

FORBESGANJ FIRING

## Policemen Always Open Fire in ‘Self-Defence’

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IN THE SO-CALLED BIGGEST democracy of the world policemen and para-military forces always open fire in self-defence. So said the Bihar Police Authorities after the Forbesganj firing. But eye-witnesses tell a different tale exposing the police version of the firing incident.

The villagers of Forbesganj block in Araria district are very poor, they are jute mill labourers.

On 3rd June 2011, residents of Rampur and Bhajanpur villages under Forbesganj block in Araria district came out, after Juma Prayer, to protest against blockade of the connecting road between the two villages for a factory. Villagers were protesting the blockade of a road that connects the village to the Idgah karbala and market by a private company, Auro Sundaram, owned by the son of the local BJP councillor, Ashok Agarwal.

The police not only opened fire on the protesters but chased them and entered their homes, killing among others a woman and an infant at point-blank. Six people including two women and a six-month-old infant of the two villages of 90% Muslim populated area were killed. TV news channels showing policemen jumping over the bodies and indulging in brick batting with the mob exposes the brutal face of the police. All the victims have got bullets on head, face, neck, chest and abdomen. This clearly tells that the police opened fire on them intentionally to kill but not just to terrorize them. There are burnt marks around the bullet holes, evident that they were killed pointblank. Moreover, video clip shows bullet marks on walls and windows of homes.

The order to fire was allegedly given by the SP Garima Mallik. Ashok Agarwal, MLC of BJP, Saurabh Agarwal, Ashok Agarwal's son and Managing Director of the Auro Sundram International Company were present on the scene when firing was ordered.

On May 29, 2011 Sushil Modi, Deputy CM and local BJP MLA had come to Forbesganj and had pressurized the administration to take immediate action regarding the village road and block it.

Rampur and Bhajanpur villages (90% Muslim populated areas) had an old connecting road. For last some time they were using the NH 57 but after it was converted into a four-lane road and a flyover was constructed over it, the villagers stopped using it due to high traffic and accidents and returned to their old road.

Meanwhile, the land between the two villages including the road was given to a company Auro Sundaram International Company by Bihar Industrial Area Development Authority to set up a Glucose factory.

The villagers demanded that their road should not be disturbed. Or they should be given alternate road. But none heeded to their demand. However, of late some talks began between the villagers and the company officials with the mediation of the district administration. There was a meeting on Wednesday (1st June 2011) between the company officials, administration and villagers.

They agreed on a road but next day (on Thursday) the company turned back and started blocking the road. The news spread like wildfire and next day (on Friday), hundreds of people of the area came out protesting after Friday prayer. They demolished the portion blocking the road. Senior officers including SP reached the site. Police fired on the protestors. They chased them to village, entered their homes and killed people including women and infants.

After much pressure from opposition and members of the Muslim community, the government though announced a probe into the firing on 7th of June but is yet to declare who will head the probe.

The government in a selective decision announced an ex-gratia amount of Rs 3 lakh to the father of the 10-month baby boy Naushad who was killed in the firing.

On 11 June, the Chief Minister ordered the removal of Forbesganj sub-divisional police officer R K Sharma for ""dereliction"" of duty.

Government has huge swath of land there. They got it after Bhodan Andolan when many local landlord Muslims donated their land. This is a tragic turn of history that Muslim landlords donated land to the government but when members of the same community today demanded a road they were given bullets.

The police firing was unwarranted without following due process of law which resulted in killing of innocent people. It is a matter of shame for humanity that a six-month-old infant and a five-month pregnant woman were killed in the firing. The reports from the different sources reveal that police killed the people by chasing them to their village and entered into their houses. Police also killed those people who were helping the injured persons.

The victims of police firing registered the FIR against the police officers but no action has been taken yet.

The declaration of the magisterial enquiry is the routine departmental enquiry; nothing comes out of it. So far no policeman was ever punished in the need of such enquiry in any similar enquiries. Moreover, this committee believes that this is unnecessary exercise; in the present case, the cause of the six dead persons killed in the firing is known. The death was due to bullet injuries of the police persons only. When once the cause of death is known and the persons who caused the death is also known there is no necessity to have the magisterial enquiry. The question to be decided in the case is whether the police opened the firing killing six persons only in self-defence or whether it is excessive unplanned unwarranted and voluntary act. Further question to be decided in this case is whether the police who participated in this

firing are entitled in general exceptions under Indian Penal Code. All this can be decided by a court of law, basing on the evidence produced and the trial conducted. For this purpose there must be registration of criminal case regarding the death of those six persons killed in the police firing. Therefore, the police personnel are entitled to produce the evidence and can establish the circumstances that they had to open fire only in self defence. This is the practice to be followed as per law of the land. Hence, registration of crime under section 302 of IPC against the policemen who opened fire is necessary. □□□