



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

No. 555, West Cross 4th Street, K.K.Nagar, Madurai - 625 020, Tamil Nadu, India.

Mobile: 99943-68540

E.mail: hrda.india@gmail.com Web: www.hrdaindia.org

March 31, 2021

To,
Mr CS 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

Dear Sir,

Sub: HRD Alert – Urgent Appeal for Action – Gujarat: Brutal murder of Dalit RTI activist Mr. Amrabhai Boricha due to police negligence.

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.

We are writing to express our shock at the inaction and negligence of Gujarat police, which resulted in the brutal murder of Amrabhai Boricha in Bhavnagar District of Gujarat.

Source of Information:

- Information from HRDA West regional consultant
- Information from HRDs in the region
- Information from HRD's family members

Date of Incident:

March 2, 2021

Place of Incident:

Sanodar Village, Bhavnagar, Gujarat

Perpetrators:

Police Sub-Inspector PR Solanki of Ghogha police station and other police personnel of Gujarat Police responsible.

About the Human Rights Defender:

Mr. Amrabhai Boricha was a Dalit activist from Bhavnagar district of Gujarat. He had filed several RTI applications to highlight caste atrocities as well as RTIs related to the

functioning of the local panchayat. He was a farmer by occupation and his family was the only Dalit family to live in his village.

Background of the incident:

In 2013, Bhailubha Nirubha, Jayrajsingh Rajubha, Padubha Haritsingh and Viramdevsingh Hardevsingh, all belonging to *Kshatriya* community, had attacked Mr. Amrabhai Boricha and broke his leg. A criminal case was registered against the four on a complaint by Amrabhai Boricha. The next hearing in the case was scheduled for March 9, 2021. According to the family of the HRD, the four accused were pressurising Amrabhai to compromise and take back the case.

In September 2020, Bhupatbhai Manubhai Rajput, was involved in an altercation with the HRD over a land issue. After the altercation Amrabhai went to Ghogha Police station to register a complaint but sub-inspector PR Solanki did not register the complaint.

Amrabhai had been asking SI Solanki to provide protection for the past four months given the pressure and threats against him. Another altercation with Bhupatbhai on January 4, 2021, led to the HRD being physically assaulted and requiring eight stitches on his head due to the injuries inflicted on him by Bhupatbhai. An FIR was registered at the Ghogha Police Station and Amrabhai got four personnel Gruh Raksha Dal (GRD) or Home Guards (two during the day and two during the night). The GRD are not armed with any weapons and only have batons.

On February 28, 2021, Bhupatbhai, and the HRD had another altercation. This time HRD's daughter, Nirmalaben, called Ghogha police station but her call was not responded. At night on February 28, 2021, SI Solanki visited the HRD's house and inquired about incident. The HRD requested that he be given armed protection instead of GRD protection as there was a threat to his life.

On March 1, 2021, Amrabhai went to Ghogha police station to file a complaint. Nirmalaben in her complaint against SI Solanki has stated that the HRD, after returning home, told her that SI Solanki did not register his complaint and instead abused him and pushed him out of the police station. In her complaint against SI Solanki registered after the HRD's murder, Nirmalaben has said that SI Solanki refused her father's plea and said that nobody was going to kill him and will not get protection. SI Solanki also said that they could always come to him after someone murders the HRD.

Details of the Incident:

On March 2, 2021, a group of around 12 people passed by the home of the HRD as part of the procession at about 4 pm in the evening. They returned a little while later. The HRD and his daughter Nirmalaben came out to their home compound to see what was happening.

According to Nirmalaben, at 4:30 pm, **Bhailubha Nirubha Gohil**, Shaktisingh Nirubha Gohil, **Jayrajsingh Rajubha Gohil**, Kanaksingh Haritsingh Gohil, **Padubha Haritsingh Gohil**, Munnabhai Babhbhai Gohil, Manharsingh Jagdishsingh Gohil, Harpalsingh Girirajsingh Gohil, **Viramdevsingh Hardevsingh Jadeja** and Manharsingh Chotubha Gohil rushed inside the HRD's house compound armed with weapons. Out of them, Bhailubha Nirubha, Jayrajsingh Rajubha, Padubha Haritsingh

and Viramdevsingh Hardevsingh are accused in the 2013 case, where they had assaulted Amrabhai and had broken his leg.

