

BHOPAL encounter

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“Names in Alphabetical Order”

INTRODUCTION

News broke on 31st October 2016 that eight inmates of Bhopal Central Prison had escaped in the middle of the previous night. All these inmates were alleged to be members of the banned Students' Islamic Movement of India. The inmates were all under-trials and were held in the terror cell of the B wing of the high security jail. By afternoon of the same day Madhya Pradesh police reported that all eight had been killed in an encounter in a village on the outskirts of Bhopal.

As details and conflicting reports of the alleged jail break and encounter began to emerge, many questions were raised by concerned citizens regarding the genuineness of the entire incident, especially in the light of glaring loopholes in the official version of events. This fact-finding was conducted 4th to 6th November 2016.

ENCOUNTER KILLINGS IN INDIA: A BRIEF BACKGROUND

Encounter killings have unfortunately become an almost routine part of police behaviour in India. According to official government data provided by the National Human Rights Commission (NHRC), there have been 2560 cases of police encounters investigated by the NHRC since October 1993. Out of these the NHRC itself has found 1224 of these cases to be fake encounters¹, while civil society reports have highlighted many more discrepancies than the official estimates. Moreover official documenting of fake encounter remains low and patchy, with even NCRB not collecting data specifically on encounter killings reported across the country.

A culture of impunity is all pervasive. Police establishments are loathe to acknowledge, leave alone investigate and prosecute, policemen responsible for killings. In fact, police officers involved in encounters are routinely awarded out-of-turn promotions, bravery awards and other commendations by the State. Besides, popular culture glorifies and glamourises killers in uniforms as heroes. Even in cases found to be fake by official enquiries, punishment or just disciplinary action is either non-existent or virtually ineffective.

In 2014, the Supreme Court of India took cognizance of the grave situation and threat to right to life of common citizens posed by encounter killings. A division bench of the Supreme Court led by then Chief Justice R.M. Lodha laid down a set of 16 guidelines to be followed by the state in all instances of encounter killings². These included mandatory filing of FIR in encounter case, independent investigation by a police team, magisterial inquiry and filing of case against the police officials in case the encounter is found to be fake.

The court also directed that no out-of-turn promotions and gallantry awards should be given to police officers involved in the encounter till it is conclusively proven that the encounter was genuine³. These were a reiteration of the NHRC guidelines issued first in 1997. Neither the NHRC guidelines, nor the subsequent guidelines by the Supreme Court have been able to make a dent in the entrenched culture of impunity.

CONTEXT OF ENCOUNTER OF EX-SIMI MEMBERS

Since 2001, when SIMI was banned, young Muslim males have been arrested and charged with furthering the activities of a banned organisation under various sections of the Unlawful Activities Prevention Act (UAPA). A large number of these cases pertain to possession of banned or unlawful literature. Only a meagre number of cases are to do with any act of violence. Nonetheless, this has had the effect of criminalizing a

¹ <http://lexhindustan.com/law-articles/supreme-court-guidelines-for-encounters-in-india/>

² PUCL v. State of Maharashtra, available at <http://supremecourtofindia.nic.in/outtoday/ar12551999.pdf>

³ PUCL v. State of Maharashtra, guideline no. 15, page 18, available at <http://supremecourtofindia.nic.in/outtoday/ar12551999.pdf>

⁴ On this see JTSA's report Guilt by Association: SIMI Cases from Madhya Pradesh

community and hyping the threat of SIMI's 'terrorist' activities⁴.

WHAT HAPPENED IN BHOPAL? BREAKING DOWN THE SEQUENCE OF EVENTS

The series of events that are alleged to have taken place on that fateful night can be broken down thus:

1. **Alleged Murder of Ram Shankar Yadav (Security Guard) by 8 SIMI members**
2. **Alleged Jail Break by eight under-trials**
3. **Encounter Killing of eight under-trials**
1. **Murder of Ram Shankar Yadav (Security Guard)**

In order to closely look at the murder of Ram Shankar Yadav, the fact-finding team met the family members of Shri Yadav, spoke to defence lawyer Parvez Alam and interviewed police personnel from Madhya Pradesh State Police Department.

Non Co-operation and hostility from the Madhya Pradesh Administration: It is pertinent to highlight the fact that the team received zero co-operation from the police. The team wrote several letters seeking permission to visit the Jail as well as the senior officials of the prison. However all permission was peremptorily denied. In fact, the police as well as other official tried all means to prevent the team from getting any information. The even tried to dissuade the team from speaking to different stakeholders in the issue.

The team members faced severe restriction and hostility due to the strong surveillance by the police – an act intended to intimidate us and stop us from gathering critical facts, testimonies, etc.

Visit to Ram Shankar Yadav's family: Key Facts and observations:

The team reached the house of Ram Shankar Yadav around 12 noon on 4th of November 2016. The scenario of the house was of a grief-stricken family comprising Shri Ram Shankar's Yadav's wife, his daughter, (who is due to get married on 9th of December), and two sons who are both working as soldiers with the Indian Army.

- **Family Facing Fear due to constant threat**

When the team reached the house, Ram Shankar Yadav's wife (Smt. Heera Munni Yadav) was inconsolable. We were startled to hear that she was crying not just because of the grief over loss of her husband, but also because of fear. She pointed out:

"We are facing lots of threat and are really scared...We don't know who are these people but, we are in great threat...we are being threatened through media sources..."

Her daughter also confirmed that they were being threatened through media sources. We wanted to probe the media sources further. However, they were unable to say anymore as there were several media people in the room and the family was reluctant to talk further. "Our sons who are posted outside. We want you to request the government to transfer them to Bhopal, as we feel insecure and threatened and we have no male member here with us who can ensure our security. After what has happened we can't rely on anyone else for our safety"

For the family members of Ram Shanker Yadav, what was primary was their safety and security rather than securing a government job which has been promised to them.

- **Poor Health Condition of Ram Shankar Yadav**

There has been negligible news coverage about health issues of Ram Shankar Yadav. 59-year-old Ram Shankar Yadav was facing serious heart and blood-pressure issues, and in-fact had undergone a heart surgery five years back. Therefore, he had got himself transferred back to Bhopal from his earlier posting. The family told us that it was a struggle to get the transfer to Bhopal. His senior officers were

not co-operative since the time he was posted in Bhopal Central Prison. His relationship with his jail colleagues and seniors in particular was not good because of this. He had been given both day and night-shifts. He constantly fought with his officials to get him transferred from night shifts, and even gave written application but his appeal was never heard.

- **Change in Shift on the night of Deepawali**

Ram Shankar officially did not have appointed duty on the night of Diwali (night shift). The family shared that he must have agreed as a lot of the people would have been on leave for Diwali. No one would have guessed that he would be killed that particular night.

- **Family's opinion about the incident**

The team felt that family was totally ignorant about the issue and they didn't know what exactly happened in the prison on that fateful night. They had not received any official intimation from the authorities. Most of the information they had was received through the media.

However, Ramashankar's daughter, Soniya Yadav, very clearly said that the family was not satisfied with Government's version of the story. The team felt that Soniya was a very strong, bright and vocal girl who wanted to raise many questions but was scared and concerned about the safety of her family. On being asked pointed questions of whether she felt that state's version of story was not true, she said that:

"I am not convinced with what they are saying but you people should ask these questions, we can't ask these questions"

- **Chandan Ahirwal (the only eye witness in the murder of Ram Shankar Yadav)**

Chandan was the co-security guard who according to the official account was present at the site of the incident. He was allegedly kept hostage by the under-trial prisoners. He is also the only eye witness to the murder of Ram Shankar Yadav. As his account can be crucial for the entire episode of alleged murder and jail break, he has been kept away by investigating agency. He hasn't spoken to any media house, and has refused to give any statement which could bring more clarity to the incident. What is surprising is that while the official account claims that Chandan was a very close friend of Ram Shankar Yadav, he hasn't met his family even once after the incident.

