

NEWLY MARRIED DALIT COUPLE BRUTALLY ASSAULTED

Assaulted, near fatally injured, molested, pushed off a cliff and left for dead.

These were definitely not the thoughts that were running through Vaibhav's and Mohini's minds before they set out on the evening of January 22, 2013 to their village temple. But these words simply describe what happened to them on that fateful evening, just two days after their much anticipated wedding.

The Incident

They were followed by three men on motorcycles as they traveled to the temple situated along the cliffs near Kulakjai Village (Maan Taluka, Satara District, Maharashtra) around 5.30pm. The temple is situated outside the village. The area is generally deserted. As they finished visiting the temple the three men attacked the newly wedded couple without warning or provocation. Vaibhav and Mohini were taken to edge of the cliffs. There they were beaten repeatedly and assaulted with stones. Mohini was forced by the men to watch as they continued to brutalize Vaibhav. While their phones were taken away, Mohini was forced to hand over all the gold she was wearing. The assaulters then tried to pull her sari off. She was told that if she did not "cooperate" with them she would have to watch Vaibhav being done to death, and that she would be responsible for that happening. In trying to resist them, she held on to one end of the sari. Vaibhav threw a stone at the one doing this. Following this the man let go of the sari because of which Mohini fell off the cliff from a height of 300 feet and lost consciousness. Thinking her to be dead, they turned their focus completely onto Vaibhav and kept hitting his head with rocks. When it seemed to them that he was passing out to all the injuries, including a serious head injury (later identified as a cracked skull), the three men threw him off the cliff. Believing the couple to be dead, they left the place.

Mohini regained consciousness after about an hour and began climbing up the cliffs. She did this in spite of the serious injuries she had suffered all over her body, in addition to the various internal injuries. Vaibhav, who was slipping in and out of consciousness at that time, was able to call out her a couple of times before passing out completely. This allowed Mohini to find him, who then pulled Vaibhav up to a place of relative safety amongst the cliffs. Upon reaching the top, Mohini was able to make contact with some people living near the temple, with whose help she called her maternal home. They then alerted Vaibhav's family, who put together a search party to find and rescue him. Vaibhav was found and rescued a couple of hours later and both of them were rushed to the hospital. Vaibhav was admitted to the ICU due the grievous nature of his injuries.

Their condition stabilized only two days after the incident. Vaibhav is at present out of the ICU. Mohini has suffered many internal injuries and is unable to eat solid food to date. An FIR was

lodged with the Dahiwada Police Station on January 24, 2013. Statements from Mohini and Vaibhav have been recorded by the police. The police have registered a case of robbery with grievous injury. The couple has identified the perpetrators and one arrest has been made as of January 26, 2013.

The Background

While prima facie this incident is being considered as a case of robbery, the magnitude of brutality meted out to Mohini and Vaibhav should force one to examine the larger context of the case in detail. Motive of robbery alone instigating such violence is questionable. Mohini has stated to the police that the men who assaulted them were speaking and laughing to each other before throwing Vaibhav off the cliff. One of them reportedly said, ***“Aata yanchya gharcha dusra gela! (There! One more person of the family is now dead!)”*** This statement by itself should be seen as one that weakens this case as one of mere robbery. A brief look into the family history will provide further clarity.

Vaibhav’s paternal uncle, Shri Madhukar Ghadage, was murdered in April 2007 over a land dispute with a family belonging to the dominant Mali caste (Kulakjai Village is home to 30 Dalit families, while the rest are Malis). This murder definitely had caste based overtones and the case was registered under the Prevention SC/ST Atrocities Act. Eleven persons were arrested. The prime accused in the murder case, Mr. Bhivaji Kapase, is the maternal cousin of the sitting MLA of Maan, Mr. Jaikumar Gore. Mr. Gore exercises significant clout and influence over government officials in the area. He is known to be close to Mr Prithviraj Chavan, presently the sitting Chief Minister of Maharashtra. There were many obstructions to the process of investigation in this case which can only be traced back to pressure from higher authorities. Consequently, all the accused were let out on bail by the Sessions Court. The case is presently pending at the High Court with the hearing date yet to be set. Meanwhile all the accused remain to out on bail.

Last year, around October, the farming equipment and fields of the Ghadage family at Kulakjai were sabotaged. This led to the family incurring financial losses. The perpetrators of the farm incident could not be positively identified, though the family has strong suspicions that the family of the prime accused in the murder case is involved.

The prime accused in the Mohini-Vaibhav assault case, Navnath Kapase, is also an accused in the murder of Shri Madhukar Ghadage. He is the son of Bhivaji Kapase (who is the the prime accused in the murder case) and nephew of the MLA, Mr. Jaikumar Gore.

With this background thus established, the alleged motive of robbery in the latest incident of violence on Vaibhav and Mohini comes under serious doubt. The impunity with which Navnath Kapase has dared to commit such a crime while out on bail for murder, should give one further food for thought.

Implications

The Ghadage family is in constant fear of further harm befalling them. They are worried about the safety and security of all family members. The social and economic progress of the family has been thwarted at every step. Members of the family are being systematically targeted one after another, at regular intervals. Yesterday it was Shri Madhukar Ghadage and today it is Vaibhav. Tomorrow it could be anyone else in the family. The perpetrators need to get the message that they cannot expect to go scot free for the crimes they commit just because of their upper caste affiliations and the resultant connections in high political places.

Action Required

1. The case is presently been registered under very weak sections in comparison to the nature of crime i.e. sections 394 (robbery) and Section 34 (common intent). Also the caste overtones in the case need to be examined. This incident cannot be considered an event in isolation, but one in a series of actions aimed at systematically disrupting the lives and livelihood of the various members of the Ghadage family in Kulakjai Village.
2. That this case be brought under the purview of the Prevention of Atrocities Against SC/ST Act.
3. That the case be registered as one of attempted murder, as the details clearly imply.
4. It should be ensured that the Investigation Officer and investigation process in the matter of the Mohini-Vaibhav assault is not influenced by politicians.
5. That the Shri Madhukar Ghadage Murder case pending with the High Court is fast tracked and hearing dates set immediately.
6. That the bail of all accused in the murder case be cancelled with immediate effect as they are a constant threat to the family, as they have already demonstrated.
7. That the safety and security of the Ghadage family is ensured at Kulakjai village.

Please contact the following people if you can be of proactive assistance in ensuring justice for this family at the earliest.

Tushar Ghadge - +91 90962 49712 / +91 75886 96559

Mayank Sinha - +91 80802 67769

The above piece is based on inputs from Tushar Ghadage.

By

Divya Sarathy
TISS Research Scholar
Alumnus SW Batch 2011