

## Domicile Divide

Jharkhand chief minister Babulal Marandi's controversial "domicile policy" raises a fundamental question: Does the constitutional provision of reservations militate against the larger stated principle of guaranteeing equality of opportunity? The policy — which resurrects a 1982 notification issued by the government of Bihar — allows individuals to apply for Class III and IV government jobs, only if their ancestors' names have figured in the land records drawn up in 1932. Predictably, the policy has polarised Jharkhand society. Over the past few days, in violence reminiscent of the Mandal years, many lives have been lost in clashes between pro- and anti-policy groups. Various regional parties — which would otherwise have happily supported a legislation conferring greater rights upon Jharkhandis — have condemned Mr Marandi's "cynical opportunism" and his disregard for constitutional norms. The timing of the policy announcement is certainly suspect; Mr Marandi's popularity is at an all-time low and elections to the state assembly are just around the corner. But whether the chief minister has violated the spirit if not the letter of the Constitution is a more difficult question to answer.

Admittedly, Articles 15 and 16 of the Constitution guarantee equality of opportunity in public employment and prohibit the discrimination of individuals. However, the same Articles also provide for reservations for scheduled castes and tribes. This is a contradiction; yet it does not give pro-domicile groups in Jharkhand the right to justify Mr Marandi's actions. For, it can be nobody's case that the Constitution allows for 100 per cent reservations. Indeed, if politicians have thus far got away with declaring extensive reservation quotas, it is because they have acted in bad faith. But then, given that politicians have exploited the constitutional contradiction between the notion of equal opportunities for all on the basis of citizenship and special opportunities for some on the basis of caste and community, why haven't reservations been done away with entirely? Perhaps because even staunch advocates of individual rights cannot argue that an explicit commitment to individualism can be relied upon to transform, what remains, an essentially hierarchical society. Even so, such cynical interventions, as Mr Marandi's, need to be checked. Though the NDA government has asked its Ranchi-based ally to convene an all-party meeting to discuss the issue, it could have pressed Mr Marandi to extend the terms of the policy to include at least those born in Jharkhand.

110-11  
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## TROUBLE IN JHARKHAND

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THE ORDER ISSUED by the Jharkhand Government giving preference (in recruitments to its various departments) to the kin of those who settled in the region prior to 1932 might appear to be an affirmative action. But then the context in which the Chief Minister, Babulal Marandi, went about this (depriving all those who settled in the Jharkhand region after 1932 of their domicile status), raises questions. Mr. Marandi's order, particularly the mechanism to establish the domicile status on the basis of 1932 land ownership records is the major problem in this context. The state in which the revenue records are maintained and the extent to which such records have been manipulated (over the ages) by the elite is a fact that hardly needs elaboration. Proof of this could be found in the numerous title suits pending at various levels of the civil judiciary across the country (some of them dating back to period a couple of hundred years ago). Such matters of land ownership get far more complicated when it involves a society with a substantial tribal population. A combination of these factors is behind the violence that has engulfed the region in the past few days. The issue and the violent incidents will have to be seen in the context of the long history of consolidation among the tribals and the processes culminating in the formation of the Jharkhand State.

While the history of organised resistance by the tribals in Jharkhand is rooted in the militant revolt led by the legendary Birsa Munda (when the tribals were integrated so well into the nationalist mainstream), the years after Independence saw the movement being appropriated by a new class of leaders who managed to reduce the legacy to a slogan for self-preservation. The leadership of the Jharkhand movement thus came to be captured by sections from within the Backward Castes (the Kurmis in particular) to whom the aspirations of the tribal people were only a means to promoting their own agenda. The demand for a separate Jharkhand State (consisting in the initial days of several districts from West Bengal, Bihar and Orissa) too was

distorted and the various factions of the Jharkhand Mukti Morcha (JMM) did not hesitate to accept a truncated Jharkhand (with only the tribal districts in Bihar) in November 2000. The new crop of leaders (now heading the various JMM groups) was only interested in carving out a space for itself in the political establishment and it was in this context that the JMM groups began losing out to the BJP in the region. Thus, in the last couple of decades, the political discourse in Jharkhand came to be dominated by a cross-section of the non-tribal elite who managed to capture the leadership of all the dominant political platforms. Beneath the veneer of speaking for the tribals, these leaders had their own interests.

Take for instance the declining trend noticed over the years in the proportion of tribals in the Jharkhand region. From 37 per cent of the population in 1951, it fell to 25 per cent in 1991. This points so clearly to the migration of the tribals from the region in search of jobs. That such a migration was taking place even while the scope for labour in Jharkhand itself was expanding (the growth of industries and mining activities there during this period) clearly suggests the marginalisation of the tribal population from the modern set-up. This was when the mainstream parties in the region — the JMM, the BJP and the Congress — were competing with each other to establish their credentials as custodians of the tribals and their interests. The order passed by the Babulal Marandi Government is yet another instance of this competition. The grant of domicile status to only those in a position to establish land ownership titles (as in 1932) may seem to be a measure favouring the tribals. But then, in reality, such a measure could only be a means to promote the social elite. Experience in this regard has been that the elite (the Kurmi peasantry in particular insofar as the Jharkhand region is concerned) will be in a better position to manipulate the revenue records than the tribals. For this very reason, the order on domicile status may well alienate the tribals further.

# Domicile stir turns violent, claims five in Jharkhand

Statesman News Service and PTI

RANCHI, July 24. — At least five people were killed and 25 injured today as large-scale violence and arson broke out during the pro-domicile dawn-to-dusk Jharkhand bandh, with the state capital being the worst affected. Fifty-eight organisations supported the bandh.

IG (operation) Mr RC Kaithal said three people were killed when security guards of Mecon fired at bandh supporters who damaged at least 80 vehicles inside the PSU premises.

A clash between supporters and opponents of the domicile policy near Heavy Engineering Corporation at Dhruva left many critically injured, of which two died in hospital.

Police fired several rounds in the air to disperse the mob armed with crude bombs after teargassing by RAF proved ineffective, home secretary Ms Suhma Singh said.

In JP Market area, three people were injured. Pro-domicile activists stoned the official residence of parliamentary affairs minister Mr Ramchandra Kesri at Doranda, forcing his bodyguard to fire several rounds.

Bandh supporters attacked the residence of the Samata Party activist and leader of the

anti-domicile movement, Mr Uday Shankar Ojha, at Piska More. In Nagababa Khatan, the RJD office was badly damaged.

