

September 29, 2020

To,  
Mr. C.S Mawri,  
Focal Point - Human Rights Defenders & Assistant Registrar,  
National Human Rights Commission,  
Manav Adhikar Bhawan,  
Block-C, GPO Complex, INA,  
New Delhi – 110 023  
Email: [hrd-nhrc@nic.in](mailto:hrd-nhrc@nic.in)

Dear Sir,

**Sub: HRD Alert – Urgent Appeal for Action – Maharashtra: Inaction by the Satara Police on physical assault and attempt to murder a Dalit Human Rights Defender Advocate Sujit Nikalje and his family.**

Greetings from Human Rights Defenders Alert!

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

National Dalit Movement for Justice (NDMJ) - NCDHR having its presence in more than 15 states of India is committed to the elimination of discrimination based on work and descent (caste) and work towards protection and promotion of human rights of Scheduled Castes (Dalits) and Scheduled Tribes (Adivasis) across India. NDMJ works towards the realization of all civil, cultural, economic, political and social human rights of Dalits and Adivasis in the country. NDMJ is actively involved in advocacy for the protection of HRDs working on the issues related to caste based discrimination and atrocities and is also engaged in the effective implementation the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act 1989 and Rules 1995 across the country.

We are writing to express our grave concern regarding physical assault by local goons on Advocate Sujit Nikalje and his family for his work as a human rights defender; and the subsequent apathy by the Satara Police in Maharashtra in registering the case and the following investigation.

**Source of Information:**

- Information from the HRD

- Information from HRDA West regional coordinator

**Date of Incident:**

September 6, 2020

**Place of Incident:**

Dhumalwadi Village, Phaltan, Satara

**Perpetrators:**

Inspector Nitin T Sawant, Phaltan Rural Police Station, Satara

**About the Human Rights Defender:**

Advocate Sujit Nikalje is a Dalit rights activist and lawyer practicing in Satara District. He has been spreading awareness about the SC/ST Prevention of Atrocities (PoA) Act in the district for the last 10 years and has represented many cases where atrocities have been committed on Dalits and Adivasis.

He is also a PhD scholar at the Tata Institute of Social Sciences (TISS) in Mumbai and undertook his MPhil research on atrocities faced by Dalit communities and based this research in Phaltan Taluka of Satara District, where the assault occurred.

**Details of the Incident:**

On September 6, 2020, Mr. Nikalje and his wife travelled from his home in Girwi in Phaltan to Dhumalwadi in the same district. He was also accompanied by his brother, sister in law and their children. On their return, the family stopped by at a waterfall near Dhumalwadi. Mr. Nikalje had noticed that a few people had been following them but didn't think much of it.

Around 1 PM, six men also entered the waterfall and began passing remarks on Mr. Nikalje's wife and sister in law. One of them touched Mr. Nikalje's wife inappropriately. Two of them, Mr. Kunal Gaikwad and Mr. Yogesh Jadhav, stated that they knew Mr. Nikalje and his work and stated that they were from the Maratha community. The group also included Mr. Srikant Nikam, Mr. Pramod Pawar, Mr. Deepak Gaikwad, Mr. Shubham Gejge.

Mr. Nikalje and his family exited the waterfall after which the group hurled several casteist abuses towards him and his family and even proceeded to physically intimidate them. Despite the blatant provocation, Mr. Nikalje pacified the group and

left the spot. The family proceeded to have lunch nearby. After lunch they began their journey back to Girwi.

At around 4.30 PM, they were stopped by the same group of men, who were now armed with sticks and iron rods. The group proceeded to hit Mr. Nikalje on the head and the shoulders. The HRD's brother was also assaulted by the group. They began shouting and calling for help and a small crowd began to assemble and came to their aid after which the six assaulters tried to get away.

One of them, Mr. Kunal Gaikwad, was caught at the spot and handed over to the police. Mr. Nikalje proceeded to a government hospital, who refused treatment due to COVID restrictions. He then went to a private hospital, where he asked for an MLC to be prepared. The HRD had injuries to his head and shoulders which required stitches and he continues to undergo treatment for his injuries.