Account of Defence lawyer Parvez Alam regarding murder of Ram Shankar Yadav

The fact finding team met the defence lawyer, Parvez Alam on 4th November, 2016. Following are the points that he raised regarding murder of Ram Shankar Yadav:

- "My clients, who have been brutally murdered by the police, have not killed Ram Shankar Yadav. There's not a single evidence which proves that he has been murdered by these eight men. The story of plates and spoon being used for murder is not believable. The prosecution story will not stand in the court, this is just to mislead the people. What weapon has been used to kill him is not clear because post mortem report is not revealed. If prosecution argues that throat slit happened, a great amount of blood would have spilled on the clothes of the accused. No such evidence has been presented officially or through media. Hence it is incorrect to even allege that my clients have murdered Ram Shankar Yadav."
- "The most important witness in the case is Chandan who is being hidden by the authorities. He is such a crucial evidence for the prosecution, his statement should have been immediately recorded. But no statements have been recorded till now. If the authorities are arguing that he was manhandled and kept hostage, his medical examination should have been done. But this has not happened. Why is it that such an important evidence, who is an only eyewitness is being kept away from media. He will have to eventually come in-front of me in the cross examination and truth will come out. Till then my

client shouldn't be alleged as murderers of Ram Shankar Yadav?

2. Alleged Jail Break by the Eight Under-trials

The Prison layout:

The Fact-Finding Team tried visiting the jail, but permission was denied by authorities. We then met Kabir (name changed for security reasons), a bailed under-trial prisoner in order to get a better idea of the prison as well as the possibility of some of the facts alleged.

Kabir was an undertrial prisoner in the same B wing where the 8 encountered undertrials were. He got bail one week before the incident. In light of being refused permission from the authorities to visit the prison to look more closely into the details, we met Kabir to understand the geography of the prison, its walls etc. We met him on 6th November 2016. He shared a detailed description about prison security and discussed about the possibilities of a prisoner breaking out from the jail. Following are the points raised by him:

- Bhopal Central Prison is very different from Khandwa Prison. Its not possible to get away from it after killing someone. The prison system is so secure that forget murder, even if there a small quarrel or the slightest bit of noise for ny reason, all the guards get to know. There is an alarm which rings the moment there is any noise. Even if a lighter is lit the sound can be heard from a very far distance, especially at night. It is impossible that a murder can take place and no one gets to know about it.
- Kabir also shared that while coming out of the Jail he could see cameras working perfectly. In-fact he was asked not to smoke because he could be seen in the camera. Kabir asked how it was possible that certain cameras were not working only for a certain period of time.

The jail that the alleged eight SIMI activists fled from was the Central Bhopal prison. They were kept in the B wing of the Bhopal prison. The B wing has several barracks, the head-quarter-office room of the prison and roads for patrolling. Among these barracks is the terror cell where these eight people were kept imprisoned.

The terror cell is right in front of the head-quarter office which has a camera monitoring room, a room for announcements and the office of the officer in-charge of the prison. In the terror cell itself there are two wards. Each ward has four cells which have their own separate locks. The entrance to the ward was sealed by another lock. Each cell in the ward houses only one inmate, therefore each ward had four inmates, with each inmate being locked up in a separate cell.

Together these two wards of the terror cell are placed in a vast courtyard and two prison guards patrol the whole courtyard during the night. At night there are three people assigned to each of the wards to keep an eye on the four cells inside the wards. These people are popularly known as "jaagiyas" (wakers) by the inmates. Covering the wall of the courtyard is another wall just a few feet away from the periphery of the courtyard. This wall is twenty-five feet high.

Thus, the terror cell is located among different barracks inside the B wing with a head-quarter office almost opposite to it and is surrounded by a 25 foot long wall, with almost forty-eight cameras placed inside the prison. The entire prison compound itself is built inside a wall of thirty to thirty-five feet surrounding the prison.

The Terror-Cells are most secure because it is in the centre with three layers of boundary walls around it. The boundary walls are also in clear view of the cameras as well as the security officers placed across the prison.

The police version:

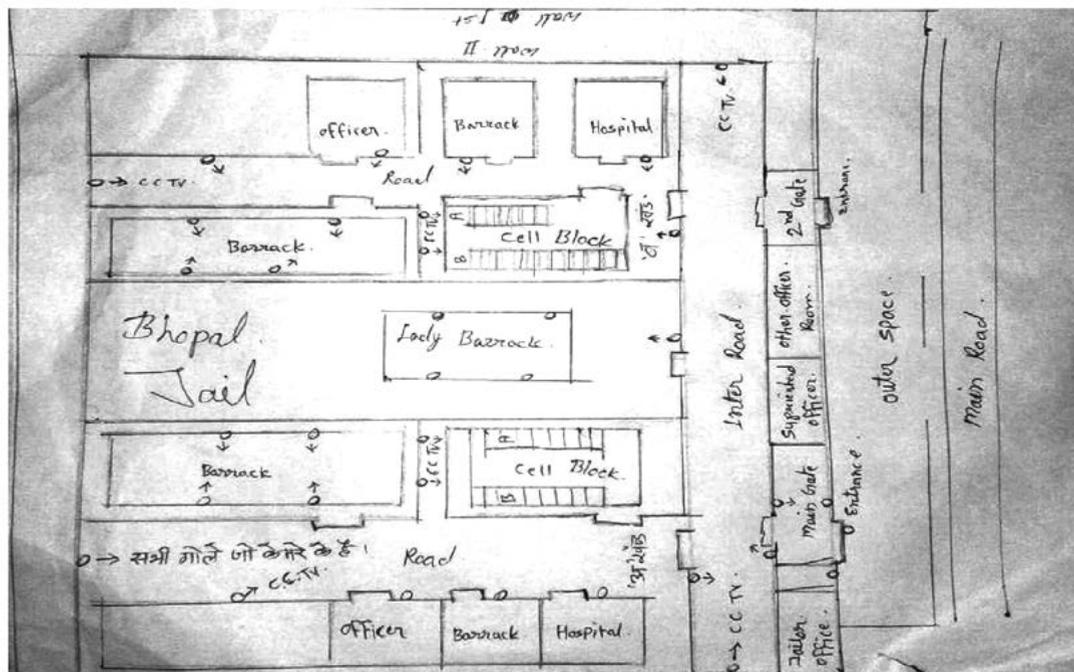
According to the police version the prisoners had used a tooth brush to open the lock by carving it in the perfect shape of the key and opening their lock with it. They then killed one of the guards patrolling in the

courtyard with a knife carved out of their steel plates (Ram Shankar Yadav). However, they tied up the other guard and threw him in a cell (Chandan). They then scaled the twenty-five feet wall and the final prison wall of thirty-thirty-five feet by constructing a ladder out of the bed-sheets they were given as inmates and using wooden planks as rungs for the ladder. The cameras inside the terror cells were apparently not working or disabled and the prison that night was understaffed.

Testimony of a bailed under-trial:

He told us that the B wing is very well lit and there are almost six guards at night who patrol around the headquarters office of the prison. Prisoners were always kept in a state of fear and were conveyed well about the consequences of disobeying or seeming suspicious to the officers.

The process of locking up the prisoners starts from 7 pm and goes on till 10 pm. The prison guards patrol for these three hours. He mentioned specifically that at night there is complete silence, an absence of sound of any kind. Hence each and every sound, even the slightest noise caused at night is heard all across the prison.



On asking, whether it can be possible for prisoner to run away? If Yes, what will he need to do?, Kabir informed us that, in order to have escaped from the prison, each of the inmates would have had to unlock their own individual cell, then unlock the door of their ward, then overpower the six jaagiyas watching the wards as well as the two guards patrolling the terror cell, evade being detected by anyone from the head-quarter office which is right opposite the terror cell. This is next to impossible, because with slightest noise entire system of guards, alarms, etc would get activated.

Even if they break the terror cell, kill all jaagiyas and two security guards, they would have to then scale the 25 foot long wall of the B wing. It is not possible to cross it with clothes or blankets. Now, even if they cross that wall, they would land right in the centre of B-ward prison compound facing the medical ward inmates, guards, etc, leaving no possibility of remaining undetected. After this if they reach the compound wall without being seen by any guards or prison officials, they would have to then climb the 35 foot long wall of the Bhopal Central prison. After this they would have to cross the third wall, which is external wall, again undetected by any officials.

