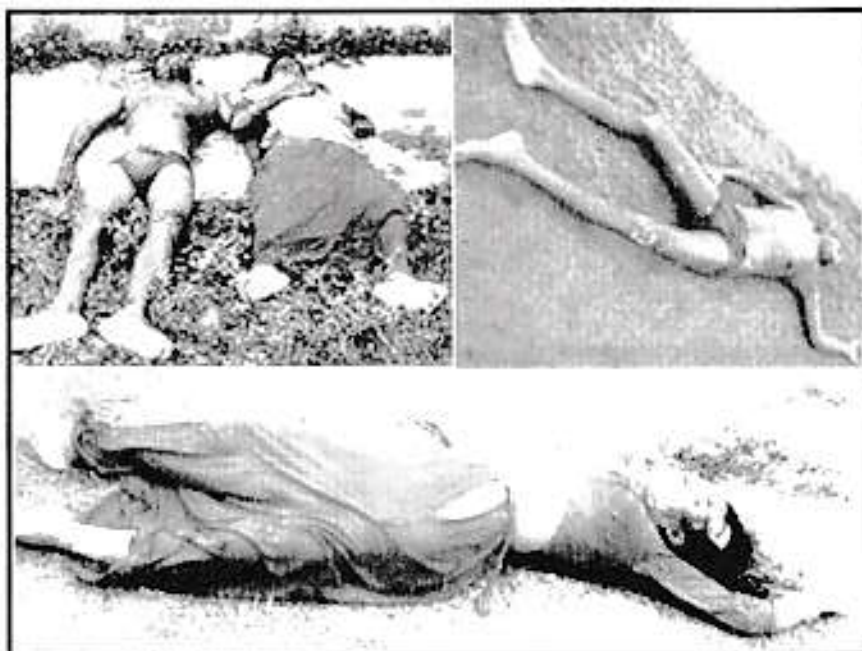




SUPPRESSING THE VOICE OF THE OPPRESSED
State Terror on protests against the Khairlanji massacre

A REPORT TO THE NATION

11. 1. 2007



SUPPRESSING THE VOICE OF THE OPPRESSED:
State terror on protests against the Khairlanji massacre
A Report to the Nation by an All India Team
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Introduction

THE SIGNIFICANCE OF KHAIRLANJI AND AFTER

The atrocity at Khairlanji village of Bhandara district in Maharashtra's eastern region of Vidarbha starkly revealed the strength of caste oppression in Maharashtra, and in the country as a whole, nearly six decades after the transfer of power. But equally revealing were the lengths to which the State went to suppress the facts of Khairlanji, and then to suppress the protests against it. That the Dalit masses overcame all these obstacles, propagated the facts of Khairlanji widely without the help of the mass media, and mounted protests throughout the state, is a remarkable and moving testimony to the urge of this most oppressed section for liberation. It is this urge that the rulers fear.

The Bhotmanges were a Dalit family of Khairlanji which owned a small plot of land, and had resisted the attempts of the dominant elements of the village to construct a road through this land. On September 29, 2006, a mob of villagers attacked them. The father of the family, Bhaiyyalal, was away at the time. His wife Surekha and his daughter Priyanka were raped and killed. His sons Roshan and Sudhir were also killed after their private parts were mutilated. In a report brought out in November, 2006, the Centre for Equity and Social Justice of the government's own Yashwantrao Chavan Academy of Development Administration (YASHADA) found a "deep rooted social conspiracy towards facilitating the crime and subsequent suppressing of evidence on the part of certain communal forces as well as various elements from politics and administration."¹

At the local level, everything justified the confidence of the killers that they would go scot-free. Although the police were contacted at the time of the event, they did not turn up till many hours later; though the bodies were found naked and mutilated, no investigation for rape was done and the clothes were not preserved for forensic examination; the post-mortem report failed to find evidence of rape; the complaint was recorded improperly under the Protection of Civil Rights Act rather than the Prevention of Atrocities (on SC/ST) Act; and so on, and so forth. Various parts of the State machinery operated systematically to suppress the truth. (The fact that some of the police officers and medical personnel involved

¹ "Organised killings of Dalits in Khairlanji village, Tal. Mohadi, District Bhandara"

A Report under the SC/ST (Prevention of Atrocities) Act, 1989 by The Centre for Equity and Social Justice, YASHADA and the Dr Babasaheb Ambedkar Research and Training Institute, Department for Social Justice, Government of India).

Some of the findings of this report briefly are:-

- Throughout September 2006, certain communal elements visited Khairlanji and contributed to creating communal tensions in the village.
- The police ignored the frantic call for help from Bhotmange and the Gajhiye brothers even while the killing was in progress on September 29th, hence allowing the heinous crime to happen.
- Even after this shocking murder, the police did not file the FIR promptly and the Dy S P as well as the Police Inspector in charge of Andhalgaon Police Station did not take any action promptly, even though they knew that this was a clear case of atrocity against Dalits.
- Extremely serious neglect was committed, perhaps deliberately, during the post mortem of the two women's bodies, which led to destruction of crucial evidence of rape. Blood samples, nail clippings, rectal swab, vaginal swab, and pubic hair samples were not taken which are a must in the likelihood of rape. It is no surprise then that the local MLA who belongs to the BJP was reportedly present at the time of the post mortem on Priyanka's body.
- The Special Inspector General of Police, Nagpur, Mr Punkaj Gupta, made a premature and irresponsible public statement that no rape had taken place on the women victims and locals interviewed by the team stated that Gupta had been paid a bribe to make such a statement.
- The District Authorities such as the District Magistrate, the Superintendent of Police and the Civil Surgeon remained aloof and indifferent to the Khairlanji atrocity, hence indirectly allowing the crime and the subsequent manipulation of evidence to happen.
- The rank insensitivity displayed by the top echelons of the Police Department towards the Khairlanji atrocity sent totally wrong signals to the rest of the police force in the state.

were themselves Dalit merely reflects the pressures operating on all such persons when they work as part of the State machinery.)

Suppression of news of the atrocity

At the very outset, the incident appears to have been reported to the top levels of the state government, which swung into action to prevent the news from spreading. Press reporters told the fact-finding team that the state government had contacted all the major newspapers to ensure that nothing regarding the incident was published, and the newspapers promptly obliged.

It appears the government also persuaded political leaders claiming to represent Dalits not to raise the issue. Indeed, the incident had occurred at a time when it could have had explosive effect. On October 2, 2006, the day of Dussera, Nagpur saw a huge congregation of Dalits celebrating the 50th anniversary of the conversion of Dr. Ambedkar along with his lakhs of followers to Buddhism. On October 5, Congress MLA Nitin Raut visited Khairlanji, collected details, and sent a report to the state government (till that date no senior official or political leader had visited the village). By October 8 even the English press in Mumbai had reported the atrocity, mentioning that "The state administration, police, and political class, on their part, have been fighting hard to cover up the ghastly act for a week now." (*DNA*, October 8, 2006.) However, all these large gatherings were kept insulated from the real information on the heinous incident of Khairlanji by the established leadership of all factions of the RPI and other parliamentary parties. On October 14 Mayawati addressed a large rally of the Bahujan Samaj Party (BSP) at Nagpur, but she failed to say a word about Khairlanji.

The credit for bringing the news of the incident to the fore belongs to some social activists in Vidarbha area. Realising the gravity of the crime, some youth took initiatives to seed the protest among Dalits. Someone managed to photograph the bodies, revealing their actual condition; others circulated the photographs and the news, through leaflets, boards, posters, and word of mouth. The Fact Finding Team got hold of a poster displaying the dead bodies of the Bhotmange family and giving a call to Dalits to rise in protest. Where the "mass media" of the establishment were silent, the media of the masses, out of the view of the rulers, spread the word.

Dalit women to the fore

The protests began about a month after the massacre. In the interim, the state government had not even felt it necessary to hand the case over to the CID. Interestingly, the first people to come out on the streets in public protest were the Dalit women. The Rashtriya Sambuddha Mahila Sanghatana took a lead and held a protest rally in Bhandara on November 1, 2006 in which more than 6000 women took part. It inspired women in other towns and cities to organise protest rallies one after the other. Soon, the whole of Vidarbha was reverberating with protests against the state's inaction and complicity in Khairlanji. Everywhere, the local women came

forward to seed a makeshift protest committee, to manage police permission, etc. and received spontaneous support from people, mainly educated youth, employed as well as unemployed. "For the last few days", said the *Times of India* of November 7, "little-known Dalit groups had been protesting and burning bonfires on busy junctions like Indora on the Kamptee road (in Nagpur), and Mhalgi Nagar on Ring Road". On November 6, the Nagpur police lathi-charged protesters (the *Times* headline ran "Dalits run amok over Bhandara killings"). Yavatmal, Wardha, and Kamptee were put under curfew. The protests had immediate effect: the state government handed over the case to the state CID, and said that if the results of that were not satisfactory, the case would be handed to the Central Bureau of Investigation. However, these palliatives did not pacify the protesters, and protests spread through the region. The police now sprang into action – not to complete investigations into the massacre, but to investigate the protesters. "Have the front activists of ultra-Leftist groups taken over the protests against the Khairlanji killings? That is the question nagging the Nagpur Police." (*Indian Express*, 8/11/06)

The police were disturbed because these protests were not under the leadership of the established political leaders, with whom the police enjoy a cosy relationship. Rather, they had emerged from unknown activists and the common people. "These kinds of protests are generally organised by leaders wanting to take credit for the same. We do not know any such leaders here. So, who are the people who instigated the mobs yesterday is what we are trying to find out", said Nagpur's Commissioner of Police S.P.S. Yadav at a press conference. "It was an entirely new kind of protest organisation. Handbills were distributed first – through backdoors – and suddenly there was a crowd of some 3,000 people in the city's Indora area." The handbills distributed categorically declared that henceforth no politician would be allowed to lead the agitation. Asked if the instigators were non-political, Yadav said, "I can't say everything now. We hope to catch them soon." (*Indian Express*, 8/11/06)

Everywhere, the protesters were met with the hostile attitude of the police followed by uncalled for repression. After one of the protest rallies at Nagpur, the Home Minister of Maharashtra came on camera to say that the government had information that the naxalites were behind the protests. Although he retracted the statement later, it served the purpose of the Vidarbha police who cracked down on the protesters with all its repressive zeal.

