

## **Atrocities against Bhotmange Family in Khairlanji**

***Date of incident:*** 29/09/2006.

1. ***Time of incident*** : 18:00 Hrs to 22:00 Hrs
2. ***Place of incident*** : Village-Khairlanji, Tehsil-Mohali,  
District- Bhandara, Maharashtra State.  
India.
3. ***Location*** : Around 150 Km from Central Town of  
Vidardha  
Region, Nagpur.

### **4. Names of the Victim those who were killed**

- I) Mrs. Surekha Bhayyalal Bhotmange -  
Mother - aged 42
- II) Master Sudhir Bhayyalal Bhotmange -  
Son - aged 21
- III) Master Roshan Bhayyalal Bhotmange -  
Son - aged 19
- IV) Ms. Priyanka Bhayyalal Bhotmange -  
Daughter - aged 17

All the above members of family of Mr. Bhayyalal Bhotmange father of three children at Sr. No. II, III, & IV and husband of Sr. No. I. All belonging to Buddhist Religion.

### **5. Background of the village:**

- There are total 181 houses in the village khairlanji of Tehsil – Mohadi, District – Bhandara.
- Population around 700
- Composition :
  - a) Buddha – 3 families
  - b) Gond Tribal – 14 families
  - c) Kunbi & Kalar ( Hindu ) – 164 families

- d) Name of the Police Station – Village -  
Andhalgaon,  
Telsil - Mohali  
District -  
Bhandara
- e) Name of the PSI – Mr. Bharne
- f) Name of Dy. S.P. – Mr.  
Susastakar
- g) MLA of the area – Mr. Madhukar  
Kukde  
(BJP) Tumsar
- h) MP of the area – Mr. Shishupal Patle  
(BJP) Bhandara

Kherlanji is a village of 780 people, about 170 households, 120 km from Nagpur in the Bhandara district of Maharashtra. Bhotmange family was one of the three Dalit families in a village dominated by the OBC`s.

In this village on September 29, 2006, Surekha Bhotmange (45), her daughter Priyanka (17) and two sons Roshan (21) as well as Sudhir (23) were brutally killed in a planned attack by a group of non Dalit villagers. The members of the family were dragged from their hut, paraded naked, tortured, maimed, sexually assaulted and killed. They were taken in a cart around the village and their bodies thrown in different parts of the village. Only Bhaiyyalal, father of the children could escape the deadly attack, as he was away from home.

A citizen's fact-finding team comprising Justice (ex) B G Kolse Patil, Suresh Khairnar, Advocate Surendra Gadling, Subodh More & Sushovan Dhar visited Bhandara District on the 13<sup>th</sup> and 14<sup>th</sup> of November, 2006. The team spoke to Dr. K.D. Ramteke, MD, DGO, Civil Surgeon, Government Hospital, Bhandara, Bhaiyaylal Bhotmange, Siddharth Gajabhiye, brother-in-law of Bhaiyalal, police personnel posted at Kherlanji village, Kumar Shinde, Commisioner, CID, Amravati, local villagers and Dalit & poitical activists at Bhandara and Nagpur.

### **The incident**

The four victims were dragged away to the village centre, strapped to a bullock cart. According to media reports what followed was a gruesome orgy of violence and sexual assault as men from the entire village of about 150 families gathered, raped the women and killed all

four, even as their own womenfolk looked on. Later, a village meeting was called and everyone present was ordered not to mention the massacre to any outsider.

Bhaiyalal, the head of the Bhotmange family, had witnessed the entire incident and escaped to tell the tale to a typically indifferent police. It was only when the mutilated bodies were found the next day that a formal report of the crime was recorded.