Kabir, finally argued that, "I can challenge, that if all security, surveillance is removed and a olympian is

asked to cross the wall, he would still fail. The Jail can't be broken”

Some Questions:

On the basis of our interaction with Kabir and Adv. Parvez Alam, the following questions arise:

- i. How did the inmates manage to make ten separate keys (eight for the individual cells they were locked in and one each for the two wards) out of toothbrushes in the prison? Also the prison keys are changed regularly as per Jail Manual. How did prisoners make keys without access to lock or duplicate keys? And even if they did it, where did they get tools and equipments to do it.
- ii. Jail manual clearly mentions that lock needs to be regularly changed for Prisons. Will the authorities show whether these details were entered in Jail Diary?
- iii. As per narrative of family members of Ram Shankar Yadav, his body had injury marks and they claim that injury marks show that he tried fighting. How did no one hear the noise, considering that it was a very quiet place. Why has there been no medical examination of second security guard? What happened to the jaagiyas who are supposed to be inside the wards?
- iv. How did a murder and the subsequent Herculean task of escaping happen right in-front of so many guards and prisoners and yet no notice was taken till 1- 1.5 hours?
- v. If they had killed one of the prison guards, why did they spare the life of the other one (Chandan) when he was a risk while they were escaping? Why did Chandan (second security guard) not raise an alarm for over an hour?
- vi. Even if they did escape their terror cell, how did they get past the six guards roaming around the head-quarter office?
- vii. How is it possible to scale a wall with a ladder made out of bed sheets? Moreover, how did they manage to procure 35 bedsheets as is being alleged by the administration?
- viii. Even if the cameras inside the terror cell were not working what about the other cameras in the prison? According to media reports, there were six 360 degree cameras. How is it possible that all the cameras of the prison were disabled on that night?
- ix. The bailed under-trial inmate clearly remembers cameras working perfectly when he was being released. How did the cameras suddenly stopped working?
- x. And if even the slightest sound is heard by the whole prison because of absence of the complete silence in the prison, then how did nobody hear anything at all on the day of the escape? How did anybody not hear or see anything at all in such a well lit and quiet prison?

Inconsistent Narrative of the Madhya Pradesh administration:

The police narrative is full of gaping holes and riddled with inconsistencies. Below are listed some particularly glaring ones:

- i. **The Keys:** The Home Minister and police officials have still not given a concrete reasoning to whether Jail Lock has been opened using wooden keys, or keys made of spoon or keys made of brush.
- ii. **CCTV Cameras:** On a similar note, there have been inconsistencies with regard to whether CCTV cameras were working, not working or working in certain areas. Even after a week of investigation, the

Jail minister in an official statement said that she is not sure about whether the cameras were working or not working and how many of them were not working. On being asked about whether it is true that CCTV cameras were not working, in an interview the Jail minister said, “(Hone ke liye kya nahi ho sakta?) What is not possible? It can’t be ruled out that one or two cameras might not be working!”⁵ The lack of clarity even after a week and after a supposedly detailed probe by a senior public representative raises many questions.

- iii. **The Escape:** Similarly, there are different versions of how the walls were climbed, whether bedsheets, or rope, or ladder. The jail authorities, ministers, etc would be sure of how it happened immediately. There is reason to be suspicious and it seems authorities are buying time to manufacture an evidence based story.



3. Encounter Killing:

There have been a series of videos which have gone viral before the fact-finding team reached Bhopal. The authenticity of these videos has not been verified and it wouldn't be justified to reach a conclusion based totally on these videos. At the same time if these videos are authentic it makes this a prima-facie case of 'Forced Encounter' and raises several questions, which in-fact makes this a possible case of 'State Sponsored Fake-Encounter'.

Videos

There are series of videos which our team analysed. Further investigation was done on the basis of questions

⁵ 'Truth vs Hype', NDTV, 5th November 2016, available at <https://www.youtube.com/watch?v=kYrdQH7fMKk>

arising from these videos. These videos taken from different cameras show two incidents which were part of the encounter killing.

- A) Incident 1: There are two videos (taken from different angles) which show police personnel shooting an already collapsed body of one of the accused victim. In the video the firing has been done from a very close range, to an already dead (or half dead) body. Voices can be clearly heard saying “hit him in the chest. Finish him,***** (abusive words) etc”. In another video of same incident, we see more than one bullet (at least two) being fired at the already collapsed body. Bodies of other deceased are lying very close to each other. Earlier in the video, one policeman is shown recovering a shining sharp weapon resembling a chopper knife from the waist of one of the deceased. The deceased (all eight) are lying very close to each other, wearing clean clothes (almost brand-new) fitting perfectly body sizes of the deceased, their faces (all eight) are clean shaved. The deceased are wearing watches, belts and very clean shoes.
- B) Incident 2: In one video five men standing atop the cliff can be seen raising their hands. The video is shot from a point very close to where the police personnel are standing in the valley. They can be heard saying loudly on the walkie talkie “We can see five people, they want to talk. Three are running, one is leaping.”

Questions arising from these incidents:

I. About the sequence of events:

- i.) The accused are wearing clean clothes, watch, clean shoes which under-trials do not wear. Where did these come from? If there are handlers who provided them with all of this, who was/were these handlers and why has there been no efforts to get hold of the handler(s)?
- ii) If clothes, shoes and watch can be arranged by the accused, why wouldn't the accused arrange vehicle for transportation too? Even if they failed in arranging vehicle, according to police they had guns and were armed with other sharp weapons, which could have been used by them to get a vehicle.
- iii) The village close to which they were shot dead is a populated one, with a dead end. To reach this village from the Bhopal Central Jail one has to cross three highways. Naturally, the question arises as to why those fleeing law will choose to cross three highways and head this way.
- iv) Further, why would the escapees climb the cliff and thereby make themselves visible to the entire village?
- v) How were the dead bodies lying so close to each other? Its very difficult to imagine that they were in a situation of conflict. They all were shown dead in the very range of possible gunfire while there were other places on the cliff they could have hid behind and fired. All the bodies lying together raises serious doubt about the Police version of the story. If all the accused were standing next to each other, the gretaer possibility is of them offering to surrender, rather than them being in a gun-battle situation as proclaimed by the police. Is it a co-incidence that the eight accused were running/escaping as well as shooting at the police together, without taking different routes or positions, and while dying too there were all standing next to each other?
- vi) The deceased can all be seen clean shaven in the videos and photographs. However, some of these accused had long beards in jail. They couldn't have shaved them without first trimming them – all of which would take a really long time. In a situation where they were escaping from jail, where did they find so much time to get their beard shorn? Were hair cutting salons open at late night on the Night of Deepawali between 3:00 am to 7:00 pm or were they provided by shaving kits by handlers too? Was a shaving kit recovered by the Police?

In our home visit at one of the accused, Akeel Khilji, the family members shared that he would never let anyone shave his beard as he had grown it for religious reasons; he would allow it only over his dead body.



- vii) The timing of encounter is not clear. There are different timings, ranging from 8:30 – 11:00 a.m. in various statements. The most consistent claim in official statements is that encounter took place around 11. However, in our interviews with villagers, most of them said they reached after the incident. Few of them clearly said that they reached around 10:00 a.m. and encounter had already taken place. This again raises serious doubts of what exactly happened and when.
- viii) A few people told the team that a small group of police had come to the village as early as 7 in the morning. What was the police doing there at 7 am?



II. About Injuries to the deceased and the police:

- i) The shooting has been done from a very close range, while in the police version of the story they were firing from distance of 50 feet. What is reason for discrepancy?
- ii) The last two bullets shot clearly shows that there was no intention, neither any effort taken, to save the 'escaped' prison inmates.
- iii) Why was there no firing below the waist?

The nature of injuries seems to be from sharp object, not gun fires or stones. If injuries were from sharp object, possibly a knife as shown in the video recovery, then the clash must have been a close fight, hence refuting the Police version where they claim that firing was done from a distance. The knife shown in the recovery is very clean and no blood mark can be seen, hence, raising a doubt of whether any resistance was shown by the alleged accused.

Further, media reports regarding their post-mortem show that all injuries on the accused bodies were above the waist, with no bullet being recovered from four of the bodies⁶.

