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BEEMAPALLY POLICE FIRING:THE FORGOTTEN ONE

**Authored by –
Goutham S Satheesh**

ABSTRACT

About 13 years ago. On May 8, 2009, an infamous criminal by the name of KombuShibu from the traditional Latin Catholic Cheriyaathura region had conflicts with Beemapally residents over a mosque ritual. In Kerala, the Latin Catholic community is an underrepresented OBC group. On May 16, the debate allegedly became so heated that Shibu and his group stopped the bus carrying worshippers traveling to Beemapally. Conflicts between Shibu and the people of Beemapally are said to have resulted from this. Cheriyaathura and Valiyaathura, two nearby neighborhoods, saw a substantial increase in armed police presence. Next, the goons threatened to prevent the celebration of Uroos. A seasonal festival at the Masjid scheduled to occur the following month. Residents claimed that on May 17, Shibu and his associates set the public property on fire and blamed the underprivileged Muslim community. People gathered on the shore wouldn't leave as he again stirred problems. Around 2.30 pm, the Police started firing, killing five Muslims on the spot and one more in the hospital. According to the NCHRO fact-finding report, 27 of the 52 injured had bullet wounds. However, this violent encounter received little coverage in the Mainstream media. The main issue is that the Police fired unprovoked shots at the crowd. Police should have used rubber bullets or tear gas to disperse the crowd. According to eyewitness accounts, Police opened fire at the dead's chest and throat and chased the group from behind. The author explains how the Police didn't follow any procedures prescribed by the law. And critical analysis of neglect faced by the people of Beemapally.

Keywords: Beemapally, Underrepresented, Police-Firing, Crowd, Law of the Land, bullets,

INTRODUCTION

The Uroos ceremony at the Beemapalli Dargah was threatened to cancel on May 8 when a local "goon" named Kombu Shibu from the Cheriyaathura Area came to the neighborhood of Beemapalli. This continued until May 16, a Saturday evening, when Kombu Shibu and his companions stopped the buses carrying the devotees to the Uroos festival in Beemapalli. Along with that, the results of the parliamentary elections were made public. While the winning party had their celebrations, a fight broke out between the residents of Beemapalli and neighboring Cheriyaathura. The Police arrived. The sub-Collector, who ordered the goon's arrest, attended the talks between the two sides. But that didn't

take place¹. Even though it is well known that the Uroos event is essential to Beemapalli villagers' way of life, the Police took no action against Kombu Shibu. The next day May 17. Shibu and his cronies set fire to the government property and accused the Muslim community of being responsible. As he was creating more trouble, the people on the coast refused to disperse. Six Muslims were killed, and injured 52 people were injured.

when the Police opened fire at 2:30 pm. Since 1957, it has been the second-largest police shooting event in Kerala state history. However, Beemapalli received little prominence in the collective memory of political fights in Kerala compared to the weight accorded to other such political occurrences in the State's history. The Police and predominate media versions of the Beemapalli event can be dissected by paying attention to the politics of 'naming' it. The Police and the media referred to the incident as the "Cheriyathura firing" in the days that followed. When journalists and fact-finding teams looked beyond the police account and discovered that no church attack or any Muslims were entering the area of Cheriyathura, it incorrectly conveyed the perception that the Muslim fishing village of Beemapalli entered and attacked Cheriyathura. However, the Police had to concoct this bogus narrative that Beemapalli locals attacked Cheriyathura residents to characterize it as "communal violence." The Police presented it in this setting as a legitimate condition.

HISTORICAL-BACKDROP

Beemapalli is a small coastal town located near Thiruvananthapuram. whose population is predominantly a Muslim fishing community. According to the census of 2001, Beemapalli has a population of 10105. It is the neighborhood surrounding the famous² and stunning Masjid (as well as the dargah Shareef) constructed in honor of Beema Umma. Local oral historians claim that the Masjid's name is derived from Shaheed Mahin Abubakar's mother, the Muslim woman saint Syed Unnisa Beema Beevi. Mahin Abu Bakar, an Arab who immigrated to India in the fourteenth century, fought against upper-caste landowners before being killed. Beema Beevi also passed away after her son's death. Most of Beemapalli's population converted to Islam from castes like Nadar³.

