

# ORGANISED COMMUNAL VIOLENCE IN BIHAR (March 2018)

Report of fact finding investigation into the  
violence and state's response



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April 2018



Citizens Against Hate

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Citizens Against Hate is a collective of individuals and groups committed to a secular, democratic, caring India. It seeks

to provide practical help to victims of hate crime and to counter, through research, outreach, advocacy and litigation, hate in all its forms.

[www.citizensagainsthate.org](http://www.citizensagainsthate.org)

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*List of abbreviations:*

AMU:	Aligarh Muslim University
BJP:	Bharatiya Janata Party
CAH:	Citizens Against Hate
CD:	Compact Disc
FIR:	First Information Report
IPC:	Indian Penal Code
JD(U):	Janata Dal (United)
MLA:	Member of Legislative Assembly
MP:	Member of Parliament
RJD:	Rashtriya Janata Dal
RSS:	Rashtriya Swayamsevak Sangh
UAH:	United Against Hate
UP:	Uttar Pradesh
VHP:	Vishwa Hindu Parishad

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# PREFACE

This is a civil society report investigating recent communal violence in Bihar and Bengal around Ram Navami festival this year. The report summarises the findings of investigations conducted by Citizens Against Hate and other like-minded groups, into the string of violence that erupted around 25<sup>th</sup> March 2018, with Raniganj and Asansol in West Bengal, and quickly went on to engulf several districts of Bihar – Aurangabad, Samastipur, Nalanda and Nawada, to name a few. Similar violence, around Ram Navami processions and “Veer Hanuman Vijaya yatra” also occurred in Nirmal district in Telengana, and Vadodra in Gujarat. Earlier, Kasganj in Uttar Pradesh had been wrecked by violence around Republic Day<sup>1</sup> and Bhagalpur in Bihar around Vikram Samvat<sup>2</sup> celebrations.

The core of the report is Citizens Against Hate fact finding report, covering the violence in Nalanda, Nawada, Rosera and Aurangabad – districts we ourselves visited, and where we spoke to a cross-section of people, as well as opinion makers and government officials, besides victim families. The report also provides, based on this core, an overview of the violence during the period across Bihar and West Bengal, drawing from fact finding reports by like-minded groups, as well as extensively by media reports.

Media reports – that could have covered the violence better – brought out the common pattern one could see across violence episodes, in how the violence seemed to be manufactured to serve a purpose, and seemed to be meticulously organised and coordinated. It was this facet of the current round of targeted majoritarian violence on minorities, that we were particularly interested in exploring and unearthing. We hope we have done justice to this objective.

For us in Citizens Against Hate, the report serves a useful purpose to document violence and the trends, thus contribute to civil society efforts to count and track hate motivated crime. But it also has a larger purpose, that to use the report as an advocacy tool to start a conversation with individuals and groups interested in human rights, justice, rule of law, and peace and dialogue. The larger goal is to try to craft an alternative narrative to that of hate and difference and also act as watchdogs to ensure the state - ‘the duty bearer’ – deliver its core duty to enforce the rule of law and ensure justice for victims of violence.

Citizens Against Hate  
*Patna, 26<sup>th</sup> April, 2018*

<sup>1</sup> Celebrated to mark the day when India adopted the constitution, 26<sup>th</sup> Jan 1950.

<sup>2</sup> Hindu New Year, added recently to festivals celebrated with a show of strength, through processions

## CHAPTER 1: OVERVIEW

### Organised communal violence in Bihar and West Bengal in recent months

#### Introduction

Ram Navami - the celebration of the birth of Lord Ram, the Hindu god, incarnation of Vishnu, who descended the Earth to show all the path of truth and righteousness, and to ensure the triumph of good over evil - is a festival of celebration. This year, it left in its trail, large scale violence and destruction, stretching through broad swathes of the country. Starting with Raniganj and Asansol in West Bengal (25-03-18), mobilisation around local Ram Navami celebration processions resulted in deaths and injuries and largescale arson of shops and homes in several districts of Bihar – Aurangabad, Samastipur, Nalanda and Nawada. Similar violence, around Ram Navami processions and “Veer Hanuman Vijaya yatra” also occurred in Nirmal district in Telengana, and Vadodra in Gujarat. Earlier, Kasganj in Uttar Pradesh had been wrecked by violence around Republic Day<sup>3</sup> (26-01-18); and Bhagalpur in Bihar around Vikram Samvat<sup>4</sup> celebrations (17-03-18).

Common to all these violence episodes was the use of large processions, by youth belonging to Hindu right-wing groups – the Bharatiya Janata Party (BJP), Vishwa Hindu Parishad (VHP) and particularly Bajrang Dal, the youth wing of VHP – armed with swords, stick and machetes, and guns and country made bombs in some cases; raising slogans and playing songs loudly, derogatory to Muslims, in an attempt to provoke Muslim residents; and targeting Muslim shops, residences, and places of worship. At most places, public celebrations of religious

festivals and national days, in the form of armed aggressive processions targeting the minority Muslim population, was a completely new phenomenon.

The loss of life and property in this round of targeted violence was low (with 5 persons reported killed between Bihar and West Bengal), compared to past cases of what are called ‘communal violence’ in India, with their tens of hundreds killed and largescale destruction of property, mostly Muslim<sup>5</sup>.

Loss to social harmony; the loss of trust by Muslims in the state administration’s ability to protect their life and property; and particularly the feeling of insecurity among Muslims, has increased manifold, coming as this string of violence was, so close to recent attacks on Muslims, again across the country, in public lynchings and vigilantism.

When last counted, 30 Muslims had been killed in provinces up and down the country, in acts by youth groups, calling themselves Gau Rakshak Dals, professing allegiance to the same Hindu rights wing parties. (Citizens Against Hate, 2017). Muslims in India today are a community under siege!

This report summarises the findings of investigation into communal violence in Bihar, also looking at neighbouring West Bengal, around recent Rama Navami festival (2018), conducted by Citizens Against Hate and other like-minded civil society groups, as well as media reports. We ourselves visit-

<sup>3</sup>Celebrated to mark the day when India adopted the constitution, 26<sup>th</sup> Jan 1950.

<sup>4</sup> Hindu New Year, added recently to festivals celebrated with a show of strength, through processions

<sup>5</sup> Among the ones with highest casualties are: Rourkela, Jamshedpur, Kolkata (1964, 2500 killed); Ahmedabad (1969, 512 killed); Moradabad (1980, 2000 killed); Nellie (1983, 1800 killed); Delhi (1984, 2733 killed); Bhagalpur (1989-90, 896 killed); Surat, Bhopal, Mumbai (1992, 1300 killed); Gujarat (2002, 2000 killed); Kandamahar (2008, 38); Muzaffarnagar (2013, 52 killed)

ed Aurangabad, Nalanda, Nawada, Rosera in Samastipur– the sites of the major conflagrations in Bihar. At these sites we spoke to a cross-section of people, as well as opinion makers and government officials, besides victim families. We also made ample use of media reports and reports of fact findings by groups, although these were not plentiful. We also examined legal documents – First Information Reports mostly, but also list of property loss submitted to authorities.

First we provide a snapshot of the incidents by state. Then we catalogue the patterns emerging. First is about the planning and

coordination involved in the violence; second is the use of religious processions as vehicles to provoke and trigger violence;. We then look at the role of Hindu right wing organisations formenting the trouble in these violent episodes, and finally try to shine a light on the role of the administration, trying to understand what their preparation was and whether they did enough, not only to contain the violence but also what efforts the ‘duty bearers’ were making post violence to provide justice and ensure the rule of law. We conclude with a set of recommendations./demands.



## 2. Incidents of Violence around Ram Navami festival, 2018

Box 1: Andhra Pradesh

### Andhra Pradesh

**Incident:** In Nirmal, Telangana, on March 25, miscreants pelted stones and threw colour at Gulzar mosque during the Ram Navami procession. Five people were injured in the violence.

**Actors:** The procession began at a temple and stone pelting started at the Gulzar mosque. The District Superintendent of police said that the procession taken out by a pro Hindutva group began pelting stones inside the mosque and also threw a saffron flag inside.

**State action:** Six activists of Hindu Vahini organisations and 3 Muslim protestors were arrested. A large number of Muslim youth who had collected to protest the pelting were gathered and taken to the police station. While there, two people in plainclothes allegedly beat them up.

**Victims:** A reporter was beaten by the police, alongwith the 5 injured in the pelting.

**Sources:**

*Gulf News* - 28 March 2018 - <https://gulfnews.com/news/asia/india/nirmal-new-addition-to-communal-hotspots-in-telangana-1.2196162>

*The News Minute* - 26 March 2018 - <https://www.thenewsminute.com/article/tension-grips-telangana-s-nirmal-district-miscreants-pelt-stones-mosque-78507>

*The Times of India* - 26 March 2018 - <https://timesofindia.indiatimes.com/city/hyderabad/telangana-cops-resort-to-cane-charge-after-stone-pelting-at-religious-procession/articleshow/63457115.cms>

Box 2: Bihar

### Bihar

On March 17 clashes erupted in Bhagalpur between two communities during an unauthorised procession taken out by BJP, Bajrang Dal and RSS activists. The procession was led by Arijit Shashwat, son of Union minister Ashwani Choubey. Over 35 people including policemen were injured and several shops and vehicles were set afire.

On March 24, a clash broke out in Siwan between two communities following an alleged effort by some people to stop a Ram Navami procession at Hassanpura. Both sides indulged in stone-pelting, three vehicles were burnt. Six people were arrested.

On March 25, clashes erupted in Aurangabad following a stone-pelting incident during a Ram Navami procession. Clashes continued for two days, leaving over 25 people injured and 50 shops gutted. Curfew was clamped in the town and internet services were withdrawn. Police arrested 122 people.

On March 27, in Samastipur, members of two communities clash and a mosque was vandalised in Rosera. Some people forcibly hoist a saffron flag on top of a minaret of the mosque. These incidents took place a day after a slipper was allegedly thrown at a Ram Navami procession. Ten people, including a probationary IPS officer, were injured and three vehicles were set afire. Curfew was imposed. Three people were arrested.

On March 27, in Munger, clashes broke out between two communities after some people protested against a controversial song being played and inflammatory slogans being chanted during an immersion procession of Chaiti Durga. Stones were pelted and shots were fired by both sides at a thoroughfare. Violence spread to several parts of the town. Property and vehicles were set afire.

On March 28, in Silao (Nalanda), there was heavy stone-pelting after a dispute over the route of a Ram Navami procession, and police had to resort to mild use of force besides firing tear gas shells to quell the mobs. More than 20 people, including a policeman, were injured. Fourteen people were arrested.

On March 28, in Sheikhpura, participants of a Ram Navami procession clashed with police after their demand to use a route other than the permitted one in Girhinda area of the district was rejected. Police resorted to lathicharge. An FIR was lodged.

## Box 2: (contd)

There were also communal clashes earlier on March 17th, in Bhagalpur district after Arijit Shashwat son of Union Minister Ashwini Kumar Choubey took out an armed rally shouting provocative slogans through multiple Muslim neighbourhoods.

## Sources:

Catchnews - 29 March 2018 - <http://www.catchnews.com/india-news/ram-navami-communal-violence-3-states-reveal-common-patterns-of-hindutva-instigation-105288.html>

Daily O - 31-03-18 - <https://www.dailyo.in/variety/bihar-nawada-ram-navami-hindutva-ram-lalla-muslim-hate-songs-nitish-kumar/story/1/23184.html>

Newslick - 31 March 2018 - <https://newslick.in/swords-cds-and-pen-drives-how-riots-9-bihar-districts-were-planned-and-executed>

News18 - The Truth of Bihar. Manufactured riots fractured community - <https://www.news18.com/news/immersive/truth-of-bihar-riots.html>

The Indian Express - 29 March 2018 - <https://www.newindianexpress.com/nation/2018/mar/29/bhagalpur-to-sheikhpura-timeline-of-communal-clashes-in-bihar-in-march-1794381.html>

## Box 3: Gujarat

## Gujarat

On 25th March, clashes broke out between two communities in Vadodara. Incident occurred in Fatehpura, from where the Ram Navami procession was passing. Police used tear gas to disperse the mob that clashed as stones were pelted.

## Source:

The Indian Express - 26 March 2018 - <http://indianexpress.com/article/india/vadodara-clash-breaks-out-after-miscreants-pelt-stones-at-ram-navami-procession-511142/>

## Box 4: Rajasthan

## Rajasthan

In the Ram Navami procession, a tableau featuring the murderer of Muslim labourer Afrazul Khan was glorified. He was seated on a throne holding a pick-axe with the body of his victim lying motionless in front. A text on the tableau read, "Hindu brothers wake up, save your sister or daughter".