## **Background**

As for the history of the case, it dates back to nearly 18 years of harassment of the Bhotmange family. The upper caste dominated village panchayat has consistently refused to enter Bhaiyalal's name in the revenue records, thereby preventing him from building a pucca house. On the two occasions when he tried to build it, the construction was forcibly demolished and he was threatened with dire consequences if he ever attempted to build his house again. As a result he still lives in a thatched hut. When we visited his place, we saw stacks of bricks still lying around his hut. The immediate cause of the incidence is that on September 3, 2006. Mr Sidharth Gajbhiye was beaten up by 15 people from Kherlanji on some petty cause. He ran away and got admitted in the Govt. hospital at Kampti near Nagpur. He complained to the local police which was forwarded to Andhalgaon police station which has the charge of village Kherlanji. On 16th Sep. 12 culprits were arrested by the police due to the eyewitness accounts of Ms Priyanka, Mrs Surekha, Sudhir and Bhaiyyalal Bhotmange. This did not go well with the criminals. After released on bail on September 29, 2006 they assembled around 40 villagers of Kherlanji and planned to attack and murder Mr. Sidharth and his brother Mr Rajan Gajbhiye; but somehow Mrs Surekha and Priyanka got the hint of it and they informed this to Rajan Gajbhiye at Dhusada who told them not to worry about him & told them to go back as the villagers would not harm them. The villagers not finding Sidharth and Rajan Gajbhiye and after learning that they were intimated about the proposed attack on both of them by Bhotmange's family got furious and turned their hoodlums to Bhotmange's house with the weapons of bicycle chains, axes, daggers and sticks. Seeing such mob of people Mr. Bhaiyalal Bhotmange ran away.

At home there were only Mrs Surekha who was cooking and the children were studying. They dragged all of them out of the house and stripped them and paraded them naked on the square of the village. They forced the brother and sister Ms Priyanka and Sudhir to copulate and after refusing, crushed Sudhir's genitals. They gang raped Ms

Priyanka, thrust the sticks in her genitals and thrown her body in the nearby canal by the help of bullock cart. After hiding the other three bodies in the houses; they threw their bodies too in the canal by the help of the bullock carts. This was celebrated by them like a festival which reminds us of the medieval barbarism.

### **Role of the police and administration**

The police are involved in this crime by their inactivity. When this crime was about to happen on around 6-7 pm Mr Sidharth Gajbhiye had intimated the local police station at Andhalgaon but the P.I. Mr Bharne and Mr Sunil Meshram a head constable did not take the immediate action and they reached the outskirts of village on 10 pm and when they met the Sarpanch of the village outside, they were told that everything is all right. But they did not enter the village. Next day when Mr. Bhaiyalal Bhotmange filed FIR he lamented the whole story to the police, the police first found the body of Ms Priyanka and latter the other three bodies. The medical officers hurriedly did the autopsy and without sending Priyanka's uterus and without taking her vaginal swab, only reported that the death is due to trauma and wounds on her body. Even though there is a large incision on the head of Mrs Surekha, they did not report it on the P.M. report. The local politicians are supposed to be involved in inciting the villagers of Kherlanji in attacking the Bhotmanges.

Adding insult to all the injury heaped on the Bhotmanges there was also an attempt to cover up the true nature of the incident under pressure from the 'higher' caste murderers. The first post-mortem report on September 30 claimed that there had been no rape at all. Under pressure from Dalit and other activists the bodies were later exhumed and a second post-mortem was done on October 05, 2006. The exhumation postmortem was carried out by a team consisting of Dr. B. K. Meshram, Dr. Nisha Bhavsar, and Dr. Wankhede, none of whom is a medico-legal expert. The team made very vague observations such as:

- a. The injuries on genitals are not clearly visible due to decomposition;
- b. However, injuries on the rest of the bodies are visible;

Several reports have severely indicted senior police officials and doctors for their attempt to cover up the rape of Surekha and Priyanka Bhotmange, two of the four victims and recommended stringent action against them, including making them co-accused in the state, booking them under the Prevention of Atrocities Act and treating them on par with terrorist. Four officials have been so far suspended in the matter.

The reports also points out at the lapses in the conduct of the following key officials,

1. Pankaj Gupta - Special Inspector General of Police, Nagpur

He accepted a bribe from interested elements for making a statement that the incident did not involve rape.

2. Dr.Shende - Who did the post-mortem

He did not check the possibility of a sexual attack on women victims though their bodies were found naked and did not perform the necessary tests. Blood samples were not taken in spite of a written requisition from police.

3. Madhukar Kukade - local MLA

He was present during the postmortem of Priyanka Bhotmange's body. (by mentioning this the report hints at pressure from higher ups to fabricate post-mortem's findings).

4. Dr.P.S. Pasricha - Director General of Police

He did not visit Kherlanji even after Chief Minister Vilasrao Deshmukh and Deputy Chief Minister R.R. Patil had been there. This reflects insensitivity at the top levels of the police department towards communal atrocities and sends totally wrong signals to the police machinery in the state. The medical authorities committed 'extremely serious neglect, perhaps of deliberate nature, during post-mortem of Priyanka Bhotmange's family. 'The district authorities such as district magistrate, superintendent of police, and civil surgeon remained aloof and indifferent throughout the sequence of events, hence allowing the crime and subsequent manipulation of evidence '.