The History of Conflict between underrepresented OBC groups can be analyzed with The Marakkayars' social evolution over Thiruvananthapuram's whole coastal belt over the past century. Marakkayar Muslims have historically been a fishing-based group with a large population in the

¹ "11 Years on, Justice Eludes Muslim Victims of Beemapalli Police Firing." *TwoCircles.net*, 20 May 2020, twocircles.net/2020may20/436895.html.

² unknown. "Thiruvananthapuram District Population Census 2011-2022, Kerala Literacy Sex Ratio and Density." Thiruvananthapuram District Population Census 2011-2022, Kerala Literacy Sex Ratio and Density, www.census2011.co.in, <https://www.census2011.co.in/census/district/284-thiruvananthapuram.html>. Accessed 31 July 2022.

³ UNKNOWN. "Legend of Beema Pally, One of the Ancient Mosques in India." *Kerala Mythology*, 22 Nov. 2015, <http://keralamythology.blogspot.com/2015/11/legend-of-beema-pally-one-of-ancient.html>.

Thiruvananthapuram district and the southern Kerala coastal areas. They were formerly the most influential fishing community among all the coastal communities of⁴Thrivanthapuram. Following developments in the Fishing business, a century-long history of ongoing violent conflict with the dominant Fishing group, the Mukkuvar Christians, has been resolved and proven essential to Marakkayars' trajectory. These two groups have been involved in ongoing battles and violence since the start of the 20th century, and periodic acts of violence still exist today. With a lot of vigor. Evidence suggests that the numerical superiority of Muslim Marakkayars is the most powerful and influential group in the area. Fishing was questioned in the early 20th century when more Mukkuvar Christians moved into the coastal areas, In search of a better life. During the colonial era, violent encounters between Mukkuvars and Marakkayars on multiple occasions⁵ By the early half of the 20th century, coastal communities had developed into mutually hostile "ethnic enclaves," each with distinct social and geographic boundaries, and group life had become more territorialized and divided. One such settlement with a long history of hostilities and violence is Beemapalli, located close to the Mukkuvar Christians of the Cheriyaathura region. The transition from traditional fishing to Gulf migration and trade-related activities did not significantly increase Marakkayar mobility in other Thiruvananthapuram coastal localities. Still, the Beemapalli locality started to show a distinct transformation since the 1990s as it was able to bring a new venture from the Gulf into their village that changed the socio-economic life of Beemapalli. With the aid of Gulf immigrants, the Marakkayars established a retail market at the beginning of the 1990s, selling imported items, including tape recorders, television sets, VCDs, cassettes, and C.D.'s in Beemapalli for less money. However, over time, local customs and the discourse that developed among state institutions and members of "mainstream" society gave Beemapalli an "ungovernable" reputation and frequently caused disagreement and violent occurrences.

POLITICAL ANALYSIS OF THE ISSUE

Few accounts of violence between Muslims and Christians in Kerala could be found. Over the past twenty years, reports of conflicts between fishing villages along Kerala's coastline have occasionally surfaced. In some cases, these clashes featured Latin Catholic and Muslim villages, as in Vizhinjam in 1995 and Poovar in 2004 and 2005. instances of this conflict amongst fishermen of the same religion have also reportedly occurred, such as the altercation between Latin Catholic fishermen in Anchuthengu in 2002 The most significant incident of fighting between Keralan fishermen was, The

⁴ Marakkan and Maraikayar are the two derivatives of the term found in various sources. Historical writings and census records indicate that Marakkayars migrated from present-day Tamil Nadu centuries ago (Moore 1983). Also, Jongans and Marakkayars are interchangeably used to refer to the coastal Muslims of southern Kerala today

⁵ Punathil, Salah. "From Ethnic Enclave to Ghetto." Contributions to Indian Sociology 50.2 (2016): 187–213. Web.

Marad conflict in 2002 and 2003 involved fighting between nearby villages of Muslims and Hindus and numerous murders. The events at Marad turned into a significant political problem involving multiple political networks and parties. The unrest in Marad also sparked media suspicion that a formerly calm Kerala was becoming a state with racial divisions.⁶ But these racial divisions are yet to be reflected in more significant social and political pictures.