The protests continued to spread. On November 8, women activists of another little-known organisation, Phule-Shahu-Ambedkari Mahila Chalwal, infiltrated Mantradaya, reached the Chief Minister's cabin, and began slogan-shouting against the government. They were later arrested by the police. The Deputy Chief Minister, R.R. Patil, who is also Home Minister, charged: "I suspect Naxalites are using Dalits to further their agenda." On November 10 Nagpur again witnessed a bandh and clashes between the police and protesters, as the Chief Minister at last – more than five weeks since the incident – visited Khairlanji. Deshmukh now expressed willingness

to hand the case over to the CBI, and promised a job to the survivor of the massacre (who declined the offer, saying he was interested only in ensuring stringent punishment for the perpetrators of the massacre).

The Naxalite bogey

The significance of Yadav's, Patil's and Deshmukh's charge of a "Naxalite hand" is two-fold. First, it is meant to convey that these protests were not a true expression of the Dalits' own sentiments, but of some sinister force behind the scenes; Dalits, it suggests, can be easily misled or incited by "exploiting their sentiments". Secondly, given the license with which the State represses "Naxalites" without regard for the law or democratic rights, the labelling of a movement as instigated by "Naxalites" is an implicit threat to all its participants, and particularly to its activists. Indeed the police proceeded on a wide round-up of leftist and Dalit activists, labelling them "Naxalites". When CPI(M)-related activists sought permission for a Long March from Nagpur to Khairlanji, giving details of the route, they were arrested; released on bail, they were arrested again. The Nagpur Commissioner of Police said that the Long March would not be allowed. This report has in some detail documented the repression on the post-Khairlanji protest-movement.

On November 14 the Amravati police lathi charged and fired upon people who were returning after the rally organised by Khairlanji Hatyakand Kruti Samiti was over and killed one youth, apart from injuring several others. From November 17 Solapur – far from the Vidarbha region – witnessed several days of protest, clashes with the police, and curfew. On November 29, when a peaceful march organised by established Dalit leaders was to be held in Mumbai, a heavy deployment of police prevented the gathering from proceeding beyond the starting point. On the same day, news came of the desecration of a statue of Ambedkar in Kanpur, and already angry Dalit masses came out onto the streets in protest. The protests continued and intensified on November 30 through much of Mumbai, Ulhasnagar, Thane, Pune, Pimpri-Chinchwad, Usmanabad, Latur, Bukhana, Aurangabad, Nanded, Nashik, Jalgaon, Dhule, and Nandurbar. At Nashik one person was killed during the protest. At Usmanabad two persons were killed in police firing.

The incident that attracted the most attention took place in Ulhasnagar, where protesters stopped the well-known Mumbai-Pune train *Deccan Queen*, made the passengers alight (and shepherded them to safe waiting points), and burnt several bogies. It should be noted that there was no loss of life, indeed, the protesters made sure of this. The press and the electronic media seized upon this incident to portray the protests as "senseless violence", "meaningless destruction", and "mob fury". Television announcers read lectures to the Dalits and bemoaned the absence of a "responsible" Dalit leadership. Everywhere they attempted to emphasise that the protests were in response to the desecration of the Ambedkar statue, and underplay the seething anger over the Khairlanji killings.

Democratic protests, not "lumpen fury"

But the protests were not merely over the desecration of the statue (while that no doubt stoked their anger); nor indeed only about Khairlanji. Khairlanji had become for the masses of Dalits another name for the innumerable outrages heaped on them, for their miserable economic conditions (which have worsened sharply under "globalisation", which has robbed their jobs and their rations), for the deception and diversion employed by the parliamentary parties over the years to prevent the masses of Dalits from rising in struggle. Khairlanji was an occasion for them to assert their *right* to struggle, irrespective of the legal restrictions and illegal State terror.

Thus the State could not prevent the facts about Khairlanji coming to light. Nor, despite its best efforts, could it terrorise the Dalit masses into silence, and prevent their protest. Those protests shook the political scene of Maharashtra, and forced the rulers to make various concessions and adjustments regarding the Khairlanji case. However, the State and the establishment mass media were able to exploit existing caste prejudices and confuse broad sections of the non-Dalits into thinking of these protests as the mere misdeeds of lumpen mobs. Whereas in fact they were democratic protests, deserving the support of all democratic sections. It is partly in order to clear such confusions, and enlist the support of all such sections, that we have brought out the following report.

THE TEAM MEMBERS

An all India fact finding committee comprising members from various democratic rights organisations toured Vidarbha to look into the state violence on people at large, in the wake of protests that broke out over the gory caste atrocity at Khairlanji. The team visited different parts of Nagpur city, Kamptee, Amravati and Yavatmal. The team also visited Khairlanji, where even two months after the incident, the atmosphere in the village was still palpably tense. Fear was still writ large on the faces of the villagers with nobody willing to talk about the incident. Much later, in mid-December, a part of the team also visited Uhasnagar, where police repression broke loose after some bogies of two trains were set on fire during the protests over the desecration of an Ambedkar statue in Kanpur.

The members of the team were : Dr. Binayak Sen (Vice President, PUCL, Chhattisgarh), Moushumi Basu and Debashree Sarkar (PUDR, Delhi), Antony Samy and Yogesh Kumble (Lokshahi Hakk Sangathan, Mumbai), Dr. Anand Teltumbde and Advocate Monica Sakhrani (CPDR, Mumbai), Milind Bhavar and Rahul Kumble (Ramai Pratishan, Mumbai), Thomas Mathew (Samajik Nyay Samiti, Delhi), Anil (Jaatiya Shoshan Viruddh Sangharsh Samiti, Delhi), Sunil (Sangharshrat Naujawan Sangathan, Delhi), Dr. Tej Singh (Editor, Apeksha, Delhi), Paramjit Singh (Dalit Intellectual Forum of Human Rights, Delhi), Dr. Suresh Khairnar (PUCL, Nagpur), Shoma Sen (Committee against Violence on Women, Nagpur), Advocates S. P. Tekde and Anil Kale (Indian Association of People's Lawyers, Nagpur) and Veer Sathidar (Vidrohi Chahwal, Nagpur).

The Background

THE KHAIRLANJI MASSACRE

The gruesome news of the brutal murder of four members of a Dalit family in Khairlanji village (Mohadi Taluka, District Bhandara) shocked the nation. On the evening of 29th September, four members of the family of a dalit farmer, Bhaiyyalal Bhotmange, — his wife Surekha (age 45), his daughter Priyanka (17) and his two sons, Roshan (21) and Sudhir (23) — were dragged out of their house by the caste Hindu villagers, then stripped, beaten and paraded naked through the streets to the village centre. According to newspaper reports, the sons were ordered to have sex with their mother and sister, when they refused their genitals were crushed and then they were battered to death. Surekha and Priyanka were then gang raped until (and even after, according to some reports) they were dead. The barbaric mob violence went on over two hours at the end of which the dead bodies were carried in a bullock cart and thrown into a canal some 4 km away from the village. Bhaiyyalal Bhotmange was away in the fields and therefore escaped meeting the same fate.

What was the Bhotmange's crime?

The village of Khairlanji has a population of about 800 people, most of whom belong to the Kunbi and Kalar castes, designated as OBC in Maharashtra. There are a few Adivasi families and only three dalit families, including the Bhotmanges. Bhaiyyalal Bhotmange moved to this village about 18 years ago and acquired five and a half acres of land here, but the upper caste dominated *panchayat* consistently refused to enter his name in the revenue records, thereby preventing him from building a *pucca* house. On the two occasions that he tried to build it, the construction was forcibly demolished and he was threatened with dire consequences if he ever attempted to do so again. As a result, the Bhotmanges have always lived in a thatched hut.