- iv) We saw the videos of dead bodies that had been shot by the family members of the deceased. There were more than 25 bullets shots in their bodies. There were hardly one or two bullets hit in the lower parts of the body, and most of the bullets were aimed at the top part, especially the chest area. Few bullets mark were found on back of the skull. This clearly reveals the intention of the police force was to kill them. Moreover, the bullet holes in the body raises doubts of whether bullets were fired from different angles as described by the Police. Bullets seemed to have pierced through the body leaving big holes which makes one feel that it was fired from close range.

The Curious Case of the Eyewitnesses:

There are a number of contradictions and inconsistencies in the narratives of eye-witnesses. Some of them are highlighted below:

Witness 1 (media clippings) - Mohan Singh Meena, Sarpanvh, Khejradev village (where encounter took place) is one of the prime witness who claimed that he along with his friend(cousin) Suraj Singh Meena were the first people to identify the alleged terrorists. He further claimed that he along with his friend Suraj Singh Meena (and other villagers) was following the alleged terrorists while they were climbing the hill top after which the Police came. In his earlier statements he said that Police reached at 9:00 – 9:30 after which encounter took place. (see link: <https://www.youtube.com/watch?v=5cxb-YWN77E>) In his later interviews he said that encounter took place at around 11:30 (see link: <https://www.youtube.com/watch?v=xQ1Pwmd935I>)

Witness 2 - Suraj Singh Meena, an eyewitness who accompanied Mohan Singh Meena seemed a bit confused about the timing of entire episode. In personal interview with Fact Finding Team, initially said that he identified the escapees



⁶ <http://indianexpress.com/article/india/india-news-india/bhopal-encounter-simi-activists-jailbreak-post-mortem-report-3734163/>

between 9:00am – 9:30am, police reached in 20 minutes, and in next 10 minutes Police took position and they were encountered. Later in the same interview he said that he along with his brother (Mohan Singh Meena) identified the escapees only after 10:00am and encounter took place at 11:30.

Witness 3 – Dhabewala (name changed) – On the highway towards the Khejradev village Dhabewala is an owner of small Dhaba shared with us that two separate groups of Police came to them at 7:00 am and 9:30 am respectively asking for address of Khejra village. He further shared that the second team took him along to show direction. He emphasised on the fact that when they reached around 10:00am, encounter had already taken place. He said he was sure about the timing.

Bhopal Police press statements: *“Three policemen have been injured. They (alleged terrorists) had sharp weapons which they used to injure them. They were attacked when police team confronted these 8 people and there was a scuffle. They were chased further to the hill top by Police Personnel where final encounter took place. Encounter took place at 10:30”*

Following are important points that raise doubts on accounts of various witnesses.

a) Timing of entire episode:

There are major contradictions and self contradictions in timing shared by different witnesses with respect to timing of first identification of escapes, timing of informing the police and most importantly, the timing of encounter.

b) Question of ‘who followed/ chased the escapees to the hill top’? :

The witnesses (villagers) claim that they followed the escapees to the hill top and Police reached only after they reached the hill top. While the police claims that they chased the escapees to the hill top and in the procedure, they also got indulged in a scuffle and got injured by sharp weapons.

c) Weapons used by the escapees:

Madan Singh Meena, in his earlier interview mentions seeing sharp weapons, clothes and stones being used, but doesn't make any mention about gun or firing. Suraj Singh Meena seemed confused initially about presence of Gun, but on being asked sharply claimed that he couldn't see guns because he was far, but saw certain recoveries kept by the Police beside the body of deceased escapees. ATS chief, maintained for initial few days that encountered escapee were not armed with guns⁷.

d) Did the escapees come out from river?

Both Madan Singh and Suraj Singh Meena shared that they saw the escapees coming out from river. The clothes and shoes, however were not wet (in the video). The other witness (Dhabewala) also claimed that he saw the bodies and that their clothes were not wet.

e) What languages did the escapees used?

Both Madan Meena and Suraj Meena were very consistent in their self-contradictory statements with respect to languages used by the escapees. Whenever pointed questions were asked about conversations they had with the escapees, they said they did not understand the language, as it was a foreign language (probably because they thought these ‘terrorists’ came from a foreign country), not realising that most of the escapees were from their native state. While they claimed several times that escapees spoke foreign language, in their narrative they self contradicted themselves by claiming to have heard that “you will get killed if you come near us”

f) Did the Police visit the village earlier at around 7:00 am?

⁷ <https://www.thequint.com/india/2016/11/02/simi-members-bhopal-encounter-madhya-pradesh-multiple-gunshot-wounds-post-mortem-report-jailbreak-escape-cid-probe>

One of the most revealing fact that Suraj Singh Meena shared was that police had initially visited the Sarpanch, Madan Singh Meena, who is also Suraj Singh's cousin. The Sarpanch is not just a prime witness but also claims to be one of the first persons along with Suraj Singh Meena who identified the alleged terrorists. In his media interviews he said that he had got a call from police but does not mention that the police had come to visit him personally.

Further, the owner of a small Dhaba on the highway leading to the village shared with us that **two separate groups of Police came to them at 7:00 am and 9:30 am respectively** asking for address of Khejra village. He further shared that the second team took him along to show the way to the village. All of this leads to questions over the inconsistencies regarding when the police first received information and when they first reached the village.

Also, the witness we met (Suraj Singh Meena), seemed to have been both tutored, and placed at that particular place for us. We felt this because three men were standing at the point till where car could reach. It seemed they were standing there with no purpose. Why would someone stand in the sun doing nothing in the middle of the day. When we pointedly asked him what he was doing there, he said he was getting work done by labours in his field. However, the labours working in that field informed us that this field did not belong to him at all. This made us feel that he was placed there in a planned manner to mislead the FFT.

PROFILE OF THOSE KILLED IN THE 'ENCOUNTER':

AQUEEL KHILJI

Family Background:

The deceased Aqueel Khilji's family has five other members apart from him: a wife, 2 sons and 3 daughters. The family survive on daily wage earned by the sons by doing labour work in their area. Apart from daily wage labour work they manage some extra income through tailoring work. They live in semi-cemented house.

Present Condition:

Aqueel Khilji and his family's psycho-social, economic, and political condition is in an extremely frail state especially because of the many terror allegations that have been levied against them over the last 2 weeks. Different members of the family have been continuously, harassed, picked up and tortured by the police. As the family is not getting any daily work, it is in a state of disintegration. The family points out that most of the allegations are false, as Aqeel had been acquitted in most cases, while a few are undertrial. Most importantly, He was convicted only in one case. (See annexure for details of cases against Aqeel)

Police torture: According to the family, the police have been continuously harassing them and picking them up for torture. Below are two important incidents narrated by them:

Two months of torture:

Jaleel, son of Akeel, went to meet his father in the jail on 20th June 2014. The next day, on 21st June 2014, he was abducted by one of the police agency and kept in illegal custody for two months. During these two months, Jaleel was constantly kept blindfolded while the police officers demanded Rs 40 Lakhs as bribe to free him.

Suddenly after two months Jaleel was taken blindfolded and dropped in the middle of an open ground on a sunny day. While both his abduction and release were inexplicable, what Jaleel kept pointing out was the predicament of having been exposed to direct sunlight after two months of being blindfolded. More than that, he did not know where he was, where he had to go and it took him a long time to regain senses and find his way back home. He points out that after the incident he has developed night-blindness in both eyes.

The family has lost all hope in their lives. They have only one request- that the police and media stop harassing them and leave them alone.

The abduction on the day of the Encounter:

On the day of encounter of Aqeel, his son Jaleel was taken by Anti Terror Squad of Madhya Pradesh claiming that they are from the police department. This happened at around 5 am in the morning before the azaan for the morning prayer. However, two hours after that the MP police came around 7 am searching for Jaleel. The family was evidently shocked as they had no idea of different police agencies and started fearing for his life.

Jaleel was illegally abducted by the ATS without following any legal procedure, he was blindfolded all the time and he had no clue where he was taken, but from their conversation he felt that he was at ATS Indore but of course he couldn't be certain. Hours later Jaleel's blindfold was only removed in Bhopal, when encounter killing had already been done.