The reports further recommended that:

1. Negligent officers, instead of being transferred/ suspended should be made co-accused. Inquiry under Prevention of Atrocities Act, 1989 should be initiated against them. They should be denied service benefits like pension and gratuity.

2. Atrocities on Dalits should be viewed on par with terrorism and the accused be dealt sternly under provisions of a stringent act to control organized crime.

3. The government should conduct a survey of all the villages to find out whether untouchability is prevalent anywhere.

4. In case of reports against discrimination or atrocities in village local level functionaries such as talathi, anganwadi worker, gramsevak, police patil etc. be suspended immediately.

5. A section on atrocities be included in the school curriculum and teachers be given special training on equity and social justice.

### **Dalit upward mobility causes consternation and reprisal**

The reasons for the violence against the Bhotmange family were not very complex at all and can be whittled down to just one sentence- they were Dalits who were economically independent and unwilling to be bullied by the 'higher' castes. Worse still in the eyes of their killers- they dared to educate themselves - with Sudhir being a university graduate and Priyanka having completed school and planning a career in the Army.

This is the way it has been for centuries in this land of institutionalized apartheid known as varnashrama dharma or the caste system under which the Dalits, who make up 16 percent of India's population, are treated as 'untouchables'. The penalty for defiance of any kind by the Dalit man across India has always been - at the minimum - grievous injury and far too often a public lynching by bloodthirsty mobs. For Dalit women it has far worse- humiliation, rape, mutilation and a painful death.

The immediate incident that is supposed to have incensed the 'higher' castes was one where Surekha had signed on a complaint to the police against some of them who had beaten up her relative Siddharth Gajbhiye. The latter was helping Surekha protect a portion of her 5 acres of farm land from being grabbed by villagers who wanted it for a waterway to their own fields.

The Bhotmange family originally had 7 acres on which they grew rice and cotton and two acres had already been taken away in 1996 to build a road so that neighbouring farmers from the 'higher' castes could drive their tractors through the land. Gajbhiye and Bhotmange belonged to the Buddhists community.

The Bhotmange family had undoubtedly acquired some upward mobility. As mentioned in other parts of the report, this family owned

lands and were comparatively prosperous – economically, educationally & socially. The reasons behind such atrocities are mostly economic. In most cases, upper caste Hindus does not take kindly to the economic prosperity of Dalit families. The Bhotmange family was facing oppression from entire village for 17 long years and the main reason for it was the land they owned.

Bhaiyalal and Surekha were respectively educated up to 4th and 9th Standards and had the courage to live like their higher caste peers by sending their children for higher studies and buying a plot of land about 6 years ago. Although the sons, Roshan, was blind and Sudhir, a university graduate, they not only helped with farming but also brought home extra money by working as labourers. Priyanka, the daughter, was more ambitious — a Class XII topper and a National Cadet Corps cadet, she wanted to join the Army. The family also seemed to have used a mobile phone. All this indicators of upward mobility seemed to have earned the wrath of the higher caste villagers and compounded matters even worse.

Another factor which has seriously contributed to the incident was the fact that Siddharth Gajbhiye who lived in the neighbouring village of Ghusala was himself a Dalit. Gajbhiye was a “police patil” (an associate of the police hired on an honorarium) which gave him some leverage to be of help to the sprinklings of Dalit households who lived in constant fear of the higher castes. He also owned some 50 acres of land and employed laborers out which quite a few were OBC men from Kherlanji which the upper castes found too hard to digest and hence tried to harass them in all possible manners.

### **Angry Dalits demand justice**

Currently, 44 Kherlanji men are in jail as accused, but activists say that some of the main perpetrators are still free due to political pressure and that there is an attempt to cover up the incident, and have filed a case in the Bombay High Court against the state police.

The Congress Party led Maharashtra government has also been criticized for its tardy response to the atrocity, which handed over the enquiry to the Central Bureau of Investigation only after violent demonstrations by Dalit and other activists broke out in several towns in the state. R R Patil, the Maharashtra Home Minister claimed that the protests were the work of ‘Naxalites’ and ‘Maoists’ as if putting such a label would in any way damage the credibility of the protestors.