Police fired following clashes in the Vidhan Sabha area. In Adarsh Nagar, anti-domicile activists attacked the house of some domicile supporters, injuring one. Offices of Mecon, Sail, CCL

cial establishments, barring medical and health centres, remained closed.

Flight service was disrupted at Birsa Munda Airport. The state capital plunged into darkness for more than four hours when bandh supporters forcibly shut down Hatia Power Grid.

In Bokaro, three policemen were injured, Ms Singh said.

Hundred and twenty preventive arrests were made in Dhanbad where the bandh went off peacefully, Mr M Meena, SP (Dhanbad), said. **BJP directive to Marandi:** The BJP's central leadership today summoned Mr Babulal Marandi and asked him to convene an emergency all-party meeting to build a consensus on the domicile policy, SNS adds from Delhi.

Mr Marandi said he would hold the meeting with "an open mind" but defended the policy. "The leadership has asked me to remove misgiv-

ings." If the meeting opposed the domicile move, it would need to be reversed, a senior leader said.

**Jagannath charge:** Mr Marandi was distorting the Bihar government's 1982 circular to justify his domicile policy which was "unconstitutional by all accounts", Dr Jagannath Mishra said, SNS adds from Patna.

**Editorial: Domiciled fallacy,** page 4

**Photograph on page 6**

The BJP's central leadership summoned Mr Babulal Marandi and asked him to convene an emergency all-party meeting to build a consensus on the domicile policy

and Indian Institute of Coal Management were targeted.

Clashes were also reported from Katchery Chowk, Sarjana Chowk and Gadikhana Chowk.

Ms Singh said some people set a truck carrying cattle ablaze at Ramgarh, near Ranchi. Two-wheelers of some journalists were also damaged.

Private and public vehicles remained off the road. Educational institutions and commer-

# Domiciled fallacy

Jharkhand CM on a disastrous course

Babulal Marandi was nowhere on the scene when VP Singh sought to revive the Mandal Commission report in the eighties, only succeeding in fanning unrest and costing several lives. But the Jharkhand chief minister's mentors who, quite unexpectedly, had placed him in the chair ought to have warned him that playing the reservation card in the face of declining stocks cannot rescue his vote bank in the long run. The tribals have received little by way of social support since the state was carved out of Bihar and they had effectively expressed their disappointment in the recent Dumka parliamentary by-election (a seat vacated by the chief minister himself) by electing the notorious Sibu Soren on a negative swing. Marandi got the message and decided that something desperate had to be done. What he did was nothing short of laughable: he dug out a 1982 notification by the labour department of undivided Bihar which put tribals and indigenous people in reserved categories in recruitment to factories and workshops. By quietly seeking to revive the notification, which was never implemented, Marandi ostensibly seeks to bring underprivileged classes to the social mainstream. What he has in fact done is to open the floodgates of social unrest by suggesting that the ambit of the notification can be extended to government offices and educational institutions without providing any guarantee that sons and daughters of the soil are adequately equipped for the jobs they apply for.

Apart from the constitutional hurdles, Marandi's disastrous move is based on the fallacy that reservations will work in modern townships like Jamshedpur and Ranchi and in industries requiring specialised skills. Politicians are habitually incapable of looking beyond their noses. In the circumstances he ignored the fact that the gifts welcomed in Chhotanagpur and Santhal Parganas can be inflicted on other parts only at the risk of social imbalances. Worse, it creates conditions for violence. Marandi's bosses would do well to tell him that gimmicks cannot take the place of solid development at the grassroots. The Chief Minister has had nothing to show except for an elegant lifestyle and an impressive fleet of cars in his convoy. New Delhi should restrain him before it is too late.

25 JUL 1982

THE STATESMAN

# Fury sans blaze sweeps Jharkhand

5-9 277

## OUR BUREAU

**July 21:** A fresh wave of violence over the domicile issue lashed Jharkhand today even as chief minister Babulal Marandi indicated that options were open on having a "constitutional shield" for the policy.

Amid simmering tension, police foiled the immolation squad from doing what the Mandal protesters had done a decade ago. Two youths tried to set themselves ablaze in front of Raj Bhavan this morning in protest against the policy.

The street fights that broke out during yesterday's bandh continued today in Janshedpur with two groups of tribals and non-tribals clashing in Baghera. Three people, all supporters of the policy, were beaten up near a hotel in the locality.

As news spread, the pro-domicile group went on the rampage, damaging shops and prop-

erty. Prohibitory orders under Section 144 CrPC have been clamped on Baghera, Jugsalai, Govindpur and Pursudih.

Marandi hinted today that he was "not against" the inclusion of the domicile policy in the Ninth Schedule of the Constitution, saying: "The future will determine the fate of the policy."

The pro-domicile groups demanded that the state government table a legislation and refer the policy to Parliament so that it could be included in the Ninth Schedule.

The pro-domicile groups were also considering setting a deadline before the government for the purpose.

The social unrest in Jharkhand over the past fortnight has worried Marandi's bosses in Delhi. The chief minister is expected to visit the national capital on Wednesday and brief the Centre about the developments in the state. He is also scheduled

to meet BJP president M. Venkiah Naidu. In a related development, the BJP central leadership has re-appointed senior party leader Kailashpati Mishra as the in-charge of Jharkhand and Bihar affairs.

Ranchi police had a harrowing time this morning trying to thwart the efforts of the Jharkhand Upekshit Yuva Manch activists who had assembled in front of Raj Bhavan for immolating themselves. But a heavy and sudden shower helped the police.

As soon as the two youths, Akash Bhargav and Raj Kumar Singh, arrived at the scene, they were frisked away by the police, who had been informed of the programme.

Raj Kumar Singh had already poured kerosene on his body and was about to light a match stick when the heavens opened up. The youths were taken into custody and later released on bail from the police station.



Police take away an anti-domicile policy activist who tried to immolate himself in Ranchi.

# Jharkhand bandh partial

STATESMAN NEWS SERVICE & PTI

RANCHI/DHANBAD, July 20. — Life in several parts of the state came to a halt today on account of the bandh called by pro-domicile supporters. But no disruptions were reported here.

Some of the places affected were Jamshedpur, Chaibasa, Giridih and Dhanbad. Around 500 persons were arrested. BJP MP and chief convener of the Adivasi Sengel Abhiyan Mr Salkhan Murmu was arrested in the morning for enforcing the bandh, but later released. Those arrested included Mr Murmu's wife, Sumitra, president of the Jharkhand Disom Party, and general secretary of Ajsu (Besra), Mr Surya Singh Besra.