Actors: The procession was organised by the Vishwa Hindu Parishad

## Sources:

Business Standard - 27 March 2018 - [http://www.business-standard.com/article/pti-stories/rajasthan-horror-hate-crime-accused-glorified-in-ram-navami-procession-118032701009\\_1.html](http://www.business-standard.com/article/pti-stories/rajasthan-horror-hate-crime-accused-glorified-in-ram-navami-procession-118032701009_1.html)

NDTV - 27 March 2018 - <https://www.ndtv.com/india-news/ram-navami-tableau-in-rajasthan-glorifies-man-who-killed-on-video-1829323>

## Box 5: Uttar Pradesh

## Uttar Pradesh

In Agra in Uttar Pradesh, Hindu Yuva Vahini took out a procession with swords and other weapons. But communal tensions were averted due to the conscious efforts of the local Hindus and Muslims. In fact, Muslims in the city even came out and offered Sharbat to the people in procession, much to the surprise of Hindu outfits.

Earlier, on January 26th, communal clashes had broken out in Kasganj with a pro Hindutva bike rally taken out during Republic day celebrations. One man had died.

## Sources:

Catch News - 29 March 2018 - <http://www.catchnews.com/india-news/ram-navami-communal-violence-3-states-reveal-common-patterns-of-hindutva-instigation-105288.html>

New Indian Express - 28 January 2018 - <http://www.newindianexpress.com/nation/2018/jan/28/kasganj-communal-violence->

## Box 6: West Bengal

## West Bengal

Incident: On March 25th communal clashes broke out in Asansol, West Bengal, after a Ram Navami procession in the Raniganj neighbourhood turned violent. In the following days, the violence spread across the city. Further, on the 27th in the Kandi area of Murshidabad district, clashes broke out when the participants in a Ram Navami rally, allegedly armed with swords and tridents, tried to enter a police station, the police said. At least 10 people were injured when the members of the Ram Navami Utsav Committee came to blows with the police during a procession in the area.

Actors: An FIR was lodged against BJP state president Dilip Ghosh under non-bailable sections, West Midnapore district Superintendent of Police Alok Rajoria said. Ghosh had purportedly been seen participating in a Ram Naami rally with a sword and a mace at Kharagpur in West Midnapore district on 26<sup>th</sup> march. A case was also registered against BJP West Bengal Mahila Morcha president Locket Chatterjee for allegedly participating in an armed Ram Navami procession in Birbhum district. Media reports claim that the clashes broke out because the Ram Navami Procession had participants holding swords etc and had loudspeakers hurling anti Muslim slogans.

State action: Internet services remained suspended and prohibitory orders under Section 144 of the CrPC were clamped in the area. 60 people were detained in connection with the violence. The Ministry of Home Affairs (MHA) sought a report from the Mamata Banerjee-led West Bengal government. In West Bengal, the Centre offered to send paramilitary forces to control the situation in violence-hit Raniganj, which the state government has denied. The governor also visited the riot hit areas but many media reports claim he did not visit any of the areas where the minority communities were affected

Victims and access to justice: The violence claimed the lives of at least three persons and nearly a dozen others were injured. The injured included several policemen with a senior police officer losing a hand after a bomb was hurled at him during a clash in Raniganj area. The son of an Imam in Asansol was among those who died. The Imam appealed for peace and said any if there is any retaliation he will leave the area.

## Sources:

Hindustan Times - 28 March 2018 - <https://www.hindustantimes.com/india-news/centre-seeks-report-from-west-bengal-government-on-violence-during-ram-navami/story-m8mFoo4UbnG5QoSQnhS8zI.html>

Hindustan Times - 30 March 2018 - <https://www.hindustantimes.com/kolkata/asansol-imam-who-lost-his-son-during-riots-appeals-for-peace-and-restraint/story-VSdUXOVkBPtEInB9tdlIzH.html>

The Indian Express - 30 March 2018 - <http://indianexpress.com/article/india/communal-clashes-bihar-west-bengal-mamata-banerjee-ram-navami-nitish-kumar-517263/>

The Wire - 30 March 2018 - <https://thewire.in/politics/babul-supriyo-barred-from-visiting-troubled-areas-fir-filed>

The Indian Express - 1 April 2018 - <http://indianexpress.com/article/india/west-bengal-governor-kesari-nath-tripathi-visits-riot-areas-stays-off-muslim-localities-asansol-raniganj-518985/>

### 3. Violence trend and patterns

Media reports during the violence; those and the detailed fact finding investigations by civil society groups after<sup>6</sup>, covering all recent cases, and an examination of FIRs registered by the police, reveal a clear pattern.

#### 3.1 Planning and coordination

These are not spontaneous acts of violence by mobs, rather there is evidence of systematic planning behind the series of violence. There seems to have been a clear attempt by Hindutva outfits to use Ram Navami processions to create communal tensions in at least three states in India: West Bengal, Bihar and Telangana. Communal polarisation during Ram Navami, the emphasis on armed processions and the use of common provocative songs and speeches are common threads that run through the violence in the three states. (Catchnews, 29-03-18).

Speaking of Bihar, where nine out of 38 districts were affected, the violence appears to have been pre-planned with the aim to polarise society on communal lines, hence ‘manufactured’ to achieve ‘political gains’. Newsclick re-ported that people from neighbouring states (eastern Uttar Pradesh, particularly) had been called in to take part in processions and who were instrumental in the violence. “New and common faces have been spotted in different districts, leading the processions and instigating people to indulge in violence,” the report noted, quoting two high-ranking officials of the state police (Newslick, 31-03-18).

Another report, by News18 (04-18), reported that three persons had been identified in mobs in 3 separate districts – Aurangabad, Samastipur and Munger. Two vehicles were also identified used in all three districts. The report also claimed that Dhiraj Kumar, Bajrang Dal convenor from Silao in Nalanda, as being involved both in Nalanda and Nawada violence episodes. The FIR

registered by Silao police station in Nalanda mentions Bajrang Dal members using walkie talkie sets to mobilise their ranks and coordinate attacks on the police. (Case no 50/18, dated 29/3/18).

All reports referred to distribution of material - CDs and pen drives containing abusive and objectionable songs; and weapons, including swords - well in advance of the violence in all affected districts. United Against Hate (UAH) team investigating the violence, claimed to have found that a businessman in Patna alone had bought 50,000 swords, for distribution. (United Against Hate, 2018). Speaking to the coordinated nature of the operation was this finding of the UAH investigative team: “There are reports that around 2 lakh swords were procured from outside the state. Orders were placed on an online shopping portal, which connected the buyers with supplier who delivered the consignment through a courier service in different districts of the state”. (United Against Hate, 2018:3). Bihar Home Secretary, in an interview to United Against Hate, confirmed that the administration was “aware of swords being present at the processions in large numbers. Don’t know exactly how many. It is hard to track sales online. Swords never been seen before at the processions”. (Ibid)

Another report, quoted a senior journalist claiming no one came this time round, asking for donations normally needed to organise Ram Navami processions, as in the past, raising doubts about “who funded the event and from where it came?” (Newslick, 31-03-18). And in Asansol, police are reported to have started investigation into the role of anti-social elements from Bihar and Jharkhand behind the violence. (The Telegraph, 04-02-18). Clearly this was an orchestrated act, with planning, marshalling resources, funding and inter-state movement of actors, all to foment trouble.

<sup>6</sup> United Against Hate, and PUCL reports, on violence in Bihar

### 3.2 Religious processions: *armed and offensive!*

This year Ram Navami festival was used by various Hindutva outfits to create communal polarization. Armed processions, in the garb of religious celebration, often named as local puja or celebration committee, insisted on taking out rowdy processions, shouting anti-Muslim slogans, terrorizing residents, clashing with police and often ending up with a clash. (Newslick, 27-03-18) This was the patten in West Bengal, in the two cities of Raniganj and Asansol, which experienced largescale conflagrations. In Bihar, these has similar outcomes in Bha-galpur and Aurangabad, Rosera, Nalanda and Nawada, with tension in several other districts. In several parts of UP, Rajasthan and Maharashtra too, similar reports emerged, though these did not break down into violence. (Newslick, *ibid*)

The pattern of the processions was similar in all the states: large processions, in many cases armed, were carried out and made to pass through Muslim-dominated areas. Local administration's directives were violated, either in the carrying of arms or in the route passing through Muslim areas. Provocative, anti-Muslim songs were played. In all the three states, violence began with stone pelt-ing, either by people in the procession or those residing in the areas it was passing through. (Catchnews, 29-03-18)

What ensued was characteristic:

*Hindutva thugs run amok. Mobs parade through Muslim-majority neighbourhoods, attack Muslim-owned businesses and property, attempt to set mosques alight, and plant saffron flags atop them. One of the videos seems to show uniformed policemen joining mobs and chanting along.* (Business Standard, 30-03-18)

West Bengal has seen Ram Navami processions growing in number and significance in recent years. As with Bihar, these rallies are marked by sword and trident-wielding de-

monstrators, including young children. According to Scroll.in, in 2017, over 200 processions coursed through Bengal to “unite the Hindus” against “growing jihadi activities in the state”. Largely organised and attended by members of the Bharatiya Janata Party – ruling in the centre and the main contender in the state – they resemble the area domination exercises of a party keen to establish itself. (Scroll.in, 28-03-18)

A peculiar although not entirely new phenomenon was the playing of provocative songs by ‘DJs’, as they are called in local parlance, with sound boxes atop mini-trucks and vans, at the head of the procession, targeting Muslims. Once such, reported by witnesses as played at processions in various sites across the states, has the following lyrics:

*“Jis din jagega Hindutva to yeh anjaam bolega, ki topi wala bhi sar jhuka ke Jai Shri Ram bolega;*

*Jis din khaula khoon mera dikhladenge aukat teri, phir to hum nahi bolenge bas bolegi talwar meri;*

*Ki Har Har Mahadev ka nara Hindustan bolega, ki topi wala bhi sar jhuka ke Jai Shri Ram bolega”*

(The day Hindutva awakens such shall be the end, cap wearers too will say *Jai Shri Ram* as their heads bend;

The day my blood boils I will show you where you stand, it will not be my voice talking to you but the sword in my hand;

The day India will chant *har har Mahadev* to no end, cap wearers too will say *Jai Shri Ram* to no end)

This song was reported to have been played in Ram Navami processions in Asansol, and at many sites in Bihar.

Another taunted Muslims as ‘aasteen ke saanp’:

*‘Pakistan mein bhejo ya qatleam kar dalo, aasteen ke saanpon ko na dugdh pilakar palo’*

(Send them off to Pakistan or ensure you kill them all, don't feed milk to these snakes hiding in your sleeves)

Yet another, threatened Muslims to vacate the Babri Masjid

*'Dur hato Allah walon, kyun janmah-hoomi ko ghera hai, masjid kahin aur banao tum, yeh Ram Lalla ka dera hai'*

(Move away you Allah worshippers, why have you surrounded the birthplace? Build your mosque elsewhere, this land belongs to baby Ram)

Other provocative slogans at all sites, all directly aimed at Muslim residents, included:

*'Pakistan murdabad'*

*'Miyan log Pakistan bhago'*

*'Bharat mein miyan ko nahin rehne denge'*

(Source: FIR , Silao Thana, case no 50/18, dated 29/3/18)

*"Hindustan mein rehna hai toh Jai Sri Ram bolna padega",*

*"Musalman ka jagah, ya Pakistan ya kabristan",*

*"Hum ailan karte hain danke ki chot par, mandir banega har mod par".*

(If you want to live in India, you must chant Jai Shri Ram; The only place for Muslims, Pakistan or the graveyard; and We declare, we will build a temple at every corner).

(Source: eyewitnesses in Raniganj and Asansol, (Scroll.in, 28-03-18)

Bihar Home secretary, responding to questions on why, despite advance intelligence inputs on possible troubles, administration did not take preventive action, noted:

*"A day before Rama Navami, peace committee meetings were held and co-operation of both communities was sought. Revised and updated guidelines were sent to district headquarters ahead of the celebrations. All material for the processions such as CDs containing songs meant to be played through loud speakers were checked to*

*make sure there were no offensive songs or tableaux involved. Strict guidelines were given regarding routes etc. Unfortunately, all these terms and conditions were violated. Objectionable and loud musics were (sic) played. (United Against Hate)*

Underlining the role of BJP leaders, in Aurangabad, where the procession turned violent, he added:

*Political leader of a particular party - who was present at the (administration organised peace) committee meeting and gave assurances that everything would be peaceful - was seen instigating the crowd. (United Against Hate, 2018: 4)*

#### 4. Role of BJP and 'Sangh Pariwar'

This connects to another common aspect of the violence in all three states. This was that leaders of the BJP have been reported to have played a role in spreading communal tensions. Babul Supriyo - the sitting BJP Member of Parliament from Asansol in West Bengal - is reported to have made incendiary speech when he was prevented by the police from visiting Asansol, where violence had erupted and administration had invoked preventive orders (u/s 144). He was also reported to have assaulted police officers on duty, whereby the police filed two FIRs against Supriyo. (The Wire, 30-03-18, Catchnews). Supriyo was scheduled to be part of the central *akhara* (Ram Navami youth group) which, along with different *akhara* committees, had organised the procession in the first place.