The opposing Congress and CPI-M parties have lobbied for the votes of both Muslims and Christians, and winning over the minority vote blocs is frequently viewed as essential in Kerala election state politics. Historically, Christians supported the UDF. However, they strongly backed the LDF in the most recent Lok Sabha and assembly elections, which enabled it to gain significant ground in the Christian heartland. exit polls conducted during the 2021 Kerala Assembly elections, which brought the CPI-M back into power, indicated a 7 to 9% swing in the Christian votes in favor of the LDF." Muslim voters helped the LDF win the 2016 state election as well.⁷ However, several moving parts exist in the connection between CPI-M and Kerala Latin Catholic Church. The Kerala Catholic Church is now in conflict with the CPI-M regime over control of Catholic educational institutions. The Kerala Catholic Church has historically supported the Congress Party in Kerala, which is the CPI-main M's opponent in Kerala electoral state politics. The Democratic Youth Federation of India (DYFI), the youth arm of the CPI-M, has allegedly assaulted Catholic youth organizations and educational institutions, according to allegations made by the Kerala Catholic Church. The majority of available information on the tense relationship between the CPI-M administration and the Latin Catholic Church implies that the hostility is a result of how the CPI-M and the Latin Church leadership have both competed for the support of the Latin Catholic voter; and that while the CPI-M movement has clashed with the administration of the Catholic Church and with various organizations affiliated with the Catholic Church, the CPI-M has generally tried to win the Latin Catholic voter's support⁸. In this context, It has to be noted that during the beemapalli firing, The left government was in power and led by the veteran communist leader V. S. Achuthanandan. by considering the larger political picture, it can be said that to satisfy the Christian majority in Cheriya Thura. The Police and predominate media versions of the Beemapalli Were changed by paying attention to the politics of 'naming' it. There is also another political angle to this incident. During 2009-10, it was the peak time

⁶ Kunnummal, A. (2011). Beemapalli Police Firing: Kerala's Own Cultural Amnesia. TwoCircles.

⁷ Accessed 3 April 2022 – Attachment 47; Saeed, A. 2006, 'Emergent Electoral Trends in Indian Politics: Role of the Left and Muslim Votebanks', Institute of Strategic Studies Islamabad website, Strategic Studies, vol.26, Winter, no.4 http://www.issi.org.pk/journal/2006_files/no_4/article/a1.htm – Accessed 5 October 2007 – Attachment 48; see also: Krishnakumar, R. 2004, 'A minority power crisis', Frontline, Vol 21: Issue 10, May 08 – 21

⁸ "Catholic Church Criticises Marxism In Kerala". 2008. *The Economic Times*.

<https://economictimes.indiatimes.com/news/politics-and-nation/catholic-church-criticises-marxism-in-kerala/articleshow/2771198.cms?from=mdr>.

of factionalism in the Kerala wing of the communist party. The party was split into V. S. Achuthanandan and Pinrayi Vijayan factions. Pinarayi and VS have been at odds for more than ten years, even though Pinarayi has long been regarded as VS's protégé. The two's divergent ideologies can be viewed as a significant contributing reason to the conflict. While Pinarayi is perceived as a backer of large corporations and neo-liberal policies⁹, VS is a traditional Marxist who is anti-corporate and a warrior against corruption. During the 2009 parliament election. V. S. Achuthanandan, the then chief minister of Kerala, wasn't given an organizational position to coordinate and control the campaigning of the left democratic front. The Then party Secretary Pinrayi Vijayan did all the control and coordination of the party during the election single-handedly. V. S. Achuthanandan, the senior member of the communist party, was neglected. It was alleged that V. S. Achuthanandan was behind the terrible failure of the left democratic front during the 2009 parliament elections. This was evident from the sinister smile of V. S. Achuthanandan during the after-failure press conference. The shooting was created to avert public attention on the defeat of the then ruling front in Kerala, using the Police. This became evident in the report by Communist Party of India (CPI) state secretary Veliyam Bhargavan, which was released later. The report says that in the coastal areas of Thiruvananthapuram, like Valiyathura and Beemapally, party candidate P Ramachandran Nair could win the expected number of votes¹⁰

SOCIAL ANALYSIS OF THE ISSUE

The egalitarian social model is a distasteful aspect of the celebrated Kerala growth model. Which left a few islands in poverty after making the State popular with development economists. Among them were the hill tribes' native inhabitants and the fishing settlements along the coast.¹¹ Both have been widely disregarded during the development process, which has had terrible results. Repercussions that accrue over time. Some of the most violent crimes are not unintentional. Kerala society has experienced disputes between these two socio-economic groups, which have been brought into sharp focus. The Muthanga Adivasi uprisings in Wayanad and communal conflicts in

⁹ "Kerala CPI(M) Factionalism On The Verge Of Explosion". 2022. *India Today*.