MOHAMMAD SALIK

Family Background:

Salik had six members in his family, mother Hajra Bee (70 years), elder brother Mohd. Rafik, eldest brother Mohd. Asfak, elder sister Roshan Aara (48 years) and a sister in law (35 years). The family, though educated, is quite impoverished. Salik's sister in law is a post graduate, while his sister and brothers have completed their education. However, almost all of them do not have any regular employment and end up doing odd jobs. Salik was alleged in a number of cases but has not been convicted in any. Salik's brother Asfak was in Madhya Pradesh police department at the time of his arrest.

Present condition:

The family is now living in an extremely vulnerable condition, as they are not getting jobs or wages due to the stigma attached. They had to leave their cemented home after the false allegations on Salik and the subsequent social boycott. His brother Asfaq also lost his job. They are presently living in a non-pucca house with very few services. The sister Roshan Aara had to sell her only gold jewelry (3 carat gold ring) to buy this house.

Currently, the family is facing extreme stigmatization and poverty, due to the social boycott that took place after what happened with the Salik and his brother Asfak. His sister Roshan Aara (48 years) is working in Anganwadi and getting 5000 a month, sister-in-law, Shamshad (35 years) is M.Com but does not have a job. She is presently teaching UKG and LKG students in a private school and getting only Rs 2000 per month.

Police torture:

Salik was first accused in a case in 2006. The very next day, his elder brother Asfaq was fired from his permanent job with the police department of Madhya Pradesh. The official justification provided by the police was that his younger brother is a terrorist, and hence he can't be in the police department. This has to be considered along with the fact that Salik was not even staying with his family since 2001. The family even tried to submit his rent agreement before the police as proof of the fact. However, all efforts were in vain. On top of it, Asfaq was beaten up by **DC Sagar, Superintendent of Police** in the police station. The family has been fighting in court to get his job back but they do not have any hope.

Three generations of Salik's family have served the Madhya Pradesh police department. But once the youngest member of the family was alleged in different criminal charges, everything has changed for them. Even though he had little connection with his family, the criminal charge against him has led to complete social and economic boycott.

The complete social and economic boycott is reflected in what the family told the FCC about Salik's body. The family is afraid that if they ask for the body of Salik there will not be a single person to lift it to the burial ground.

SHAIKH MEHBOOB AKA GUDDU

Family background:

Shaikh Mehboob has only two members left in his family: his 86-year-old grandfather and his mother Najma. His mother is presently in custody as she has also been accused in the case of banned organization SIMI. Kallan Shaikh, his grandfather, is living in extremely pitiable conditions. He is suffering from night blindness and living in small kaccha broken house. He doesn't have basic furniture in his house. He is living at the mercy of his neighbours.

Police torture: Shaikh Kallan was called to the police station at least a hundred times. He was tortured by the police on the day of encounter and his house was ransacked by them without any mercy. He was hesitant about naming the person who framed his grandson and seemed to hate media the most. But the most egregious violence is the fact that Guddu's mother Najma was not allowed to attend his funeral.

ZAKIR HUSSAIN

Family Background:

The deceased Zakir Hussain has two sisters and three brothers. They are earning their livelihood by supplying sand as laborers in their village.

Police Torture:

On the day of encounter, eight policemen in uniform came to their house at 6 am. Zakir's mother was beaten up by police when she denied having any knowledge about Zakir's whereabouts. Zakir's brother Abdullah has been in jail since five and a half years and he is currently 24 years old. His family was continuously harassed by the police and Abdullah is on hunger strike in Bhopal Central Prison. Abdullah was arrested when he was hardly 18, just because he got into an argument with Police while his family was going through routine torture by the authorities.

The family is extremely scared and is under severe pressure to not speak to anybody. The family fears that their two sons can be put behind bars anytime. They have also been continuously threatened by local police.

MOHD. AMZAD

Family Background:

Amzad had two brothers and three sisters. His mother is 45 years old and he was the eldest child in the family. He was also barely educated and studied only till standard 5. Amzad's father is reluctant to talk to anyone about the case. He complains that people come for information and leave but there is not much

done to help his child. His health conditions were also affected due to the psychological harassment faced by the family. They are living in semi-pakka house.

Current condition:

Since there has been social boycott of the families due to stigmatization, the accused families find it difficult to get married. Thus, they end up getting married among themselves. One sister was married to Ashraf and other to Jaleel. Jaleel is Akeel's son (another accused).

Police torture:

Before the encounter, there was an attempt by ATS Jabalpur to frame Amzad in another case. He was forcefully taken by train and was taken into illegal custody for 25 days a few years back. After the encounter, both Feroz and Jaleel were taken into custody and questioned. They have also been continuously asked by police why they married a girl from a 'terrorist's family.

Annexure I

CASES AGAINST DECEASED, AND THEIR STATUS

A. Aqueel Khilji

S.No	Case Details / CR no.	Year	Charges	Status
1	Aqueel Khiljivs State of Gujrat	2001	124-A & Sec 3, 10,13 of UAPA	Under Trial
2	Aqueel Khiljiv/s MP State- 256/06 148/2011	2006	153-A, 295 A, 124- A, 153- B	Convicted
3	PS Kotwali Khandwa	2011	124 A, 153- A, 153-B, 295 (A) 10, 13, 18, 20 UAPA	Acquitted
4	188/ 11	2011	Section 3, 10, 13, 18, 20 UAPA	Under Trial

B. Full Name Salik

S.No	Case Details	Year	Charges	Status
1	Jaferetc vs State of Madhya Pradesh	2008	-----	Acquitted
2	Jail Break	2013	-----	Under Trial
3	Kareem Nagar	2014	-----	Under Trial
4	147/11	2011	307, 27(Arms Act) , 398, 25(1B)-A Sec 3, 10, 13, 18, 20 UAPA, 153-A IPC 120-B, 307/34, 124-A,420/34, 468/34	Under Trial

C. Shaikh Mehoob

S.No	Case Details/CR No	Year	Charges	Status
1	Jaferetc vs State of Madhya Pradesh	2008	Not Found	Acquitted
2	728/09 PS Kotwali	2009	302 of IPC 15, 16 UAPA	Under Trial
3	703/09	2009	395, 397 of IPC15, 16 of UAPA	Under Trial
4	729/09	2009	395, 397 (IPC) 15, 16 UAPA	Under Trial
5.	Bijnor Blast Case	2013	NA	Under Trial
6.	Jail Break	2013	NA	Under Trial
7.	Kareem Nagar Robbery	2014	395, 397 IPC	Under Trial
8.	188/11	2011	Section 3, 10, 13, 18, 20 UAPA IPC 120-B, 307/34, 124- A, 153-A, 420/34, 468/34	Under Trial

D. Zakir Hussain

S.No	Case Details/CR No	Year	Charges	Status
1	290/11	NA	133-A IPC, 10,13,17 UAPA	Under Trial
2	125/11	NA	395 IPC, 10,13,17 UAPA	Under Trial
3	168/10	NA	3395, 397 IPC	Under Trial
4	224/11	NA	307, 25,27 E A, 10, 13, 15 UAPA	Under Trial
5.	261/11	NA	419, 420, 467, 468, 471/34 IPC	Under Trial
6.	35/11	NA	302, 307, 34 IPC	Under Trial
7.	149/11	NA	394, 395 IPC, 25,27 Arms Act	Under Trial
8.	456/69	NA	395, 397 IPC, 13, 16, 17 UAPA	Under Trial
9.	703/09	NA	395, 397 IPC, 15, 16 UAPA	Under Trial
10.	728/09	NA	302 IPC, 15, 16 UAPA	Under Trial
11.	729/09	NA	395, 397 IPC, 15, 16 UAPA	Under Trial
12.	168/10	NA	395, 397 IPC	Under Trial

E. Mohd. Amzad

S.No	Case Details/CR No	Year	Charges	Status
1	Jaferetc vs State of Madhya Pradesh	2008	Not found	Acquitted
2	729/09	2009	395, 397 of IPC 15, 16 UAPA	Under Trial
3	PS Kotwali	2013	Jail Break	Under Trial
4	456/09 JMFC Dewas (MP)	2009	395, 397 (IPC) 13, 16, 17 UAPA	Under Trial
5.	Bijnor Blast	2014	NA	Under Trial
6.	Jail Break	2013	NA	Under Trial
7.	147/11	2011	307, 398, 27, 25 (1B)A 3, 10, 13, 18, 20 of UAPA IPC- 120-B, 307/34, 124- A, 420/84, 468/34	Acquitted from all the charges
8.	188/11	2011	307, 398, 27, 25 (1B)A 3, 10, 13, 18, 20 of UAPA IPC- 120-B, 307/34, 124- A, 420/84, 468/34	Acquitted from all the charges

Annexure II

Interview with Suraj Meena, key witness to the 'encounter'

FFT (Fact Finding Team): Did they come near you?