DGP Mr RR Prasad said several people were injured following clashes between supporters and opposers of the anti-domicile policy in Govindpur and Mango near Jamshedpur and Kusawa in Seraikela. The deputy commissioner of East Singhbhum said several police

officers, including the O-Cs of Bagbera and Bistupur, were among the injured in stone-throwing incidents.

Police used teargas shells and fired several rounds in the air after lathicharge failed to disperse a mob which attacked the Bhuli superintendent of police in Dhanbad district.

Police also fired several rounds in the air near the Adityapur Industrial Area Development Authority office in the Seraikela-Kharsuan area to scare away mobs, sources said.

In Dhanbad, protesters did a repeat of Thursday by pelting stones at the Rajdhani Express. Window panes of the train were shattered and services were disrupted for over two hours as protesters piled up tyres on the tracks.

Train services in the Chakradharpur division were affected when bandh supporters squatted on the tracks, Mr Rajesh Agarwal, station area manager, said. He said bandh supporters also ransacked Tatanagar station

and damaged a STD booth.

Pro-bandh activists put up road blocks in Sivildanga, Palasboni and Baliguma on NH-33 in East Singhbhum. However, the state capital was peaceful with shops, business establishments and government offices remaining open and movement of traffic unaffected.

Shops were damaged at Giridih and Dhanbad where Kalpana cinema, belonging to minister of state for urban development Mr Baccha Singh, was stoned, Mr Prasad said.

The bandh was partial unlike the one called by anti-domicile supporters as 25 adivasi and moolvasi (original inhabitants) groups deferred their bandh to 24 July on account of the concluding day of the rath yatra.

On 18 July, anti-domicile groups called a Jharkhand bandh, which was marked with largescale violence, in protest against the state's decision to grant domicile to citizens whose forefathers' names are mentioned in the 1932 land survey records.

21 JUL 2002

# Mandal spectre looms over Jharkhand

## Gameplan for grand alliance

FROM ASHISH SINHA

Ranchi, July 16: Jharkhand chief minister Babulal Marandi's select references to the raging unrest over the "domicile policy" has brought to light his larger political gameplan which is intended at creating a coalition of tribals and "original inhabitants" in the state.

The unfolding politics of domicile, which threatens to tear Jharkhand asunder, is fast assuming the Mandal protest mode of 1990 that perhaps created the most acute caste-based schism in the country since Independence.

Extremely liberal estimates put the total number of Class III and IV government jobs "up for grabs" in Jharkhand between 50,000 and 75,000 (less than 0.30 per cent) in a population that is approaching the 3-crore mark.

The magnitude of the political operations by the anti- and pro-domicile groups, thus, far exceeds the benefits that would accrue to the aspirants for these jobs, of which some, like those of school teachers, cannot go by any "domicile policy".

"The protest is not as much about jobs as it is about naked play of power, with both sides taking to the streets and the government sitting pretty despite the situation assuming volcanic proportions. Post-Dumka debacle, the chief minister is hunting for a viable political platform that could rescue him from the morass into which he is slipping. So he is testing the waters," said a social scientist.

Intelligence sources said the unrest, now in initial stages, is limited to urban or industrialised pockets like Ranchi, Dhanbad, Jamshedpur, Bokaro, Chaibasa and Chakradhapur which have substantial presence of "migrant" population.

"We are keeping our fingers crossed. If the protest spreads to the rural areas, things could go

out of hand with violence becoming the order of the day as happened during the Ahom movement in Assam. The matter is political but all sides are trying to encash it to the maximum," an intelligence officer said.

Sources in the BJP said the party was acutely divided over the issue, though it was maintaining the official line of nothing going awry. "The foundation of the party was laid in this region by people who are now being described as outsiders. The same outsiders have been the moneybags of the BJP here. Triggering divisions on the basis of place of residence will jeopardise the party's prospects in the state beyond repair," the sources said.

"The message being spread that the 'domicile' issue is all about getting government jobs and safeguarding the interests of the deprived majority is fallacious to the core. People must be apprised of the political motive before they are flung into the vortex of violence," said the social scientist.

The government's failure to evolve a mechanism to identify the "original residents" of Jharkhand has added to the confusion. A commission was demanded for such identification, but the Marandi regime ignored the suggestion.

"A substantial percentage of the tribals and other original settlers, for instance, are landless. The government does not know how to identify them and where to place them on the domicile spectrum. The agitation will only end up creating an insider-outsider divide which would spell doom for the state," a bureaucrat said.

The pro-domicile groups have argued that the "policy" is not just about jobs but is a matter of "self-respect" for the people of Jharkhand.



Jharkhand Armed Police personnel on way to Ranchi to beef up security. Picture by Prashant Mitra

# Domicile row sends Marandi to Delhi

FROM SALMAN RAVI

Ranchi, July 12: Chief minister Babulal Marandi left for New Delhi today amid speculation that he has been summoned by the Centre to brief it about the continuing social unrest in Jharkhand over the issue of domicile and reservation.

Even as Marandi said there was no question of reviewing the domicile policy, Samata Party leader and urban development minister Bachcha Singh threatened to resign over the issue.

But what came as a jolt for the chief minister was the hostile stand taken by BJP activists, who surrounded him at the airport and demanded that the policy be reviewed.

Samata ministers vocal against the policy demanded that a meeting of the NDA's co-ordination committee be held soon to discuss the issue.

"This is a serious matter and the government should take it

seriously to save the state from burning. Jharkhand is sitting on a powder keg and just a spark can set it ablaze. So we are demanding that a meeting of the NDA's co-ordination committee be convened immediately," parliamentary affairs minister Ramchandra Kesri said.

The state unit of the BJP has convened a meeting of all district presidents at Phusro, near Bokaro, on July 19 to discuss the policy, while the Samata legislative party will meet on Monday to chalk out the "future course of action".

Though the chief minister's secretariat described his visit to Delhi as "routine", sources close to the government said Marandi's trip assumes significance in the wake of developments on his home turf with both the Samata Party and the BJP speaking out against the 1932 land survey report being fixed as the criterion



Marandi:  
Beleaguered

for domicile. The protests against the domicile policy continued to assume alarming proportions with students and youths taking to the streets in many districts, including Jamshedpur, Dhanbad and Bokaro.