In Bihar, it was Arijit Shashwat of the BJP, son of union cabinet minister, Ashwini Kumar Choubey, and himself an unsuccessful BJP candidate for the state assembly seat from Bhagalpur, who led a violent procession through Bhagalpur, through multiple Muslim localities, on 17<sup>th</sup> March 2018, on the occasion of Hindu new year. The police filed criminal cases against Shashwat;



warrants were issued by courts for his arrest, but it was only after much drama that Shashwat surrendered to the police in state capital Patna on 31<sup>st</sup> March 2018. This was after his father, the central Minister, had spoken to the media, standing by his son. (Indian Express, 29-03-18)

Finally, in Telengana, BJP MLA from Goshamahal in Hyderabad, T Raja Singh was booked by the police for provocative speech. (Catchnews, 29-03-18). A video went viral in which Singh can be seen threatening to "rewrite the history of Telangana" if the administration disallowed loud-speakers on Ram Navami. Two cases were filed against Singh, for making provocative speeches, including under sect 295(A) of IPC for "deliberate and malicious acts, intended to outrage religious feelings... by insulting its religion or religious beliefs". (Catchnews, 29-03-18)

These were only the more famous BJP names to have been highlighted in the violence. There were others too.

- \* Aurangabad, Bihar: BJP MP from Aurangabad, Sushil Kumar Singh and BJP's former state minister, Ramadhar Singh, both led Ram Navami processions on 26th March 2018 (Indian Express, 31-03-18) that later targeted mosques in its route and led to large scale arson and destruction of property, selectively of Muslims<sup>1</sup>. Another BJP member, Anil Singh, leader of Hindu Seva Samiti, and the prime accused in Aurangabad violence, was booked along with 148 others for inciting and leading violence. Singh escaped from police custody, on 31st March 2018, and it was only later that he surrendered. (Indian Express, 28-09-18)
- \* Rosera (Samastipur), Bihar: BJP leaders, Dinesh Jha and Mohan Patwa, along with 10 others, were arrested on the basis on CCTV footage in Rosera town, booked for inciting the violence.

- \* In West Bengal, in Purulia district, armed processions of BJP, VHP and Bajrang Dal cadres were seen shouting slogans and trying to create trouble, though most of these processions did not have any permission from the administration. The incidents which followed, led to stone pelting and a scuffle between Bajrang Dal cadres and police, claiming the life of a person. (Scroll.in, 28-03-18)
- \* Bengal state BJP chief Dilip Ghosh was named in FIRs registered by police for carrying weapons in religious processions both in 2017 and 2018. (Scroll.in, 28-03-18)

Apart from the BJP, members of sister Hindu right-wing groups – euphemistically called the Sangh Pariwar – were involved at every site.

- \* Police FIR in Silao (Nalanda, Bihar) mentions Dhiraj Kumar, local Bajrang Dal convenor, as well as Shubham Singh Rajput, Bajrang Dal convenor from Biharsharif, as named accused in the case, of the 69 total identified. (Case no 50/18, dated 28/3/18, Silao PS).
- \* Police FIR in Rosera (Samastipur, Bihar) mentions Bajrang Dal members, along with other local leaders, all unnamed, as raising provocative speeches, inciting crowds to violence against Muslims, and generally leading the rioting. (Case no 99/18 dated 27/3/18, Rosera PS).
- \* FIRs in Aurangabad (99/18 and 101/18, dated 30-03-18) records some of the accused belonging to Bajrang Dal as well as (Gandhinagar Ward 33) Vanar Sena Samiti.
- \* Bengal's child rights commission had summoned two Bajrang Dal members over the participation of children in these armed marches. (Scroll.in, 28-03-18)

<sup>1</sup> Ramdhar Singh, who was the state Cooperative Minister, had to resign in 2011, when he was declared an absconder by courts in Aurangabad, on hate speech cases lodged against him in 1992. (Economic Times, 19-05-2011)

## 5. Role of the Administration

State administration, including Home and police departments, as well as District Administration, play a crucial role in preventing communal violence, or if the violence has sparked off, in containing it, preventing loss of life and property, restoring social harmony, and especially, in ensuring that the perpetrators of violence are prosecuted and victims able to access justice, and provided relief and rehabilitation. It is the state – as the duty bearer – that must ensure life and security of all without discrimination, and the enforcement of the rule of law. Our review of media reports, fact finding investigations and analysis of FIRs and other documents reveals that across the sites, role of the state left much to be desired, although there is a much variety on this count, across violence sites.

In Bihar, the inability of the police in Bhagalpur to ensure a peaceful passage of the ‘Vikram Samvat’ procession on 17<sup>th</sup> March 2018, led by BJP member Arijit Shashwat, and rein in the violent processionists, and later state administration’s inability to arrest Shashwat, the prime accused, showed the first signs of weakness of the state administration in the face of Hindutva assault on communal peace. Despite warrants of arrest having been issued by courts, police were unable to apprehend Shashwat, who eventually surrendered, over a week later, after much posturing by BJP leaders, including his father, Ashwini Choubey, a minister in Prime Minister Modi’s cabinet. This weak show of law enforcement, set the tone for much of the blatant disregard for law that Hindutva mobs demonstrated during Rama Navami processions, two weeks later.

Despite the signs of what was to come – also in terms of intelligence that senior state government officials admitted to having of a very organised attempt by Hindutva groups to foment trouble – administrations

at various sites that experienced violence were not prepared as well as they should have been. Aurangabad’s case is particularly instructive. Clashes first erupted in the town on 25<sup>th</sup> March 2018, when a large sword-wielding ‘bike rally’ shouting offensive anti-Muslims slogans forced its way through Muslim dominated areas of Nawadih area of the town<sup>2</sup>. According to residents of Nawadih the fact finding team spoke with, police presence was minimal, making a clash between the offensive bikers and residents, inevitable. According to testimonies by residents of the talab area of Nawadih, backed by YouTube videos, Hindu youth also desecrated that day, the Muslim cemetery in the area, and police merely looked on<sup>3</sup>. The bike rally, which was meant to be a build-up for the main rally the next day, was organised by Shri Ram Navami Puja Samiti, that according to reports, has members from parties across the political spectrum — the BJP and ABVP, the Congress, the JD(U) and the RJD — as well as local organisations such as Hindu Sewa Samiti. (Indian Express, 31-03-18)

Despite these clashes the previous day, the district administration allowed the Shri Ram Navami Puja Samiti to take out its Ram Navami procession on 26<sup>th</sup> March 2018 to march through Aurangabad’s main roads. BJP MP, Sushil K Singh, threatened action if anyone tried to prevent the rally from taking place<sup>4</sup>. Video footage available on the net clearly show thousands of youth armed with swords and similar weapons, shouting offensive slogans and playing derogatory songs, with senior BJP and other political party leaders participating. Available video footage shows only small police presence, and feeble attempts to keep the aggression of the processionists in check. By the end of the day, the rallyists had destroyed in largescale arson, scores of shops and business establishments, selectively of Muslims.

<sup>2</sup> [https://www.youtube.com/watch?v=f\\_MgYs0tv0g](https://www.youtube.com/watch?v=f_MgYs0tv0g)

<sup>3</sup> [https://www.youtube.com/watch?v=f\\_MgYs0tv0g](https://www.youtube.com/watch?v=f_MgYs0tv0g)

<sup>4</sup> <https://www.youtube.com/watch?v=8OgN64FPhhg>



Elsewhere in Bihar, where police and administration did try to contain the violence, such as in Nalanda, Nawada and Rosera, police became the object of much of the ire of Hindutva mobs. FIRs reveal that at those places, police personnel suffered serious injuries.

But it is really in, how the administration is dealing with the aftermath of the violence, in terms of investigating crimes committed, with an eye to prosecution – something still playing out, given how fresh the violence is – that we are hearing of police slacking off again, and falling into the old trap of discriminating against the weak, while protecting or at least going soft on the powerful. This story starts with the registration of FIRs, that provides the basis for much of the working of the criminal justice system. Table 2 provides an analysis of the FIRs from four sites in Bihar. That relating to Rosera, mentions rioters being led by Bajrang Dal members and local leaders, but does not name them. No mention is also made of the extent of the provocation that the procession on 26-03-18 made.

And notable is the case of Nawada, where the FIR, in describing the violence by Hindu groups on 30-03-18, nowhere mentions Muslims as contributing to it, and yet names 20 Muslim youth as accused along with another 200 unnamed Muslims. Exactly 20 Hindus too are named in the FIR as are 200 unnamed Hindus. Quite similar to this gratuitous ‘balancing act’ that the administration seems to have played is the registering of FIRs in Aurangabad, all based on complaints by the police. There are multiple FIRs registered of the violence in Aurangabad. We have been able to access 4. According to # 93/18, 28 Muslim youth have been named as accused (along with 150-200 unnamed), for pelting stones at the Ram Navami procession on 25-03-18. There is little mention in the complaint or the FIR of the aggressive posturing by the processionists, that resulted in the pelting.

In Aurangabad, FIR Nos. 95/18 (of 26-03-18)

and 99/18 and 101/18 (both of 30-03-18), similarly are quiet about the provocative slogans and show of arms in the Ram Navami procession on 26-03-18, resulting in the largescale arson and destruction later in the day. Only 8 properties are named as having been destroyed. The numbers are much larger. Leaders, including BJP leaders, or organisers of the procession are not named in the FIRs, although a total of 121 Hindu youth do find mention. Only the last FIR makes a mention of 3 Bajrang Dal members. 13 Muslim youth too are named accused, including 5 ward councillors. Given the clear attempt by organisers throughout the episode to offend and provoke Muslims, booking community leaders including ward councillors both in the violence on 25th and 26th March, seems like the administration's attempt to silence the witnesses to the violence, and forestall attempts by the victims to demand action against the perpetrators.

In West Bengal, we are hampered in our analysis by the lack of legal documents – FIRs for eg. – and therefore have had to rely on media reports, and the occasional victim accounts.

According to these reports, in Asansol, there were several problems with the administration's response to the mobilisation and the violence. (Scroll.in, 08-04-18)

- Lack of planning. Although there were signs of build-up by Hindutva groups planning disturbances in the guise of Ram Navami processions, police failed to fathom the extent of mobilisation, and to plan for diffusing it adequately
- It was also late in responding to cries of help, once violence had been sparked – many hours later
- The deployment of force too was inadequate, given the size of the processions and the manner of organisation of the attackers
- The Asansol municipal corporation issued large number of permits for Ra-

ma Navami processions, (146, according to one account), but rather than pressing for the condition of not allowing weapons or loudspeakers to be used, police and administration was content with taking only oral agreements from the organisers. Neither

- were these conditions mentioned in the permits issued for processions, nor were these conditions taken as written acceptance by organisers.
- The naivety of the administration was revealed quickly, with multiple pick up vans and mini-trucks with stacks of

Table 1: Audit of FIRs

District	Nature of crime mentioned and sections applied	Whether any crimes/details have been left behind	Post FIR legal process
<p>Nalanda (silao) Case # 50/18, dated 29/3/18</p>	<p>FIR is omnibus covering all incidents relating various offences under IPC taking place on March 28 of 2018. It has clubbed all punishable acts taking place at various places involving different individuals or group of individuals together in one common FIR making it difficult to understand distinct roles played by different accused at different time and space.</p>	<p>The FIR don't include various provisions of laws including Section 120B of IPC which provides for punishment of criminal conspiracy however the complaint very categorically mentions "apradhik shadyantra" (criminal conspiracy). Other offences which are not included are: S. 152 for obstructing public servant while suppressing riots; Ss. 114-117 various offences relating aid, abetment, instigation. - Offences under Ss. 70 and 72 of the Bihar Police Act 2007. These provisions are relating "contravention of police's order / instructions" and "obstruction of police duty" respectively. - Offences under Arms Act - Offences committed under the Indian Wireless Telegraphy (Possession) Act, 1965 for illegally possessing and using walkie-talkie to commit a crime</p>	
<p>Nawada Case # 198/18, dated 30/3/18</p>	<p>FIR is omnibus covering all incidents relating various offences under IPC taking place on March 28 of 2018. It has clubbed all punishable acts taking place at various places involving different individuals or group of individuals together in one common FIR making it difficult to understand distinct roles played by different accused at different time and space.  Little mentioned about nature of crime committed by Muslims youth, yet 20 named accused, and 200 unnamed, presumably to balance the books .</p>	<p>The FIR does not include various provisions of laws including Section 120B of IPC which provides for punishment of criminal conspiracy. However the facts and circumstances mentioned, indicate presence of a criminal conspiracy and design. Other offences which are not included are: (i) S. 152 for obstructing public servant while suppressing riots; Ss. 114-117 various offences relating aid, abetment, instigation. (ii) Offences under Ss. 70 and 72 of the Bihar Police Act 2007. These provisions are relating "contravention of police's order / instructions" and "obstruction of police duty" respectively. (iii) Offences under Arms Act</p>	<p>20 Hindu, and 20 Muslims, named accused, when little case made out against Muslims in the FIR.</p>
<p>Rosera: Case # 99/18 dated 27/3/18</p>	<p>FIR is omnibus covering all incidents relating various offences under IPC taking place on March 28 of 2018. It has clubbed all punishable acts taking place at various places involving different individuals or group of individuals together in one common FIR making it difficult to understand distinct roles played by different accused at different time and space.</p>	<p>Offences which are not included are: (i) S. 152 for obstructing public servant while suppressing riots; Ss. 114-117 various offences relating aid, abetment, instigation. (ii) Offences under Ss. 70 and 72 of the Bihar Police Act 2007. These provisions are relating "contravention of police's order / instructions" and "obstruction of police duty" respectively. (iii) Offences under Arms Act</p>	<p>3 Muslims named in FIR, and arrested</p>

Table 1: (contd.)

