



defending human rights in the courts and beyond

Date: March 29, 2023

To,

Shri Vivek Phansalkar,
Commissioner of Police, Mumbai
DN Road, Opp Crawford market, Dhobi Talao, Fort,
Email: cp.mumbai@mahapolice.gov.in

(कक्ष २) नॉदणी झाख
पोलीस आयुक्त, वृहन्मुंबई यांचे कार्यालय
29 MAR 2023

Copies to:

1. Shri Rajendra Kane,
Sr. PI, Santacruz Police Station
Mumbai

2. Shri Anil Paraskar
DCP- Zone IX
Email: dcpzone9-mum@mahapolice.gov.in

Subject: Intimation about Ram Navami procession which can cause law and order issue in Santacruz, Mumbai

Dear Sir,

We, at Citizens for Justice and Peace (CJP), are extremely concerned about the 'Bhavya Shobha Yatra' which is proposed to be carried out in Santacruz on March 30 on the occasion of Ram Navami. **This is day after tomorrow** This procession is being organised by Vishwa Hindu Parishad (VHP) and Bajrang Dal's units in the city. The procession will start from Royal Hotel Shanti Nagar, Santacruz at 4 pm and go through, Juhu Koliwada, Navjeevan, Daulat Nagar circle, Milan signal, Santacruz station and end at Gajdhar bandh Narendra apartment.

Last year, during Ram Navami, which was celebrated on April 10, 2022 many incidents of clashes, stone-pelting, *trishul diksha*, attacks on students and many other instances of violent communal confrontation were reported from Gujarat, Delhi, Madhya Pradesh, Jharkhand and West Bengal. One death was reported in Gujarat; at least 10 persons were injured in stone pelting in Jharkhand, 10 houses were burnt during violent clashes in Madhya Pradesh and violence was reported in West Bengal, all in one day when Ram Navami was celebrated.

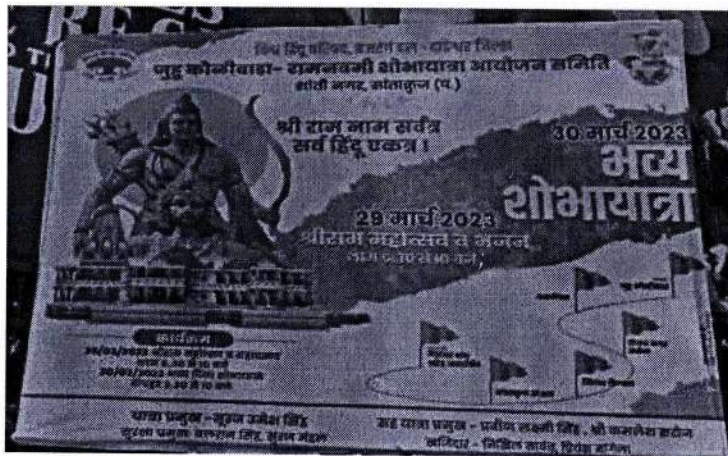
To avoid any such untoward incidents of violence and breach of peace, we urge you to keep vigilance on these events, **in case you allow the procession to take place**. There are also provisions in the law for strict preventive action in case may deem it (Section 151 CrPC). We would also humbly suggest that a video of the rally be shot so that it becomes easier for you and your team to take action suo moto if any violations or offences are committed. In the interest of maintaining harmony and law and order in the city, we request you to take necessary action in this regard.

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Citizens for Justice and Peace

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Several banners have been put up in the locality indicating the route and promoting this procession.



Sir, we urge you to take preventive action against this event keeping in view the Supreme Court order of February 3, 2023 whereby the court had directed (with respect to a hate speech event proposed in Mumbai) *that the "Officer(s), in case, permission is granted and, in case, the occasion arises for invoking the power under Section 151 of Cr.P.C. as aforesaid, it shall be the duty of the Officer(s) concerned to invoke the said power and to act as per the mandate of Section 151 of the Cr.P.C."*

We also request that a video of the event is taken to look for instances of hate speech so that you can then take suo moto action and file case against the speakers if needed. This is also a part of the Supreme Court's directions in its order dated October 21, 2022 whereby it said,

"As and when any speech or any action takes place which attracts offences such as Sections 153A, 153B and 295A and 505 of the IPC etc., suo moto action will be taken to register cases even if no complaint is forthcoming and proceed against the offenders in accordance with law."

It further said that if no suo moto action is taken in this regard, it will amount to contempt of court:

"We make it clear that any hesitation to act in accordance with this direction will be viewed as contempt of this Court and appropriate action will be taken against the erring officers," the order reads.

Accordingly, sir, please consider this intimation regarding the proposed Ram Navami and take preventive or penal measures as you may deem fit, in view of the information provided by us in this letter.

Thanking you

Yours sincerely,

Nandan Maluste, CJP President

Teesta Setalvad, CJP Secretary