Three policemen, including an inspector, were injured in a clash for local residential certificates in Chas area of Bokaro when the police fired 10 rounds of teargas shells. Six youths were arrested in this connection. The mob later turned violent, destroying roadside kiosks and damaging property.

In Ranchi, several students' unions assembled under one umbrella to chalk out a course of agitation against the policy. The new organisation, christened "Chatra Yuva Sangharsh Samiti", sought the Centre's immediate intervention and has written to Prime Minister Atal Bihari Vajpayee and deputy Prime Minister L.K. Advani.



TUESDAY, MARCH 5, 2002

## TIWARI'S TASK AHEAD

9 87  
Uttaranchal

THE ELECTION OF the veteran Congressman, N.D. Tiwari, as Chief Minister of Uttaranchal was no smooth sailing for the Congress(I) as a party. The inability of the State unit (and the newly-elected MLAs) to find a leader from among the legislators is a reflection of the culture that has crept into not just the Congress(I) but the political establishment as a whole in recent times. The roots of this crisis can be found in the attitude of a whole generation of members of the political class which looks at office as a means to self-preservation rather than an integral part of a commitment to social life. The public display of anger against Mr. Tiwari's choice leading to demonstrations at the party office in Dehradun could have been prevented if only the high command had taken care to contain in the fold the others — Harish Rawat and Satpal Maharaj — who too had aspired to become Chief Minister. Now the imperative for those who lost the race is to bury the past and lend themselves and their support base in the State to the new Chief Minister and let him go ahead with the task of governance.

The Congress(I)'s victory in the State, despite the fact that its ranks were burdened with the baggage of a past where some of its leaders were not seen as supporters of the movement for a separate State, showed the anger among the electorate against the BJP. The 18-odd months (after the State was formed) that the BJP was in power were a period when there was hardly any governance. The aspirations of the people (a large number of them having suffered in the course of the agitation for a separate State) were hardly of concern to those at the helm in Uttaranchal — Nityanand Swamy and Bhagat Singh Koshiary. The BJP did nothing to retain the confidence of the people of the hill region throughout this period either. This is a lesson relevant to Mr. Tiwari as he begins his

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tenure. While it is one thing for him (and his team) to have managed the confidence of the Congress(I) high command, his real challenge lies in the months to come when the new Government will be expected to address the needs of the people. The long years of neglect, because of the distance (Lucknow) from which the affairs of the hill region were administered (lending the basis for the demand for a separate State), have led to considerable alienation of the people here from the mainstream. The problem will have to be addressed in real earnest.

It may be true that Mr. Tiwari does not belong to the hills. And in this sense, he could be seen as an outsider. But then, such facts that Mr. Tiwari had represented the Nainital Lok Sabha constituency in the past and his contribution (as Union Minister for Industries) to the region by way of getting the various Central Public Sector Undertakings to set up production units in the region cannot be ignored. Apart from this, Mr. Tiwari is certainly from the older generation of Congressmen with long years of experience in running the administration. And the difficult agenda of governance in Uttaranchal does require a person with exposure to the art of governance and an ability to guide the civil administration. Mr. Tiwari certainly fits the bill. There is, however, yet another factor the Congress(I) high command will have to focus on. The developments in the wake of Mr. Tiwari's election from within the party could build into a serious irritant and end up distracting the new Chief Minister from carrying out his tasks. It is in this context that the party high command will do well if it discourages the leaders from Uttaranchal from indulging in dissident activities. Any letup on this front will not only affect the party adversely but will lead to a crisis of confidence in the political establishment in the region.

THE HINDU

# Tiwari loyalists stake claim

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Uttaranchal  
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213

Statesman News Service

DEHRADUN, March 1. — Mrs Indira Hridyesh and six Congress MLAs today staked claim on behalf of Mr ND Tiwari to form government in Uttaranchal. Though the state is rife with rumours of a split in the party, no faction has come forward to counter the Tiwari loyalists' move.

There is no indication, however, whether Mr Surjeet Singh Barnala will invite Mr Tiwari, who arrives here tomorrow morning, to form government.

Coming out of Raj Bhavan, Mrs Hridyesh claimed that the party stood united over the high command's decision to have Mr Tiwari as the leader of the Legislature Party. Even PCC chief Mr Harish Rawat, who was tipped to be the chief ministerial candidate after the poll results were announced, denied he was planning to split the party.

Apart from reports that several leaders are sulking over the high command's stand, there were also rumours that Mrs Sonia Gandhi had changed her decision at the last moment. The



Mr ND Tiwari arrives at Mrs Sonia Gandhi's residence in New Delhi on Friday. — PTI

party spokesman, too, seemed to be confused by the conflicting reports.

Sixteen MLAs, led by Mr Hira Singh Bisht, met Mrs Sonia Gandhi yesterday and submitted their resignations in protest

against her decision in favour of Mr Tiwari. But she prevailed on the MLAs to remain in the party. The party chief reportedly persuaded Mr Rawat, too, not to press with his candidature for the chief minister's post.

# Prabhat Kumar resigns as Governor

By Harish Khare

*9.87-  
Jharkhand*

**NEW DELHI, JAN. 31.** The Jharkhand Governor, Prabhat Kumar, has finally sent in his resignation to the President. The resignation letter was brought in by the Governor's Secretary and hand-delivered to a Rashtrapati Bhavan official. The President, K.R. Narayanan, has forwarded it to the Prime Minister.

A formal announcement on accepting the resignation would be made tomorrow. The Bihar Governor, Vinod Pandey, is likely to officiate for Jharkhand as well for some time.

Mr. Kumar found himself embroiled in a controversy after the tainted businessman, Ashok Chaturvedi, alleged that when Mr. Kumar was Cabinet Secretary, he (Mr. Kumar) had accepted his hospitality on several occasions. A very serious view was taken of Mr. Kumar's indiscretions at the highest level in the Government.

Enough hints were dropped to the Governor that after Mr. Chaturvedi's allegations, his stay in the Ranchi Raj Bhavan had become untenable. But Mr. Kumar dragged his feet for some time. Finally, in the

third week of January, he was told to go by January 31. For most part of the day, officials of the Union Home Ministry kept waiting for a formal communication from the Governor. The day-long suspense notwithstanding, it is believed that Mr. Kumar had been firmly told that should his resignation fail to arrive by January 31, he would be unceremoniously sacked.