<p>Aurangabad FIR # 93/18, dated 25-03-18; and FIR # 95/18, dated 26-03-18, both Town PS</p>	<p>28 named Muslims and 150-200 unnamed accused under various crimes (Sec. 147, 149, 307, 504, 337, 477, 295A, 353..).  78 Hindu youth named and booked for several crimes (120 B, 147,148 and 149; 295A and Arms Act. Among others, including leaders.  A third FIR names further more. Total accused: 148. Those arrested, close to 120.</p>	<p>No mention in the compliant or FIR of the aggressive slogans by 'bike rally' processionists, their efforts to force their way into Muslim dominated areas; or indeed of the desecration of the cemetery.  BJP MP, Sushil K Singh, also not booked, despite his speech trying to stoke violence.</p>	<p>Large number of arrests</p>
<p>Aurangabad FIR # 93/18, dated 25-03-18</p>	<p>28 named Muslims and 150-200 unnamed accused under various crimes (Sec. 147, 149, 307, 504, 337, 477, 295A, 353).</p>	<p>No mention in the compliant or FIR of the aggressive slogans by 'bike rally' processionists, their efforts to force their way into Muslim dominated areas; or of the desecration of cemetery.</p>	<p>Large number of arrests</p>
<p>Aurangabad FIR # 95/18, dated 26-03-18</p>	<p>78 Hindu youth named and booked for several crimes (120 B, 147,148 and 149; 295A and Arms Act.  84 Hindu youth named, 4 Muslim, and another 100 unknown.  5 Muslim ward councillors named accused.</p>	<p>Claims 25<sup>th</sup> March violence was the result of Muslims stone-pelting the bike rally. No mention of the aggressive slogans by processionists, their attempt to force their way into Muslim dominated areas; or of the desecration of the Muslim cemetery. Also claims rally on 26<sup>th</sup> March attacked by Muslims, and then followed the largescale violence. Reinforces the action - reaction trope, that Sushil Kumar, BJP MP, used earlier that day.  No mention in FIR of names of organisations, or leaders behind the violence. Only feeble mention of the provocations and naked show of arms. Puja Samiti members, the organisers, mentioned as having escaped, not named in FIR. BJP MP, Sushil K Singh, also not booked, despite his speech stoking violence.  Other offences not included: IPC Sec 152; sec 114-117; Offences under Arms Act., and sec 70 and 72 of Bihar Police Act 2007.</p>	

Table 1: (contd.)

Aurangabad FIR # 99/18, 0-03-18	<p>Property destroyed: Mir Aslam/ Tyre shop Toofani Ansari, JK Hotel Md. Aslam, Tiles shop Afroz Alam, Tyre shop Nurul Hasan Khan,</p> <p>30 Hindu youth, incl. president/vice president of Gandhinagar, Ward no 33, Vanar Sena Samiti. named as accused in the arson and destruction.</p> <p>Also Vivek Singh Chauhan, NSUI district head.</p> <p>9 Muslims too named.</p>	<p>FIR reproduces in its first part, FIR no 95/18, dated 26/3/18.</p> <p>Other offences not included: IPC Sec 152; sec 114-117; Offences under Arms Act., and sec 70 and 72 of Bihar Police Act 2007.</p>	
Aurangabad FIR # 101/18, dated 30-03-18	<p>Property destroyed Md Alam, gumti Marghoob Alam, Lucky Plastic &amp; Motorworks S. Khan, Variety Collection readymade</p> <p>3 Bajrang Dal members added to 99/18 list. + another 4 Hindu youth.</p>	<p>FIR reproduces in its first part, FIR no 95/18, dated 26/3/18.</p> <p>Other offences not included: IPC Sec 152; sec 114-117; Offences under Arms Act., and sec 70 and 72 of Bihar Police Act 2007.</p>	

## Conclusion

Communal polarisation in Bihar has increased since the BJP-JD(U) alliance assumed power in July 2017. Since January 2018, communal tensions have affected several districts of Bihar including Gaya, Arrah, Champaran, Muzaffarpur and Vaishali during festivals like Durga Puja, Saraswati Puja, Mahabiri Jhanda etc.

In 2017, there were 85 incidents of communal violence in Bihar that left three persons dead and 321 injured, while in West Bengal, there were 58 incidents that left nine persons dead and 230 injured.

Similar attacks against minorities, particularly Muslims have intensified everywhere in recent times. These include targeted violence of the kind we just examined as well as provocations and harassments, such as those recently in Gurgaon (against prayers in the open) and against AMU, as well as the many untold and unreported cases of everyday harassments and attacks.

Political observers see this trend accelerating in the near future, arguing that this is because BJP has incentivised aggressive/provocative behaviour, aimed at Muslims, with an eye to polarising society for electoral gains. It appears that it pays for aspiring BJP leaders to try to better their contenders, in provocative behaviour, for electoral ends - a ticket here, a place on the high table there<sup>5</sup>. If this conclusion is true, what this means is that targeted violence against Muslims has now become, in a perverse sense, 'democratised', in a way even cow related lynchings could not be, with every aspiring leader rushing in to manufacture a conflict situation, hoping to cash in electorally. With RSS and Sangh Parivar groups having spawned multiple organisations of the youth - themselves jobless and hopeless - taking chances against Muslims at every opportunity, there will be no shortage of the opportunity for violence.

What does this mean for access to justice for victims? while Justice system has always been subverted for the weak and poor, what we are seeing in these recent cases, is a systematic capture of the institutions of the justice system by hate filled ideologies, so that it is communal considerations that determine actions of the police and prosecution and judiciary at the local level; and critically, an encouragement, indeed license for this subversion of the rule of law, by a political class that benefits from polarisation and conflicts. We saw this in Khatua and Unnao, and we are seeing this in the lynching/vigilante violence and fake encounter cases in Haryana and UP. In our current fact finding of targeted violence in Bihar, time and again we came across a Local Administration, helpless in the face of aggressive posturing by senior BJP leaders and those affiliated to sangh parivar, to prevent violence, despite their best attempts. Post violence, FIRs and investigations are showing how political interference of an ideological kind, is resulting in a large number of the innocents, in Aurangabad or Rosera for eg., booked and incarcerated, while known hate mongers and perpetrators remain free, or only have weak cases made against them. This is increasingly becoming a generalised, not one-off, failure. Fact that violence episodes are also taking place with greater frequency and across states, makes this a real threat to the criminal justice system and the rule of law.

Regarding the media coverage of the violence, it must be noted that the media has chosen to focus on the reaction of the minority community to the processions rather than the aggression of these processions, and the provocative songs and slogans there. An example is this passage from the media on Aurangabad violence.

<sup>5</sup> The fact finding team heard stories of the power struggle between the sitting BJP MP from Aurangabad, Sushil K Singh, a floor crosser from Janata Dal (U) and Ramdhar Singh, four-time BJP MLA and a past minister in the state cabinet, in the context of the 2019 Parliamentary elections, and speculations of the Ram Navami violence also playing an instrumental role in the tug of war between the two.

‘Clashes erupted in Aurangabad following a stone-pelting incident during a Ram Navami procession. Clashes continued for two days, leaving over 25 people injured and 50 shops gutted. Curfew was clamped in the town and internet services were withdrawn’. (News18, 30-03-2018)

What we are getting is a very partial account of the incident, that does mention the stone pelting, but does not mention, either in the headline or indeed in the main body of the piece, the context in which this took place. This latter is about the nature of the processions, that these are in essence, area-domination exercises by Hindutva groups, patronised by elected representatives, where those in the rallies are armed, are shouting nakedly anti-Muslims slogans, and are also playing provocative anti-Muslims songs.

This failure of the media is also reflected in the writing of the complaint by the police on duty, that later gets documented into the FIR that is recorded.

### *Demands*

The spread of violence in Bihar and West Bengal since the Bhagalpur incident is worrisome. Citizens Against Hate (CAH), a collective of concerned citizens, believes these acts of violence are targeting minorities and creating an environment of terror. Such communal polarisation goes against the ethos of the nation and swift action should be taken by authorities to stop further spread of violence and hold the guilty to account. Below are our demands

- i. Judicial enquiries, separately in Bihar and Bengal, to:
    - \* Identify the culprits behind the instigations and the conduct of the string of violence in the states
    - \* Understand the organisational support they enjoy, their funding and outreach, and their modus operandi to foment targeted violence, including use of media, and social media.
  - ii. Speedy investigation and prosecution of the instigators and perpetrators of the violence.
  - iii. Reassure minority communities of the just and non-discriminatory working of the criminal justice system. Avoid the convenient resort to targeting weaker sections in arrests and incarcerations, whilst culprits remain free to challenge the rule of law and intimidate victim communities.
  - iv. Adequate compensation for victims – especially those killed, injured, as well as those whose property has been destroyed, and their rehabilitation
  - v. A public programme of social harmony and inter-community dialogue, to restore peace, and rebuild community cohesion.
- \* Understand the failures of state authorities in the face of majoritarian aggression targeted at minorities, to plan adequately for preventing violence, respond to calls for help, and contain the violence when it occurs; as well as in the aftermath of the violence, to robustly investigate and prosecute the guilty and provide reassurance to targeted communities
  - \* Fix accountability for the failures of omissions and commissions of state authorities, and on the non-state parties directly involved in the violence
  - \* Recommend, guidelines and procedures for police and magistracy, to deal with regulation, licensing, management and control of mass processions
  - \* Recommend adequate compensation for victims

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## CHAPTER 2: FACT FINDING

### Report on communal violence in Nalanda, Nawada, and Rosera

#### बिहार में क्या हुआ

बिहार में हाल के नफरती तनाव ने सभी का ध्यान खींचा है। इसकी बड़ी वजह थी- काफी सालों से बिहार ने इस तरह की ताबड़तोड़ नफरती घटनाएं नहीं देखी थीं। अरसे से बिहार आमतौर पर बड़े साम्प्रदायिक तनाव/ टकराव/ हिंसा से काफी हद तक अछूता रहा है। यकीनी तौर पर इक्का दुक्का घटनाएं होती रही हैं। मगर जिस तरह एक के बाद एक जिले दर जिले हिंसा के आगोश में आते गए, यह नया है। बिहार और बिहार के बाहर सभी के लिए यह बड़ी खबर थी। सभी यह जानना चाहते हैं कि आखिर ऐसा क्यों हो रहा है। इसीलिए 'मिसाल' और 'सिटीजन एंगेस्ट हेट' ने तय किया कि इन घटनाओं को नजदीक से देखने और समझने की कोशिश की जाए।

मगर मिसाल की ही तरह कई और मानवाधिकार संगठन भी इन जिलों की हिंसा की पड़ताल के लिए गए/ जा रहे हैं। हमें ऐसा लगा कि हर घटना की जगह जाना 'मिसाल' के सीमित संसाधनों में मुमकिन नहीं होगा। इसलिए हमने तय किया कि हम उन जिलों में जाएंगे जहां बाकि संगठन या तो नहीं गए या कम गए हैं। आमतौर पर हम सबका ज्यादा ध्यान उन इलाकों पर रहता है, जहां हिंसा ज्यादा हुई है। हमने उन इलाकों को प्राथमिकता दी, जहां तनाव/ हिंसा तो हुई मगर वह 'बड़ा' रूप नहीं ले सकी। इस वजह से उसे ज्यादा तवज्जो भी नहीं मिली। हमने यह इसलिए भी जरूरी समझा क्योंकि शायद इससे तनाव फैलाने की कोशिश/ साजिश/ रणनीति को समझने में कुछ और मदद मिल सके।

'मिसाल' की टीम अप्रैल के दूसरे हफ्ते में (11-13 अप्रैल, 2018) नालंदा, नवादा और समस्तीपुर और आखिरी हफ्ते में औरंगाबाद (26 अप्रैल 2018) गईं।

इस टीम में वरिष्ठ पत्रकार, साहित्यकार, महिला अधिकार कार्यकर्ता निवेदिता, वकील और मानवाधिकार कार्यकर्ता सबिता अली और सफदर अली, मिसाल से जुड़े सामाजिक कार्यकर्ता इबरार, पूर्व आईएस अधिकारी और मिसाल के सज्जाद हसन, कानूनी विशेषज्ञ और मानवाधिकार कार्यकर्ता नदीम अली हैदर खान, पत्रकार और शोधकर्ता नासिरुद्दीन थे। इस टीम ने सीमित समय में घटना स्थल की जानकारी लेने, ज्यादा से ज्यादा आम लोगों से बात करने, शहर के सामाजिक कार्यकर्ताओं, वकीलों, हिंसा के शिकार लोगों और जिला प्रशासन से जुड़े अफसरों से घटना को समझने की कोशिश की।

एक बात और, बिहार में इस बार साम्प्रदायिक तनाव की घटनाओं की व्यापक रिपोर्टिंग हुई है। राष्ट्रीय स्तर पर भी मीडिया ने इसे ठीक-ठाक तवज्जो दिया है। अलग-अलग तरह से रिपोर्ट आई हैं। घटना के बारे में जानकारी कई जरिए से सबके लिए मौजूद है। इसलिए हम उन घटनाओं के बारे में चर्चा न के बराबर कर रहे हैं।

हमारा खास जोर, इन घटनाओं के तौर-तरीकों, इनकी वजहों, प्रशासन की भूमिका समझने की कोशिश है। साथ ही, इस आधार पर क्या कदम उठाए जा सकते हैं, इस पर विचार-विमर्श करने

का प्रयास है. उम्मीद है, इस रिपोर्ट की सीमा समझते हुए इसे इसी आधार पर ध्यान दिया जाएगा. ताकि हम बिहार को नफरती तनाव-हिंसा में झोंकने की कोशिश को नाकाम कर सकें.