In 2002, the caste Hindus of the village found another reason to harass Bhotmange : the upper caste families who owned land surrounding his fields wanted an approach road through his land. Bhaiyyalal's wife's cousin, one Siddharth Gajbiye, a police putil of a nearby village, intervened and helped Bhaiyyalal to negotiate in the matter and avoid further tension. The issue was resolved with Bhaiyyalal sacrificing half an acre of his land to allow a 10 feet wide road to be built on it just to buy peace.

Even after the grant of the passage, however, the saga of harassment did not end for the Bhotmanges. They were not allowed to draw water from the irrigation canal during daytime. When an upper caste woman hit Surekha on the head with a sickle and she went to complain to the beat constable, he took no action. The harassment was not restricted to the Bhotmanges, but extended also to Siddharth Gajbiye, since he was seen as the protector of the family and one who helped them in moments of crisis.

Although the root cause was land, caste equations played a crucial role in the development of tension between the Bhotmanges and the caste Hindu families of Khairlanji. The difference between Bhotmanges and the other two dalit families of Khairlanji was that the latter

observed traditional caste hierarchies and village norms but the Bhotmanges, being a migrant family, and having support from some one like Siddharth Gajbhiye, refused to do so. They refused to live like supplicants of the upper castes in the village. Bhotmange's daughter, Priyanka, was a bright student and had stood first in the village in her Class X exams and had a desire to join the army. She often had to endure lewd remarks of lumpen elements as she cycled to school through the village. On one such occasion, she complained to her uncle- Siddharth Gajbhiye, who came and reprimanded the culprit but advised Bhotmanges against going to the police. Sudhir Bhotmange was a graduate and was doing a computer course. Roshan was unfortunately partially visually impaired and could not continue his education. The most annoying aspect for the upper castes was the self-reliance of these two dalit families and the assertion of their dignity.

On September 3rd, Siddharth Gajbiye was attacked by a group of people from Khairlanji while he was returning home on his motorcycle. Surekha and Priyanka were witness to this incident and bravely named the attackers to the police, hoping some action would be taken against them. But instead of taking any action, the beat constable leaked the information to the very attackers named by the women. Between September 3rd and the day of the massacre, there were incidents where Gajbiye and his family members were threatened and assaulted. Although, each one of these cases qualified to be registered under the Atrocity Act, this was not done. A case was finally registered relating to one such incident against some of the attackers, who were summoned to court on September 29th. Twelve of these accused got bail the very same day and, emboldened by this, they became determined to teach Gajbiye a lesson. Armed with sticks and axes, these men went in search of Gajbiye, but not finding him, they returned to their village and pounced on the Bhotmanges.

It is said that Surekha, anticipating an attack by the villagers that very day had informed her relatives, who in turn had phoned up the police at the Andhalgaon Police Station, just 6 kilometres away. Even when the villagers actually attacked, she phoned up Rajendra Gajbhiye, the brother of Siddharth Gajbiye, who again sought police help on his cell phone and rushed to Khairlanji. When Bhaiyyalal, working in his fields, heard the cries for help from his family, he rushed back to his house. He watched the villagers attack his family from behind a bush for some time and ran for his life to Siddharth Gajbhiye. Like Bhaiyyalal, Rajendra Gajbiye also saw the attack from a distance and returned to his own village to get help. Soon after, the Gajbiyes reported the matter to the Andhalgaon Police Station over the phone. However, even though the police station is only 15 kilometres away from Khairlanji, the police reached the village only at night, several hours after the incident took place. Though the four Bhotmanges were missing, it was only Bhaiyyalal and the Gajbiyes who went around looking for them. The next morning, the FIR was registered. After some time, Priyanka's body was located near the canal and taken to Mohadi hospital, where Bhaiyyalal identified her. The bodies of Surekha, Roshan and Sudhir were recovered the next day. The post-mortem was performed by a junior doctor without

following procedure. The bodies were handed over to Bhotmange, who buried them soon thereafter.

Collusion between the police and the attackers

Several gaps have been left by the police that will hamper proper investigation by destroying crucial evidence so as to weaken the case against the accused. The medical officer who conducted the post mortem appears to be equally hand in glove with the perpetrators : the mandatory procedure of taking a vaginal swab of women victims of rape was not followed in this case, as a result of which it will be difficult to prove charges of rape. No videographic record has been maintained. It is most shocking that while the photographs of Priyanka's body show that not an inch of her body is without marks of physical torture, they are not reflected in the post mortem report ! Several independent fact finding teams have alleged that the local BJP MP and MLA, both from the BJP, pressurized the local police and health officials from taking any significant action against the perpetrators. Khairlanji has always been known to vote for the BJP and none of the local BJP leaders cared to visit Bhaiyyalal or Gajbiye after the incident, not did they intervene at any point to settle the conflict at any time before the massacre.

On October 2, some Nagpur newspapers carried the news, making it out to be a case of murder following an extra marital relationship between Surekha and Siddharth Gajbiye. Tucked away as a brief news item, the incident was reported as being nothing more than an incident of moral policing by the community involving an illicit relationship. Tarnishing the reputation of women victims is an age old psychological weapon used by reactionary forces to justify their heinous crimes, and sections of the media propagated this kind of rumour irresponsibly to detract from the brutality of the crime.

As time passed, the versions changed. It was nearly around the end of October, a month after the incident, that reference was made to a caste massacre. The real facts in all their brutality only came to light when some social organizations investigated the incident, revealing the active complicity of the state administration in the massacre and its cover up. The police were just minutes away from Khairlanji and had they acted promptly, the incident would have been averted. However, they did not pay any heed. The police continued to act casually even after the incident; in taking down the complaint, registering the bodies in the inquest as 'unidentified unclaimed' despite their due identification by Bhaiyyalal, getting the lackadaisical post mortem done and disposing the bodies, releasing distorted information to the Press, and so on. Obviously, they were acting at the behest of local political bigwigs apart from usual bribes. Khairlanji could well have remained as a routine crime buried in the files of an obscure police station had it not been for the mass protests that broke out throughout Vidarbha once the real facts of the massacre and the consequent complicity of the police and the state in hushing it up came to light.

What does the Scheduled Castes and Scheduled Tribes Prevention of Atrocities Act, 1989 have to say

The practice of untouchability was formally abolished in India by Article 17 when the Constitution came into force in 1950. The Protection of Civil Rights Act was passed in 1955 making certain acts of discrimination against members of the Scheduled Castes punishable offences. In 1989, the Government of India found it necessary to pass the the Scheduled Castes and Scheduled Tribes Prevention of Atrocities Act which delineates specific crimes against the SCs and STs as "atrocities" since these include the systemic violence still faced by dalits especially in rural areas. This Act is a tacit acknowledgment by the government that caste relations are defined by violence, both incidental and systemic.

Definition of Atrocities in Section 3 of the Act includes : **1(iii)** forcibly removing clothes from the person of a member of Scheduled Caste ...or parading him naked or any similar act derogatory to human dignity. **1(viii)** instituting false, malicious or vexatious suit or criminal or other legal proceedings against a member of the Scheduled Caste. **1(x)** intentionally insults or intimidates with intent to humiliate a member of the Scheduled Caste in any place within public view. **1(xii)** being in a position to dominate the will of a woman belonging to a Scheduled Caste... and uses that position to exploit her sexually to which she would not have otherwise agreed. **1(xv)** forcing or causing a member of a Scheduled Caste to leave his house, village or other places of residence. **2(vi)** knowingly or having reason to believe that an offence has been committed under this Chapter, causes any evidence of the commission of that offence to disappear with the intention of screening the offender from legal punishment. **2(vii)** being a public servant, commits any offence under this section, shall be punishable....

Presumption as to Offences **8 (b)** if it proved that the offence committed was a sequel to any existing dispute regarding land or any other matter, it shall be presumed that the offence was committed in furtherance of the common intention or in prosecution of the common object.

Although this Act is a powerful and precise weapon on paper, in practice it has suffered from a near-complete failure in implementation – upper caste policemen are reluctant to file cases against fellow caste-members because of the severity of the penalties imposed by the Act (most offences are non-bailable and the minimum punishment is five years) and the rate of conviction is abysmal. These two Acts have proved to be no more than paper tigers and so, in any given year, the number of dalits attacked in caste conflicts is greater than the number of people attacked in communal conflicts.

The suppression of news of the caste massacre by the state administration was an atrocity in itself on the Dalits, and this was compounded by the unwarranted police repression unleashed on those who came out onto the streets to protest this brutal massacre and the complicity of the state administration in it. The fact finding team's main task was to investigate the nature of the protests and the repression unleashed on them. An area wise report of the team is printed below.

Indora Jhopadpatti, North Nagpur

Indora is an old settlement located in the northern part of Nagpur. Known also as the New Republican Nagar, the Indora Jhopadpatti was one of the many areas in north Nagpur, where the residents came out openly to protest against the administration's delayed and ineffective handling of the Khairlanji Massacre investigations. A call for a protest dharna was given for the 6th through a *parcha* that did not contain the names of any political party or organizations. The administration labelled this a Naxalite *parcha* on grounds that it was written in Hindi and not Marathi, and that it had no details of the printer/organisers on it. According to officials, a large number of Naxal activists had infiltrated into the ranks of ordinary people with the intention of instigating violence against the State (*Naxali Hath Ke Sabut*, Lokmat Samachar Nagpur 13 November, 2006). The Naxalite angle was reiterated by the home Minister R. R. Patil in his official responses to the press.