Seeing this, the HRD and his daughter locked themselves inside a room in their home. The assailants broke open their compound gate and the room door. Bhailubha Nribha Gohil attacked the HRD on the head with a sword after which the HRD fell to the ground with excessive bleeding from his head. The HRD's daughter tried to save her father and was struck by Bhailubha and received injuries on her head due to his attack. In between Jayrajsingh Rajbha attacked the HRD with a *Dhariya* (a machete) on head. The daughter again tried to save her father from further attack, due to which her middle finger was badly cut.

Shaktisingh Nirubha attacked the HRD on his shoulder with iron pipe, Kanaksingh Haritsingh struck the HRD's stomach with blunt side of an axe, Padubha Haritsingh attacked the HRD's right hand with a wooden plank and Munnabhai Babhbha hit the HRD on the leg with blunt side of a Dhariya. Manharsingh Jagdishsingh hit the HRD in the back and Manharsingh Chotubha hit his shoulder with wooden planks. Harpalsingh Girirajsingh and Jayrajsingh Rajbha were also armed with dhariya and hit the HRD on his waist and his daughter on her head.

The assailants then continuously hurled caste abuses at the HRD and his daughter and told the daughter that they had murdered her father, do whatever you can. They also ransacked their house breaking the doors, windows and cupboards. All assailants belong to the *Kshatriya* community.

It is important to note that the two personnel Gruh Raksha Dal (GRD) or Home Guards, deployed for protection, did not do anything during the attack. They also did not have any equipment or weapons.

The GRD personnel were not equipped to do deal with a brutal attack of this nature but had recorded the incident on their mobile. However, according to media reports, the assailants forced the two personnel to delete the recordings from their phones.

After the attack, the GRD personnel called their local police station to inform them of the attack. His daughter, who was also severely injured, called the 108 helpline and she and her father were taken to Sir T Hospital in Bhavnagar. The HRD was declared brought dead, while his daughter received several stitches on her head and finger.

Two FIRs have been lodged in this case on March 3, 2021 – FIR No 20210159 and 20210160. FIR No. 20210159 against 10 persons mentioned above who have been charged under sections of the Indian Penal Code (IPC) for murder and attempt to murder (302 and 307), house trespass with preparation to hurt (452), criminal intimidation (506(2)), causing voluntary hurt (324), unlawful assembly with deadly weapons (143), rioting with deadly weapon (147 and 148) and other relevant sections as well as sections 3(2)(v), 3(1)(r), 3(1)(s) of the Scheduled Castes and Tribes (Prevention of Atrocities) Act . So far, seven of the ten accused have been arrested by the Bhavnagar Police.

FIR No. 20210160 has been registered against SI Solanki of Ghogha police station, who has been accused of ignoring the victim's apprehensions regarding threat to his life. He has been charged under section 166 of IPC (public knowingly disobeying

directions of law) and section 504 of IPC (causing intentional insult) as well as section 4 (1) of the Scheduled Castes and Tribes (Prevention of Atrocities) Act. He has been suspended.

We believe that this is not only a case of murder of an HRD for his RTI work but also an instance of caste based murder of a Dalit activist and caste based negligence by the local police. We also believe that the local police has acted with deliberate negligence towards the Dalit HRD due to their caste affiliation resulting in the murder of the HRD. The fact that the complaint of Amrabhai against the accused were not only dismissed by SI Solanki who also threatened him that he will file an FIR after the HRD is murdered points to deep hatred and abetment of this act of atrocity against the HRD.

Appeal:

In light of the gruesome murder that could have been prevented, we urge the Hon'ble Commission to immediately:

- Direct the District Collector / Superintendent of Police of Bhavnagar to submit a detailed report on the wilful negligence and inaction by Sub Inspector PR Solanki for not registering an FIR on February 24, 2021.
- Direct the District Collector / Superintendent of Police of Bhavnagar to ensure that all provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 are strictly followed in this case and periodically inform the Hon'ble Commission on the updates in this case.
- Consider exercising Section 12(b) of the Protection of Human Rights Act and intervene in the proceedings before the concerned court.
- Recommend immediate interim compensation of Rs. 5,00,000 and further in accordance with the provision of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
- Guarantee in all circumstances the physical and psychological integrity of Ms. Nirmalaben from any further reprisals from the perpetrators and using all provisions of law to ensure that she and her family are not harassed or threatened by the assailants or the police.

Yours Sincerely,



Henri Tiphagne
National Working Secretary