<https://www.indiatoday.in/latest-headlines/story/kerala-cpim-factionalism-on-the-verge-of-explosion-38362-2009-01-29>.

¹⁰ *2009 Beemapally police shooting - Wikipedia*

"2009 Beemapally Police Shooting - Wikipedia". 2022. *En.Wikipedia.Org*.

https://en.wikipedia.org/wiki/2009_Beemap

¹¹ *Williams, N.*

Williams, Nadya. 2009. "Socialist Kerala: A Very Different India". *People's World*.

<https://www.peoplesworld.org/article/socialist-kerala-a-very-different-india/>.

recent years have brought into the town of Maradu on the northern shore. Socially and academically active, politically disfavored While organized into groups, farmers, workers, and landless laborers. Despite the efforts of trade unions and other progressive political organizations, coastal left and right political groups neither attempted to engage fishing communities nor did they even try to understand their problems. Community-based organizations ultimately filled this political void and steadily took over the lives of the fishermen. Organizing the community fell to the church and church-sponsored voluntary organizations in southern Kerala¹², where fishing communities are predominately Latin Catholic. This function was carried out by Muslim organizations and Hindu communal groups like the Rashtriya Swayam Sevak Sangh (RSS) in the north, where the Hindu dheeparas and Muslims predominate. As a result, communal politics dominated social life along the shore, a disastrous turn of events. These fishing tribes had created their efficient systems through decades of self-governing structures that would have naturally arisen as secular social and political structures. This can be clearly seen in case of beemapalli where the matters of people are handled by the Beemapally Muslim Jama-ath. And in valiyathura matters are directly handled by the church¹³. What is most concerning about the Beemapally episodes is that, once again, local activists from a number of mainstream, secular political parties were among those detained during the quick police response that followed them. It was a sign that communal forces were eroding the secular foundation of many political organisations in the State and that fanatical individuals had begun utilising their affiliation with established political parties as a front for their criminal and communal operations. It also demonstrated the extent of the communal polarisation that was occurring in Kerala, where a sizable portion of the populace was being incited to behave and think communally, even fanatically, regardless of their political allegiances. Seen together. The violent police shooting, however, has altered several Beemapalli-specific characteristics. Additionally, it has altered the Police's right to enter without permission. The cops are now permitted to enter and arrest anyone in the neighbourhood. In order to conduct an investigation into the police firing, the Left Democratic Front-led state government, which at the time included Chief Minister VS Achuthanandan and Home Minister Kodyeri Balakrishnan, decided to form a judicial commission. As a result, K Ramakrishnan, a sitting High Court judge, was appointed to the commission. On January 4, 2012, the Commission's inquiry report was delivered to the United Democratic Front-led state administration, which Oommen Chandy serves as chief minister. Nevertheless, despite the passage of time, nothing has been done

¹² Kottarathil, Mathen James. "Tensions Between Kerala Muslims and Christians Need to Be Sorted. The Sangh Is Watching." *ThePrint*, 22 Sept. 2021, theprint.in/campus-voice/tensions-between-kerala-muslims-and-christians-need-to-be-sorted-the-sangh-is-watching/737098.

¹³ fisher-folk, Exclusion. 2018. "Exclusion Of Muslim Ghetto: Untold Story Of A Much Celebrated Kerala Govt. Housing Scheme For Fisher-Folk". *Maktoob Media*. <https://maktoobmedia.com/2018/11/03/exclusion-of-muslim-ghetto-untold-story-of-a-much-celebrated-kerala-govt-housing-scheme-for-fisher-folk/>.

about the report.