In the days that followed, Indora Jhopadapatti became one of the focal points of tension, as the police clamped down on protestors from the area, with the ostensible aim of keeping peace. The area was transformed into a mini cantonment with unusually high police presence and pickets around it. The team met up with residents at the Buddha Vihar located within the *basti*.

The Anonymous Parcha

The team met Chitrasen Chandekar, a local Bhim Sena activist, author of the anonymous *parcha* that appeared over parts of north and south Nagpur, calling on people to join the protest against the Khairlanji killings on the 6th of November at Indora Chowk. The *parcha* addressed to the citizens of Nagpur in Hindi, did not mention the names of any political/social organisations – this was intentionally



done so as to keep the protest as broad-based as possible, he said.

Those who spoke to the Fact-Finding Team explained that the decision to organise a larger public front on Khairlanji was unanimously supported by various organisations working in the area. Police permission was specifically sought and granted for holding a day-long (10.00a.m to 5p.m.) peaceful sit-in protest at Indora Chowk on the 6th of November.

6th November Protest

Approximately 3000 people had assembled at Indora Chowk, demanding a CBI enquiry and legal action against those guilty of the murder and rape of members of the Bhotmange family. The people admitted that tyres had been set afire on the road by the angry mob, but on the whole they qualified their protest as largely peaceful and cutting across party lines.

Around 2.30 in the afternoon approximately two and half hours before the protest was scheduled to end, an altercation started between the police and the protestors. DCP Amitesh Kumar asked the organisers to hand over the prepared memorandum to him, but they refused, since police personnel cannot accept this kind of a memorandum. Arguments followed, resulting in a physical scuffle between police and a section of the protestors, with the police resorting to lathi-charge. The police also fired teargas shells.

Following that, the police rounded up 32 youth from Indora basti and detained them at Jharipatka Police Station and Pachpaoli police station in North Nagpur. The team met one of those detained from Indora - Dinesh Undersahare. In his testimony Dinesh recorded how he was physically assaulted by DCP Amitesh Kumar, badly beaten up and made to cow down at his feet asking for forgiveness. Dinesh has been charged under sections 143, 147, 148, 149, 307, 427 and 435 of the Cr.PC.

The team also met up with the mother of one of those detained. Bhagambhui Meshram, resident of Indora Jhopadpatti, recalled how she was made to run between Jharipatka P.S. and Pachpaoli P.S. for news of her son, when he did not return home at night. She also recalled how the women of the Jhopadpatti had effectively stopped the police from going on a rampage by blocking their entry into the basti.

The alleged Naxalite leaders

The team also met Sanjay Phulzele and Anil Borkar, two residents of North Nagpur, who had been detained by the police on the 8th of November. On the same day, a letter released by the north Gadchiroli-Gondia Divisional Committee of the CPI (ML) to a local newspaper, asking Dalits to join its armed struggle, was published. The same day an angry mob attacked the house of the Congress MLA Nitin Raut, who was at the time away in Switzerland. The arrests of the three 'Naxalites' from Nagpur city followed soon after.

Sanjay Phulzele, a member of the non-teaching staff of a North Nagpur college, who is an activist of the Maharashtra Navnirman Sena, was picked up by the police on the 8th and detained for a total of four days (2 days in police custody and 2 days in jail) before being released on the 11th of November. Sanjay's past involvement in the student movement sympathetic to Maoist ideology was raked up to justify detention. The fact that he had left student union work in 1994-95 and is now working with Raj Thakeray's Maharashtra Navnirman Sena was ignored.

Anil Borkar, who is a resident of Indora Jhopda, has a minor house construction business, and is an activist of the People's Democratic Front of India (PDFI). On 8th evening, he was suddenly asked to reach Sadar police station by some policemen, who came to his house. Apparently he was wanted for questioning. Anil went to the police station on his scooter and was told that he was being detained for his so-called involvement in the post Khairlanji agitations. He was unable to even inform his wife who was alone at home with a five year old daughter. In fact, on 6th November, when the agitations started in his residential area, Anil was unaware of them and had spent the whole day till late evening at the meeting of the Kashipur Solidarity Committee at Wardha Road, at South Nagpur. Anil also had a past history of involvement in similar student politics, which became a 'reasonable ground' for the police to label him as a Naxalite.

The third person to be arrested along with Sanjay and Anil, though not a resident of North Nagpur, was Ashu Saxena, an activist who works independently. She had been active with the slum dwellers of another part of North Nagpur who had been charged with the killing of a notorious goon, Akku Yadav, Saxena was fighting for justice for the slum women who had been arrested after the incident. The police have created a story, along with a very cooperative media, that Naxalites have a growing influence on Dalits and this has led to the increase in the resort to retaliatory violence in the latter. Though both the Akku Yadav killing and the violence on the streets after Khairlanji were spontaneous, the police made it an excuse to increase repression on the people. Ashu was detained along with Sanjay and Anil and released along with them.

10th November - Nagpur Bandh & Long March to Khairlanji

A complete Bandh was reported in Nagpur on the 10th of November. Shops and market places were totally closed. There was heavy police presence. In South Nagpur, the police are alleged to have fired 354 rounds of tear gas to disperse the mobs.

A call had been given by the *Khairlanji Dalit Hatyakand Sangarsh Samiti* for a Long March from Dr. Ambedkar's Statue at Nagpur's Reserve Bank Chowk to Khairlanji on the 12th of November. The idea was to travel the 100 odd miles by foot with night halts at various towns on the way. The Long March was being led by various activists including Dr. Milind Mane, a well-known paediatrician of North Nagpur of the *Bharip Bahujan Mahasang*. Dr. Mane is also an active worker on health issues like sickle cell disease, which is somewhat common among Dalits in Nagpur.



The team met and spoke to Dr. Milind Mane, one of the main organisers of the Long March. Dr. Mane was picked up by the local police after he reiterated the decision to go ahead with the proposed march at a press conference despite the administration's denial of permission. He was detained along with Anil Nagrare outside the Tilak Patrakar Bhawan by the Imambada Police and sent to judicial custody. According to newspaper reports, at least 214 persons were detained on the eve of the long march as a preventive measure (*Hitavada*, November 13). On the day of the March, all routes to the city, and to RBI Square in particular, were sealed. Vehicles were searched and, according to a Joint Commissioner of Police S. M. Sayed, about 149 persons (96 men and 53 women) were detained at different places by the police personnel. In addition to existing manpower at the Nagpur Police Commissionerate, four SRPF companies, 350 Home Guards, 100 police recruits from Jalna, 100 women recruits from Nagpur and two officers of the rank of Superintendent were deployed. In spite of the preventive arrests, a number of people including a large number of women assembled at the Ambedkar Statue near Reserve Bank, started the Long March and got arrested.

South Nagpur

South Nagpur has some predominantly Dalit bastis, traditionally strongholds of the Republican Party of India (RPI). The protest bandh in both these areas was brutally crushed by the police as elsewhere. Unlike Indora Jhoppadpati where the women had stopped the police from entering the area, in both these places the police wreaked havoc and terror through unprovoked lathicharge and use of teargas shells on the residents. The team visited both these areas and came across several cases of persons suffering multiple injuries as a result of the lathicharge that took place on the 6th. Raju Lokhande, the current Municipal Corporator, working for RPI *Bahujan Mahasangh*, and a well known Dalit activist of the area, was severely thrashed by the police in front of the people. The team visited Mr. Lokhande at his residence where he described the events of 6th November.

Nagpur Bandh

According to Raju Lokhande, the bandh to protest against the killings was largely peaceful. On that very morning he had personally surveyed the situation in the Dalit bastis of the Rambag-Imambada area, on his motorbike. He later took out the party jeep and went around, noticing that the protests were largely peaceful. However, at some point, he was informed that the police belonging to the Imambada P.S. had arrested some boys at Baidyanath and Medical College Square. On reaching the site, he was successful in making the people desist from stone pelting which



could have resulted in a clash between the commando police force and the people, and he persuaded them to sit down on the road instead. He was asked by DCP Thorat and other police officers to tell the people to return to their bastis. Raju asked for one hour to convince the crowd to return, because everyone was keen to march in solidarity and express their protest. In the argument with the police, Raju said, "*Sahab, aap hi inko le jao*". However as soon as he uttered these words, the police caught him by the collar and forced him into the jeep. An unprovoked lathi charge ensued. DCP Prabhat Kumar pulled Raju out of the jeep and started beating him in an inhuman manner. He was then detained in the Imambada P.S. where he was again subjected to severe beating. Raju in fact showed the team photographs of himself and the black and blue bruises on his back and arms that had resulted from the severe lashing he received by fibre glass canes used by the police. He was kept in jail for 4 days and later released on bail.