W (Witness): - They were far

W: We didn't understand their language. After that they (6 men) started coming out one by one. So we had a doubt that they might be the terrorists. Then we called Jitan Patel TI (Gandhi nagar). He told us not to go near them as they might be having weapons but to keep following them keeping them under our surveillance. Thus we stated following them.

FFT : What were they doing at that time? Did they see you when you were following them?

W : They saw us following them but by then we had already called the villagers along with us.

FFT : So did they attack you?

W : No. We started shouting "catch them! catch them!" then they started saying " come, if you dare to get shot!"

FFT : Did they say that!???

W : Yes they did!

FFT : Did they have any weapons?

Yes. They had knife, and they were showing some country made pistol (said this hesitantly). We were scared so we were around 600-700 feet behind; following them.

FFT : What were they wearing?

W : Jeans.. T-shirt, some were wearing shirts.

FFT : Weren't those the same clothes they wore when they were encountered?

W : Yes

FFT : Then what happened? please tell us the whole story.

W : We were following them.. they started climbing the hill. The hill was covered with trees and all so we stopped at the field. Fearing that they might attack us, we stayed on the field itself. When we started climbing the hill.. we saw 8 men standing on the rock where the encounter took place. When we were going up the hill they started pelting stones at us. By then the police arrived.

FFT : How many were they (police officers)?

Jitan Patel's team came first

FFT : Who started the stone pelting? The villagers or them (accused)?

W : It was them; from the top.

FFT : How many villagers were there at that time?

W : Around 50-60

FFT : Did the villagers try to run away?

W : No no... they were standing far from them.

FFT : So the villagers surrounded them from all sides?

W : No.. the villagers were just standing on the foot of the hill.

FFT : You said you reached around 8:30 in the morning. When did the police arrive?

W : No not at 8:30 am. At that time I was here only. I saw them around 9:15-9:30 am.
 Nobody can tell the exact time.

FFT : But around what time did you see them? And when did you inform the police for the first time?

W : Around 9:30-10:00 am.

FFT : When did the police arrive?

W : In 15-20 minutes.

FFT : Oh! in such short time! Well they came very fast! (even we came here on a vehicle and it took us some considerable time!!!)

W : In the midst of all there I spoke to the TI around 10-12 times. He told me not to go near them but to keep them under our eyes.

FFT : How many police teams came?

W : Firstly, Jitan Patel's team arrived then the STF followed by the local Police (100 number wale)

FFT : So they arrived fast and didn't take much time right? What did they do when they came?
 Did they try to disperse the villagers?

W : They dispersed the villagers and asked them to stay back. Then they(the 8 men) started pelting stones at the police and also started abusing/cursing them. They also fired something.

FFT : In which language?

W : In their language. They were also shouting the slogans like "HINDUSTAN MURDABAD.. PAKISTAN ZINDABAD!"

FFT : What all abusive words did they use?

W : They were using the worst kind of abusive words. Then they started firing. The TI sir then called the control room and took permission. And then the police started firing.

FFT : So the police might haven't got the prior permission right? The police must have been more than 8 in number, right?

W : They were many. They asked them to get down and surrender. They were shouting "shoot us! Shoot us" they were showing their chests and saying shoot them.

FFT : Were their hands raise at that time?
 Yes, they were, All of them
 Yes every one of them!

FFT : That means they were not at all scared!!

W : Yes, not at all!!!

FFT : Were they raising their hands?

W : Yes, but not for surrendering but asking police to shoot them... shouting "how many bullets will you shoot! (Kitne goli maaroge!) ". They were showing the country made pistols but didn't use them. First of all they started pelting the stones and then they started firing.

FFT : Using of the pistol is another issue.. let us not go into that now... They have pelted the stones for sure right?

W : Yes, for sure!

FFT : Were you there?

W : No,I reached later.

FFT : Oh.

W : If you go there you can see the stones.

FFT : (Stones will obviously be there right!!!) can you please show us that place?

W : Sir, we are busy with work now.

FFT : Is that your vehicle? The please go through the side of this hill you will reach there.

W : They didn't want to surrender, the hill was very high

FFT : So They were ready to die but not to surrender

W : Even if the police didn't fire they would have jumped from there and died.

FFT : You said you got the information at around 8:30-9:00 am. Did the police call the sarpanch before that?

W : Yes, the police called the sarpanch around 7:00 am

FFT : Can you tell us in detail about the situation.. were the villagers were scared of them men or were the men scared of the villagers?

W : No the villagers were scared of them.

FFT : You were 50-60 people and still scared of them?

W : They might have weapons (said in unsure manner)

FFT : In the 1st interview they told that those men had some cloth or something. So there can be something hidden in them (which justifies your apprehension of attack)

FFT : What were there in their hands?

W : There was nothing in their hands. They had some knife, It also seemed to me that they have country made pistol.

FFT : There were different kinds of opinion on the possession of the country made pistols.. did you see them with your own eyes?

W : I saw the pistol on the spot

FFT : Did you see it in their hands?

No I couldn't see .. it was not clear as they were on the hill and it was very high. If you look from the ground you won't be able to see things clearly.

FFT : When you were following them and they were shouting at you that they will shoot you if you went near them....

W : They said this but..

FFT : So they didn't show the pistol! (in the background: The matter of pistol is a different issue, which was added later. But what he is saying that they had some weapons and they were scaring the villagers)

W : They also had a watch with Map (Naksha)

FFT : So their watch had a map?

W : Yes. They also had Kishmish(raisins) and dry dates(pind khaajoor)

FFT : Oh. since they just escaped from jail they can't come out in those clothes so someone must have aided them with the clothes and...

W : The clothes were also new and they also had eatables with them

FFT : When did you see the food items? After their death?

W : It was with them i.e. it was kept near the rocks

FFT : Did you check the packets? Was it made in india or Pakistan? (laughing)

W : No. we didn't notice. And when the teams(police) arrived they didn't let us go closer.

FFT : You see.. if you could see whether it was of India or Pakistan it could have been a major breakthrough..

W : But they didn't let us go close..

FFT : They didn't let you all go near? But there were some videos made by the villagers right?

W : Yes.

FFT : Then how were they made?

W : Those people who were on the top reached near the scene quickly(they took it)

FFT : Do you have those videos

W : No

FFT : No one send or whatsapped you?

W : No

FFT : The video would have been a great coverage.. they shouldn't have made those videos be deleted

W : No.. see the police came from all sides of the hill. (to the interviewers:-If you came from that side. You would have been more close) the STF also came from one side

FFT : Did you notice any traces of blood on their clothes

W : No.. (we saw them dead so we couldn't make out whether the blood is theirs or it was from before)

FFT : No.. we are asking since they killed the officer Ramshankar Yadav before coming here.. we met his family its very sad situation..

FFT : You were mentioning about seeing them come out of water?

W : It was very far away so I couldn't make out anything clearly. **They were running from the river.**

FFT : Were they wet?

W : Yes they were wet a little bit

FFT : So they were running hailing the water?

W : Yes

W : They crossed this river/nala

FFT : So you were the one who informed the police for the first time?

W : Yes

FFT : But the police called first right?

W : No no.. I meant after seeing them

FFT : The police might have been informing everywhere right? What did the police tellyou?

W : Police first came to the village. They met the sarpanch (I was not there) at 7 :00 am. Our place is Char gaon (kheylade panchayat ke char gaon). Told him to tell his contacts to call police if there spot somebody strange. Then the sarpanch called me. I was here only. He told me that police came and told all these things

FFT : What did the police say? Did they say who escaped the jail? That they are terrorists or just they escaped jail?

W : Only That they escaped from the jail.

FFT : Who called the sarpanch?

W : No,I don't know his name.

FFT : So you got your brother's call..