LEGAL ANALYSIS OF THE ISSUE

According to the Kerala police manual, 1970. In case a violent mob doesn't disperse. First, the Police have to resort to the Lathi charge, followed by warning shots. As a desperate measure, the Police can resort to water cannons & tear gas. But Police resorted to neither of them and opened fire on the mob. According to the statement given by Sanjay Kaul (then district collector of Trivandrum), Before the K Ramakrishnan committee enquired on the Beemapalli police firing, the Police informed no one with executive magistrate authority before the firing. The Police fired without first consulting the responsible stakeholders.¹⁴ Over the years, many comprehensive international rules and guidelines have indeed been approved and implemented to control how and when Police can use force¹⁵. UN's Basic Principles on the Use of Force and Firearms by Officers in Law Enforcement is an international agreement that explicitly addresses police use of force (BPUFF).

According to this rule, police officers may only use physical violence as a last resort, that is, when it is required to defend themselves or others from serious or deadly harm. Protecting a citizen's right to life is the law enforcement community's fundamental and most important duty. However, there has been widespread abuse of authority even by officials in uniform who've already obviously missed the above criteria, given the rising number of cruelty incidents worldwide. To merely give money to the victims' families and end an instance of suspected brutality and extreme police action may not bode well in a civilized society guided by constitutional ideals. The Cr. Section P.C.'s 129 outlines the choices open to the Police to break up an illegal gathering. The constitutional guarantees of the right to gather under Article 19(1)(b) and 19(3)[12] are what this clause must balance. A possible unlawful assembly is covered under the same section as an actual unlawful assembly. However, it was noted in the case of *Hanuman v. State*¹⁶ [that the unlawfulness of a group must be assessed solely in light of section 141 of the Indian Penal Code and that failure or refusal to disperse does not render a lawful assembly unlawful, failing which the use of force against such an assembly would be illegal. Another prerequisite is that law enforcement officials maintaining law and order can use only as much force as necessary to dispose of an unlawful group and suppress a riot. But here, the crowd was not violent, didn't provoke the Police, and didn't create any violent situations. And it is also to be noted that An unlawful assembly (popularly known as a mob or a riotous mob) has been defined in the Indian Penal Code (IPC) in Section 141. Rioting has been described in Section 146 of the IPC. Section 129 of the Criminal Procedure Code (CrPC) provides the power to disperse an unlawful assembly by civil force.

¹⁴ unknown. "Cheriyathura Riot: Collector Kept in the Dark- The New Indian Express." The New Indian Express, www.newindianexpress.com, 31 July 2022,

¹⁵ Human Rights Violations By Police In India: A Comparative Case Study - The Law Brigade Publishers (India)." *The Law Brigade Publishers (India)*, thelawbrigade.com, 18 Sept. 2020, <https://thelawbrigade.com/human-rights/human-rights-violations-by-police-in-india-a-comparative-case-study/>

¹⁶ 1994 AIR 1307, 1994 SCC Supl. (2) 39

The word civil force, as against 'armed force,' means the use of force by the Police. The use of 'armed force' to disperse unlawful assemblies has been defined in Sections 130 and 131 CrPC. 'Armed forces have been defined in Section 132(3)(a) CrPC as the military, naval, and air forces operating as land forces and includes any other Armed Forces of the Union operating. And the crowd gathered on the shores of beemapally doesn't come under the armpit of this definition of a riotous mob under the relevant provisions of various law which deals with the prevention of riot control. In general, there is no issue if an unlawful gathering can be dispersed with the aid of non-lethal weapons. When lives are lost during fire, a problem develops. This question is frustrating because Section 129 makes no mention of the required amount of force. People's responses to the use of force are unclear and equivocal and depend on the media's hype machine and the current mood. For well-known reasons, the Police are frequently accused of purposeful inaction. and hence from all these we can say that was the polices arbitrary decision guided by its political master to open fire on the public. The law gives the Police sufficient authority to uphold public order whenever and wherever they are required under their constitutional duties, provided they have the "will" to do so. Yes, there are some ambiguities in the law, but under a just system, they can be charged with making a mistake in judgement rather than one of intention. Overall, there is never a justification for police inaction.

CONCLUSION

Before the facts are revealed, no conclusions should be made, but the facts must be disclosed. Indian authorities' suppression of protesters by excessive force, arbitrary detention, and punitive home demolitions is a flagrant violation of India's obligations under international human rights law and norms. It is evident from the First information report and the judicial committee inquiry report that the Police openly fired on the crowd peacefully protesting on the streets of Beemapalli. The proper reason for the same remains a question mark.