"Long March Chowk"

This is an area predominantly housing poorer Dalits and takes its name from the historical Long March to Marathwada during the *Namantar* agitation, for renaming of the Marathwada University after Dr. B. R. Ambedkar. A blue column with the Panchsheel wheel, in memory of those who lost their lives in the agitation, stands at the entrance of the basti. Even though the team visited the basti nearly twenty days after the actual incident, there were several people with bandaged legs, bruised shoulders, and fractured arms – testimony enough of the havoc caused by the police in the narrow by lanes of the basti.

Extreme cruelty

The way in which the police action took place shows extreme cruelty. At first tear gas was discharged all over, suffocating and confusing the people. Then the police rushed into the houses, even into the narrowest of *gatis* and into the most ramshackle of huts and thrashed whoever they could lay their hand on. A woman, Nanda Meshram (age 35) recounted how she was beaten by three male police personnel till she finally fell unconscious. She showed us the bruise marks on her thighs and back that had still not healed from the beating that she received on the 6th. The team also met Pavan Ingire, a ten year old boy, who was playing outside his home when a police man hit him with a baton, fracturing his hand. The government hospital papers while stating that the hand was "broken by *lathi*" omits any reference to the circumstances or to the *lathi* wielders. Two women who bought and sold waste-paper asked cynically what was going to happen to their injured boys.

The team also met women who reported that the Police used extremely provocative language. No one was spared, not even those breast feeding their babies. Women were pulled out of bathrooms and threatened by the commandos and other policemen

that if they didn't submit, then 'tumhara bhi Khairlanji kar dengey.' The majority of the people attacked inside and outside their homes in Long March Chowk basti had not even participated in the demonstrations that had taken place on the main Chowk. Enraged victims interviewed by the team members repeatedly asked questions like, 'Is this democracy?' 'By whose orders did such attacks take place?' 'Whose government is this?' 'Where is the constitution that Dr. Ambedkar gave us?' etc. In effect, Dalits residing in Dalit bastis were specifically targeted by the police to demoralise and prevent them from asserting their voice against the Khairlanji massacre.

Amravati

After the rally of women's organizations at Bhandara on 1st November, a few women activists along with some Dalit activists and intellectuals of Amravati came together to form the *Khairlanji Hatyakand Virodhi Kruti Samiti*. These activists did not belong to any political party but felt that they ought to express their protest against such a gruesome atrocity as Khairlanji. They invited various Micro credit groups (*Bachat Gat*) of the bastis to participate. A meeting to plan this rally was held on 5th November. The Convenors of the Action Committee were Prof. Satishwar More, Nisha Shende, a lecturer and activist of the women's movement, and Nanda Taywade, a social activist. Shri Sonule of Samata Sainik Dal (SSD) was also active in this endeavour. The SSD had already brought out a Fact-Finding report on the incident. The organizers had many meetings with the police authorities including the Police Commissioner for obtaining permission for the rally. The Commissioner indicated that the rally would draw thousands of participants which the organizers would not be able to handle. The organizers told the police that handling the public and maintaining law and order was the work of the police department and that they had every intention to conduct a peaceful protest. After a lot of discussion, permission for the rally was eventually given on 13th November.

On 13th November, the Republican Party of India (RPI) (Gawai Group) took out a rally in which, according to observers, about a thousand people participated. However, on the 14th, when the *Kruti Samiti* began their rally, people started pouring in endlessly. Some journalists who spoke to the team said that about 20,000 must have come. One of the organizers said that the rally was about 3 kms long, that people were coming even after the morcha had ended.

The protest rally

The rally started at around 1 p.m. and reached the District Collectorate within an hour. Some of the leading activists handed over a memorandum to the Collector, as others stood by outside shouting slogans. When the organizers came back, Nisha Shende addressed the gathering and announced that the protest rally had been concluded. She thanked the participants and asked everybody to go home. It was after this, when people were on their way home, that something happened and people began pelting stones at the government building nearby. Soon thereafter the police began to lathi-charge. The policemen chased men, women and children with batons, beating them mercilessly. People rushed into small alleyways to save

themselves. Women rushed into the compound of the Treasury Office in a by-lane to take shelter. Falsely alleging that the women were intending to loot the Treasury (a ridiculous claim made by the Police to the team), the police brutally beat women and children. This enraged the crowd of youth who had been watching the attack and they set fire to a couple of two-wheelers parked near the Treasury office. A water-tanker parked on the main road was also set on fire. The Police burst some rounds of teargas shells (which incidentally were all expired ones that can cause injury to the health of the people). The people told the team that some policemen themselves indulged in stone pelting at the people.

Death in police firing



Suddenly, ACP Rahane gave the order to fire and 26 rounds were fired. Four people were initially injured and one of them, Dinesh Wankhede, succumbed to his injuries. Two of the others are teenage boys whose veins in the ankles have been so badly damaged that it is doubtful whether they will be able to walk again. The fourth is about 16 years old and three bullets hit him on the upper part of the back, but not too deep. Dinesh was hit straight in the head and the bullet was lodged in his brain. He was picked up by his arms and legs, with his bleeding head almost touching the ground and dragged to hospital by the police. He was admitted to the IG Medical Hospital at Nagpur, where he remained in a coma for 8 days till he died. Many of the others injured by the lathi-charge were still recuperating at the Civil Hospital at Amravati when the team visited there while many had been treated and discharged. There was large-scale beating and arrests of activists.

The Firing

The exact moment of the firing was 2:12 pm. The spot where the firing took place was in front of the District Collectorate where, in fact, no major incidents of violence had taken place. The sporadic burning of two-wheelers etc, took place in by-lanes far away.

At first the CP did not even concede to journalists that a police firing had taken place. An excuse for the firing was then cooked up on the ruse that the mob was going to loot the Treasury. However, the District Treasury Officer, R. V. Yewale, whom we met, clearly said that the women had entered the Treasury premises to take shelter and respite from the police lathi-charge. The Treasury officers have, however, filed a report with the police about vehicles being burnt near the premises.

Advocates P.S. Khadse and Siddharth Gaikwad, who helped save Dinesh and some others, feel that the firing was totally unjustified since the firing occurred when the rally was over and people had dispersed. Many feel that the rally could have been handled better by the police. For instance, instead of firing, a water-canon could

have been used. When asked about this, the Commissioner of Police said that the Amravati police do not have a water-canon and it cannot be helped that smaller places do not have these facilities.

The Injured



The Fact-Finding Team visited the Civil Hospital at Amravati (Irwin Hospital) and spoke to all the injured there. The team met Nishikant Hame, aged about 16, and his mother. Three bullets had grazed his upper back. He works in a hotel and said that he did not know what the rally was for and that he had just gone there to have a look. The other two with bullet injuries are students. One of them, a tall well built youth, is in Class XII. The veins and arteries in their shins and ankles are shattered and one cannot say if they will be able to walk again. There were many with fractured limbs due to the severe lathi-charge, including a 70 year old man who was hit while he was trying to prevent the police from beating women.

In the women's ward we spoke to Gumpha Vitthal Bhalerao and her 10 year old grandson, both with fractures. Gumpha was going home and had reached near the TB Hospital. According to her, the police were chasing people in jeeps and they got down from the vehicle and started beating her as well. She was beaten all over her back, buttocks, both legs (which show injuries) and arms (one of which is fractured) till she fell unconscious. Both male and female police personnel beat her up. She lay in this state for about two hours till her husband came and moved her to hospital. From her account it seems that the police were brutally beating people, not simply to control the mob, but more to take vengeance on the protesters.

Gumpha's grandson, Subhash Santosh Mukeshwar, is 10 years old and studies in Std V. He says that he had just come along to see what was happening when suddenly a policeman caught him by one hand and hit him with "an iron rod" and he fell down on a heap of dried grass. His hand was broken and he lay there till his friends came and took him to hospital.

Sarla Deshbratar is hospitalized with a severe back injury. The police beat her so badly that she could not even sit up when the team met her and probably has a slipped disc. Sarla works in a private hospital as an attendant and is the sole breadwinner of her family, her husband being an alcoholic. She has two daughters, the older one being a college student. She is totally traumatized about her future and the future of her family. The team also met Raubai Tukaramji Wargante who is 70

years old and is in hospital with injuries all over caused by police beating and the stampede.

In the Civil Hospital, all the victims' statements had been recorded by the police and they had received a compensation of Rs. 5000 each, which is a paltry sum for those whose future is bleak.

Arrests, Detention and State Terror

While some participants were picked up from the spot itself, many arrests continued for days on end. In fact, the police announced that 12,000 unknown persons had been named as accused in the violent incidents, which made it possible for anybody to be arrested at random. Many others were in hiding and could not carry on with their day to day activities. Nanda Taywade told the team that large numbers of women had participated in the rally. On that day itself, 24 women who had not yet reached the rally but were nearing it, were arrested by the police. Later, the day after the rally and the firing Nanda herself was arrested when she was on her way along with other leading activists to meet the Home Minister. At first, they had gone to Irwin Hospital to see the injured but since R.R. Patil was coming, they were told to go away. They thought that they should go to meet the Minister too. On their way they were stopped by a journalist who started interviewing them for Star News. As they were speaking, they were encircled by the police and soon arrested. Prof Satishwar More and others were also arrested along with Nanda. They were produced in court the same evening and taken to jail. A girl student of Class XII, who was arrested with them, was crying inconsolably, indicating that most of the women arrested were neither activists nor miscreants. Some of the women from the group of 24 (who had not even reached the rally) were yet to be released on bail when the team met Nanda. They were in jail from 15th to 22nd November. In all, 52 people were arrested, 10 of whom were released since they were juveniles.

