

Kulakjai Dalit Murder Report

The background

Madhukar Ghadge, 48, a dalit of Buddhist faith, was brutally murdered at Kulakjai village of Man *taluka* of Satara district on 26th April, 2007. The second son of Abaji Ghadge, he worked with western railways at Parel workshop as a black smith and lived at Ulhasnagar, Thane district. His elder brother Divakar is also with railways and he, too, lives in Mumbai. His younger brother Prabhakar is in police and posted at Dhebewadi, Patan *taluka*, Satara. The youngest of the siblings Sudhakar lives at Kulakjai and is a deputy *sarpanch* of Kulakjai village *panchayat*. Madhukar has two sons, Tushar is a 2nd year student of LLB at Satara and Suraj is in 12th standard, studying at Ulhasnagar. He also has a daughter, Asmita, studying in 9th standard.

In spite of living out of their native village the brothers had a strong family tie and were closely linked to their community. Regular gatherings during festivals and vacations were a commonplace. They also made regular remittances from the city and saw to it that their agricultural farm were developed and also had personal involvement in the matters.

The family is fairly educated and the younger generation are doing well in studies. They are fairly well-off vis-à-vis the rest of the village. These parts of western Maharashtra are highly drought prone and as such dependence on agriculture as the sole means of income generation reduced families to misery. There is a high amount of migration from Man *taluka* for economic reasons and a large number of people are also inscribed with the army. The Ghadge family was not dependent on agricultural incomes and their migration for government jobs, facilitated by reservations for Dalits and other oppressed castes of the Indian society explains the reasons of their relative affluence.

Details of village

Satara district, in western Maharashtra is known for sugarcane production and the development of co-operatives. The district has mixed features as some areas gets good rainfall and thereby also has irrigation facilities while others like Man and Khatau *talukas* depend on rainfall which is extremely irregular and has hardly one crop. Man taluka is extremely drought prone and one is greeted with vast vistas of dry and barren landscapes hardly finding any greenery, so connected with western Maharashtra. The river Man from which this taluka derives its name has been perennially dry for the last number of years. Not only the agriculture takes a toll but, the conditions of life are also difficult with very arid hot summers. Matters are complicated beyond control with long hours of power cuts ranging from 6-14 hours.

In the Kulakjai village one can witness a little bit of greenery only around the percolation tank; otherwise, its barren lands in all directions. The area is scarce of water and the people are struggling for water for a very long period.

Man legislative assembly is a reserved constituency and Sampatrao Avaghade of Nationalist Congress Party – NCP- represents this constituency in the State Legislature. Laxmanrao Patil of NCP is the Member of Parliament of the area.

Kulakjai has a population of more than 2,000. Marathas constitute around 200 households, about 50 household are of Ramoshi community, Mali 10 – 12, Brahmins 10-15, 18 Dalits including one Matang family. 10-12 Muslim families.

As the village is in drought prone area, government had constructed a percolation tank in 1981 under Employment Guarantee Scheme (EGS). Facilitated by this landless labourers get some work in village as agricultural labourers. However, there has been no work under National Rural Employment Guarantee Act (NREGA) this year and as reported earlier large numbers of rural folks migrate to nearby towns and cities for their livelihood.

There has been especially, a sizeable migration of Dalits for work to Mumbai and other cities since the members of this community do not possess big farm. They are comparatively advanced in education than the middle-castes and hence, they prefer to go to cities to work. They facilitate good remittances in the villages and having realized the importance of education, the young boys and girls of the dalit community are sincerely pursuing their education in search of better future. The Ghadge epitomised one such family.

Kulakjai is 16 km away from Pusegaon, the village of Dhananjay Jhadav, Commissioner of Police, Mumbai. One is greeted by huge hoardings of D N Jhadav while entering the village.

Immediate cause

The Ghadge family in order to irrigate their agricultural lands sought permission from the government and other authorities to dig a well near the percolation tank and other wells situated there. This was sanctioned under *Jawahar Vihir* (well) *Yojana* and they were provided a financial assistance of Rs. 60,000. There are four other wells in that area including a public well for the village owned by the village *panchayat* which is incidentally the largest one.

The digging of the well begun on April 26th with Madhukar Ghadge being physically present in the village and the digging work. They used wheeled excavators for this purpose which was owned by local MLA's family. The work continued for the whole day and after the day's work Madhukar asked his son and other relatives to fetch some food for the workers from their place. At around 7.45 pm, when they were returning to the fields screams were heard. Vaibhav, son of Divakar, saw around fifteen people attacking his uncle with weapons. They ran to save Madhukar, seriously injured by the assault and in the mêlée, attackers ran away but not without threatening Ghadge family. They also threatened to hurl a huge stone on Madhukar.