W : Yes, I ignored the matter seeing it as a joke thinking how can terrorists come here?. Then I reached home and after sometime I got a his call to look for them near our fields. He told me that their location has been traced till the bypass by the dog squad. The location was traced till the showroom of the kartar. After they crossed the bypass they couldn't get the location. When I got home he asked me to get by bike and go see. I still asked him in doubt that how can terrorists come here?!! Then he told me that lets do a round in the fields.

FFT : So you went by a bike?

W : Yes

FFT : Yours?

W : Yes. This one.

FFT : Oh this one!take a photo of the bike it has done a great job. It has helped to catch terrorists what more can it do!!!

FFT : Are you expecting an award on 26th January (the republic day)?

W : Let us see...(smiling proudly)

FFT : Did anyone tell you anything regarding this? Or make you fill any form?

W : No..

FFT : So you took the bike and then..?

W : I took the sarpanch. And took him to the fields which is near one of our big brother's land. One person was watering(the field). We thought let us ask him. Then we saw 2 strangers. Since we saw those strangers we didn't as the farmer who was watering and we called them. We couldn't understand their language.

FFT : How far were they from you?

W : Around 300-400 feet away

FFT : Were they speaking Arabic or Persian?

W : They were searching for something. They were saying something but we couldn't understand their language.

FFT : Did they ask you for water or something?

W : No

FFT : So you understood that they were outsiders? What did you think after hearing their language?

W : Their language was not familiar to our surrounding areas.

FFT : Was it Hindustani like hindi/urdu?

W : No no..

FFT : Was it sounding like arabic?

W : No it was sounding something entirely different.

FFT : When did they seem suspicious to you? When you saw many people together or hearing their language?

W : No. their language made them suspicious. First I thought they were Majwaras'. I thought since they are strangers let me ask them.

FFT : Did you ask them.

W : Yes.

FFT : Since you received a call from your brother regarding the escape of terrorists did it occur to you that they were those me?

W : No.. I have a freind who who has a restaurant near the bypass, I got a call from him (regarding the same). I ignored the matter thinking what can I do about that! But when I got a call from the sarpanch then I took it serious.

FFT : So when you heard their language and found it to be suspicious, did you get away from them?

W : No we were standing along side of the road only. After speaking in their language they started walking. They didn't speak much

FFT : Did they run?

W : No they were walking slowly. One guy was walking abnormally(lachak ke)

FFT : Was he among those two or the other six?

W : He was among the six

FFT : Where were the six men? Were they on the hill?

W : No, they were in the sewer/water body (Nala)

FFT : So they walked to the hill normally?

W : Yes. All the 8 men walked normally to the hill

FFT : Were they rushing?

W : No they were walking normally at ease.

FFT : Were they looking around and back at you ?

W : Yes they were

FFT : They might be checking that who all are there, how many are watching them and all. Were they ready to surrender?

W : No. they were not.

FFT : Did the police announce it using a mike?

W : No there was no mic.

FFT : So how will they hear as they were on the hill..far..

W : No the sounds were clear, their sound was also clear.

FFT : Was the dog there(of the dog squad)

W : No. it was not there

FFT : When you saw them for the first time did you click any photos?

W : No

FFT : So you saw them and did you move away from them or did you inform the police then and there?

W : I informed the police then and there.. We turned the vehicle around and went from the other side thinking that we can block them from the otherside. Then they started moving towards the hill. The sewer was coming this side so we crossed it and we also followed them

FFT : Did they cross the nala before you?

W : No, two were walking on the hill and 6 were inside the nala behind them.

FFT : This is then naala... a little distance ahead.

W : Then what happened.. when you told the police?

FFT : They said keep an eye on them but don't go near as they might be having weapons. We were also scared as they said if you dare to get shot come and catch us.

FFT : Did they say this in hindi?
W : No.. but we understood it.
FFT : So when you heard them for the first time. How far were they?
W : Around 300-400 feet
FFT : Isn't it very far?
W : No.. no... you see this green pipe.. its 300-400 feet. Like just over that tractor over there.
FFT : Could it be like this that they were talking in hindi and since they were far away you couldn't understand it?
W : No it was not hindi.
FFT : Was it urdu?
W : No. it seemed different something like madrasi(south indian). We couldn't understand it.
FFT : So it made them seem to be outsiders?
W : Yes. It was not the language spoken in Madhya Pradesh.
FFT : So you understood that they cant be from M.P
W : It was different from our language
FFT : So when did the police arrive?
W : In 20-25 mins.
FFT : So when did all the forces joined.
W : They all joined in 5-10 mins.
FFT : Were you all there?
W : Yes.
FFT : How much time took for the operation?
W : The police reached around 11:00 am.
FFT : When did the firing start?
W : Around 11:30am
FFT : When did you identify them? Approximately..
W : After 10:00 am
FFT : So they stayed over that hill for an hour?
W : No it took them time to walk there. Its around 2 km
FFT : What did they do after seeing the police? Did they run?
W : No. they didn't run or hide.
FFT : So they said "shoot us". And started pelting stones?
W : Yes
FFT : About this pistol.. the ATS team said there was no shooting by the men. If you say that there was shooting from them then it may land you in trouble.
W : Then why are you asking us this if we will land in trouble by saying this..
FFT : No no.. we are just quoting the ATS.
W : When did the ATS come here?
FFT : Yes it did. It was a joint operation right. the ATS team was also there.

W : No the STF team was there.

FFT : Oh.. so what all teams were there?

W : The STF vehicles came here.. they all went from all the sides and surrounded them. In addition they were aided by the villagers.

FFT : The police stopped you all from shooting the video, right?

W : Yes. They did. Many villagers were doing that.

FFT : What did the police say? Were they saying it in a harsh manner.

W : No they said please don't make videos.

FFT : We are not aware of the stories being broadcasted on the media. We are just coming today only. Some people are saying that the pistol was shot and some are saying that only stone pelting happened because no police officer was shot.

W : Sir the mater is that those who were not present are also giving witness that is the problem. Even if I wasn't on the spot if you ask me.. I would have said the same.

Annexure III

Interview with Police inspector at the site where encounter took place

- Vipul - So what happened in the prison?
- Policemen 1 - these terrorists killed one security person and fled from the jail.
- Vipul - What about the second security Guard, wasn't he held hostage?
- Policemen 1 - Yes they beat him and kept him as hostage.
- Lady - didn't kill him??
- Policemen 1 - No, didn't killed him. They had tied him (Chandan Ahirwar).
- Lady - Why?
- Policemen 1 - Not killed him because he was little naïve and the other one was clever.
- Lady - we talked to his family they told us that he was very innocent person.
- Policemen 1 - Who?
- Lady - Ramashankar
- Policemen 1 - (Seedhe toh hum bhi hain lekin profession mei bahot tezz hain) We are also innocent but we are very clever in our profession... So there are some people who look innocent but are very clever.
- Policemen 2 - Another thing is that Head Saab was of reserved category.
- Policemen 1 - So the responsibility slowly and steadily increases
- Policemen 2 - Toh Head Saab varishtata ke andar aa jaate varisht mei.
- Another Man- How can be terrorist be so merciful to a police officer.
- Policemen 1 - For the other one. Now they haven't killed him...
- Lady - (00:47) NOT CLEAR
- Policemen 1 - No..No..they have tied him and threatened him to not move even slightly. So until he saw another man has come for him, until then he was able to speak also. Now also if you talk to him he cries loudly and say "I have 9 year old daughter".
- Vipul - He has told this in his statement.
- Policemen 1 - Yes..Yes. "That is the Truth".
- Vipul - Achcha How was the Lock broken?
- Policemen 1 - They have made the Keys.
- Vipul - Keys were made up of spoons or?
- Policemen 1 - (Haan "chammach-vammach" ki hi banai...chammach ki) Yes spoons.
- Vipul - They were so vicious that they made keys of spoons??
- Policemen 1 - (Shaatir the hi murder kr chuke hain police waale ka pehle bhi murder kar chuke hain) They were very vicious they have murdered a policemen, before also they have committed many crimes. This is not the first time.
- Lady - How many crimes they have committed?
- Policemen 1 - They have killed a Policemen before.
- Lady - Where?
- Another Policemen - They have killed a Arakshak.