Most of those arrested have been charged under Sections 307 (attempt to murder), 148, 149 (rioting with deadly weapon) etc. of the IPC. The activists and citizens who met the team questioned the imposition of Sec 307 pointing out that no policemen were seriously injured. In fact, some alleged that policemen who had tiny wounds, like a mere scratch on a finger, had been hospitalized to create the impression of having sustained grievous hurt. On the other hand, even though hundreds of ordinary people had been grievously hurt in the lathi-charge, and the police had been seen on TV news channels pelting stones at people, no charges were pressed against the police.

For many days after the rally, fresh arrests took place. A school teacher of the Navodaya Vidyalaya, Bhauro Sarkate, was arrested because he had in his possession some posters and literature which was "inflammatory" according to police. The poster found on him was one that has been up on the walls in Nagpur, Kalyan and

many other places on the Khairlanji issue, while the literature was nothing but the Fact-Finding report of the SSD on Khairlanji. Sarkate, a middle aged man, was so shocked that he suffered a stroke. In an act smacking of callousness and insensitivity, his letter of suspension from his job was handed to him on his hospital bed! Others have been arrested under provisions for preventive detention. In spite of this terror unleashed on common people, when the body of Dinesh Wankhede, who died in the police firing was brought home, about 7000 people turned up for his funeral.



The Commissioner of Police justifies

The CP of Amravati, Jagan Nath, refused to comment on the firing saying the matter was sub judice since a magisterial inquiry was instituted in the matter. He felt that charging the huge number of people under Sec 307 was justified because the people had up-turned one of the police vehicles and set it on fire. This could have killed a number of policemen, he pointed out. Regarding the arrest of the school teacher, he felt it was justified since he was going from house to house telling people to rise up against injustice. (How was this conclusion arrived at? Were the Policemen following him? And, is seeking solidarity against an injustice a crime?) The CP said that he was satisfied with the way the police had handled the situation; he claimed that the violence would have been much worse had there been any leniency on their part.

The CP confided in us that if the police had not handled the situation, communal riots could have broken out as 50 Shiv Sena activists were ready to respond. On asking how the police knew of it and what action had been taken to prevent this, the CP did not have an answer. Incidentally, not one person that the team members spoke to even remotely suspected such trouble.

The media

The team met Mr. Dilip Edatkar, editor and publisher of a local daily, *Dainik Matdar*. He belongs to the OBC community and is staunchly secular. He severely criticized the mainstream media for misrepresenting the news about Khairlanji and blacking out much of the state repression unleashed on the subsequent protests.

Response of intellectuals

Going into the reasons why the massacre at Khairlanji took place, and why Dalits spontaneously came out onto the streets in such large numbers, Mr. Edatkar felt that certain sections of society resent the upwardly mobile trend among Dalits and other backward castes. Most of the others the team met felt that it was definitely due to growing casteism. Nisha Shende said that it was an attempt to crush a section of the people on whom society is so much dependent. Mr. Prabhakar Gambhir said that this was a process of the Dalit revolt, which had begun in the 60s with the Dalit Panthers

who had eventually been co-opted by the powers that be. Most people felt that the masses have become disillusioned with the established Dalit leadership and this rally saw the *Buddhijeeri* (intellectuals) and *Shramjeevi* (workers) come together without the usual leaders. The Dalit masses were coming forward to occupy negative space, said Mr. Gambhir.

State Violence in Kamthee

The agitation in Nagpur against the Khairlanji killings spread to nearby Kamthee. Kamthee or Kamptee as it is spelt in the British way is about 25 kms from Nagpur. There is also an army cantonment at Kamthee but the incidents we describe took place in the old township where a mixed population of Hindus, Muslims and Dalits resides. In the state repression that followed after the agitations in Kamthee, many people were affected. From boys aged 14 to elderly men aged 60, people were beaten up by the police irrespective of whether they were involved in the protests or not. Police entered houses randomly, shouting, "Where are the Jai Bhimwadas — come out." They broke open doors and mercilessly beat up people. The police targeted Dalit localities like Ramgadli, Jajbhim Chowk, Rama Nagar, Khalasi Line, Chhaoni, Naya Godam, Kumbhare Colony, Hardas Nagar, Gautam Nagar, Sailabnagar, etc.

Residents reported that upper caste people accompanied the police during these raids. There were attempts made to create communal conflict even between Dalits and Muslims but this was resisted. The height of police brutality can be seen in how they dealt with Vishakha Bhaisane of Naya Godam and Siddharth Gajbhiye of Rama Nagar. Vishakha Bhaisane is a female police constable working in the department since 18 years, presently posted at Nagpur. On 6th November, Vishakha was working in her office till 7.30 p.m. She reached home to Kamthee at 9 p.m. When she was on her way to buy medicines that night, she mingled with the crowds on the streets who were protesting the Khairlanji incidents and became a victim of both mob violence and police violence. Though she kept shouting out loud that she was in the police department, API Thosare kept on beating her. Her hand was fractured due to this severe beating. She was dragged by the police to the police station, and in spite of her injuries she was not taken to hospital. At about 1.30 a.m. that night, she says that she was taken on the police motorcycle and admitted in Chaudhary hospital in Kamthee. Many cases under different sections of the IPC have been foisted on Vishakha. To top it all, while lying on her hospital bed, she was served with a letter dismissing her from service for "leading" the morecha! She is the sole breadwinner of her family.

Siddharth Gajbhiye, a handicapped person crippled in one leg, lives in Rama Nagar area. On 7th November, policemen forced their way into Gajbhiye's house and beat him up badly. Unfortunately, that was the same day that Gajbiye and his family were all set to welcome a prospective groom for his elder daughter. The



police did not spare his wife and his two daughters either.

The team met one Kausar, who runs a bakery and a PCO booth near the police station. According to Kausar, on 6th night, a crowd of non-Dalit people, with sticks and bamboos in their hands, had gathered, shouting slogans like "Har Har Mahadeo!" "Jai Bhavani, Jai Shivaji." It was reported that an attempt was made to instigate people of the Muslim community also by others who shouted "Allah Ho Akbar" as bait in front of the Muslim basti. But Muslim people refrained falling into this trap.

Those whom the team interviewed also said that while people were being randomly detained, the caste and name of each person was asked and then they were put in the lock up or formally arrested. Those who said that they were Mahars or Buddhists were arrested while others were released.

In the official reports given by Dy SP Yadav to the press, it is mentioned that 106 men and 64 women were arrested, totalling to 170 persons. They have been charged with several sections of the IPC like rioting, assaulting a public servant to deter him from doing his duty, committing arson, destroying public property, etc. apart from the serious offence of attempt to murder. Among those arrested, 8 people have been charged with sedition under Section 124A of the IPC.

Yavatmal

As the protests against the Khairlanji massacre started spreading, the adjacent district of Yavatmal also witnessed its share of protests. Here too the heavy handedness of the police and retaliation of shopkeepers against the Dalit protestors followed the same pattern as elsewhere.

Protest Rally and repression

Several persons petitioned the police for permission to hold a protest rally but permission was denied by the police under the pretext of observing the 'code of conduct' due to the approaching civic elections. Notwithstanding the denial, Ms. Pramodini Ramteke, a noted activist who is President of the *Vidarbha Molkari Sangathan* and the *Rashtriya Sambudha Mahila Sangathan*, along with some others set out to submit a memorandum to the Collector on 7th November 2006. On their way they were joined by some others and the small groups were converted into a sort of small rally. While they were passing through the market place, stones were pelted at them and they had to resort to pelting their attackers with stones. This culminated in heavy stone pelting on both sides. At about the same time in another area, one Subhash Rai, a businessman with a dubious reputation, accompanied by a local politician and his goons indulged in throwing stones and chappals on Dr. Ambedkar's statue situated near Patipura, a famous Dalit colony. The police intervened

and lodged complaints of rioting, attempt to murder, etc. against the Dalit protestors as well as Subhash Rai and his goons.

Police Terror

The Dalit colonies of Patipura and Talao Faila had to witness the police terror in the dark hours of night when the police broke open the doors of innocent Dalits residing in both these localities, beat them brutally, took them to the police station and had them arrested. The wrath of the police came down mainly on the young and educated Dalits and women activists. The women were arrested by male police in the night disregarding the law that they cannot be arrested between 6.00 pm to 6.00 am and that too without the presence of policewomen.