Mr. Kumar had little option but to comply with the Prime Minister's wishes. Atal Behari Vajpayee and his senior advisers were convinced that the Central Bureau of Investigation would have to question him about his defence in the Ashok Chaturvedi affair, but as long as he remained in the Raj Bhavan he could not be subjected to any kind of interrogation. The bureaucracy itself was unanimous that since Mr. Kumar committed all these indiscretions when he was Cabinet Secretary, he had compromised the moral authority of the gubernatorial office. In fact, at the last Governors' Conference, in July, 2000, the President had quoted Mahatma Gandhi that the Governors "must be an all-pervasive moral influence in their provinces".

# Party's over, Prabhat pays with his job

■ Jharkhand Governor says he will quit, denies 'frivolous' charges ■ Centre in no hurry to find replacement

EXPRESS NEWS SERVICE  
NEW DELHI, JANUARY 30

**T**WO days after his office issued a statement denying that he had resigned, Jharkhand Governor Prabhat Kumar said today he would turn in his papers. Although he did not specify when, he is expected to reach the capital tomorrow to meet President K R Narayanan.

This comes after a report in *The Indian Express* (December 7, 2001) that Flex Industries chairman Ashok Kumar had paid for three parties: the first cheque of Rs 44,405 for a get-together on March 5, 1999; the second party on Feb 27, 2000, cost Rs 79,218. A third party was held on July 10, 2000. The bill for this "high tea" for the rest was made by me personally."



was Rs 10,368. Once again, Flex Industries paid from its account, Chaturvedi reportedly told the CBI.

Kumar had declined to comment to *The Indian Express* then but today he said that these were "frivolous" charges.

In a statement issued by Raj Bhavan, he said: "I have never done anything that could lower my integrity or dignity... I would like to state that some of the parties being reported in the media were never hosted by me while the payment for the rest was made by me personally."

He said that he was "deeply distressed over the media campaign" and did not want to continue as a Governor any longer.

Explaining why he did not deny the report earlier, Kumar said this was in keeping with the "highest traditions of civil service."

With Kumar's announcement, the Union Home Ministry has begun a search for his successor. Topping the list of probabilities are two former Home Secretaries B P Singh and K Padmanabhaiah but the Government isn't in a hurry.

CONTINUED ON PAGE 2

**EXPRESS  
EFFECT**

1/9-8  
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THE JHARKHAND CONTROVERSY 4108

DESPITE THE CONTINUED denials, there are strong signals that the Governor of Jharkhand, Prabhat Kumar, is on his way out. If he does demit office, his resignation will be but a thinly veiled euphemism for being discreetly asked to go. However, the prolonged confusion about Mr. Kumar's gubernatorial fate begs a much more important question. The issue, after all, is not whether he will resign. Rather, whether he should. To anyone who has followed the controversy — which broke out following revelations of Mr. Kumar's links with an industrialist arrested for attempting to bribe a Chief Excise Commissioner — the answer is as clear as day. Unless the allegations levelled against the Jharkhand Governor can be substantially and credibly refuted, it is best that he does not remain in office. The office of Governor cannot remain swamped in a controversy of this nature, which can only undermine the credibility and authority of this sensitive constitutional post.

Ironically, the controversy dates back to a period well before Mr. Kumar moved into Ranchi's Raj Bhawan and largely hinges around events which are said to have taken place during his earlier avatar as India's powerful Cabinet Secretary. The core of the controversy is contained in the statement made to the CBI by Ashok Chaturvedi, Chairman and Managing Director of Flex Industries, who was arrested in a corruption and bribery case. The industrialist told the investigation agency that he had paid for three parties held at Mr. Kumar's official Prithviraj Road residence in New Delhi. The sums paid out, which run into tens of thousands for each of the social occasions, were not insubstantial. Although Mr. Chaturvedi (who also staged a fourth party in honour of Mr. Kumar's appointment as Governor) describes their relationship as one of friend-

ship, his disclosures raise some worrying questions. Why would an industrialist pay for social occasions held in the official residence of the Cabinet Secretary? Wasn't it grossly inappropriate for a bureaucrat, especially someone of such a high stature, to accept this kind of largesse? The bureaucracy is founded on attributes such as impartiality and even-handedness. And it is doubtful whether these qualities can be preserved when public officials allow others to perform financial and social favours.

In the usual course, allegations levelled by one person cannot be treated as proof against another. But if Mr. Kumar has a convincing defence against the relevant portions of Mr. Chaturvedi's statement to the CBI, it is not clear what that is. It is true that issuing public denials or offering counter-explanations may not be in keeping with the dignity of gubernatorial office. But there was no reason why his side of the story — assuming there is one — could not have reached the right ears in a discreet and appropriate manner. It is not surprising at all that the Centre is deeply embarrassed to find that Mr. Kumar has been dragged into the Flex Industries affair. He was made Governor not long after he retired as Cabinet Secretary, an elevation which seemed very much like a reward for having served the Vajpayee Government, ostensibly loyally and well. Of late, Central Governments have been increasingly disposed to parcel out gubernatorial posts as rewards to loyal bureaucrats. This is harmful in two ways. First, it undermines the notion of impartiality, the touchstone for the bureaucracy. And second, it introduces wholly extraneous factors in the selection of Governors who must be chosen for higher qualities such as unalloyed integrity rather than lesser attributes such as allegiance or pliability.

THE HINDU

30 JAN 2002

# Jharkhand Governor quits

Shaji Joseph  
Ranchi, January 27

CONTROVERSIAL JHARKHAND Governor Prabhat Kumar put in his papers to the President yesterday. While an official announcement is expected tomorrow, sources said Kumar's resignation came hours after his Republic Day address.

The Governor was not available for comment. He is likely to leave Ranchi by an afternoon flight for Delhi tomorrow.

Kumar has been embroiled in the controversy over his links with Ashok Chaturvedi, Chair-

man and MD of Flex Industries. Chaturvedi, who the CBI caught bribing Chief Excise Commissioner Someshwar Mishra, reportedly footed the bill for three parties hosted at Kumar's Prithviraj Road home in Delhi.

Chaturvedi reportedly told the CBI that he paid over Rs 1.3 lakh for the banquets. He and Mishra divulged their links to Kumar during interrogations.

Two of the parties were held when Kumar was the Jharkhand Governor, and the issue rocked the Assembly's winter session in December, with the Opposition demanding his recall.