## बिहार की नफरती घटनाओं पर हमारी राय

### नफरती तनाव की सुनियोजित कोशिश

बिहार में मार्च 2018 में रामनवमी, उससे पहले और उसके बाद भागलपुर, सिवान, औरंगाबाद, समस्तीपुर, मुंगेर, नालंदा, नवादा, शेखपुरा सहित अन्य जिलों में साम्प्रदायिक तनाव/ टकराव/ हिंसा हुई. हमारा यह मानना है कि यह तनाव/ टकराव/ हिंसा की सोची-समझी कोशिश थी. बिहार को एक साथ हिंसा की आग में झोंकने का प्रयास था.

ऐसी सुनियोजित कोशिश के संकेत बिहार में पिछले एक-दो साल से लगातार मिल रहे हैं. चंद महीने पहले बकरीद, मोहर्रम और दुर्गा पूजा के दौरान भी कई जिलों में इसी तरह एक साथ साम्प्रदायिक तनाव फैलाने की कोशिश हुई थी.

अलग-अलग जिलों के प्रशासनिक अफसरों से अलग-अलग बात करने पर यह साफ संकेत मिलते हैं कि तनाव अचानक नहीं फैले बल्कि इसकी कोशिश की गई. खासतौर पर नालंदा, नवादा, रोसड़ा में तनाव की 'योजना' साफ दिखती है. इस बात के भी संकेत हैं कि कुछ जगहों पर तनाव का अंदेशा पहले से था. यही नहीं, इसकी भनक राज्य सरकार और जिला प्रशासन को भी थी.

### सरकार को था अंदाज़ा

22 तारीख को पटना गांधी मैदान में बिहार दिवस समारोह में मुख्यमंत्री नीतीश कुमार ने कहा,

*'मैं हाथ जोड़ता हूँ, बिहार में सद्भाव बनाए रखें. राज्य में कुछ लोग गड़बड़ी फैलाने की कोशिश कर रहे. लोगों को सतर्क रहने की जरूरत है. रामनवमी के दौरान भी उत्तेजना फैलाने और गड़बड़ी की कोशिश होगी... मैं हाथ जोड़कर प्रार्थना करता हूँ कि झगड़ा लगाने वालों के जाल में न फंसे... आप सभी से अपील है कि कृपा करके सद्भावना का वातावरण बनाए रखें.'* (दैनिक जागरण, 23 मार्च 2018)

इसके अगले दिन पुलिस मुख्यालय ने सभी जिलों को रामनवमी के मौके पर सतर्कता के निर्देश दिए. छह बिंदुओं पर खासतौर से ध्यान देने को कहा गया- बिना लाइसेंस (सरकारी अनुमति) शोभा यात्रा नहीं निकालने दी जाए. शोभा यात्रा के रूट में किसी सूरत में परिवर्तन या उल्लंघन न हो. जुलूस के दौरान गश्त में स्वयं थाना प्रभारी मौजूद रहे. अधिकारी देखें कि कहीं विवादास्पद झांकी न लगाई जाए. भड़काऊ भाषण एवं संगीत बजाने पर सख्त कार्रवाई करें. जुलूस के आगे-पीछे पर्याप्त पुलिस बल तैनात रखा जाए.

फिर 24 मार्च 2018 को मुख्यमंत्री और उप मुख्यमंत्री ने अलग अलग समारोहों में रामनवमी शांति से मनाने की अपील की. उप मुख्यमंत्री सुशील मोदी ने प्रशासन को शोभायात्रा के रूट की जानकारी देने, उत्तेजित और आपत्तिजनक नारे व डीजे के जरिए अश्लील गाने न बजाने की अपील की.

24 मार्च को बिहार के अखबारों में गृह विभाग (विशेष शाखा) की ओर से बयान जारी किया गया. इसमें जुलूस निकालने के लिए लाइसेंस लेने, लाइसेंस की शर्तों का कड़ाई से पालन करने और जुलूस में साम्प्रदायिक विद्वेष

फैलाने वाले गीत, चित्र, नारे, झांकियों पर रोक की बात साफ तौर पर की गई थी।

मुख्यमंत्री, उपमुख्यमंत्री की बातें और पुलिस मुख्यालय के निर्देश, साफ तौर पर इशारा करते हैं कि सरकार को तनाव की कोशिशों का अंदाजा था। पुलिस प्रशासन को तनाव की वजहों का भी पता था। तब जाहिर है, ऐसे संगठनों और व्यक्तियों के बारे में भी पता होगा जो तनाव पैदा करने में अहम भूमिका अदा करते हैं।

बिहार में नफरती तनाव की योजना चल रही थी/ है.. इसके पुख्ता संकेत मुख्यमंत्री नीतीश कुमार की अपील और पुलिस प्रशासन के निर्देश से भी मिलते हैं।

ऐसे में सहज सवाल उठाना लाजिमी है तनाव न हो, इसके लिए प्रशासन ने रामनवमी के जुलूस से पहले क्या तैयारी की थी? अगर पहले ही साफ दिशा-निर्देश दे दिए गए थे तो इसके बाद भी उकसावे वाले नफरती नारे कैसे लगे और गाने कैसे बजे? तनाव/ हिंसा कैसे हुई? क्या ऐसे संगठनों और व्यक्तियों पर पहले ही कार्रवाई की गई थी?

### **एक जुलूस कई दिनों तक**

बिहार में इस दौर के तनाव/ हिंसा से ठीक पहले साम्प्रदायिक माहौल खराब करने की जबरन कोशिश शुरू हो चुकी थी। अररिया उपचुनाव के नतीजे के बाद आए एक वीडियो में देश विरोधी नारे लगाने का आरोप लगाकर माहौल खराब करने की कोशिश की गई तो दरभंगा में बीजेपी के एक कार्यकर्ता की हत्या को साम्प्रदायिक रंग देने की कोशिश हुई। इन दोनों घटनाओं की सोशल मीडिया के जरिए देश भर में चर्चा हुई।

इसके बाद भागलपुर में विक्रमी संवत के मौके पर बिना इजाजत जुलूस निकला। जुलूस में भड़काने वाले नारे लगे। पथराव, आगजनी, गोलीबारी हुई। और फिर रामनवमी और चैती दुर्गा के जुलूस के दौरान तनाव का सिलसिला शुरू हो गया।

दिलचस्प है कि ये जुलूस एक ही दिन नहीं निकले। बल्कि अलग-अलग जगहों पर अलग-अलग तारीखों में निकाले गए। यही नहीं, एक ही जिले में भी अलग-अलग दिन जुलूस निकाले गए। ऐसा लगता है कि यह रणनीति सोच समझ कर अपनाई गई ताकि हर जगह जुलूस में ज्यादा से ज्यादा लोग शामिल हों। एक-जगह के लोग दूसरी जगह भी जा सकें। इसीलिए स्थानीय लोगों ने कई जगह यह भी कहा कि जुलूस में बाहरी लोग भी थे। हंगामा बाहरी लोगों ने किया। असलियत में यह ताकत का प्रदर्शन था। इसी प्रदर्शन ने तनाव पैदा किया। नालंदा में ही बिहारशरीफ, राजगीर और सिलाव में अलग-अलग दिन जुलूस निकाले गए। हर जगह पर खूब भीड़ इकट्ठा करने की कोशिश की गई।

### **वही पुराना तरीका:**

#### **जाएंगे तो उसी रास्ते से**

ज्यादातर जगहों पर तनाव की बड़ी वजह बनी, जुलूस/ शोभायात्रा/ को खास रास्ते से निकालने की जिद या उन रास्तों से निकालने की जिद जहां मुसलमानों की तादादा बड़ी संख्या में है। उन रास्तों पर जाते हुए उकसाने के लिए भड़काऊ नारे, गाने या हथियारों का प्रदर्शन किया गया। नतीजतन, भागलपुर, मुंगेर, औरंगाबाद, नालंदा, शेखपुरा जैसी जगहों पर टकराव हुए।

### नए तरह के इलाके चुने गए छोटे इलाके

इस बार तनाव पैदा करने के लिए कुछ ऐसे इलाके चुने गए जो मुख्य शहर का हिस्सा नहीं हैं। यह जिला मुख्यालय से दूर या शहर के किनारे के इलाके हैं। सिवान, नालंदा, नवादा या फिर रोसड़ा में यह देखा जा सकता है।

### इसके बाद सहज ही यह सवाल उठता है कि इसके पीछे कौन हैं।

जिन-जिन इलाकों में इस बार तनाव हुए हैं, वहां विक्रमी संवत् को 'हिन्दू नववर्ष' के रूप में मनाने या रामनवमी के जुलूस निकालने की परम्परा नई है। ज्यादा से ज्यादा एक दो साल पुरानी। रामनवमी के जुलूस को धर्म के नाम पर लोगों एकजुट करने और ताकत का प्रदर्शन करने का ज़रिया बनाया जा रहा है। (हालांकि ऐसा अन्य धार्मिक जुलूसों में भी है।)

हालांकि, इसके पीछे भले ही एक खास तरह की राजनीतिक विचार काम कर रही हो मगर जुलूस और जलसों में सभी जगह सभी तरह के लोगों के शामिल होने की खबर है। इसमें ज्यादातर दलों के लोग शामिल रहे।

नालंदा और नवादा में बजरंग दल के लोगों के जुलूस में बढ़-चढ़ कर हिस्सा लेने की खबर मिली। नालंदा में जुलूस के रास्तों में बजरंग दल के नाम वाले तिकोने भगवा झंडे भी दिखाई दिए। मगर बजरंग दल में कौन लोग हैं, तो ज्यादातर लोगों से जवाब मिला- सभी तरह के लोग हैं। सभी पार्टियों के लोग हैं।

यही नहीं, बिहार में हाल के दिनों में बजरंग दल से इतर भी कुछ संगठन नजर आ रहे हैं। ये संगठन जुलूस निकालने और सोशल मीडिया पर माहौल बनाने में काफी सक्रिय हैं। कुछ संगठनों के बारे में हमें अलग-अलग स्रोतों से

जानकारी मिली है। ये हैं- बजरंग दल, हिन्दू युवा वाहिनी, हिन्दू पुत्र संगठन बिहार, बजरंग सेना, भगवा क्रांति। इसके अलावा स्थानीय रामनवमी समितियां भी हैं।

यह इस बात का संकेत है, नफरत फैलाने वाले अलग-अलग रूपों में बिहार के अलग-अलग हिस्सों में सक्रिय हैं। इनमें आपस में सम्बंध है या नहीं, यह पड़ताल का विषय है। मगर उनके काम एक-दूसरे के पूरक हैं, इतना साफ दिख रहा है। ये सभी विचार में हिन्दुत्ववादी दिखते हैं।

### भड़काया/उकसाया/ दंगा हो गया..

बिहार में कुछ लोग किसी भी सूरत में नफरती टकराव/ तनाव/ हिंसा की कोशिश में लगे थे। उनकी कोशिश थी कि दूसरे समुदाय के लोग हिंसा में उनके साझीदार बन जाएं। कुछ जगह वे कामयाब हुए तो कुछ जगह नाकाम। इसीलिए सिलाव (नालंदा), शेखपुरा, नवादा में उपद्रवियों का टकराव पुलिस के साथ हुआ। मगर बाकी जगहों पर एक समुदाय, दूसरे समुदाय के सामने आया या लाया गया। जैसे- रोसड़ा में दूसरे समुदाय के खिलाफ हमले किए गए।

### तलवार और भगवा गमछा ...

बिहार में इन जुलूसों पर ध्यान देने वालों ने गौर किया कि इसमें शामिल काफी नौजवानों के हाथों में तलवार थे। ये चमचमाते तलवार देखने में नए लग रहे थे। इनका खुलमखुल्ला प्रदर्शन आम लोगों में वहशत पैदा करने, दूसरे समुदाय को उकसाने/ चुनौती देने के लिए किया गया। अब कई स्रोतों से पता चल रहा है कि बिहार में रामनवमी के दौरान बड़ी संख्या में नई तलवारें मंगवाई गईं। यही नहीं, अब तो यह भी पता चल रहा है कि कुछ संगठनों ने तो एक जगह से दूसरी जगह के जुलूस के लिए तलवारें भी

मुहैया करवाई.