The contention of attackers was that with the digging up of another well by the Ghadges, the water flow will reduce and especially water to the village well will shrink. However, we found that though the immediate reason was nothing but of water however, the whole concern stretches much beyond that.

As the attackers were from the village itself, the Ghadges immediately identified them. They were known to Ghadge family. In fact, they used to come to Ghadge's house also on some occasion. The persons identified are:

1. Bhivaji Shankar Kapse
2. Dadasaheb Bhivaji Kapse
3. Bhimrao Rajaram Shedge
4. Tukaram Bhiku Nikam
5. Appasaheb Dhondiba Wagh
6. Sambhaji Shivaji Wagh
7. Akil Allabaksh Sikalgar
8. Ravindra Namdev Pandekar
9. Shivaji Namdev Wagh
10. Shankar Bhagwan Chauhan
11. Narayan Bhagwan Chauhan
12. Navnath Bhivaji Kapse
13. Amar Sudhakar Kulkarni
14. Krishnarao Gangaram Shedge

Ghadge family thought of owning a well and they started efforts in that direction and also purchased land for the purpose so in order to develop their farm land. Locating the source of water in the proximity of the percolation tank, Ghadges procured seven *gunthas* (1acre = 40 *gunthas*) of land near the tank from Vitthal Sahebo Jadav, in the name of Popat Jairam Ghadge in February 2006. They as well applied for the sanction of the well under *Jawahar Vihir* (well) *Yojana*. In the *Gram Sabha* no one objected to the well and hence, a No Objection Certificate (NOC) was issued. Later, some people raised objections about the well citing problems of water supply and how the village well

will be affected if Ghadges dig a new well. Though, there was no written objection on this matter.

Wagh and Kapse, who owned well themselves, misled others by raising bogey of the possible impact on the village well. In the real sense, they did not agree to any new well coming up near their wells and that too by a Dalit. However, they covertly tried to gain sympathy by raising the issue of village well. A key role was also played by Amar Kulkarni, who as well owns a well.

Political affiliations

Western Maharashtra is a pinnacle in the politics of the state especially, with the sugar lobby and NCP led by central agriculture minister Sharad Pawar has strong influence in the region. Sadashiv Pol, MLC and leader of Man *taluka*, has strong hold in this area. Currently, the Congress is trying to make in roads in Man by splitting NCP, Shiv Sena and others.

Kulakjai gram panchayat election took place two and a half year ago. Sudhakar Ghadge got elected unopposed and bargained for the post of *sarpanch* reaching an understanding with others that he will be made *sarpanch* after two and a half year. Sudhakar and others were part of Congress. It is important to note that normally at the village panchayat level political affiliation are of a different type. It's a matter of adjustment and compromise where changing loyalty is not a big issue.

Zilla parishad (district council) elections were held in last March and differences arose between them since Sudhakar supported the NCP candidate while others opted for Congress's Jay Kumar Gore, who got elected. This also strained the relationship between them. Ghadges state that in spite of Sudhakar supporting the NCP candidate, he did not join NCP.

Amar Kulkarni runs a fertilizer and pesticide shop apart from owning farm land. He was earlier with Shiv Sena and was a *Shakha Pramukh* of village. Later on he joined congress and after that Shiv Sena was literally is finished in the village. At the moment, the prominent players are congress and the NCP.

Administrations role

The nearest police station is at Dahiwadi, the *taluka* head quarter of Man, around 20 km from the village. Vaibhav reported the matter at the police station at around 11.15 pm. The First Information Report (FIR) by the police mentioned 12 accused and all of them were arrested under section 302, 143, 147, 148, 149 of Indian Penal Code

and section 3(1)(5) and 3(2)(5) of Prevention of Atrocities Act (POA), 1989 and section 4(7) of the Protection of Civil Rights Act, 1955.

Names of four others including Amar Kulkarni were given in the supplementary FIR but are not yet arrested. When we met Arvind Gaikwad, the Deputy Superintendent of Police in-charge of Man and Khatau *talukas* and asked about it, he replied that they will only arrest them when they have evidence since they are not mentioned in the first FIR. We pleaded that they should be interrogated at least to get some evidence, to which he replied that it was not necessary. In fact, Amar Kulkarni and others are absconding.

We met Hemant Nikam, *tahsildar* of Man *taluka* at Dahiwadi and enquired about wells owned by Wagh and Kapse. His contention was that these wells were built 30-40 years back. When we brought to his notice, that the percolation tank was built only in 1981 and how could the possibility of wells exist before after he kept on repeating the same arguments. It is important to recall that the Maharashtra Ground Water (Regulation for Drinking Water Source) Act, 1993 was enacted on 16.8.1993 for the purposes of regulating the exploitation of ground water for the protection of public drinking water sources in the State.