Police Version

As per the F.I.R. 449/06 and 451/06 registered by the police, soon after getting information that a mob was damaging vehicles and shops on the main line and jewellery shops line, the police rushed to the spot and saw some miscreants from the Patipura colony shouting '*Khairlanji Hatyakanda cha Nished Aso*' (*Condemn the Khairlanji murders*). The police say that when they approached the Patipura area, they were attacked with *lathis*, metal rods, stones by Pramodini Ramteke and her companions from one side and Subhash Rai and his people from the other.

Victims:

Patipura area : Below are some first person accounts by some of the victims:

Umesh Vasudeo Meshram (M.A. Economics, M.Com, currently studying for LL.B.) Around 2.00 to 2.30 am on 8th November, about 50-60 policemen came and broke open my door by kicking. I was sleeping at that time with my wife and children. Police entered my house and asked whether I was Umesh Arun Meshram. I informed them that I was not the person they were looking for and that my name was Umesh Vasudeo Meshram, but nevertheless they insisted that I should come and declare this in person to the SP in the police station. They took me to the police station and then arrested me despite knowing that I was not the person they wanted. They took my signature on a blank sheet of paper and charged me under sections 307, 147, 148, 149 etc. of the IPC. I am an interior/outdoor decorator by profession. Local shopkeepers and businessmen had started agitating for having Dalits arrested and I feel I was one of the unfortunate people to be arrested to show the numbers to the businessmen. While in police custody, I was constantly asked by the police to name others who participated in the procession; they even asked me to name my enemies. This appears to be the plan of gangster Subhash Rai who wants to create an image in the minds of the shopkeepers that he saved their shops from being ransacked by



the mob. Subhash Rai belongs to the Congress Party and he must have thought that in this way he could malign the opposing candidates in the civic elections and to get his party's candidates elected.

• **Milind Ramteke** (Vegetable vendor) I witnessed Umesh being beaten and taken by the police. The Police broke open the front door of my house and entered the kitchen by breaking the roof. In the lock up, police used to beat us up with lathis and belts daily at around 12.00 in the night, and ask us to name others who participated in the protests.

• **Dhanaraj Gaikwad** : (Photographer by profession) At 1.00 to 1.30 am on 8th morning, 20-25 police came and broke open my door. I showed them my identity card to prove my identity but they insisted I come along with them and show it to the SP. When they showed my ID Card to the SP, he said 'Keep it away for now, let's see it tomorrow' and arrested me. Police told me that let Khairlanji be where it is, why bring it here.

• **Vishal Ramesh Gaikwad** : At 4.00 to 4.30 in the evening, about 25 policemen armed with rods came and they broke open our PCO booth, and smashed the name board placed on it. They arrested people at random, including my brother Prashant (21 yrs), and took him away. He has not been keeping well and had just returned from hospital. Since that day many of us cannot stay at home because of fear of arrest.

• **Amit Thool's mother**: Police kicked open the front door of my house, caught my son Amit and took him away. Amit is sick, he suffers from 'sickle cell anaemia' and requires frequent blood transfusion. He was brought home last week from the hospital. I told the police that he is sick but they did not listen to me and arrested him.

• **Mangala Rahul Bhagwat** (widow): I was out of station and had returned home only the day before the police raid came. The Police came in the night around 1.00 o'clock and arrested me. No lady police was present at the time.

• **Ramatari Sontakke** (Candidate in the local civic polls): The Police – all men - came around 1.00 o'clock in the night and took me away saying they wanted to make enquiries. But they arrested me and I was behind bars during the elections and hence I got defeated.

• **Pramodini Ramteke**: I am the Chief Coordinator of 'Stree Atyachaar Sangathan' in Yavatmal and have been active in the 'Phule-Ambedkarite' movement for the past 20 years. I have organised many State level conferences. On 7th November, while on our way to collector's office for giving him a memorandum regarding Khairlanji, stones were thrown at us so we returned back. When we came to Patipura, we found that Subhash Rai, Raju Gotphode, Vijay Rai and others were desecrating Babasaheb's portrait by throwing stones and chappals at it. The next day in the early morning at 3.30 am the police came to my house, hurled casteist abuses at me and arrested me. There was no lady police with them at the time. Further, no lady police was present when I was interrogated in police custody. I was humiliated, tortured physically and sexually harassed while in custody. Due to police torture I have an infection in my private parts. (Pramodini literally wept narrating this part). My medical examination has been carried out but the papers are with the police. I have been suspended from my job at the Zilla Parishad and am still feeling unsafe. The Police may take me anytime again. While



Subhash Rai and his people were desecrating Babasaheb's statue, P.S.I. Ambhore (who is a Dalit) just watched and did nothing. The Police even beat up my aged mother and then refused to take down her complaint.



Tabav Faila

• **Vishnu Makhram's mother**: The Police came at 9.30 pm and took my son and my brother Dinesh who was a visitor. He did not know anything about the rally whatsoever. Police didn't even explain anything — they just beat them both and took them away.

• **Atul Prakash Ghode** (14 yrs): I was watching TV after returning from work when 20-25 policemen broke open my front door, entered the house and immediately started hitting me. They then took me away.

• **Nandu Thakrey's brother** : My brother (24) cannot walk properly as one of his legs was broken when he fell from a height a year ago. He still limps while walking. He came home from work, had his dinner and was watching TV when police entered the house and started beating him without explaining anything. They took him away with them without telling us why.

• **Mangesh Ajappa** (17): I work in my uncle's pan shop. I was standing outside my house when police came and caught me. They beat me in custody. I told the police that I was not in the rally but I don't know what they have recorded. I was not shown the copy of my statement.

• **Amol Vijay**: The Police broke open our house door and beat us up without reason. They then arrested my two younger brothers and pushed my mother so hard she fell down unconscious. We never knew anything about the rally.

• **Babarao Bhagat** (Activist): They have arrested people at random who had no concern with the rally. All of them are poor people somehow trying to make ends meet. Serious cases like attempt to murder, dacoity, etc. have been slapped on them. Due to multiple cases, each of the arrested persons requires more than one solvency for getting released on bail. Each solvency requires a minimum Rs. 15,000/- worth of assets. From where will these poor people get solvencies of such high amounts. The Police are harassing the poor unnecessarily.



The above is just a random sample of cases. The team met scores of people all of whom had a similar tale to tell: the Police barged into homes at night by breaking open doors, lifted young people by their collars, beat them mercilessly while hurling casteist abuse at them and took them away in the darkness. At the police station, the cycle of beating, abuse and intimidation continued.

Ulhasnagar

The last week of November saw Dalits all over the country up in arms protesting against the desecration of Dr Ambedkar's statue in Kanpur. The Dalits of Mumbai, Kalyan and Ulhasnagar also came out on the streets to protest this desecration but it was more an occasion to vent the pent up anger and outrage at the Khairlanji massacre and the subsequent cover-up operation by the state and sections of the media. The rail transport system of Mumbai was thrown out of gear on that day because of rail rokos near Ulhasnagar railway station. Some bogies of two trains, the Deccan Queen – a super-fast express that runs daily between Pune and Mumbai, and a Mumbai local train — were set on fire after the commuters were evacuated. A few days after this incident, there was news that the police were carrying out a virtual witch-hunt against the people living in the slums adjacent to the tracks near Ulhasnagar. The police were arresting Dalit youth at random from this area and charging them with arson and looting. A team consisting of members of CPDR visited Ulhasnagar on 17th December to inquire into the aftermath of the violence on 30th November and the role of the police in investigating the incidents.

Three cases have been registered for the violence on that day by the Railway Police, Kalyan, under Sections 143, 147, 149, 332, 337, 343, 436, 427 of the IPC, Sections 174, 152 of the Railways Act, Sections 37(1) read with Section 135 of the Bombay Police Act and Section 7 of the Criminal Law Amendment Act. Of these Section 436 is punishable with life imprisonment. There is very little chance of the accused being released on bail by the Magistrate and they will have to apply to the Sessions Court to be released on bail. In the case relating to the Deccan Queen, around 34 persons had been shown as arrested till the date the team went there. All were in custody. In the other case regarding the burning of the local train, 40 persons had been arrested and none had been granted bail. The remand applications disclose that most of the arrested persons were young boys, mostly around 18 years of age.

The team visited Bhim Nagar and met the local residents there. Bhim Nagar is on the east side of the tracks, a 5 minute walk from the Ulhasnagar Railway Station towards the direction of Mumbai city. The unanimous story that came out spontaneously from the people the team interviewed was that the burning of the Deccan Queen took place between Ambarnath and Ulhasnagar stations at quite a distance from Bhim Nagar. The residents all denied having participated in the arson. They were all of the opinion that the work was a planned anti-Dalit act by non Dalits and was a part of the state oppression of Dalits in continuation with the incidents that started in Khairlanji. They all stated that there were morchas in the morning and they were all participating in the morcha. They came to know of the burning of the train after the incident had occurred. The persons interviewed also denied participating in the looting. They are all working people and many of the boys who were picked up subsequently were away at work on that day.