इसी तरह भगवा गमछे का भी इस्तेमाल हुआ. देखते देखते यह रंग, बेखौफ डराने और उकसाने का प्रतीक बन गया. कई जगह बाजार से भगवा गमछे गायब हो गए तो कई जगह ब्लैक में बिके.

### **पाकिस्तान... टोपी वाला...**

अररिया उपचुनाव हो या विक्रमी संवत का जुलूस या फिर रामनवमी का जुलूस- इनमें पाकिस्तान का काफी बोलबाला रहा. अररिया में जहां एक समुदाय के कुछ नौजवानों पर पाकिस्तान जिंदाबाद नारा लगाने का आरोप लगा वहीं बाकी जगह जुलूस में शामिल लोगों ने पाकिस्तान के खिलाफ जमकर नारे लगाए. इसी तरह बड़े साउंड सिस्टम पर गूंजते हुए भड़काने वाले कई नारे बजाए गए. इनमें से एक गाना खास चर्चित हुआ- टोपी वाला भी झुककर जय श्री राम बोलेगा. जाहिर है, इन सबका मकसद रामनवमी का जश्न मनाना नहीं था. ये नारे और गीत उकसाने/भड़काने वाले थे. वे इस मकसद में कई जगहों पर कामयाब हुए और हिंसा की वजह बनीं.

### **मुसलमानों पर निशाना**

जाहिर है, रामनवमी के जुलूस के दौरान जो कुछ हुआ, वह मुसलमानों को निशाना बनाकर किया गया. चाहे वह गाने हों या फिर नारे. मुस्लिम बहुल इलाकों से हिंसा में भी उनकी सम्पत्तियों को ही निशाना बनाया गया. औरंगाबाद इसका सटीक उदाहरण है, जहां जलने वाली अधिकांश दुकानें मुसलमानों की हैं.

### **कढ़ा बाजार के अल्पसंख्यक हिन्दू**

हमने नालंदा के सिलाव इलाके में बजरंग दल की बढ़ती पैठ पर कुछ लोगों से बात की. कढ़ा

इलाके में मुसलमानों की तादाद ज्यादा है. यहां कढ़ा बाजार में हिन्दू दुकानदार भी हैं. हमने कई हिन्दू दुकानदारों से बात की. कुछ ने तो काफी वक्त देने के बाद भी कुछ नहीं कहा. वे बोलने से कतराते रहे. कुछ ने काफी देर इधर-उधर की बात करने के बाद कहा कि वे यहाँ कम संख्या में हैं. वे अपने को असुरक्षित महसूस करते हैं. एक बुजुर्ग दुकानदार ने कहा कि हम तो 32 दांत के बीच में जीभ जैसे हैं. उनकी शिकायत थी कि रामनवमी का जुलूस क्यों नहीं निकलने दिया गया?

### **प्रशासन की भूमिका**

हमें प्रशासन की भूमिका की मिली जुली रिपोर्ट मिली. नालंदा में प्रशासन की सबसे बेहतर भूमिका देखने को मिली. प्रशासन उपद्रवियों से न सिर्फ सख्ती से निपटा बल्कि यह संदेश भी दिया कि वह हिंसा और तनाव फैलाने वालों को बख्शने वाला नहीं है. नवादा और रोसड़ा में भी प्रशासन ने विवाद और हिंसा को फैलने नहीं दिया. नवादा में रामनवमी शांति से गुजरी, इसका सबसे ज्यादा श्रेय प्रशासन को मिला. आमतौर पर प्रशासन के प्रति नाराजगी देखने को नहीं मिली. हालांकि जहां पुलिस ने कार्रवाई की वहां, हिन्दू समुदाय के एक हिस्से के लोगों में पुलिस के प्रति नाराजगी जरूर है. हालांकि, जुलूस निकालने और उसमें लगने वाले नारों/ बजने वाले गानों पर पुलिस को जितनी सख्ती बरतनी चाहिए थी, वैसी सख्ती कई जगह नहीं दिखी.

नालंदा में 76 लोगों के खिलाफ नामजद एफआईआर हैं. हमारी जानकारी के मुताबिक, 38 लोग गिरफ्तार हुए हैं. इनमें 36 हिन्दू हैं. वहीं रोसड़ा में 54 लोगों के खिलाफ नामजद एफआईआर है और 10 गिरफ्तार हुए हैं. दो मुसलमान नौजवानों के खिलाफ अलग से

एफआईआर है। इसमें एक गिरफ्तार हो चुका है। नवादा में 40 लोगों के खिलाफ नामजद एफआईआर है और 7 लोग गिरफ्तार हुए हैं। एफआईआर दर्ज करने के जो तरीके अपनाए गए हैं, उस तरीके से कानून के जानकार संतुष्ट नहीं हैं। इस पर हम आगे चर्चा कर रहे हैं।

### **महिलाएं क्या सोचती हैं**

सिलाव में अभी भी दहशत है। साम्प्रदायिक तनाव के दौरान 8 दिन दुकानें बंद रही। जिसका गहरा असर रोजगार पर पड़ा। इस तरह के तनाव से दोनों समुदाय के लोग प्रभावित हुए हैं। हमने कुछ महिलाओं से बात की और इस तनाव के बारे में उनकी राय जानने की कोशिश की। महिलाओं की बातों में हमें दुख ही दुख मिला।

नकाद खानम वार्ड पार्षद हैं। उनके पति दिल्ली में काम करते हैं। उनका घर कढ़ा बाजार में है। जब हम उनके घर पहुंचे वे बेहद परेशान थीं। उनके चेहरे पर गहरी थकान थी। उन्हें मालूम है एक लड़ाई जीत ली गयी है, दंगाई पीछे हट गए हैं। लेकिन इसे जीत नहीं कहा जा सकता। दंगाई अपना काम पूरा कर गए। उन्होंने लोगों के दिलों में दरार पैदा कर दिया। उन्होंने कहा कि पिछले 20 सालों से रह रही हूं। कभी कोई तनाव हिन्दू-मुसलमानों के बीच नहीं हुआ। पहली बार ये दहशत महसूस हुआ। ये मुस्लिम बहुल इलाका है फिर भी हम डरे हुए हैं। बगैर हिंदुओं के हम जी नहीं सकते और हमारे बिना वे रह नहीं सकते। हम एक-दूसरे के जीवन में रचे-बसे हैं। हम शादी-विवाह में शामिल होते हैं। रोजमर्रा की जिन्दगी के सुख-दुख में शामिल होते हैं, पर अब मन में गांठ पड़ गयी है।

दहशत इतना है कि नूरानी मुहल्ले में छोटी सी परचून की दुकान चलाने वाली 75 साल की

उमदराज महिला ने अपना नाम नहीं बताया। उनके पति रामधनी महतो अब बीमार रहते हैं। इसलिए पत्नी ही दुकान देखती हैं। पहले कुछ भी बताने को तैयार नहीं थीं। काफी देर बातचीत के बाद उनकी आंखें भर आईं। उन्होंने कहा कि इससे बुरा क्या होगा कि उम्र के इस पड़ाव पर एक-दूसरे के लिए नफरत देख रही हूं। हमारे बीच ऐसा कभी नहीं था। यहां मुसलमानों की तादाद ज्यादा है फिर भी कभी ये बात जेहन में नहीं आयी। हम एक-दूसरे की जिन्दगी में शामिल हैं। उन्होंने कहा कि कुछ पार्टी वाले नेता ये सब करा रहे हैं।

शरीफन खातून और सईदा खतून की उम्र 70 से 75 के आस पास होगी। हम जब नूरानी मुहल्ले में पहुंचे मकानों के दरवाजे बंद थे। हर आदमी कहने से बच रहा है। उनकी आंखें भावशून्य हो गयी थीं। बूढ़ी आवाज में कपकंपी है। अपने को जब्त करते हुए कहा 'मैं रुखसती होकर आयी तो ममता चाची ने मुझे सब कुछ सिखाया था। मैं बच्ची थी। घर का काम-काज नहीं जानती थी। मेरे लिए मेरी मां की तरह थीं। हमलोग किस तरह एक-दूसरे के बिना रह सकते हैं। दूधवाली, सब्जी वाली, धोबन ये सब हमारे जीवन का हिस्सा हैं। ये हिन्दू हैं। इस तनाव के बाद भी हमारे घरों में आना-जाना नहीं बंद किया।

### **मगर एफआईआर पर कानूनी विशेषज्ञ का क्या कहना है**

नालंदा, नवादा और समस्तीपुर की घटनाओं के एफआईआर देखने के बाद कुछ अहम बातें साफ तौर पर दिखाई देती हैं-

- \* सभी एफआईआर एक साथ इकट्ठी की गई हैं। यानी एक ही एफआईआर में भारतीय दंड संहिता के तहत आने वाली अलग-अलग आपराधिक घटनाओं को एक

साथ नत्थी कर दिया गया है. इसमें अलग-अलग जगहों पर अलग-अलग व्यक्तियों या व्यक्तियों के समूहों द्वारा किए गए सभी आपराधिक मामलों को एक ही एफआईआर में एक साथ डाल दिया गया है. इससे यह नहीं पता चलता है कि अलग-अलग वक्त पर और अलग-अलग जगह पर अलग-अलग आरोपितों ने कौन-कौन सी आपराधिक कार्रवाई को अंजाम दिया है.

- \* इकट्ठी एफआईआर को कानून की नजर में बेहतर तरीका नहीं माना जाता है. होना तो यह चाहिए कि सभी मामलों की अलग-अलग एफआईआर दर्ज हो. इकट्ठी एफआईआर की वजह से कानूनी कार्यवाही के हर स्तर पर परेशानी पैदा होगी. यहां तक कि जांच और मुकदमे के दौरान भी इससे समस्या होगी.
- \* 1984 में सिख विरोधी दंगे और 2002 में गुजरात में मुसलमान विरोधी दंगे में घटनाओं की इकट्ठी एफआईआर दर्ज हुई थीं. इसने काफी परेशानी पैदा की.
- \* समस्तीपुर को छोड़कर बाकी दोनों जगहों पर धारा 120 बी समेत आपराधिक षडयंत्र के विभिन्न कानूनी प्रावधानों को शामिल नहीं किया गया है. हालांकि, नवादा और नालंदा में पुलिस द्वारा दर्ज शिकायत साफ तौर पर आपराधिक षडयंत्र की बात करती है. तथ्य और परिस्थितियां भी यही बताती हैं कि इन घटनाओं के पीछे आपराधिक षडयंत्र था और सोची समझी रणनीति काम कर रही थी.
- \* इसके अलावा भी कई अपराधों को इन एफआईआर में शामिल नहीं किया गया है. जैसे उपद्रव रोकने के दौरान सरकारी कर्मचारी के काम में बाधा डालने (धारा

152), उपद्रव में मदद करने, उकसाने, भड़काने (धारा 114-117) की धाराएं नहीं लगाई गई हैं.

- \* बिहार पुलिस एक्ट 2007 की धारा 70 और 72 का भी प्रयोग नहीं किया गया है. ये धाराएं पुलिस के आदेश/ निर्देश के उल्लंघन और पुलिस की ड्यूटी में बाधा डालने से सम्बंधित हैं.
- \* किसी एफआईआर में आर्म्स एक्ट के तहत भी अपराध दर्ज नहीं हुआ है.
- \* नालंदा में वॉकी टॉकी के इस्तेमाल की बात सामने आई है. मगर वहां के एफआईआर में इंडियन वायरलेस टेलीग्राफी (पॉजेशन) एक्ट 1965 के तरह गैरकानूनी तरीके से वॉकी टॉकी रखने के अपराध का जिक्र नहीं है.

### सामाजिक संगठनों की भूमिका

स्थानीय स्तर पर कुछ व्यक्तियों ने तनाव के पहले और तनाव के दौरान शांति-सद्भाव की पहल की. कुछ लोगों ने अपनी जान पर खेलकर लोगों को बचाने का काम किया. मगर हमें कोई ऐसा संगठन नहीं मिला, जो हिंसा / तनाव के दौरान सक्रिय रूप से शांति के लिए कूद पड़ा हो.

पटना में सामाजिक-सांस्कृतिक संगठनों, साहित्यकारों- संस्कृतिकर्मियों, बुद्धिजीवियों ने भी तुरंत पहल की. 'हम बिहार के लोग' के बैनर तले दो बड़े कार्यक्रम किए. इफ्टा ने पटना के अलग-अलग मोहल्लों में प्रेम राग नाम से एक हफ्ते तक अभियान चलाया और प्रेमचंद रंगशाला में चार दिनी आयोजन किया. यह एक अच्छा संकेत है. इस एकजुटता को बरकरार रखने और ज्यादा सक्रिय रखने की जरूरत है.

