

# Citizens for Justice and Peace

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December 5, 2012

To,

Shri Prithviraj Chavan,  
Hon'ble Chief Minister of Maharashtra  
Government of Maharashtra

Dear Sir,

**Ref : Outstanding Issues arising out of the Palghar Episode**

Sir we would like to commend the prompt action by your government to ensure that the malicious charges against Shaheen Dhada and Renu Srinivasan are dropped and that policemen responsible for these unlawful acts are prosecuted. We would like to point out certain key outstanding issues on behalf of the 21,537 signatories to the earlier petition.

**Arrest of Shaheen Dhada and Renu Srinivasan on November 17, 2012**

- It was an Illegal Arrest, this has been admitted by media accounts of the IG's report to the State Government ( dated November 21-23 2012) that stated that no offences under Section 285a CrPC (later dropped), read with Section 66A of the IT Act or Section 505 of the CRPC are made out ( **CR Nos I 89/12** ). We have been informed that the process is on but charges have not yet been dropped (Reports are that the charges are under sections 295 and 505 of the CrPc and Section 66A of the IT Act. **We urge that charges are dropped immediately and the Bail amounts deposited are returned.**
- IG Konkan Range Sukhwinder Singh has assured us that process for dropping charges is on and will be completed within a week.
- The complaint of Bhushan Sankhe, Shiv Sena Palghar was malicious and based on false information, an offence under Section 177 of the IPC Act and should therefore also be booked and prosecuted.

- **Nothing Offensive about the Post** There was nothing remotely offensive about the Facebook post. It reads, “With all respect, every day, thousands of people die but still the world moves on. Just due to one politician dies a natural death, everyone just goes bonkers. When was the last time did anyone show some respect or even a two minute silence for Shaheed Bhagat Singh, Azad, Sukhdev or any of the people of whom we are free loving Indians? Respect is earned and definitely not forced. Today Mumbai shuts down due to fear, not respect [sic].”
- The arrests of Shaheen Dhada and Renu Srinivasan, late in the evening and keeping them at the police station late into the night not only displayed an utter lack of sensitivity but also violated the law. The law, is clear (Sections 46(4) and 160 of the Criminal Procedure Code (CrPC), which prohibit cops from arresting a woman between dusk and dawn and calling a woman to a police station to record her statement,) that the cops cannot summon a woman as a witness to the police station. Instead, they are mandatorily required to go to the woman’s house to record her statement. Besides, they cannot arrest a woman between sunset and sunrise except under “exceptional circumstances”. The police arrested Shaheen Dhada (21) for her post on a social networking site protesting against the shutdown in Mumbai following Bal Thackeray’s death. They also nabbed her friend Rinu Shrinivasan (20), who had ‘liked’ the comment.

### **Legal Trainings Urgently Needed**

Policemen need to be trained and sent advisories on what does or does not constitute offences. Often the “incitement to violence” aspect of such offences is ignored by the police and not prosecuted. Thorough legal training of policemen about the general law, gender sensitivity, CRPC amendments, the IT law etc need to be undertaken.

### **Vandalism of Dr Abdul Gaffar AS Dhada’s Clinic/**

#### **Action Against Shiv Sainiks**

- Ten Shiv Sainiks were held on November 20 2012 and immediately released on Bail for Vandalism of Dr Abdul Gaffar AS Dhada’s clinic (Sections 143, 147 (rioting punishable with imprisonment....), 149,336 (ct endangering life or personal safety of others), 427 (mischief causing damage...), 451 (House Trespass....), of the IPC are in the FIR, CR Nos 90/2012)..
- The accused — Jaffar Abdul Khan Shaikh (27), Imran Ayubkhan Shaikh (29) of Dhongipada, Hemant Sitaram Sogle (30) of Komar village, Ganesh Girdhari Harijan (30), Mukhtar Rafiquddin Dhaikh (55), Santosh Madhu Pujari (23) and

Ramesh Lakhu Gawari (24) of Gandhinagar, Mohankumar Paramhans Madesi (22), Usman Shafiullah Khan (43) of Wevur village and Sadanand Anant Bonge (35) of Vaghulsar village — were arrested from their homes and we hope that the Investigation Is thorough and the case proceeds promptly so as to ensure that such incidents are not repeated.

This aspect needs to be addressed in the long term. Legal Training of Policemen about the law and changes in the Criminal law Amendment Act on Arrests etc need to be given at local levels.