The Act seeks to protect drinking water sources by:

- Preventing the sinking of any well for any purpose with 500 metres of a public drinking water source (although exceptions are allowed and applications submitted under these provisions must be processed within 120 days or the permission applied for is deemed to have been granted); { *Section 3* }
- Regulating the extraction of water from any well that is within one kilometre of a public drinking water source in any area that is declared "water scarce", { *Section 5* }
- Preventing the sinking of new wells in any watershed that is declared "over-exploited" (although, exceptions are allowed); { *Section 7* } and
- Prohibiting the extraction of water from existing wells in any watershed that is declared "over-exploited" during the months of February to July inclusive. { *Section 8* }

When we brought the above act and its provisions to his notice he claimed that the other two wells belonging to Kapse and Wagh were constructed before the very implementation of the act and hence, he is helpless in these cases.

However, there was a marked variance when we talked to Gaikwad who told us that one of the wells is not old and have been dug sometimes back.

The cause

"The backward classes have come to realize that after all education is the greatest material benefit for which they can fight. We may forego material benefits, we may forego material benefits of civilization, but we cannot forego our right and opportunities to reap the benefit of the highest education to the fullest extent. That the importance of this question from the point of view of the backward classes who have just realized that without education their existence is not safe."

- Dr. B.R.

Ambedkar

In Maharashtra and especially in the western parts of the state, Dalits have become a force to reckon with. Progress through education has been a key to it and in some areas they are more educated than middle castes. Their exposure and earning capacities have also increased significantly with increased education.

Many Dalits of Kulakjai and surrounding villages are working in cities like Mumbai, Pune, etc. since being educated gave them better job and livelihood opportunities. This has resulted in a certain degree of autonomy and independence from the clutches of upper castes. Asserting this autonomy is a bone of contention between them and the upper castes where the upper castes perceive this affirmation of rights as a challenge to their age-old hegemony and monopoly over power. In a large number of cases the upper castes find it difficult to oppress the Dalits with the traditional practices of untouchability, open and naked discrimination or other direct tyrannical customs or methods. It has been increasingly observed that the oppression is at a different plane and there seems to be a vector change of the manners and methods.

A fairly relative autonomy from caste oppressions exists in the cities or areas of industrial production. However, the Dalits do not sever their ties with their roots even while being well-settled in cities. The organic relationship exists with their villages and families. They make remittances to help their kiths and kins progress by developing their farm lands, setting up small enterprises also taking benefits of various government schemes since being educated raises their awareness and their self-organisation.

Education and economic upliftment has an important function in their roles in village affairs. They try to utilize their knowledge and play an important role in social and political sphere of village. This is precisely the area where conflict begins.

The problem of the upper caste villagers with the Ghades had never surfaced till they decided to dig the well. As we understand that well in

drought prone areas is of utmost importance and hence, control of wells is also a symbol of power since these water sources function as one of the most important means of live and livelihood. It is also at times a more important means of production than the land. By deciding to dig a well they had challenged – indirectly - the monopoly of upper castes over water which stings them the most.

The caste oppression in this case is not as direct as in other cases of atrocities against Dalits where untouchability and other savage treatments exist comfortably; however, the issue is transparent if you go deep into it and understand the manner in which the physical manifestation of this oppression has transformed.

The report cannot be substantial without mentioning a very important fact. Madhukar was attacked around one and a half kilometres from the village. His relatives brought him back on a two wheeler from the site and as there was no road on farm lands it was a difficult journey taking around thirty minutes. There are four to five vehicles in the village whose owners the family requested in order to take Madhukar quickly to the nearest hospital. But, no one came forward to lend their vehicle forcing them at last, to take Madhukar on two wheelers. He was bleeding profusely and was declared dead before admission.

Ghadge family informed us that when they were taking Madhukar to the hospital they were threatened by villagers on the road. They also approached the nearest health centre at Malavali for their ambulance on the way to Dahiwadi; however, their plea was refused on flimsy grounds.

The case exposes a clear cut issue of an atrocity on dalit. Madhukar was killed because he being a dalit challenged the monopoly of water of the *savarnas*. It was well planned and Madhukar was attacked when hardly anybody was with him. This was beyond any wild nightmare of the Ghadge family.

Demands

1. Dalits have lost confidence on police investigation since they feel police that the police are trying to shield Amar Kulkarni and others and not attempting to arrest them. They are behaving like a defence lawyer and in such circumstance; investigation should be handed over to CID
2. Amar Kulkarni and other main accused should be arrested immediately.
3. The Government should provide protection to Ghadge family to complete well as the well has become a symbol of equality.

Sushovan Dhar
Jatin Desai
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Place: Mumbai

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