## हमारी मांग

- \* बिहार में पिछले कुछ महीनों में सिलसिलेवार तरीके से एक साथ साम्प्रदायिक तनाव/ हिंसा फैलाने की कोशिश हो रही है. हम मांग करते हैं कि बिहार में दुर्गापूजा/मोहर्रम/रामनवमी के दौरान एक साथ कई जिलों में साम्प्रदायिक तनावों की जांच हाईकोर्ट के रिटायर जज की अगुवाई में कराई जाए. इस जांच समिति में एक सामाजिक कार्यकर्ता और एक महिला अधिकार कार्यकर्ता अनिवार्य रूप से हों. इसकी रिपोर्ट तीन महीने के अंदर पेश की जाए.
- \* अलग-अलग घटनाओं की अलग-अलग एफआईआर दर्ज हो. अलग-अलग एफआईआर में स्पष्ट जिम्मेदारी तय हो.
- \* अपराधिक षडयंत्र की बात अगर प्रशासन करता है तो उस धारा में मुकदमे दर्ज किए जाएं.
- \* अभी जो तनाव हुए हैं, उनमें अलग-अलग जिलों में प्रशासन का अलग-अलग रवैया रहा है. हमारी मांग है कि जहां प्रशासन की लापरवाही साफ साफ दिख रही है, वहां प्रशासनिक अमले पर कार्रवाई की जाए.
- \* जिन व्यक्तियों / संगठनों ने साम्प्रदायिक तनाव के दौरान लोगों के जान-माल की हिफाजत की है, सरकार को उन्हें सार्वजनिक रूप से सम्मानित करना चाहिए.
- \* तनाव फैलाने के आरोपितों की बिना किसी भेदभाव और दबाव के गिरफ्तारी हो. उनके खिलाफ तय समय सीमा के अंदर आरोप पत्र दाखिल किए जाएं. सरकार अदालतों में दंगे फैलाने वालों के खिलाफ मजबूत पैरवी करे. अन्यथा हम यह मानने पर मजबूर होंगे कि सरकारी की मंशा ऐसे साम्प्रदायिक तत्वों पर अंकुश लगाने की नहीं है.
- \* कई जगह हमें लोगों ने ऐसी शिकायत की कि कुछ बेकसूर युवकों को भी नामजद किया गया है और उन्हें पकड़ा गया है. हमारी मांग है कि पुलिस निष्पक्ष तरीके से तफ्तीश करे और जो युवक बेकसूर पाए जाएं, उनके नाम एफआईआर से हटा दिए जाएं.
- \* ऐसा लगता है कि कुछ जगहों पर पुलिस ने अपनी कार्रवाई को निष्पक्ष दिखाने के लिए बराबर बराबर संख्या में लोगों को नामजद कर दिया है. हमें लगता है कि पुलिस को दोबारा इन एफआईआर पर गौर करना चाहिए.
- \* सरकार ने नवादा, औरंगाबाद, रोसड़ा में सम्पत्ति नुकसान का मुआवजा दिया है. नवादा में हमें कुछ लोग मिले, जिन्हें नुकसान के बावजूद कुछ नहीं मिला है. सरकार स्थानीय प्रशासन से जांच करवाकर उन्हें उचित मुआवजा दे. रोसड़ा में मस्जिद के नुकसान का मुआवजा दिया जाए.
- \* नवादा में जिन फोटो जर्नलिस्ट के कैमरे तोड़े गए हैं, उन्हें उचित मुआवजा दिया जाए.
- \* सभी तरह के धार्मिक जुलूसों में हथियार के प्रदर्शन पर रोक लगे.
- \* जुलूस के लिए पहले से तय रूट का सख्ती से पालन हो.
- \* जुलूस के शुरू होने और खत्म होने की समय सीमा तय हो.



- \* एक ही त्योहार या अवसर पर कई दिनों तक जुलूस निकालने का प्रावधान खत्म किया जाए.
- \* किसी भी समुदाय के धार्मिक स्थल के सामने जुलूस को रोक कर प्रदर्शन न किया जाए.
- \* आजकल हर धार्मिक जुलूस में बड़े बड़े साउंड सिस्टम पर गाने और नारे का चलन बढ़ गया है. इन नारों और गानों की पूर्व अनुमति जरूरी कर दी जाए.
- \* उकसावे वाले नारे, गाने, भाषण पर पाबंदी हो. अगर कोई ऐसा करता है तो उस पर तुरंत कार्रवाई की जाए.
- \* बिहार में नफरत के खिलाफ आने वाले सभी संगठनों-व्यक्तियों का साझा मंच बनाया जाए. सामाजिक-सांस्कृतिक संगठनों द्वारा नियमित तौर घटनाओं को डाक्यूमेंट करने और उसे साझा करने के तरीके पर विचार किया जाए.

Table 2: Events just prior to and post Ram Navami in Bihar

बिहार में रामनवमी के ठीक पहले और बाद क्या हुआ			
तारीख	कौन सा जुलूस	कहां निकला	क्या/ क्यों हुआ
15 मार्च 2018	उपचुनाव	अररिया	अररिया लोक सभा उपचुनाव में राजद की जीत के बाद लगातार भड़काऊ वाले बयान. जैसे- अब तो अररिया आतंक का अड्डा बना जाएगा. इसके बाद एक वीडियो सामने आया. आरोप लगा राजद के विजयी प्रत्याशी के समर्थकों ने राष्ट्रविरोधी नारे लगाए. तनाव. जुलूस. इस मामले की चर्चा सोशल मीडिया पर खूब रही.
15 मार्च 2018	हत्या	दरभंगा	दरभंगा में बीजेपी कार्यकर्ता की हत्या. आरोप लगा कि उसकी हत्या महागठबंधन समर्थकों ने कर दी है. क्योंकि उसने एक जगह का नाम नरेन्द्र मोदी चौक रख दिया था. भाजपा समर्थक सड़क पर उतरे. मगर इस मामले ने बिहार और बिहार के बाहर काफी तूल पकड़ा. हालांकि सुशील मोदी ने इसका खंडन किया.
17 मार्च 2018	नव संवत्सर	भागलपुर	विक्रमी संवत् के जुलूस में भड़काने वाले गाने और नारे के बाद भागलपुर में दोनों समुदाय के लोगों के बीच पथराव। हिंसा। आगजनी। जुलूस बिना इजाजत निकला था। इस जुलूस का नेतृत्व अर्जीत शाशवत कर रहे थे।
24 मार्च 2018	रामनवमी पूर्व जुलूस	सिवान	रामनवमी से पहले हिन्दू युवा वाहिनी ने बाइक शोभा यात्रा निकाली. एमएच नगर थाना क्षेत्र के निजामपुर कर्बला के पास शनिवार 24 मार्च 2018 को कुछ लोगों ने बांस बल्ली लगा कर रोक दिया। रोक दिए जाने के बाद दोनों पक्षों में तनाव हो गया। देखते ही देखते पथराव और आगजनी होने लगी। पुलिस मौके पर पहुंची और फिर रैली को पांच पांच की संख्या में निकाला। कई जखमी हुए। बकौल एसपी, उस वक्त 20 लोग गिरफ्तार कर लिए गए थे। 90 पर मुकदमा दर्ज हुआ। ( <a href="http://epaper.jagran.com/epaperimages1/25032018/patna/24siw-pg7-0.pdf">http://epaper.jagran.com/epaperimages1/25032018/patna/24siw-pg7-0.pdf</a> )
25 मार्च 2018	रामनवमी	औरंगाबाद	रामनवमी जुलूस के दौरान भड़काऊ नारे और गाने का आरोप. पथराव. दो दिनों तक हिंसा. पचास ज्यादा दुकानें जलाई या लूटी गईं. करीब 25 घायल. सवा सौ से ज्यादा लोग गिरफ्तार.
27 मार्च 2018	रामनवमी	रोसड़ा	26 को रामनवमी जुलूस के दौरान चप्पल फेंकने का आरोप. दूसरे दिन हिन्दुत्ववादी गुदड़ी मस्जिद के पास इकट्ठा होने लगे. मस्जिद को घेर दिया. भगवा झंडा फहराया. मदरसा पर हमले. बच्चे किसी तरह जान बचाने में कामयाब हुए. डॉक्टर अशोक मिश्र ने बच्चों को बचाया. चप्पल फेंकने के आरोप में हिन्दुत्ववादी संगठनों की ओर से एफआईआर. दो मुसलमान नोजवानों पर कार्रवाई. कुल 54 लोगों पर मुकदमा. दस गिरफ्तार.

27 मार्च 2018	मां चैती दुर्गा	मुंगेर	चैती दुर्गा की प्रतिमा विसर्जन के दौरान जुलूस में बज रहे गाने और लग रहे नारों पर कुछ लोगों ने आपत्ति दर्ज की। इसी पर तीखी बहस हो गई। देखते ही देखते दोनों पक्षों में रोड़ेबाजी होने लगी। कई दुकानों पर हमले हुए।
26 मार्च 2018	रामनवमी	बिहारशरीफ	
27 मार्च 2018	रामनवमी	राजगीर	
28 मार्च 2018	रामनवमी	सिलाव	जुलूस को सिलाव के मुसलमान बहुल इलाके से ले जाने की जिद. दोनों पक्ष अड़े. काफी समझाने बुझाने के बाद तय हुआ कि दोनों समुदाय के पांच- पांच लोग रामनवमी की झांकी को लेकर उस रास्ते से गुजारेंगे. 28 मार्च की सुबह यह काम शांति से हो गया. तब ही महिलाओं का एक जत्था उस रास्ते पर आ गया. उसे भी गुजार दिया गया. मगर इसके बाद युवकों का बड़ा जत्था, यहां से गुजरने की कोशिश करने लगा. इससे तनाव शुरू हो गया. जुलूस निकाले की जिद करने वालों और पुलिस में टकराव. पुलिस की सख्ती.
28 मार्च 2018	रामनवमी	शेखपुरा	गिरहिंडा इलाके में जुलूस के तय रास्ते से अलग रूट अपनाने की मांग. पुलिस ने रोका. पुलिस से टकराव. पुलिस ने लाठीचार्ज किया. मुकदमा दर्ज.
30 मार्च 2018	हनुमान जी की मूर्ति विखंडन	नवादा	नवादा बाईपास के गोंदापुर चौक के पास हनुमान की मूर्ति टूटी। सुबह सुबह लोगों ने हाईवे जाम किया। बजरंग दल के कार्यकर्ता थे, ऐसा पता चलता है। जाम लगाने वालों ने जमकर बवाल किया। बारात की बस और दुकान के बाहर रखे सामान में आग लगा दी। बस के ड्राइवर और क्लीनर के साथ मारपीट। कई फोटोग्राफरों के कैमरे तोड़े गए। प्रदर्शनकारी भीड़ को नियंत्रित करने के लिए पुलिस को हवाई फायरिंग करनी पड़ी। शहर में अलग-अलग कुछ जगहों पर आगजनी की घटनाएं। इनमें हिन्दू-मुसलमान दोनों की सम्पत्तियां हैं।

## रोसड़ा/समस्तीपुर

### १. घटना से सम्बंधित जानकारी

स्थल- चौराहा, खेत, घर, कुवां, शाला, कॉलेज, ऑफिस- अन्य - रोसड़ा , गुदरी बाजार जमा मस्जिद और मदरसा ज़िया उल उलूम ,रोसड़ा

घटना स्थल का पूरा पता: गुदरी बाजार , रोसड़ा ,ज़िला समस्तीपुर गाव/शहर- रोसड़ा , समस्तीपुर

४.जिल्ला- समस्तीपुर

राज्य- बिहार

घटना घटने का समय: (रात और दिन की स्पष्टता के साथ)- दिनांक - 27 मार्च 2018 समय - 7 बजे से शाम तक

पुलिस थाने का नाम: (in which jurisdiction) रोसड़ा , समस्तीपुर

### २. घटना का विवरण

27 मार्च 2018 को सुबह सात बजे से गुदरी बाजार स्थित मस्जिद के पास हिन्दूओ का जमावड़ा लगना शुरू हो गया था , भीड़ उत्तेकजक नारे लगा रही थी और चारो तरफ से मस्जिद को घेर लिया था। मस्जिद का गेट बन्द था , उपद्रव्यों ने मस्जिद की दीवाल पर चढ़ कर निचे उतरे और छत पर चढ़ कर मस्जिद पर झंडा लगा दिया। उपद्रवियों ने पत्थर बाजी की जिसमे कई पुलिस वाले घायल हुए ।

मस्जिद में इमाम और मुअज़ीन थे , लेकिन वह उनके सामने नहीं गए और छुपे रहे । उपद्रव्यों ने उनकी मोटर साइकल को क्षतिग्रस्त कर दिया तथा वहां कि सामनो को भी नुकसान पहुंचाया।