- **Compensation/reparation for the Vandalism of Dr Dhada's Clinic** No Compensation has been announced by the State Government. We appeal to the Chief Minister to ensure that some compensation is paid to Dr Abdul Gaffar AS Dhada to send out an example. **This money should be recovered from the Shiv Sena, as senior MP of the Shiv Sena Sanjay Raut has defended the unlawful and illegal actions.**

Under a 2010 law—*Maharashtra Medicare Service Persons and Medicare Service Institution (Prevention of Violence and Damage or Loss to Property) Act*—damaging a medical institution is a non-bailable offence that attracts three years in jail and a fine of Rs 50,000. It also requires the accused to compensate the victim with twice the cost of damage. **The state government should ensure that after the Investigation has been completed, relevant sections of this law—Maharashtra Medicare Service Persons and Medicare Service Institution (Prevention of Violence and Damage or Loss to Property) Act—are applied. Shiv Sena as an organization should be joined as a party to recover the compensation amount.**

### **Action Against Policemen**

We welcome the prompt action by the Police and State government in suspending both the Superintendent of Police and the Police Inspector in charge of the Police station. The state government should consider serious prosecution of these officers to make out an example that such cases will not be repeated.

### **Action Against Abettor Shiv Sena leaders like Sanjay Raut**

To nip such incidents in the bud, we urge that Shiv Sena leaders like MP, Sanjay Raut as instigators or abettors should be considered. Newspapers like the *Saamna* need to

be closely monitored as they have been known to violate sections 153(a) and (b) of the Indian Penal Code.

For example, he stated that “ “We think the police have done the right thing by arresting the two girls for the controversial comments in the wake of Balasaheb’s death,” said Raut. “The two girls should have respected the sentiments of lakhs of Balasaheb’s followers, who spontaneously stopped all activity in Mumbai. The shutdown was not organized by the Sena. It was the heartfelt response of Shiv Sainiks and the Sena chief’s countless admirers. Those who wrote the comment blaming the Sena for bringing Mumbai to a halt should have realized this.”

November 21, 2012,

<http://epaper.timesofindia.com/Default/Scripting/ArticleWin.asp?From=Archive&Source=Page&Skin=TOI&BaseHref=TOI/2012/11/21&PageLabel=5&EntityId=Ar00506&ViewMode=HTML>

However, the Shiv Sena has once again justified the arrest of the two girls. Shiv Sena leader Sanjay Raut said, “We support the police action on the Facebook comment. The law has taken its course. Balasaheb Thackeray is our God. We will not tolerate any offensive comments against him. No Shiv Sainik and no Marathi Manos will remain silent. The police know who was behind the Facebook comment. The arrest is justified.”

November 21, 2012,

<http://www.indianexpress.com/news/not-right-time-to-discuss-memorial-uddhav/1033802/0>

Party MP and spokesperson Sanjay Raut said: “The police took action as they thought was fit and law has taken its course, which the party supports.”

Raut, who claimed that it was not Sainiks who vandalised the hospital, said: “The posts were about a great leader of Maharashtra, so the backlash was expected. The bandh was voluntary and not called by the Sena. If the women had the right to express their views, the Sainiks also have the right to express what they feel.”

November 21, 2012,

<http://paper.hindustantimes.com/epaper/viewer.aspx>

Raghunandan Maluste

Anil Dharker

Javed Anand

Teesta Setalvad

Other Signatories (plus 21,450 others):

Justice P B Sawant, Justice Kolse Patil, Justice Hosbet Suresh, Romila Thapar, Ram Rahman, Cyrus Guzder, MK Raina Rajendra Prasad, Madhu Prasad, Suresh Bhosale, Sumedh Jadhav, Jyoti Punwani, Naresh Fernandes, Ravi Kulkarni, Shakuntala Kulkarni, Mrinmayee Kulkarni, Abhishek J Agrawal, Kumar Ketkar, Amili Setalvad, Nakul Mehta, Dolphy D'souza, Navroz H. Seervai, Bindu Desai, Arpana Caur, Kiran Nagarkar, Nilima Sheikh, Shripad Dharmadhikary, Ammu Abraham, Anand Patwardhan, Shilpa Gupta, Ahmad Cameron, Shadi Katyalsearch, Devinder Thakur, YB Shaikh, Fr. Cedric Prakash, Lalita Ramdas, Geeta Seshu, Amita Buch, Sharmila Rege, Rohit Prajapati, Trupti Shah, Irfan Engineer, Himanshu Upadhyaya, Seema Chishti, Sophia Khan, Maya Valecha, Urvi and Gautam Desai, Trupti Parekh, Ambrish Mehta, Prasad Chacko, Shripad Dharmadhikary, Khan Sophia, Maya Valecha, Urvi Desai, Gautam Desai, Trupti Parekh Mehta, Ambrish Mehta, Prasad Chacko, mini Mathew, Nandini K Oza,