



Human Rights Defenders Alert - India

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June 19th, 2015

Shri A. K. Parashar

National Focal Point - Human Rights Defenders & Joint Registrar

National Human Rights Commission

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Dear Sir,

Sub: HRD Alert - India - Appeal for Action – Maharashtra:Brutal attack and murder of a Dalit youth SagarShejwal- reg

Greetings from Human Rights Defenders Alert - India!

HRD Alert - India is a Forum of Human Rights Defenders for Human Rights Defenders. It endeavors to initiate actions on behalf of Human Rights Defenders under threat or with security concerns.

We are now writing to express our grave concern regarding the alleged brutal assault and murder of a 23 year old Dalit youth SagarShejwal, a nursing student in the temple town of Shirdi in Ahmednagar district of Maharashtra on May 16, 2015. Sagar was crushed to death for allegedly having a song on Dr. Bhimrao Ambedkar as his mobile ringtone. SagarShejwal's brutal murder also raises serious concern about the recent attempts by the state and non state actors to suppress right to freedom of expression of writers, artists and singer in the Indian state of Maharashtra.

Source of Information on the Incident:

- The Regional Coordinator of HRDA for South of India
- Media reports

The Human Rights Defender:

SagarShejwal was a Dalit nursing student in Nasik who had gone to Shirdi to attend a wedding. SagarShejwal was killed for a song, 'Kara kitihihalla, majbootBhimachakilla.' (Attack all you want, Bhim's fortress is strong) allegedly by eight upper class youths in Maharashtra's temple town, Shirdi. The song, praising Dr B R Ambedkar, was Shejwal's mobile ringtone and it apparently offended the group. SagarShejwal became the victim of caste atrocities being perpetuated on members of Dalit community in Maharashtra. This attack on SagarShejwal is an attack on freedom of expression and free speech guaranteed by the Constitution of India.

The Perpetrators:

Local youths from the dominant Maratha and OBC communities were identified by the police who committed the crime.

1. Vishal Kote,
2. Somnath
3. Rupesh Wadekar, and
- 4 Sunil Jadhav

Four absconding

Date of Incident:

16th of May, 2015

Place of Incident:

Shirdi Town, District Ahmednagar, Maharashtra

Incident detail:

According to sources, SagarShejwal, a Dalit nursing student, had come home to Shirdi to attend a wedding. On May 16 around 1.30 p.m., he had gone to a local beer shop with two of his cousins. According to police statement, Sagar was assaulted by eight youths over his ringtone. Eight youths were sitting at a table at the beer shop, when Sagar's mobile rang with the Ambedkar song as its ringtone Tumhikara re kitihihalla / MazbutBhimachaquilla [Shout all you want / Bhim's fortress is strong], the youths told him to switch it off.

An altercation ensued and the assailants (perpetrators, a group of local youth from the dominant Maratha and OBC communities) hit Sagar with a beer bottle and started kicking and punching him. Then they dragged him out, put him on a motorbike and took him away to a nearby forest. They crushed him by running their bike repeatedly over Sagar's body mutilating it. Sagar's body was found around 6.30 p.m. in a naked state near Rui village. The cause of death was multiple fractures. The autopsy says Sagar sustained around 25 injuries. He died between 2 and 4 p.m.

From the CCTV at the beer shop, the 21-minute footage captured it is stated that it clearly provides strong electronic evidence to the police in which the faces of the assailants are clear who were involved in the assault.

The beer shop is within a stone's throw from the Shirdi police station which raises serious questions about police inaction to the fact that SandeepGhorpade, manager of the beer shop is state to have called the police at 1.45 p.m. When the youths were beating up Sagar, but for a long time the police did not come and one of Sagar's cousins had also alerted the police who escaped from the assault.

The family has alleged that the officers on duty demanded an air-conditioned vehicle to look for Sagar's whereabouts. Sagar's cousin SatishGaikwadthe complainant in the case has said that the relatives were only searching out for Sagar and there were no police vehicle in sight and later the body was also discovered by family members only.

The police have arrested Vishal Kote, Somnath and RupeshWadekar, who are historysheeters and Sunil Jadhav. have been booked under the Sections 302 (murder), 395 (punishment for dacoity), 201 (causing disappearance of evidence of offence), 109 (punishment of abetment) of the Indian Penal Code and Sections 3 (2) (v) and 3 (1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. Out of eight, four assailants have been arrested while four others are absconding

The assailants have been booked under Sections 302 (murder), 395 (punishment for dacoity), 201 (causing disappearance of evidence of offence), 109 (punishment of abetment) of the Indian Penal Code and Sections 3 (2) (v) and 3 (1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. The police

have said that a, departmental inquiry would be initiated against Inspector PramodWagh and Constable SharadKadam for the lapses alleged.

Sagar's father SubhashShejwal, unable to comprehend the horror of the assault on Sagar has asked that he is unable to understand that they hit him and that quarrels could happen anytime, but questions the brutality of the act and that for a trivial matter.

Appeal :

We, therefore urge you to immediately take necessary steps to ensure that the Superintendent of Police and the District Collector and District Magistrate of Ahmednagar District:

- Orders an immediate, thorough, transparent, effective and impartial investigation into the above-mentioned events of the brutal murder of SagarShejwal and arrest the remaining accused;
- Along with local district officials guarantees in all circumstances due compensation to the family of the deceased and give this assurance to the NHRC of India in writing immediately and urgently;
- Government of Maharashtra to take measures to prevent caste violence and Dalit atrocities and set up special court in atrocity prone districts to conduct trials in such cases. Shejwal's killing has thrown the spotlight on increasing number of caste based killings in Maharashtra and denial of freedom of expression;
- Along with local district officials puts an end to all acts of harassment against Dalit right activists, writers, singers and all human rights defenders in general to ensure that in all circumstances they carry out their activities without any hindrances;
- Ensure fundamental rights of free speech and association guaranteed by Article 19 and right to life and personal liberty granted by Article 21 of the Indian Constitution;
- Takes steps to conform to the provisions of the UN Declaration on Human Rights Defenders, adopted by the General Assembly of the United Nations on December 9, 1998, especially:
 - Article 1, which states that "everyone has the right, individually and in association with others, to promote and to strive for the protection and

realization of human rights and fundamental freedoms at the national and international levels

- Article 12.2, which provides that “the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration”;
- The SHRC in Maharashtra to recommend urgently and speedily during the pendency of this complaint and to also take necessary steps to establish a state focal point for HRDs in order that HRDs in the have a new protection mechanism in their own state.
- Recommend urgently and speedily during the pendency of this complaint, the SHRC in Maharashtra to convene a meetings of all state human rights institutions in the state [women, minorities, right to information, disability, children etc] to ensure that a coordinated strategy is developed within the State of Maharashtra for the protection of the rights of human rights defenders.
- Recommend urgently and speedily during the pendency of this complaint, the State Government of Maharashtra in collaboration with the SHRC Maharashtra to publicly acknowledge the importance and legitimacy of the work of human rights defenders, i.e. anyone who, “individually and in association with others promote[s] and strive[s] for the protection and realization of human rights and fundamental freedoms at the national and international levels” (art.1 of the Declaration on Human Rights Defenders).
- More generally, ensures in all circumstances the respect for human rights and fundamental freedoms in accordance with in accordance with the Universal Declaration of Human Rights and with international human rights instruments ratified by India.

Looking forward to your immediate action in this regard,

Yours sincerely,



(Henri Tiphagne)

Honorary National Working Secretary