Policemen 1 - They have murdered him in Khandva.

Lady - Ok, Who?

Several Policemen - (Inhi logon ne) They were the ones.

Policemen 1 - We have a fool proof record. They have also looted 13 kilo Gold.

Lady - Together these 8 people?

Policemen 1 - Yes together these 8 people.

Lady - Ok

Policemen 1 - No one of these..

Another Policemen - (Ni Teen the ismei) No There we three.

Policemen 1 - (teen the jab sona loota tha?) There were three when they looted the gold?

Several Policemen (Confused) - In the Murder of Arakshak there were three.

Lady - Who were the one?

Policemen - I don't know the names.

Vipul - There is one more thing, they killed one of the Policemen (Ramashankar Yadav). Why did the other Policemen (Chandan Ahirwar) did not raise an alarm or why did he not shouted for help?

Policemen 1 - Firstly, what did was they kept a knife on his neck. They threatened him if he speaks a word they will.....

Vipul - ok

Policemen 1 - Then they tied him and laid him on the platform on which they laid and locked the cell from outside. There was an inner cell they locked him in it.

Vipul - They already had the keys of the lock?

Policemen - YES. They kept the keys.

Vipul - As far we know after 4-5 hours the authorities got to know that they have escaped or else they might have caught earlier.

Policemen 1 - Yes..Yess.. Actually 3 or 4 o'clock I don't know the exact timings one checking party comes. They shouted for them but no reply came. They shouted from all around and then they opened all the locks and got into the cell and saw all this and the ones who have ran away have made their look alike dummies on the platforms on which they slept.

Another man - As someone is sleeping.

Policemen 1 - Yes. They insert clothes inside the dummies and put a blanket above them.

Vipul - Ohh if someone sees them they couldn't find out.

Lady - And the bloodstains while they stabbed Ramashankar with knife were all cleared?

Another Policemen - (Uska toh sab antimsanskar kar diya) His funeral has been done.

Lady - No..No.. As you are saying the other policemen was tied and laid on the platform.

Policemen - He was also mounted on a seat.

Lady - So the blood etc.?

Policemen - Blood was there. The laid him first and then cut him.

Vipul - After coming here the version which is coming out is that they threw stone from the top?

Policemen - Yes they threw stone...a lot of stones. At that time the same amount of crowd was present as the Police, so they were also seeing them live that they were throwing stones. They were challenging police by saying "Aajao Aajao tmhe dekhthe hain"

Lady - Who? Who? These people?

Policemen - Yes...Yes

Lady - Ohh they were challenging the Police

Vipul - But here 2 different versions are coming. The ATS people are saying there were no firing they were only throwing stones.

Policemen - It is totally wrong, who said this?

Vipul - There was firing?

Policemen - Yes. Only first time different version came after that they were all the same.

Policemen 1 - Suppose I am there, I came to the scene after 1 hour and there was no firing going on. What I see I believe that there was no firing.

Vipul - So firing was after you came?

Policemen - No I was not there. I am telling you what I have heard.

Another Policemen - If they were not firing would we have not caught them? Why would we have killed them?

Vipul - But in firing also, you previously might have been in a lot of such type of cases, if someone would fire he would fire by hiding himself not in open like this.

Policemen - No one will fire this closely. The bullets impinged on the stones and lost in the shrubs.

Vipul - I am having a question that we are standing here, from all three sides we are surrounded by the villagers and policemen. We cant jump that side because the path is closed, this side we have police and if we would fire, we would fire from a different place.

Policemen - They will not fire from here, you see from there, you will be able to see everything. Police have not fired from here.... They... They had short weapons.

Vipul - How far from the Police was firing?

Lady - What were the short weapons?

Policemen - There were small weapons.

Vipul - They have recovered kattey (country revolver).

Policemen - Yes there were kattey.

Lady - So they had these weapons.

Policemen - Yes

Lady - All of them had it?

Policemen - 4 had them.

Vipul - Are they recovered?

Policemen - Yes they are recovered.

Vipul - What would be the distance from where Police was firing?

Policemen - See what we do is the first is we save our self from the distance till where they are throwing stones and the second is from the firing distance of the small weapons they were firing. There is a limited range of these short weapons. We presume the distance that the distance of the firing is till here.

Vipul - What is the firing range of a katta?

Policemen - around 50-60 ft.

Vipul - It was a desi kata?

Policemen - YES.

Lady - You are having this desi kata? It looks same like thi?

Policemen - Yes.

Vipul - So according to you the firing was not done closely it was from a distance.

Policemen - Yes It was from a distance but sometimes what we do is we shoot closely to confirm that the person is dead or not. What happens is if I shoot someone he lies down with one hand on the ground he sees that some is approaching he will suddenly shoot or stab you.

Vipul - Yes a video has also come up showing this.

Policemen - Yes the video was this only. Actually one of our colleague found out a knife.

Lady - Who took out the knife?

Policemen - In the video you have seen one policemen takes out a knife from the body, the other policemen might have seen some motion in one of the body so to confirm the person dead he shoots it.

Vipul - One more thing we are not able to understand. Whenever there is an encounter there is a rule to first shoot on the leg. Is there not such a rule?.

Policemen - Yes, there is a rule that minimum force will be used

Vipul - Like I am assuming that he is terrorist, but if one of them is alive it could have become an evidence to solve this whole mystery.

Policemen - We try the same till the end. But the other person is not understanding in anyway. The only mistake we did in this whole encounter was that one of our colleague was killed.

Lady - Mistake means what? That the question coming would not have been removed?

Policemen - No..No. generally it is said that how were you safe. (10:43 NOT CLEAR)

Vipul - Another question that is arising is how did the climb the wall?

Policemen - They tied several bedsheets together and inserted wooden sticks in between.

Vipul - From where did they find wooden sticks?

Policemen - Wooden Sticks..... Where they live they found it there... Several small plants are planted there.

Vipul - And what about the CCTV? A lot of question are being asked about the CCTV

Policemen - CCTV might have been working. I don't know.

Vipul - Currently you are officially investigating?

Policemen - Yes

Vipul - So you are also investigating inside the jail?

Policemen - We have done the primary investigation.

Vipul - I am not in police but as a human right worker the first and foremost thing as an investigating officer you will do is check the CCTV footage. Police never attempted to check the CCTV footage?

Policemen - No. No... They would have definitely have checked it.

Vipul - There are different things coming out that the CCTV was not working and then only of some area CCTV was not working. They damaged it or what?

Policemen - I don't have knowledge about this.

Another Man- It might be possible that they made a conspiracy to damage these CCTV.

Policemen - Investigation is going on of that.

Vipul - Do you think it can be a possibility? Or there was some inside help?

Policemen - Sir, there can be a negligence. One thing is criminal negligence other is negligence so there can be negligence this can be said. If you add salary and everything of a constable so it will reach in till lakhs. In them no one is there who can buy these policemen. No one will ever step into this dirt.

Vipul - Sir, when you got to know that they have killed a policemen didn't you felt angry?

Policemen - I felt very angry but it was a personal anger I cannot show it outside if they had asked to surrender we would have surely arrested them as there was a lot of public.

Vipul - They were scared or not?

Policemen - They might be scared as the kind of crime they have committed.

Lady - Ramshankar Yadav was a heart patient?

Policemen - I don't know about that.

Vipul - There family members were telling that he was a heart patient and that's why they transferred him in Bhopal.

Policemen - OK...OK

Vipul - Sir, can you tell us that district police were given orders from above or you by yourself started shooting.

Policemen - This order was given by God that if any one attacks you...

Vipul - That's all right but...

Policemen - (Self-defence mei hi Goli chalti hai) firing happens only in self-defence. There is no need of orders. In order to save my life I can do anything. Arm licence is given for self-defence only.

Vipul - Sir, when you asked them to surrender didn't they surrendered?

Policemen - No they were continuously firing.

Lady - Who made that video?

Policemen - I don't know there was a lot of public.

Vipul - It was a joint operation ATS and the street police was also there?

Policemen - Yes..Yes everyone was there.

Another Man - Sir, the people who have given them those small weapons and shoes is the investigation is going on regarding that?

Policemen - Clothes they might have found in jail and about small weapons investigation is going on.