

Confrontation between Muslim rioters & Police In Bhiwandi – 2006

Study Report.

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2 : Details :-

A) Members of the study group

1. Mr. Milind Arolkar.
2. Dr. Abhiram Dixit.
3. Mr. Rammohan Khanapurkar.
4. Mr. Gaurishankar Ghale.
5. Adv. Ashish Chavan
6. Adv. Suhas Jape

B) Duration of study tour

August & September 2006

C) Persons interviewed by the study group : 34.

Citizens :

1. Mr. Seeraj Ahmad Gulam Nabi, Muslim resident, Quarter Gate mosque area.
2. Mr. Momin Umer, local resident, Quarter Gate mosque area.
3. Mr. Syed Ahmad Mahmood Anif, local resident, Quarter Gate Mosque.
4. Mr. Rakesh Ramchandra More, local resident, Vetalpada.
5. Mr. Manohar Kisan Kardile, local resident, Vetalpada.
6. Mr. Shamim Ansari, teacher.
7. Mr. Subhash Rai, local resident, Vetalpada.
8. Mr. Vinod Jain.
9. Residents of Jain Colony.
10. Residents of Chindisha Durgah locality.

Politicians

1. Mr. Shyam Patil – Bhartiya Janata Party (BJP).
2. Mr. Vilas Patil – Mayor.
3. Mr. Yogesh Patil, MLA Shiv Sena, Bhiwandi.
4. Mr. Subhash Mane, President Shiv Sena, City Unit.
5. Mr. Yashwant Choudhary, Corporater (Independent)
6. Mr. Kalim Ahmad Khan, Samajwadi Party.
7. Mrs. Kalpana Sharma, Corporater.

D) NGOs contacted by the study group

Government officials:

1. Mr. D. Shivanandhan, Commissioner of Police, Thane Commissionerate.
2. Mr. Ravindra Sengaonkar, DCP, Bhiwandi Zone II.
3. Mr. R.D @ Raosaheb Shinde, DCP Bhiwandi (until 5th July, 2006).
4. Police personnel.
5. Resident Medical Officer, Indira Gandhi Memorial Hospital.
6. Fire Brigade.
7. State Transport Corporation, Bhiwandi Depot.

Political and social organizations

1. Mr. Yousuf Raza, Raza Academy.
2. Mr. Mahadev Kunte. Senior Hindu activist.
3. Mr. Rajesh Kunte, RSS Secretary, Bhiwandi.
4. Mr. Manoj Raycha, Advocate, Bhiwandi, VHP activists, Save Cow Agitation Zonal activists.
5. Mr. Gulam Nabi Ansari, President Muslim League, Bhiwandi & also the editor of '*Jinnah Times*'.
6. Mr. Mufti Hujaifa, Moulana of *Jamat-E-Ulema-Hind*
7. Mr. Trilokchand Jain, RSS.

Journalists: 3 .

1. Mr. Gopal Singh – Journalist, *Navbharat Times*, a Member of Mohalla Committee.
2. Mr. Tushar Shete – Local Correspondent
3. Mr. Sharad Bhesale, local scribe.

4. Objective

Center for Human Rights & Awareness, an aegis of Rambhau Mhalgi Prabodhini (RMP) decided to study the recent Muslim and police confrontation. The aim of this report is as follows: -

1. It is necessary to come out with a detailed analytical report on the events, which transpired on 5th July 2006 in Bhiwandi, which could be compiled after taking into accounts the events that have taken place in the past.
2. The reality in the incidents of attacks on police and the brutal killings of two policemen should be brought out in the society.
3. The human rights of the policemen, who are the custodians of the law, are never discussed. Therefore, many in the society feel that

the police do not have human rights. Hence, the aspect of the human rights of the police needs to be broadly outlined.

4. The strategies of the anti-social elements need to be analyzed and brought before the public.
5. Suggestions are made with a view that such incidents are not repeated in future.

5. **Bhiwandi – An overview**

Geography:

1. Bhiwandi *Taluka* (province) is situated between two rivers, Kalyan vadi and Vaitarana. Located on the North of Mumbai at 51 Kms., the district headquarter is at Thane which is 16 Kms. from this town. The nearest railway station is Bhiwandi Road barely 2 Kms and Kalyan railway junction is 14 Kms away.
2. Before 1862, Bhiwandi was a small town and Nizampur was lying to the east of Lendi Bridge. In 1862, both Bhiwandi and Nizampur were amalgamated and a municipal council came into existence.

Industrial scenario:

1. Bhiwandi is famous for teak wood, rice, grass, salted fish, Bullock cartwheels, etc. However due to urbanizations all these industries took back seat.
2. Textile manufacturing is the sole of Bhiwandi due to the proximity of Kalyan railway junction and also Mumbai market having near by and it has a turnover in millions.
3. As the laborers in this textile manufacturing are illiterate and unorganized, they are exploited.