As the demands for his removal got shriller, the Governor made two trips to New Delhi to meet A B Vajpayee and L K Advani. His last trip was three weeks ago, but with the Budget Session of Parliament coming up, it appears the BJP leadership isn't prepared to risk any more embarrassment over him.

Kumar is no stranger to controversy. He was sworn in as the Governor on November 15, 2001 within a month of retiring as Cabinet Secretary. The appointment was criticised as he was Principal Secretary in UP during the Babri demolition.

## PARTY'S OVER



Prabhat Kumar

Flex chief Ashok Chaturvedi told the CBI that his company had paid for three parties hosted at Kumar's house in New Delhi:  
Rs 44,405 on March 5, 1999  
Rs 79,210 on Feb 27, 2000  
Rs 10,360 on July 10, 2000

THE HINDUSTAN TIMES

28 JAN 2002

# Jharkhand eases domicile norms

T-10  
27/12

OUR CORRESPONDENT

**Ranchi, Dec. 26:** In a softening of stand, an all-party meeting today unanimously resolved to broaden the criteria for identifying "domiciles" and not to keep the 1932 cut-off year as the sole deciding factor.

According to a broad framework drawn up today, a person will be treated to be domiciled in Jharkhand if his or the names of his forefathers figure in the 1932 record of land rights. This was the initial proposal.

Now two more criteria have been added. Domicile status will be available to those who were included in the 1951 census or figure on the voters' list for the country's first general elections in 1952.

The meeting unanimously endorsed a proposal calling for treating a person as domiciled if any one of the three conditions is met. However, the final domicile policy will be drawn up by a committee of experts — mainly legal — to be set up by chief minister Babulal Marandi shortly.

The all-party meeting autho-



**Babulal Marandi at the meeting in Ranchi on Thursday (PTI)**

aised the chief minister to set up an expert committee which would go into the legal and constitutional requirements to avoid unnecessary litigation in future. The Jharkhand High Court had earlier struck down the state's domicile policy fixing 1932 as the base year, terming it unconstitutional and irrelevant.

The representatives of all the political parties agreed that the final draft of the domicile policy would not be placed before the Assembly during the current winter session, which is slated to conclude on December 28.

Marandi told reporters at the

end of a marathon meeting that spanned over two-and-a-half hours that the parties were unanimous in their decision to reserve all Class III and IV state government jobs exclusively for "locals".

He said that in September this year, while adopting the 1992 Bihar circular, the state government had made it clear that for the purposes of filling up vacancies in Class III and IV posts in the state government, preference would be granted to "the local population".

The chief minister added that only if the vacancies could not be filled from among the local people, could outsiders be considered. However, Marandi refused to spell out the details of the criteria to distinguish the locals from outsiders. He said that as a committee was being named to look into the issue, it would be improper to suggest the ground rules at the moment.

He added that an official announcement would follow only after the government received the final policy document from the expert committee.

# Jharkhand House adjourned

51  
Saharan News Service

RANCHI, Dec. 24. — Noisy scenes and anti-government slogans marked the proceedings in the Assembly which was briefly adjourned today as Opposition members demanded a discussion on the definition of locals.

The Opposition demanded that the government issue a proper definition of locals and that preference be given to locals in Class III and IV jobs.

Leader of the Opposition Mr Stephen Marandi (JMM) told the House that the government as well as the Opposition should sit and work out a solution on the definition of locals. He said the court had directed the government to define locals and the chief minister, Mr Babulal Marandi, had assured that an all-party meeting would be called to discuss the issue, but till

date nothing has been done.

The Opposition continued to level charges against the government and, in a fit of anger, Mr Sanjay Yadav described one of the ministers as anti-national without naming the minister. This irked the treasury bench which demanded that Mr Yadav's remarks be expunged. The sloganeering continued till the Speaker, Mr IS Namdhari, adjourned the proceedings for 10 minutes.

During the adjournment period, the Speaker held a meeting with all leaders and the chief minister. When the session resumed, the chief minister said that due to the Godda elections and the winter session of the Assembly, the all-party meeting promised by him could not be held earlier. He told the House that the meeting would be held on Thursday.

Soon after the local residents' issue, RJD members referred to the

alleged stepmotherly treatment given to members of the Scheduled Castes. They rushed to the Well of the House, demanding the setting up of the SC Development Corporation and more reservations for SCs.

**Gherao bid foiled:** The bid of various political and non-political parties to gherao the Assembly today was thwarted by the police who stopped the agitators at Birsa chowk, which is located a km away from the Assembly. The gherao plan was announced in order to make the government adopt a legislation defining locals as per directions laid down by the Jharkhand court.

Thousands of activists belonging to the JMM, CPI-ML (Liberation), All Jharkhand Students Union and Adivasi Moolvasi Janadhikar Manch staged a demonstration at Birsa chowk and then moved towards the Assembly. However their attempts were foiled.

87 - Jharkhand  
While the agitators were demonstrating, the minister for science and technology, Mr Samarash Singh, confronted them and told the JMM supporters not to politicise the issue.

He said that all along the JMM was opposing the policy and all of a sudden it had changed its stand and was demanding 1932 as the cut off mark for residents. This irked the JMM activists who asked him to go away. The sloganeering continued till the minister went away.

The agitators also tried to stop the cars of the Speaker and chief minister near Dibidih, but due to the alertness of the respective drivers, their bid was foiled.

Opposition leader Mr Stephen Marandi told the House that some agitators, who were demonstrating peacefully, had been allegedly roughed up by the police in Chutia and Doranda police station areas.



# Domicile issue: Tribals angry, police on alert

MANOJ PRASAD  
RANCHI, NOVEMBER 28

96-329/11

JHARKHAND has sounded an alert in all districts following apprehensions of widespread agitation and violence after the high court yesterday struck down its domicile policy. All district administrations have been directed to keep maximum vigil. Deployment in sensitive areas has been increased and police stations have been directed to conduct intensive patrolling. "We have intensified policing in the sensitive areas," DGP R.R. Prasad said.

The government notifications, which were struck down by the court, give locals preference in appointments to class III and IV jobs if they or their ancestors figure in land records dating back to 1932. Predictably, Samata Party MLA and state Urban Development Minister Baccha Singh and his supporters, who have been agitating against the domicile policy since July 18, have welcomed the verdict. "It's a victory for democracy. The policy was not as per the Constitution. I had told CM Marandi that making the records of 1932 the basis for issuing domicile is not correct," Singh said.