The MLC was sent to the police around 8 PM on September 6, 2020. However, no official from the Phaltan Rural police station, under whose jurisdiction the incident occurred, visited the HRD at the hospital that night to record the statement or file a complaint. This despite the fact that one of the attackers was handed over to the police the same day.

The next morning, September 7, 2020, the Inspector of Phaltan Rural police station Mr. Nitin Sawant called the HRD to the police station and threatened him with a case against him, stating that he was at a waterfall which is a restricted area. The fact is that the waterfall comes under the jurisdiction of Dhamalwadi Panchayat, which had decreed that locals were allowed to visit it. The attackers, were in fact in contravention to the Panchayat's orders barring outsiders from visiting the waterfall. Furthermore, the police let off the Mr. Gaikwad on September 6, 2020, without registering a case despite having been caught red handed.

The complaint was finally registered at 7 PM on September 7, 2020, only after local HRDs called the Superintendent of Police Ms. Tejaswi Satpute and apprised her of the incident and the apathy of the local police. It must be highlighted that Ms. Satpute acted swiftly and immediately transferred the case to Dy SP Tanaji Barade, who is in charge of the Phaltan Division, and an FIR (FIR No: 0496) was registered against the six individuals.

A case has been registered against the assaulters under sections of Indian Penal Code (IPC) 324 (causing voluntary hurt), 354 [a] (assault on a woman to outrage her modesty), 143 (unlawful assembly), 147 (rioting), 148 (rioting armed with a deadly weapon). They have also been charged under the PoA Act – Sections 3[1] [r] [s], 3 [2] [va] and 3[1] [w][i][ii].

Five of the six were arrested on September 10, 2020, and presented in Session Court of Satara where their bail was rejected by the judge. The final order has been kept for September 25. Mr. Deepak Gaikwad continues to be absconding.

We believe that this was a pre meditated attack on a Dalit Human Rights Defender who has been working consistently in the region to raise awareness on human rights with a focus on the PoA Act. We also believe that the local police acted with deliberate apathy towards assault on a Dalit HRD. The group identified him and even stated that they knew him from his work. After the incident at the waterfall, the group armed themselves and waited along the road to attack the HRD in the intervening three hours. They had two more individuals to join them with motorcycles to help them get away quickly. The nature of attacks points to the fact that they were targeting to kill the HRD and it wasn't a case of inflicting injuries. However, the Satara police did not register a case of attempt to murder against any of the accused.

Despite the HRD handing over one of the perpetrators of the crime over to the police on the same day of the incident, no complaint was taken by them and he was released. The complaint and FIR was registered only after the SP intervened. Negligence by police is evident and clear in this case.

We also need to highlight that one of the six continues to be absconding and evading arrest for over two weeks since the time of the incident. He has been identified by the HRD as being the leader of the pack and took the lead in instigating the attack against the HRD. The fact that he continues to be free puts the life of the HRD and his family in imminent threat.

### **Appeal:**

We urge the Hon'ble Commission to:

- Direct the Superintendent of Police (SP) of Satara to submit a detailed report on the wilful negligence and inaction by Inspector of the Phaltan Rural police station Mr. Nitin Sawant by not registering an FIR on September 6, 2020. The SP should also inquire into the release of one of the six accused who was caught by the locals at the time of assault and handed to the police on September 6, 2020.
- Direct for an FIR against Phaltan Rural police station inspector and other police personnel under Section 4 of the SC ST PoA Act for their wilful negligence and inaction to register an FIR on September 6, 2020.
- Direct that the SP takes appropriate steps to include Section 307 (attempt to murder) of the Indian Penal Code to the existing FIR and all required measures to arrest accused and the main perpetrator Mr. Deepak Madhukar Gaikwad as Advocate Sujit Nikalje and his family remain vulnerable to further attacks.
- Direct payment of interim compensation, in addition to the compensation allowed under the SC ST PoA Act, to Advocate Sujit Nikalje given that the brutal attacks on him and his family are a result of his human rights work. We urge that this case is treated as a case of reprisal on human rights defender.

Looking forward to your immediate action in this regard.

Yours sincerely,



(Henri Tiphagne)  
National Working Secretary  
Human Rights Defenders Alert – India  
(HRDA)



(Dr. V.A.Ramesh Nathan)  
General Secretary,  
National Dalit Movement for Justice  
(NDMJ) - NCDHR

