

January 19, 2018

To:
Shri Datta Padsalgikar,
Commissioner of Police,
Mumbai

From:
Citizens of Justice and Peace ("CJP")
Mumbai

Re: Widespread illegal detentions and arrests of Dalits and combing operations in Dalit communities

Dear Sir,

Citizens of Justice and Peace (CJP) has been deeply disheartened to learn that, following the protests that broke out after members of the Dalit community were attacked in Bhima Koregaon, the Maharashtra police have allegedly been conducting searching and combing operations, especially in *bastis* that are home to Dalit and Bahujan working class people. Reports of such combings in select parts of Mumbai too have been coming in.

This effort, seemingly an attempt to intimidate, has resulted in people being terrorised; numerous people have been arrested, and some have been forced to escape, disrupting these communities' economic and social fabric. Due process has been lacking in this situation: for instance, on January 16, 2018, nine women who were detained and arrested despite having no involvement in the protests were finally granted bail by the local court (Kalyan-east). We are aware that this is not within Mumbai jurisdiction but similar reports from Vikhroli, Khanjur Marg and Powai, with people out of fear fleeing bastis are coming in. We are in the process of collating this data. While the problems all over the state of Maharashtra are acute and we have received adverse reports from Nanded, Latur and Aurangabad especially apart from rural Pune itself, we shall be taking this up with the Director General of Police (DGP), Maharashtra also.

On January 10, Shri Prakash Ambedkar, grandson of the late, Dr. Babasaheb Ambedkar, had claimed in a press conference that, with reference to Dalits being targeted, he and his organisation had been informed that around 3,000 individuals have been detained or arrested. (<https://sabrangindia.in/article/home-grown-terrorists-threatening-cm-phadnavis-minister's-lives-prakash-ambedkar>)

First, it is key to note that bulk FIRs against large sections have been reportedly registered in an arbitrary fashion, with the FIRs themselves containing vague language in certain

instances. We are in the process of collecting detailed FIRs and reports from areas in Mumbai **but urge that you in your capacity call for a copy of those registered and assign a senior team to examine them so that ordinary, peace loving people are not harassed in this fashion.** (In Kalyan East, an area that has been particularly badly impacted by this crackdown, an estimated 95 people have been booked under the Indian Penal Code's (IPC) Section 307 (attempt to murder). Moreover, at least 13 individuals were forced to remain in judicial custody and did not have access to legal aid or any other support).

Numerous people have been charged with Sections 34 and 427 of the IPC:

- Section 34 (a criminal act done by several persons in furtherance of the common intention of all)
- Section 427 (mischief resulting in damage of Rs. 50 or above) FIRs referring to these sections have been registered, but they do not contain any names of the accused. In one instance, regarding the damage caused to a bus travelling from Kandhar to Jham, the FIR did not name any accused, but simply stated that two or three unidentified passengers began pelting stones that broke the glass. FIRs registered under multiple other sections of the IPC also do not name any accused individuals. These sections include
- Section 147 (rioting)
- Section 295 (injuring or defiling places of worship with intent to insult the religion of any class)
- Section 336 (endangering life and personal safety of others)
- Section 353 (assault or criminal force to deter public servant from discharge of his duty)

Given that these FIRs do not include names of any accused, police have been arbitrarily detaining people from *bastis*. This has occurred in Bhusaval, Hadhgaon, Himayat Nagar, Kalyan, Kandhar, Mumbai, Nandedgaon, Tamasa, Umari, and other areas, with people being detained in groups of 20-25. In a particularly unconscionable incident, members of the Rapid Action Force *lathi*-charged a peaceful protest in Hadhgaon, resulting in the death of one schoolboy after he sustained head injuries.

<https://sabrangindia.in/article/widespread-illegal-detentions-arrests-dalits-combing-operations-continue-dalit-bastis>)

Rashtra Seva Dal, a social welfare organisation that works to promote Dalit rights, conducted a fact-finding investigation regarding the events at Bhima Koregaon, which raises several questions and concerns. Rashtra Seva Dal found that Bhima Koregaon's village council had passed a resolution to observe a shutdown on January 1, 2018, and had notified the police, who ignored it. The organisation questioned why a village that seemingly hosts outsiders every year decided in favour of a shutdown this year, which led to visitors not even being able to obtain a glass of water. The organisation also noted that the Hindutva elements involved in these events are free, and giving interviews and posting distorted video clips on social media that lay the blame for the events on Dalits. Rashtra Seva Dal has also opined that the episode clearly suggests an effort to splinter Marathas and Dalits to sow disorder in Maharashtra. The organisation has called for the arrest of those involved in the Bhima Koregaon riots, the establishment of a judicial inquiry, and scrutiny of the role of the police and the media in these events. A more detailed account of the findings of its investigation can be found in the appendix of this memorandum.

<https://www.sabrangindia.in/article/what-really-happened-bhima-koregaon>)

It is vital to remember that combing operations, similar to recent ones, were also conducted during the 1970s alongside the Dalit Panther Movement. They were also performed in 1997, in Ramabai Nagar, Ghatkopar, where the desecration of a statue of Dr. Ambedkar prompted protests; members of the State Reserve Police Force (SPRF) fired on protesters, killing 11 people and wounding 26. It is disappointing that members of one of the country's most marginalised communities are again being targeted, with their only crime being to stand up for themselves after being attacked.

<https://www.sabrangindia.in/article/violence-against-dalits-bhima-koregaon-stark-reminder-1997-ramabai-nagar-atrocities>

We urge that as the person all of Mumbai looks to for the maintenance of law and order and fair play, these grievances are looked into at the earliest and wrongful detentions, if any are set right.

In anticipation of a response,
Yours Sincerely,

Teesta Setalvad,
Secretary & Trustee
(Given in a joint Delegation to the Commissioner at 1 p.m. on Friday, January 19, 2018)

Other Trustees:
Anil Dharker (President), Nandan Maluste (Vice-President), Cyrus Guzder, Alyque Padamsee, IM Kadri, Javed Anand, Shakuntala Kulkarni, Chitra Palekar, Cedric Prakash