Criticising Marandi for his policy, Jharkhand Mukti Morcha president Shibu Soren said: "The court has exposed the state's policy of dividing people and making them fight among themselves." However, tribal outfits, including the Jharkhand Adivasi Moolwasi Janadhikar Manch, Adivasi Chatra Sangh and the Jharkhand Dishum Party, have criticised the order. In fact, minutes after the five-member full bench of high court gave its judgement yesterday, a group of 150 Janadhikar Manch activists set afire the effigy of Chief Justice V.K. Gupta in Ranchi and shouted slogans against him.

The HC verdict has come when the Godda Lok Sabha seat is going for a bypoll on December 12 and Marandi is leading a team to Malaysia, Bangkok and Singapore to attract investment. The issue is likely to become poll fodder for parties.

# Jharkhand bandh passes off peacefully

OUR BUREAU

Sept. 24: For the first time after the formation of Jharkhand, the police and the civil administration were able to ensure a peaceful statewide bandh called by the Jharkhand Disom Party today to "win justice for tribals and *moolvasis*". The day passed without violence.

People walked fearlessly on the deserted roads, which had a strong police presence. Except for stray incidents of violence in Dumka, no major incident was reported from any other part of the state. Reports from Dumka said bandh supporters and shopkeepers fought pitched battles.

More than 500 bandh supporters, including JDP chief and Mayurbhanj BJP MP Salkhan Murmu, were arrested from different parts of the state for violating prohibitory orders. Murmu was arrested in Jamshedpur, along with his wife and 58 supporters this morning. He refused to be let off on bail and insisted on being sent to jail. People in Ranchi breathed a sigh of relief over the violence-free bandh.

Three earlier bandhs had turned violent and triggered social unrest. "I enjoyed the day

with my family and visited my brother's home as I felt that the administration was really vigilant," said Anal Prateek Minz, a resident of Kadru.

Sarad Kacchap, a resident of Purani Ranchi, said he moved around the area in spite of the bandh. "I finished many pending jobs, taking advantage of administrative arrangements. I went to meet my friends in various parts of the town. I was happy seeing the city roads free from trouble," he said.

"The administration has done a good job this time. I contacted my relatives and friends residing in various parts of the city on telephone. All of them informed me about the peaceful situation in their localities," said Pushpa Jha, a resident of University Colony.

However, in Dumka, trouble began around 10 am soon after chief minister Babulal Marandi got ready to leave. Angry students, including girls, blocked his way to the airstrip.

Reports from Hazaribagh said the bandh had no impact and normal life was unaffected. Bokaro, which had witnessed violence during the pro and anti-domicile and reservation protests, remained peaceful.

25 SEP 2000

# Domiciled in Jharkhand

By Vasudha Dhagamwar

10-10  
9/8

**T**HE JHARKHAND Chief Minister, Babulal Marandi, has created trouble by going in for a domicile policy. With it comes reservation in higher education and in Government service.

Mr. Marandi has zeroed in on the year 1932 as the cut-off date and the settlement of that year as proof of domicile. Settlement might have been over for Chhota Nagpur but in the Santal Parganas it went on till 1935.

The idea seems to be to secure a share in the class three and class four Government jobs for the Adivasis. With their current level of education they are not aspiring for gazetted jobs. Nor are they aspiring to replace the businessmen or traders. In some ways the demand is very similar to the one made by the Shiva Sena in Mumbai. But there the demand was for also class two jobs.

This writer is a Dhanbadi, although by current standards she would not be domiciled in Jharkhand; her father only went there in the early 1940s.

One has somewhat more sympathy for the Adivasi of Jharkhand. All mineral wealth is in the south yet all development took place in the north. There has never been a Chief Minister from south Bihar. The coal, rail and business capital was in Kolkata. Now Jharkhand is a potentially rich State and outsiders will come flooding in for jobs and opportunities.

But now it also has more than 50 per cent non-Adivasi residents. Even Mr. Marandi admitted that all of them were not outsiders. Therefore he is applying the 1932 test. But that can be counter-productive. 1) Settlement is about land. It does not record landless people; 2) all original inhabitants are not free of the taint of exploitation; 3) many original inhabitants of Jharkhand will fall through this net because they have

been deprived of their lands since many decades.

The Pahadiyas of the Rajmahal Hills and the tribes of Palamau are a glaring example. The Pahadiyas are a dying tribe. They own no land. They survive on small loans from *mahajans* (moneylenders). Would

zaar traders of Dumka had absorbed all Santal settlements in the vicinity. David Gantzer who conducted the settlement in 1922-1935 in the Santal Parganas admitted that land transfers were very much a common practice.

The Santal Parganas was a non-

claimants within the few months allowed for objections and appeals. In the owner's absence their neighbours would not dare speak up.

Even the Santal might not be able to secure the domicile of the new State for which he fought so hard and for so long. The answer to the question who is original depends on how far back one goes. The Saura Pahadiyas and the Maler Pahadiyas of the Rajmahal Hills are the oldest inhabitants of the Santal Parganas. They dominated the densely forested lands and even the region around the river Ganga, and were much feared by medieval princes. The British subdued them at the end of the 18th century. The Pahadiyas were unwilling to contribute revenue to the East India Company by changing over from slash and burn cultivation to settled agriculture. That is why quite deliberately, in the 1790s, the Santals were imported to the Santal Parganas. If we go as far back as 1932, then why not 1790?

While many of those with rightful claims would be denied, it will not prevent the exploiters from making the grade. The people of the plains were certainly in residence; they exploited the Pahadiyas, quite mercilessly and even brutally. Yet, they were definitely the original inhabitants and are entitled to domicile. We shall also run into trouble over the definition of who is a local. Is a Dhanbadi to be preferred over a man from Dumka for a job in a coal mine? And is the man in Giridih to have monopoly over the mica industry?

We cannot put the country into little boxes. Jharkhand cannot accommodate all Jharkhandis or their aspirations. With every sympathy for the Adivasis who fear more exploitation in the future, one still has to say that the real answer lies in education. Promote universal education with a will and give the children a tool with which they can move out into the fray.

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***While many of those with rightful claims would be denied, it will not prevent the exploiters from making the grade... the real answer lies in education.***

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their forefathers have been shown in the 1932 settlement? I doubt it. What about the Dalits who normally hold no land? As a woman, I must also ask if women have the right to domicile? Or, will it go in the male line as in Jammu and Kashmir?