The people told the team that many school-going children went to the spot to watch the goings on. They said that many of the television journalists who had reached the

spot asked the young boys to throw stones at the train so that they could film them. The police has been using this footage to identify the 'accused'. Boys were picked up at random from their houses and taken to the police station, where the policemen identified them on the basis of the CDs of this footage given to them by the journalists. The people also wondered how the television channels managed to reach Ulhasnagar so soon after the incident and hence suspected foul play.

Police terror typical of earlier cases

The team met many persons whose family members were arrested or detained. Almost all of them said that they had been picked up in the middle of the night and that the raiding party consisted of a large number of police persons. In Bhim Nagar itself, according to the local estimates, around 250 persons have been detained illegally or arrested by the police. Women and children were also not spared.

The modus operandi of the police according to the people appears to be raiding houses at night, picking up any young boys they find there, illegally detaining them and then, after conducting their "investigation" of checking with the CDs that they possess, arresting the persons or releasing them. Many school boys including one 14 year old had been picked up. This happens every single night. The people of Bhim Nagar are very upset with the police repression as any person can be arrested up and shown to be an accused since the FIRs state the involvement of "unknown accused" and thus give the police a wide berth to arrest practically anybody. A representation was made to the Chief Minister by the residents regarding this, but there has been no let up in Police terror. The fear of being arrested or being subjected to a midnight raid hangs over the entire community. The team was told that people who commute to Mumbai regularly and have monthly season tickets have begun to buy tickets on their way back to show the police that they were in town and have just returned from work.

Dr. Behere and Mrs Sulochana Behere said that ever since the police came on 16th December inquiring about their 18 year old son Amol, the boy has run away from home out of fear. The parents are fearful about the future of their son. Anusuya Bahram Maste is a widowed mother of two young sons. On 6.12.2006 at around 2 AM, around 15 police men entered her house, conducted a search in the course of which they found a photograph of her brother in the cupboard. They immediately questioned her about him and asked her to produce him. She informed them that he did not stay in Ulhasnagar. The police asked her to produce proof of this fact and she had to get the copy of muster of the bank where he works to prove this.

Targeting Dalits randomly

It came across very clearly that the police have launched a witch-hunt amongst the Dalit bastis, entering houses at random and picking up any young person. The police repression is extreme and despite complaints to the government and the politicians, there is no relief. Many of the men arrested are the only earning members of their families and their families are facing destitution.

The local people have collected funds to help the affected families tide over the hard times. But almost all of them live in the fear of a similar fate meeting them and feel much betrayed by their leaders who have failed them. When the team members went through the FIRs and the remand applications made by the police, they found that most arrests had been made much after the incident. Why police failed to take decisive action, why the rioting was allowed to continue for several hours or why the rioters were not arrested on the spot – these are questions that remain unanswered.

Train burning – A professional “job”?

The people interviewed were of the opinion that the burning of the train bogies was a planned professional job as it was not possible for the mob of persons reportedly armed only with empty bottles to burn four bogies in the manner in which it was done. Many persons told the team that a gas cutter was apparently found near the trains but the police is not disclosing this fact. A local leader of the Sindhis, Sai Balram Sahib, also reiterated that the entire incident was planned and the person responsible was Pappu Kalani, the notorious MLA from Ulhasnagar who has been elected on a RPI (Athavale) ticket in the last elections. Sai Balram Sahib said that the video footage of the incident shows many persons close to Pappu Kalani amongst the crowd of rioters and many of their names figure in the police list of absconding accused, all of whom are not Dalits. According to him, the riot was planned to create a divide between the Sindhis and the Dalits prior to the elections. He was also of the opinion that it was a political act against Dalits. He stated that Sindhi-Dalit violence is an uncommon occurrence in Ulhasnagar and the entire burning of the train was stage managed. He also proffered an explanation about the presence of the media so soon after the incident. According to him, Ulhasnagar has many stringers who sell footage to television channels and that since most of the media people who covered the burning of the train were locals, they managed to reach the place of incident very promptly. He also explained why the stringers kept instigating the boys to riot as this would make their footage more “saleable”. Efforts to meet Pappu Kalani proved futile as he was unavailable.

Concluding Remarks



(1) **To protest against the gruesome caste atrocity at Khairlanji and police complicity in it is the fundamental democratic right of people.** It is by now an established fact, as testified by all the fact finding reports, including that of the state government’s own YASHADA, that there has been active involvement of the state machinery in suppressing the facts of the Khairlanji massacre. Although by no standards can the Khairlanji incident be taken as a unique or one-off kind of incident, there is no doubt that it will be ranked among the most bestial of caste atrocities that will continue to shame our nation for all time to come. The protests over such an incident and against the state complicity in it are a natural democratic right of the people. By unleashing unprecedented repression on such protests, the Maharashtra police all over Vidarbha has displayed its real anti-Dalit face in a very ghastly manner.

(2) **The state was forced to respond to this issue because people took to the streets and protested in Bhandara and Nagpur and other parts of Maharashtra.** People dared lathis of the police, teargas shells, arrests. A bandh was called on 9th and 10th November in Bhandara and Nagpur cities respectively. The people, Dalits in the main, mobilised actions to demand justice without the help of the established leaders. Hundreds were arrested. People demanded that all the culprits of Khairlanji and the police who connived with the perpetrators of this crime be punished. The CM had to air-dash to Khairlanji to meet the sole survivor of the Bhotmange family, Bhaiyalal, to hand over an appointment letter for a job and monetary compensation, an assurance of housing and land (3 acres).

(3) **The state responded by unleashing repression on the mass protests which were the expression of the anger of the people at every stage.** Demonstrators were brutally lathicharged, rallies were banned, curfew was imposed, preventive arrests continued long after the protests were crushed. The government and the media labelled the protests as action by Naxalites. The State Home Minister, through special appearances on TV channels, launched a propaganda campaign that those who lead the protests and the bandh were terrorists and the anger on the streets was a law and order problem. Fearing continuation of mass protests in other parts of the state over the increasing number of caste atrocities and fearing loss of its Dalit vote bank, the government resorted to eyewash measures like announcing the setting up of a committee to specifically look into atrocities committed against the Dalit community, a CID probe and a fast-track court to ensure swift justice.

(4) **Khairlanji has also brought to the fore the blatant nexus between feudal forces, upper caste communal forces, the police, the government and the media.** It has further disclosed the anti-Dalit, anti-poor attitude of the state machinery. Since no other immediate provocation can be seen to be the reason for the rape and murders, we can conclude that it was a backlash against Dalit assertion and the assertion of poor Dalit women for their rights. We see with horror the repeated use of sexual violence and the mutilation of women’s bodies to teach a community and women a lesson.

(5) **The Khairlanji massacre is one in a series of attacks on minorities and Dalits with direct and indirect state support.** The perpetrators of communal and caste violence invariably go unpunished. Failing to resolve the growing crisis facing toiling people, the state and the ruling classes use communal and caste violence for their own ends to establish a firm sway and control over the majority. The state terror unleashed on the democratic protest by Dalits is not aimed at Dalits alone, it is also used as a tool to establish a pattern of autocratic rule over the entire populace.

Today, Dalits all over Maharashtra, braving state repression, have risen against the Khairlanji massacre. Such atrocities on Dalits are not the concern of Dalits alone but of all secular and democratic-minded citizens. Today, when the toiling people of our country are facing assaults on their lives and livelihood as a result of the government’s pro-globalization policies, the broad unity of all the toiling people is the need of the hour. The ruling classes are trying to prevent all attempts at such unity by perpetuating caste divisions and hierarchies and spreading communal hatred.

We Demand

1. An independent judicial enquiry by a senior retired judge into the state repression of the protesters and others in Dalit localities in Nagpur, Kamptee, Amravati, Yawatmal, Sholapur and Ulhasnagar.
2. All the false cases foisted on the people should be immediately withdrawn and all those still in custody should be released forthwith.
3. All the police officers and government officials responsible for terrorizing and physically assaulting innocent people in their houses and outside should be brought to book.
4. All those who have suffered grievous injuries and loss of livelihood due to police brutality should be adequately compensated by the state and all incidents of police brutality should be registered as FIRs and the guilty officers should be prosecuted as per the law.
5. The witnesses of the Khairlanji massacre who still fear for their lives should be given adequate protection and not be left at the mercy of the local police, who connived with the perpetrators of the atrocity.
6. Cases under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act should be registered and action should be taken against the guilty.
7. Police Constable Vishakha Bhaiane of Kamptee who has been illegally dismissed from service, and Bhaurao Sarkate, the school teacher of Amravati, who has been suspended from service, should both be reinstated with full back wages and continuity of service, apart from being adequately compensated for the physical and mental injuries suffered by them at the hands of the police.
8. A magisterial enquiry should be instituted into the complaint of Pramodini Ramteke, a noted social worker of Yawatmal, who was allegedly beaten and sexually humiliated in police custody. Her suspension order should be revoked immediately.
9. The entire sequence of events starting from the murders at Khairlanji, suppression of the news of the murders by senior officials of the government and the subsequent widespread repression of democratic protests of Dalits should be placed before the National Human Rights Commission as well as international tribunals devoted to the suppression of inequalities based on birth.