Present Scenario:

1. Until 1970, Bhiwandi was a small township, clean and airy with a population of just 70,000.
2. In 2006, the population has swelled up to 8,00,000 and it has become a very dirty, undisciplined due to non existence of a competent administration.

6. Bhiwandi – History of: -

1. The history of Bhiwandi can be traced back to 1,000 to 1,000 years. There are references to it in Mahikavati's Bakhar edited by noted historian V.K. Rajwade.
2. Right from Adil Shah to the period of Peshwai, Kalyan – Bhiwandi was treated as united province. After the demise of Nizam rule, it went to Adil Shah.
3. Chatrapati Shivaji Maharaj regained this territory in 1657.
4. In 1682, the Moguls won this Kalyan – Bhiwandi province from Chatrapati Sambhaji.
5. On 5th August, 1719, Chatrapati Shahu Maharaj Satarkar won this province.
6. In 1818, after the end of Peshwai-Maratha rule, Englishmen captured Bhiwandi province.

There is a historical background to the communal riots in Bhiwandi, which dates back to 100 to 150 years. More so, these riots have sparked off due to religious reasons, or religious processions or desecrations of idols of gods and goddesses and great men.

In 1837, as Hindu idols had been desecrated by the Muslims, it caused lot of blood shed. On the day of Chaitra Shuddha Ekadashi (as per Hindu calendar) two processions of Hindu gods Lord Vitthal – Rakhumai and *Moharrum* procession of Muslims came face to face, which followed the riots. Muslims run amok in the town and broke into pieces many Hindu idols.

When Hindus were facing torrid time, it was Nana Shankar Set from Mumbai who gave them a justice.

The riots in 1970 were sparked off over the procession of Lord Chatrapati Shivaji. Since 1963, the Shiv Jayanti festivities are being celebrated on public scale. From 1965 restrictions were imposed on the route of these public processions, which culminated in 1970 rioting.

On 7th May, 1970 as the Shiv Jayanti procession came near gold Fisher market the people belonging to both the communities

confronted each other. Arson and killing ensued. Within few minutes the rioting flared up in the entire city, which created repulses in entire Maharashtra state. Bhiwandi city was in flame for seventeen days.

After this, the government banned Shiv Jayanti Procession and appointed Justice Madon commission enquiry to find out the solution to such kinds of crisis.

It was the police lethargy, lackadaisical attitude of local administration; weak intelligence networks were the principle reasons for these riots, the commission opined.

Muslim community submitted a memorandum to Madon commission vide it's letter dated 18th April, 1970 , in which some restrictions were suggested on the eve of religious festivities.

1. No gulal (red colored powder) be hurled during procession.
2. No provocative and abusive slogans are aired.
3. As this was a national festival, no 'Saffron' color flag is fluttered.
4. The procession should be taken on previously determined route, avoiding the sensitive localities.

In 1984, the ban on Shiv Jayanti Procession which lasted for fourteen years was revoked. As a reaction to this, the Muslims also fluttered 'Green' color flags on the eve of *Shabb-e- Barat* across the town. On 17th May, in Ghungat Nagar locality some Muslim zealous youths furled a Green flag on the tree, which resulted in minor scuffle and fight. On the same night, do to persistent rumor mill mongering, a colossal communal riots broke out which lasted for three years. The damage that was caused was unbelievable.

This riot was the worst of its kind. In spite of this not a single accused got convicted, although the special court functioned for nearly sixteen months. Finally, it became the mockery.

Ninety-five percent of those who were killed in these riots were poor and innocents and none of them had any criminal background or history, as they were daily bread earners.

Some other significant developments in Bhiwandi:

1983 – Demonstration against Al-Qabir abattoir

The construction of the biggest mechanized abattoir in Asia began in Sonde Gorse village body area, close by to the then Municipal Council of Bhiwandi.

Local Hindus in Bhiwandi agitated against this abattoir, in the name of 'Save cow' agitation.

The polluted water of this abattoir would have been discharged in Kamvari River which passes through Bhiwandi city.

A possibility of foul smell emanating from this abattoir was quite large.

On 18th October, 1983, the local Hindus organized a massive demonstration on this abattoir, which culminated in stone throwing incidents and four persons died in the police firing.

Murder of local lawyer Lalit Jain.

1. Mr. Lalit Jain was the legal advisor of Bajrang Dal in Bhiwandi. He was also involved in 'Save Cow' agitation began in Bhiwandi. He had also agitated against the illegal cow slaughter in and around Bhiwandi.
2. When his 'Save cow' agitation generated huge support, the matter went to Bombay High Court by way of a petition in which the then Thane Commissioner of Police Mr. S.M. Shringari was required to tender an apology in court. Due to this legal victory, a sort of resentment had spread in the Muslim community against the 'Save cow' agitation.
3. On 24th April, 2002 Mr. Lalit Jain had to pay the price of his life, as he was gunned down in a broad day light.
4. The police have lodged an offence in that regard and the matter is *sub-judice*.