If things have been sordid at the local and provincial levels they have not been any better nationally. The United Progressive Alliance (UPA) government of Prime Minister Manmohan Singh, busy attending summits proclaiming India as the 'next super power' had little time for the woes of the Bhotmange family or even to publicly condemn the Kherlanji atrocity. The rising incidence of attacks on Dalits in Congress ruled states like Punjab, Haryana and now Maharashtra is an indicator of how cut off the party, which leads the UPA coalition, is from the grassroots of the country.

Other sections of the national elite, in particular the media, too have not come off looking pretty in all this. For instance, it was a full month before the national media picked up the story and that too in a marginal 'yes, this too happened' kind of way. Already accused of lacking any Dalit representation in its ranks and of promoting 'higher' caste interests the media needs to do some soul-searching to live up to its tall claim of reflecting the views of the Indian public in its entirety.

What has been heartening however is the upsurge of militant protests by Dalits and organizations is sympathetic to them in many parts of Maharashtra. Though it was a bit slow to take off once it did start the demonstrations of thousands of people in town after town demanding justice for the Bhotmanges has been truly impressive.

### **Where is the Dalit leadership today?**

The blame for the initial confusion and delay in responding to the atrocity should go to the timid and opportunist Dalit leadership both in Maharashtra and in the country. As a write-up in Tehelka, a weekly English magazine from New Delhi, on the incident pointed out on October 2, when lakhs of Buddhists from all over the world had converged in Nagpur to celebrate the fiftieth anniversary of Dhammakranti — Ambedkar's conversion to Buddhism — the organisers kept quiet about the massacre lest the issue 'go out of hand' in such a large gathering.

The incidence was also an eye-opener about the defunct Dalit political leadership. This leadership was not only conspicuously absent but a section of them has been even co-opted into mainstream parties like the Congress, the Nationalist Congress Party and even the Shiv Sena. The real tragedy of the Dalit leadership is that it lacks a strategy for social transformation, indeed even for translating Dalits' organisational strength into bargaining power on a secular, egalitarian platform. It is

at best looking for niches within the system, not for transforming it or giving it a radical plebeian push. None of these leaders combines Ambedkar's dual agenda - of Dalit representation and inclusive social change.

### **Dalits subject to caste violence**

The Kherlanji incident has been sordid reminder of dalits being violently persecuted by the OBCs of which the Gohana massacre in Haryana was a recent example of Dalits butchered in the hands of Jats. These incidents are more prevalent in areas where the Dalits have tried to assert their rights and especially, on issues of agricultural land. The Bhotmanges belonged to the Mahar caste of B R Ambedkar, and saw themselves as heirs to the great tradition of cultural rebellion that he represented. Their faith in the social mobility that education could bring, and their resistance to all efforts to snatch away part of their property for a water scheme that would bring them no conceivable benefit, was seen as a challenge to the casteist status quo. They fell victim to the alternative system of conflict resolution that prevails as the final bulwark of an ascriptive, hierarchical social order.

### **Even the government pays lip-service**

It was the same time when preparations were on for the inter state council meet called by the PM to deliberate on the specific issue of dalit rage. The killings in Kherlanji and the militant movement of dalits in its aftermath formed backdrop of this meet. Anyone who knows how polity functions can very well tell you the real essence of such meets which are basically organised to exhibit the concern of the powers that be towards the weaker sections and which end up in adding another bundle of empty promises centring on their betterment. Of course this particular meet did not come out any different.

In the particular meet the Prime Minister admitted that continuing of atrocities against weaker sections is a 'national disgrace in a civilised society'. (The Hindu, December 10, 2006) He also lamented the fact that 'implementation of SC and ST (Prevention of Atrocities) Act has not been effective' and 'cases continue to be registered under weaker sections of IPC'. While calling for 'comprehensive review of the existing approaches, strategies and measures' he also reiterated the 'need to show political will' and also exhorted people because 'laws alone were not sufficient in dealing with social violence'. Mr Shivraj Patil, the present home minister, while addressing the meet also talked of

tightening the police machinery as it is found to be wanting in reining in perpetrators of dalit atrocities.

