Rule 4(5) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Rules 1995 without any further delay.

l) All provisions of Section 15A of the POA Act related to the “Rights of Victims and Witnesses” should be followed by the state government and in specific the Dalit victims of the village shall be allowed to take assistance from NGOs, social workers or advocates.

m) A thorough survey and estimation of damages (physical as well as psychological) inflicted on 55 Dalit households must be carried out immediately.

n) The state Government and also the District Administration should ensure justice to Dalits is provided with immediate compensation, relief and rehabilitation taking into consideration the damages and livelihood loss. The shops belonging to Dalits, which were damaged, to be re established as top priority.

o) Long-term preventive action and peace-building measures should be initiated by the state government and the police. There should be special emphasis on sensitization workshops for the police at all levels on discrimination against Dalits.

p) The UP Police must review measures to vastly improve its compliance with the POA Act, accompanying Rules, and all central government advisories.
q) Since many Dalits are landless in Shabbirpur Village, and have sought relocation, in the long term the government must consider resettling Dalits and give them cultivable land and other resources of employment.

Fact Finding Team Members: (In alphabetical order)

1. Mr. Ajit Kumar Yadav, State President, Swaraj Abhiyan, Uttar Pradesh.
3. Mr. Ashok Bharati, Chief Advisor, National Confederation of Dalit Organizations (NACDOR), New Delhi.
4. Mr. Ashok Chaudhury, All India Union of Forest Working People (AIUFWP), Saharanpur, U.P.
7. Mr. Daulatram, Director, Bhartiya Jan Seva Ashram, Badlapur, Jaunpur, Uttar Pradesh.
8. Ms, Devika Prasad, Commonwealth Human Rights Initiative (CHRI), New Delhi.
11. Mr. Gopal Ram, Senior Social Activist, Jaipur, Rajasthan.
12. Mr. Himanshu Kumar, Social Activist, Chhattisgarh.
14. Mr. Kamal Kumar, Social Activist, Mujjafarnagar, Uttar Pradesh.
15. Mr. Kamalchand Kispotta, Policy and Advocacy Officer, National Dalit Movement for Justice- NCDHR, New Delhi.
17. Mr. Lalit Babar, Senior Social Activist, Maharashtra.
21. Mr. Ram Kumar, President, Dynamic Action Group, Luckhnow, Uttar Pradesh.
22. Mr. Ramdular, Advocate, Lucknow High Court, Lucknow, Uttar Pradesh.
23. Dr. Ramesh Nathan, General Secretary, National Dalit Movement for Justice-NCDHR, New Delhi.
24. Mr. Sanjay Kumar Associate Programme Coordinator, National Dalit Movement for Justice-NCDHR, New Delhi.
25. Mr. Sukhdev Vishwapremi, Director, Centre for Mountain Dalit Rights, Palampur, Himachal Pradesh.
26. Mr. Virender Kumar, Director, Gyan Ganga Samiti, Saharanpur, Uttar Pradesh.

Fact Finding Team met following Dalit victims apart from some of the members from Rajput community and Muslim leaders:

1. Mr. Amar Singh
2. Ms. Balbutri
3. Mr. Agni Bhaskar
4. Mr. Bhopal
5. Mr. Shabkaur
6. Mr Shyam Singh
7. Mr. Dal Singh
8. Mr. Rohitash Singh
9. Mr. ShivRaj
10. Ms. Santosh
11. Mr. Neeraj
12. Roshan Singh
13. Ms. Preeti
14. Ms. Parli
15. Mr. Inderpal
16. Master Ajeet
17. Ms. Urmila
18. Mr. Anil
19. Mr. Ajay
20. Mr. Akash
21. Mr. Satpal

(All resident of Village Shabbir Pur, Saharanpur)

**District Collector:** Mr. N.P. Singh, Saharanpur

**Senior Superintendent of Police:** Mr. Subhash Chand Dubey.

*(Note: During the visit of Ms. Mayawati, B.S.P leader, on 23.05.2017, a Dalit youth being killed and many were seriously injured. Certain upper caste elements launched these attacks on people returning from a meeting addressed by BSP leader Mayawati. These attacks have come in the wake of the earlier assaults on Dalits in Shabbirpur on 05.05.2017. After this incident the above-mentioned District Collector has been transferred and the Senior Superintendent of Police has been suspended on 24.05.2017).*
Pictures of damaged houses – Shabbirpur Village, Saharanpur, U.P