उपद्रव्यो ने 27 मार्च को ही करीब 2 बजे दिन में मदरसा ज़िया उल उलूम को भी निशाना बनाया जहां 80-85 बच्चे तालीम पाते है जिसमे 6 मदरसा शिक्षक है । उपद्रव्यों ने 3 मोटर साइकिल , तीन साइकिल , कुर्सी टेबल , मेज़ और बहुत सारी किताबें , चटाई और दैनिक उपयोग की सामग्री नुकसान हुआ । मदरसा ने 437000 का नुकसान का विवरण प्रशाशन को दिया जिसमे उन्हें मात्र 1.79 लाख का चेक भुगतान हुआ है । मस्जिद और मदरसा को क्षति पहुंचाई गई . बच्चों में हर कम्प मच गया इमाम ने बच्चों को पड़ोसी डॉक्टर अशोक मिश्रा के घर पर छत से पार करा कर छुपा दिया । कुछ बच्चे मदरसा के छज्जे पर छुप गए थे ।यह आस परोस में मुसलमान की आबादी नहीं है । स्थानीय हिन्दूओ की मदद से ही यहां के लोग रहते है , स्थानीय हिन्दूओ की महिलाये रोज शाम में बच्चों को फुकवाने आती है , उनके दिल में हमारे लिए कोई नफरत नहीं , स्थानीय लोग हज़ूम के आगे बेबस थे , डर से घटना के समय कोई नहीं बोला । बाद में स्थानीय लोग आये और अफ़सोस का इज़हार किया।

### ३. घटना से पीड़ित पीड़ितों का विवरण

प्रशासन ने हिन्दू संगठनो के दबाव में उनके प्राथमिकी दर्ज कराने पर दो मुस्लिमों मो.शहज़ादा और चमन के खिलाफ करवाई कि और शाहज़दा को जेल भेज दिया जबकि चमन फरार है. आरोप में जिस चप्पल का जिक्र है वह नहीं पाया गया , अगर मूर्ति पर चप्पल गिरी होती तो उसी वक़्त हंगामा हो गया होता।

यह प्रायोजित हंगामा था जो कल हो कर किया गया, इसमें स्थानीय लोगो ने बताया कि हिन्दूओ संगठनो के ज़रिये नव युवको का उभार है खासकर बजरंग दल का हाथ है जिसका FIR में भी बात आया है । मुसलमानो ने कही

प्रतिरोध नहीं किया । राजनीति गतिविधियों पर नज़र रखने वाले एक व्यक्ति ने बताया की भाजपा के स्थानीय नेता इस तरह की गतिविधियों में अपना वर्चस्व दिखने के लिए उपयोग करते है।

Table 3: Victims of Incident

क्रं	नाम	पिता/पति का नाम	उम्र	लिंग	जाती	धर्म	व्यवसाय
1.	मो.शहज़ादा	अब्दुल वदूद	38	पुरुष	Obc	Islam	छोटी दुकान
2.	मो.चमन		22	पुरुष			" चूड़ी माला की

#### ६. कानूनी कार्यवाही

पुलिस ने 54 लोगों के खिलाफ नामजद प्राथमिकी दर्ज कराई है , जिसमे दस की गिरफ्तारी हुई है . हज़ारो अज्ञात उपद्रवी बताये है .

1. FIR. NO: दो FIR दर्ज हुए है जिसकी कॉपी भेजी गई है .पुलिस द्वारा 99/18 और हिन्दू संगठन द्वारा 98/ 18 जिसमे मो.शहज़ादा और चमन को आरूपी बनाया

गया है जिसमे शहज़ादा की गिरफ्तारी हो चुकी है ।

2. FIR दर्ज करने की तारीख/समय : 27.04.2018
3. FIR में लगाई गई धाराएँ: FIR की कॉपी है ।

घटना के बाद 10 लोगो की गिरफ्तारी हुई। पीड़ितों के खिलाफ दर्ज किये गए केस में एक गिरफ्तारी हुई ।

## ANNEXURE I

Table 4: Offences under IPC in Bihar

IPC Section	Crime	Nature of Offence	FIR	FIR	FIR
			Nalanda	Nawada	Samastipur
120B		Cognizable (C) Bailable			
	Criminal Conspiracy	(B)	No	No	Yes
147	Rioting	C & B	Yes	Yes	Yes
148	Rioting with deadly weapons	C & B	Yes	No	Yes
149	Joint liability of rioters	C & B	Yes	Yes	Yes
153	Promoting riot	C & B	No	No	Yes
153A		C & Non Bailable			
	Promoting Enmity between groups	(NB)	Yes	Yes	Yes
153B		C & Non Bailable			
	Assertions prejudicial to national integration	(NB)	No	No	Yes
188	Disobedience to an Order	C & B	Yes	Yes	No
283	Causing obstruction in public way	C & B	No	Yes	No
285	Dealing with fire / combustible material	C & B	No	Yes	No
290		Non Cognizable			
	Public Nuisance	(NC) & B	No	Yes	No
291	Continued Public Nuisance	C & B	No	yes	No
295	Defiling place / object of worship	C & B	No	Yes	Yes
295A	Insult to religion	C & NB	Yes	Yes	Yes
298	Uttering words to wound religious feeling	NC & B	No	Yes	Yes
307	Attempt to murder	C & B	Yes	Yes	Yes
323	Hurt	C & B	Yes	Yes	Yes
332	Hurt to deter public servant	C & B	Yes	Yes	Yes
333	Grievous hurt to deter public servant	C & NB	No	Yes	No
337	Hurt by act endangering life	C & B	No	No	Yes
338	Grievous hurt by act endangering life	C & B	No	No	Yes
341	Wrongful restraint	C & B	Yes	Yes	Yes
353	Assault to deter public servant	C & B	Yes	No	No
357					
	Assault to wrongfully confidential	C & B	Yes	Yes	Yes
379	Theft	C & NB	No	No	Yes
427	Mischief	NC & B	Yes	No	No
435	Mischief by fire / explosive	C & B	No	Yes	No
504	Insult to cause breach of peace	NC & B	Yes	yes	Yes
506	Intimidation	NC & B	Yes		Yes

# ANNEXURE II

Misaal - Citizens Against Hate  
Fact finding investigation into targeted mass violence against Muslims  
(April 2018)

## *Guide for fact finding team*

Thank you for volunteering to conduct the fact finding on behalf of Misaal-Citizens Against Hate.

This guidance pack contains the following helpful material

- Template for report to be submitted by fact finding team leader, based on inputs from the rest of the team, after completion the field work.
- Sources of information/data to be collected as part of the fact finding, and potential list of respondents to be interviewed
- Schedule of questions, to be used by the team, with respondents, to obtain the information

*Thank you!*

*Misaal*

### *Template for report by fact finding team on completion of field visit*

*(Max 5 pages, excluding annexures/any lists)*

Date of fact finding visit.....

Place and localities visited: .....

Members of fact finding team:

- .....
- .....
- .....
- .....

*Please annex the following to the report*

- List of persons interviewed (and their contacts):*
- (legal) documents obtained and used (Pls attach soft copies where possible):*
- Video and audio material obtained and accessed (Pls attach)*
- Media reports etc. accessed: pls provide links*
- Any pictures taken (Pls attach)*

Report of fact finding

The violence, and its context (500 words)

*the build-up; violence occurrence, where, when, how, the sequence of events;  
any recurrence after the initial violence;*

The Perpetrators: the organisations, networks and individuals  
(500 words):

*Please name the foot soldiers as well as leaders, mobilisers and instigators of the violence, and their protectors; provide details of their role in the violence, its mobilization and post violence action. Pls only name where verifiable evidence is available.*

The Modus operandi, instruments and repertoire (500 words)

*Please provide details of methods and instruments used by the perpetrators - including use of media/ social media - to incite violence, mobilise support, and carry out the attacks.*

The 'duty bearers': Role of the Police and Admn. (including state admn)  
(max 1000 words)

*Please provide details of police and admn.'s role: (with evidence please)*

*During build-up of violence: whether active, or lax in dispelling rumours and mobilization, and*

*During the violence: action taken or not taken against perpetrators; action taken to protect victims and their properties; or any action police themselves took, in collusion with attackers, against victims*

*After violence, to register cases against perpetrators, investigate cases, arrest known attackers, and take punitive action*

*Provide protection to victims and victim communities, to prevent further attacks; and restore peace*

*Rehabilitate victims, provide them compensation and relief, establish relief camps*

Victims: the loss, damage and dislocation

*Please annex the following*

*List of those killed and injured*

*List of victims of sexual violence, if any (pls mask names)*

*List of shops and houses burnt and damaged*

*Value of the loss (any valuation done by admn?)*

*List of religious building and sites damaged and desecrated*

*List of families displaced, where to?*

The Victims: Experiences with accessing justice (500 words)



*Efforts by especially families of victims of murder and serious injury, to access justice through mobilising criminal justice system, viz. have FIR registered with correct entries; obtain legal documents they are entitled to (Post mortem report/injury report..); get police to arrest known perpetrators, and investigate cases swiftly. Also obtain legal aid (under NLSA Act), and compensation.*

Wider civil society response (500 words)

*Please report action by civil society (general, as well as those representing majority community AND minorities), to come to the aid of victims (for relief and justice) , and against violence/polarization.*

### Fact Finding data sources and methods

#### Data / information sources

*Interviews with:*

- Affected families: Killed, injured, lost property, displaced
- Local opinion makers/media/ civil society actors
- Local Admn./Police (DM, SP, SHO, Mayor...)
- Any lawyers / Bar association
- State level actors (where possible): admn. and civil society/med.

Review of relevant documents: Govt. Orders, FIRs, enquiry reports.

- FIRs
- Post Mortem report (in cases of death)
- Injury report (severe injuries..)
- Any orders issued, publically available (Prohibitory orders – Sec 144)
- Any other documents related to legal cases now.
- Reports of any enquiries by admn. (magisterial etc.)

Review of media reports (national, state, local)

Review of Youtube and other social media content

#### schedule of questions

*To be used for the victims/survivors, witnesses, other community members, state actors and perpetrators.*

*Note: This is not a questionnaire (requiring all questions listed to be asked), rather please use this as a check list of topics and sub topics, and possible questions, to be used judiciously by the fact finding team, based on the interaction with respondents, to obtain information.*

### **The violence, and its context**

Build up:

What kind of communal polarization or violence has happened in the past in this town? Loss of Life? Loss of Property? What kind of property? Displacement?

Has the polarization increased since BJP came to power in 2014?

What kind of polarization has the respondent witnessed in the last six months (since mahagatbandhan dissolved)?

Is it any different from the polarization witnessed before? List out methods used this time.

Is the neighborhood Muslim majority? Is there ghettoization in this town? Would we see this neighborhood as a ghetto? How bad is the ghettoization?

### **The Perpetrators**

Names of persons/organisations - foot soldiers as well as leaders, mobilisers, instigators, and protectors?

### **The Modus operandi**

methods and instruments used by the perpetrators to mobilise support, and carry out the attacks.

How has media been used earlier in mobilization – could be TV in 1990s, Internet in 2000s and smartphones now. Please document if and how media has been used (we know intuitively, but we should document it through testimonies)

Does this fit into the methods of violence used earlier (the repertoire)

What kinds of media were used this time?

What was the content/message?

Was the mobilization leading to incidents reported – saraswati puja earlier this year and ramnavmi in March.

How was the incident reported, if reported in local media?

What kind of social media campaign is happening post the incident – both sides?

### **The 'duty bearers'**

What was the role of the state?

Local power brokers – municipal/village level

Politicians

Police

Administration

Could/Did the administration know about the mobilization before the current incident?

Did it do anything to stop this incident from happening?

What was the state response during the incident?

What was the state response after the incident?

Has state taken legal cognizance of the incident?

If yes, FIR details:

No & Date:

charges filed, and under what sections of law\

Who have been named as perpetrators:

Name and designation of the officer who registered the FIR:

Does the respondent have a copy of the FIR:

Was a *panchnama* done for the crime scene?

Has the police taken statements of victims/survivors and witnesses?

Is there any discrepancy between the incident (as reported by victims) and the FIR, please specify:

Has state done anything to arrest the perpetrators? How many days after the incident were the arrests made?

Was any police personnel or other state official involved in perpetrating the violence/incident, please name with designation:

Has any cross case been filed? If yes, take details drawing on the questions above.

Have those named in these cross cases been arrested? When?

Were those injured in the incident taken to hospital? Who took them to the hospital? Private or public hospital? Were they given a copy of their medical report?

Has state done anything to grant protection to the victims/survivors?

#### **Victims: the loss, damage and dislocation**

Who were targeted in this violence (victims)? Please break it down – who were specifically targeted in this mobilization (young men, women, middle classes, petty traders etc.)

Please detail the losses suffered by the victims/survivors?

Have the respondent or her/his family received any compensation.

Has the respondent and her/his family been displaced – yes/no?

If yes, where are they residing now?

क्या उनका आर्थिक और सामाजिक बहिष्कार हो रहा है?

#### **Victims: Experiences with accessing justice**

What actions do the victims need – rehabilitation, legal help, livelihood etc.?

Other statutory bodies that have been approached by victims/for victims and when?

Name of the organisation	Date of complaint	Who helped file these complaints
NHRC		
SHRC		
NCW/SCW		
Minority Commission		

#### **Action by wider civil society:**

How do the majority community see the incident?

Has any effort been made to reach out to the affected by the majority community?

Which civil society actors have reached out – individuals, political parties, writers forums, cultural groups, CBOs, CSOs etc.?

What have they reached out for – legal aid, negotiating with the police, livelihood, communal harmony meets, protest meets, fact findings etc.?

Are any of these organizations local to the locality/town?

Have any of these been involved with the community since before? Please list the organization, contact person (if possible) and what kind of work the organization has done?

What do the victims think of civil society response?