It was worth noting that the speeches of the Prime Minister and the home minister did not prove to be different from similar speeches made earlier. A convention held last year under the aegis of the social justice minister (Jan 2005) Meira Kumar which was duly attended by the home minister had brought home this point with emphasis. According to a newspaper report:

### **Cry for justice remains unheard**

“Social justice minister Meira Kumar pointed out that the conviction rate in cases registered under the Protection of Civil Rights Act is a mere 3.75 per cent. Besides, 75 to 77 per cent cases of crimes against Dalits remain pending despite the existence of special and designated courts. Union home minister Shivraj Patil, who was also present at the conference, acknowledged that the system was not delivering justice and existing laws safeguarding the rights of backward classes may have to be changed or tightened.” (January 12, 2005, The Telegraph)

The nearly sixty year old history of independent India bears witness to this phenomenon where perpetrators of crimes against dalits in majority of the cases were allowed to go scot-free. The mechanism for denial of justice to dalits has rather been perfected down the years. Normally such cases are either not registered and if at all they get registered they are not filed under appropriate provisions of the law. Registration of cases under proper law is no guarantee that they would be investigated by designated authority in such cases. The result is for everyone to see acquittal on flimsy grounds.

It is possible that all this details where the state and its different organs comes out in rather unflattering terms could be brushed aside as a story repeated ad nauseam. All the talk of dalit atrocities could be presented as another extension of the way in which ‘state in the third world’ unfolds itself. But the key point worth emphasising is that caste atrocities much like gender oppression or racial atrocities have a specificity which transcends the binary of ‘state as perpetrator’ and ‘people as victims’. In fact they implicate the partisan role played by the people themselves.

The ‘Report on Prevention of Atrocities against SCs ‘prepared by NHRC ( 2004) presents details of the way in which the civil society presents itself . Here civil society itself becomes a distinct beneficiary of caste

based order and helps perpetuate the existing unequal social reactions and frustrates attempts to democratize the society because through the customary arrangements the dominant classes are assured of social control over people who can continue to abide by their commands without any protest.

Of course the uncivil nature of the civil society presents before us a unique challenge where the need then becomes to rise above a mere discourse on civil and constitutional rights and address the failure of the largest democracy of the world to go beyond mere form. We have to appreciate that it concerns the greater hiatus that exists between constitutional principles and practice and corresponding ethical ones based on a diametrically opposed ideal.

Everyone has to see that under the purity and pollution based paradigm which is the cornerstone of our caste system, inequality receives not only legitimisation as well as sanctification. As inequality is accepted both in theory and practice, a legal constitution has no bearing on the ethical foundation of caste-based societies. In fact Dr Ambedkar, the legendary leader of the oppressed had this very reality in his minds, when he emphasised the difference between what he called 'political democracy' and 'social democracy', the difference between 'one person having one vote' and 'one person having one value'.

### **Exploding the myth of Dalit Bureaucracy**

Finally, Kherlanji expose the fairy tale of the strong influence of dalit bureaucracy in upholding Dalit Rights. Kherlanji best exemplifies the complicity of state machinery in perpetration of caste atrocity and interestingly this machinery is largely manned by the people of dalit community. As Anand Teltumbde in his article remarks that "The superintendent of police, Bhandara, the Dy, Superintendent of Police, the PSI of Andhalgaon police station, a constable under him, the doctor who performed post mortem, the district civil surgeon who permitted the doctor to go ahead with post mortem without a lady doctor, the public prosecutor who advised against application of the PoA to the earlier cases which were essentially caste based, the nodal officer at the apex level who is entrusted with the responsibility of reviewing the state of crimes against SCs and STs in accordance with the Atrocity Act, were all dalits and belonging to the same sub-castes as that of Bhotmanges. No body will fault this combination and accuse the upper caste people of exercising caste prejudice in relation to dalits but as it is seen the entire network failed at every possible step.

It is easy to blame these individuals but not the system of which they are essentially a part. It is naïve to believe that a dalit individual rising up the bureaucratic or governmental structure could influence it to be pro-dalit. On the contrary, such individual rise is basically a reward for the proven service rendered by such individual to the system and the latter expects much more of the same from him. It is a singular naivety of dalits that has reduced them to political inactivity. They forgot that it is their own political participation, their struggle that can influence the behaviour of structures, not the individuals howsoever highly placed they may be."

The gruesome incident and the acts which followed raised serious concerns or questions which can be summed up as follows:

- Do Dalits have a security?
- How secure are Dalit Land Rights?
- How pro-active is the government in upholding Dalit Rights?
- The continuous bias of the administration and its adverse impact on the implementation of POA act 1989.
- Compromise of Dalit Political Rights by the Dalit bureaucracy.
- Continuous loss of Dalit faith and hope on the judiciary and administration.