It has been proved again and again that the acquiring of Adivasi lands by non-Adivasis has been an ongoing process for decades. Adivasi populations and also other poor peasants have routinely lost land for decades throughout India. This has been well documented. Jharkhand is no exception.

Land became a saleable commodity under the British. Just let us look at the Santal Parganas. In Jharkhand too land laws apply. The Chhota Nagpur Tenancy Act (CNTA) and the Santal Parganas Settlement and Survey Act 1872 (SPSSA) for instance. The latter applies to the six districts carved out of the old Santal Parganas: Dumka, Deoghar, Godda, Jamtara, Pakur and Sahibganj.

The SPSSA made land transferable by sale, gift or against a debt. Within ten years of the first settlement there were as many as 10,000 court sales and 40,000 private sales of riyati lands. The annual district report for 1882 showed that the ba-

regulation tract for long decades. Land settlement was completely outside the jurisdiction of the civil courts. It was entirely at the discretion of the Settlement Officers. The timetable for hearing objections and for appeals was short. Appeals went to the Commissioner. Once the settlement was over the record was fixed forever. It could never be challenged. This speedy process created a problem for the Adivasis. Moneylenders and others used the settlement rules skilfully to take away Adivasi lands. On the other hand, claims for debts were a matter for the civil courts. The torturous and lengthy procedure was even worse. Moneylenders used them against the Adivasis very successfully to recover debts or to take away their lands. Every way the Adivasi lost his hard-won land.

In the early 1980s, I was in Dumka as a Senior Research Fellow of the Indian Council for Social Science Research. The first settlement after Independence had already begun. The lone Santal lawyer in the Dumka bar let drop a small remark. There were hundreds of Santals in jail, he said. All put inside by powerful non-Adivasis so that the real owners could not challenge the false

# Ranchi all-party meet a 'flop'

SALMAN RAVI

**Ranchi, Aug. 1:** Boycotted by the major Opposition groups, the all-party meeting convened by Jharkhand chief minister Babulal Marandi on the domicile issue ended without any apparent result and amid indications of sharp division within the ruling coalition.

The meeting was called on the directions of the Centre to end the 20-day social unrest in Jharkhand. Those who boycotted the meeting included the Congress, the Jharkhand Mukti Morcha and the Left parties.

Although Marandi said he was "happy with the outcome", he was reticent about the government's future course of action.

A section of leaders who attended the meeting said sharp differences cropped up during the four-hour session. The Shiv Sena's Deenanath Pandey and Samajwadi Party leader Banna Gupta opposed the last land survey records being considered as the criteria for being a domicile. The Sena is an NDA partner.

Gupta later called the meeting a "complete flop". He said his party was now looking to the High Court to take a decision and that he had "no faith in the government".

The chief minister lashed out at the Opposition, holding them responsible for the recent social turmoil. "The Opposition parties are only trying to play dirty politics on the issue. They



Jharkhand chief minister Babulal Marandi at the all-party meeting in Ranchi on Thursday.

Picture by Prashant Mitra

do not want development of the state. They do not want that the people live in peace. I had personally called up the Congress and JMM leaders who assured me that they would attend the meeting and give their suggestions to the government. But they did not turn up deliberately," Marandi said.

He branded those boycotting the meeting as "cowards". "They do not have the courage to assert their point of view in an open deliberation. They only want to play the politics of sentiments and never want something cre-

ative to happen in the state," Marandi said.

But he asserted that the government was serious about addressing the problem of all those who were landless during the period the last land survey was conducted in Jharkhand. "There were some good suggestions at the meeting and we will decide on providing a package for the landless and those who have settled after the land survey," he said.

The only Opposition parties to turn up were the Jharkhand Vikas Dal, the Samajwadi Party

and the Indian Union Muslim League which have little or no base in the state. The SP had earlier announced that it would boycott the meeting.

But Marandi was careful enough to not invite Samata leader and urban development minister Bachcha Singh — the most vocal in the NDA against the domicile policy — to the meeting.

"Singh did not come because he was not invited. You ask the chief minister about the reasons," said another Samata leader Ramchandra Kesri.

# Two attempt immolation over domicile policy

Statesman News Service & Agencies

RANCHI, July 21. — Two anti-domicile policy activists in Jharkhand tried to immolate themselves in front of Raj Bhavan here this morning. Police foiled their attempt and arrested them.

They were let off tonight following demonstrations by members of their organisation in Kotwali police station, where they had been detained.

The Jharkhand Upekshit Manch, the first organisation to protest against the domicile policy, had organised the self-immolation drive.

Mr Akash Bhargava was the first to try to set himself on fire, but police thwarted his attempt by snatching a petrol can from his hands. He was then arrested and taken to Kotwali police station. Mr Bhargava said his organisation was fighting a "do-or-die battle" against the domicile policy.

Fifteen minutes later, Mr Rajkumar Singh Ranchoo sprinkled kerosene on his body. But police grabbed him as he was about to light a match. He, too, was arrested.

Fifty-eight pro-domicile organisations have decided to stage a torch march in Ranchi on Tuesday and also called a state bandh on Wednesday. Leaders of these organisations, comprising mostly Adivasis and *moolvasis*, said they would ask companies, including Sail, Mecon and CCL, to keep their units closed on Wednesday. Only essential services would be exempted from the bandh, they said.

These organisations demanded the resignation of six state ministers — Mr Baccha Singh, Mr PN Singh, Mr MP Singh, Mr RL Sarda, Mr Raghwar Das and Mr Ramchandra Kesri — for opposing the domicile policy.

Three people were injured in a clash between two groups at Harharguttu in Jamshedpur, in retaliation to yesterday's Jharkhand bandh. The incident took place when a group opposed to the domicile policy attacked a pro-domicile group. The injured were admitted to private hospitals. Two people have been arrested in this connection.

The DC (East Singhbhum), Ms Nidhi Khare, said prohibitory orders under section 144 CrPC had been clamped in the Bagbera, Govindpur, Parsudih and Jugsalai police station areas in Jamshedpur. The prohibitory orders would be in force till 24 July.

The RAF staged flag march in the Govindpur and Bagbera areas. Tension continued to prevail in the industrial belt of Adityapur in adjacent Saraikela-Kharswan district. Police have intensified patrolling in the area.

Photograph on page 6