These are some of the significant developments which have bearing on the communal tension prevailing in Bhiwandi.

History of Muslim & Police Confrontation

6.1 The necessity of full fledged police station.

The conditions of police stations in Bhiwandi are very precarious owing to the volume of the work and given the history of communal

riots in the town. In all there are five police stations in Bhiwandi situated at Nizampura, Bhoiwada, Bhiwandi City (Kumbhar Wada), Shanti Nagar and Narpoli and none of which is having its own and well planned premises. The information about two police stations concerning 5th July incident as follows : -

6.1.1. Nizampura Police Station.

This was set up in 1935 and the oldest in the town situated on the bank of a rivulet. Alongside of this police station, there lies a vegetable market, fish market which makes a very crowdie atmosphere flanked with garbage. When flooded the rainy water attains a height of 9 to 10 feet inside the police station and damages lots of papers and other materials. Hence, this police station is required to be temporarily shifted to Meenatai Thackeray Theatre during every monsoon. A sensitive area in the town falls in the jurisdiction of this police station and hence it causes a severe strain on the police station, whenever any troublesome incident happens in the town.

There are not enough facilities in the police station, which has staff strength of 125 to 150 personnel. It has no good provision of drinking water and there is only one WC for the officers, constables and detained accused as well.

One can sense what is happening inside the police station even by being outside of the police station. Thanks to cramped rooms. There is no independent detection room. Hence, the secrecy which needs to be maintained gets threatened.

6.1.2. Bhiwandi City Police Station:

Bhiwandi City (Kumbhar Wada) Police Station is situated since 1970 in the private property of Dr. Acharya. Its condition is not much different from Nizampura Police station.

The crime rate within the jurisdiction of this police station is bit higher. Being situated on the boundary of Hindu – Muslim localities, it makes the police always on the tenter hooks, due to communally surcharged atmosphere. Policemen are required to perform duties twice than their normal schedule to shortage of man power. Many a times, the weekly leave is also not granted to them. Many policemen serving here are plagued with diabetics, high blood pressure, heart trouble, etc. Like Nizampura Police station, here too, the facilities of drinking water and WCs are inadequate.

There is no facility for maintaining any secrecy during the investigation.

6.1.3. Pending demand for sophisticated police stations.

A necessity was greatly felt to construct a well equipped and sophisticated police station in the heart of the city for keeping a tab on the sensitive and centrally located areas of the town. Though the demands for their construction had been repeatedly made, the same could not be met due to want of funds.

6.1.4. Initiative taken by Police Commissioner :

When it rained heavily on 26th July, 2005, the Nizampura Police Station was submerged in 11 feet high water. The entire administration had come to stand still. Thane Police Commissioner D. Shivanandhan sensed the gravity of the matter and felt that if the police themselves are not secured then how they can protect the helpless common man. Therefore, he took an initiative in shifting then existing police stations.

The police commissioner discussed the matter with Bhiwandi Nizampur Municipal Corporation Mayor Vilas Patil, who gladly promised for necessary co-operation. An amount of Rs. 25,00,000 (US \$ 55,555) was sanctioned thorough Mayor's fund. Even a government sanction was obtained. The land, whereon formerly the houses of police officers were situated was short listed for the project. It was decided that both Nizampura and Bhiwandi City police stations and two officers of the Assistant Commissioner of Police too would be relocated in the new building to be constructed on the proposed site.

6.1.5. Layout of the proposed police station :

It was proposed that the news police stations would be as per the model of new Mega city policing model, which would take care of all future requirements. As per the scheme, a computer section, equipments helping for scientific investigation, a modern interrogation room, online information exchange center, female issues counseling center, reception desk, etc. were proposed for the new police stations.

6.2 Acquisition of land and observance of rule of law.

6.2.1 Proposed land :

Since 1960, the police quarters meant for the police officers was situated on the same plot of land (City Survey No. 573). Since 1920, this land is shown in the name of Public Works Department, of Maharashtra Government.

As per old rules, all the lands belonging to the Government of Maharashtra are standing in the name of the PWD. As it was centrally located, it mutually convenient, both for the public and police alike.

All requisite sanctions were obtained from the concerned government establishment for the construction of police stations, in which two police stations and two ACPs offices were to be located.

6.2.2 Details of the land:

City Survey No. 573, Bhiwandi. Owner : PWD.
Area : 1966 sq. Mtrs.
Use of the land : For police station purpose.

6.2.3 Details of the construction

No. of Buildings: 1. Floors :- Ground, First and second each 409.13 sq. meters. Third Floor : 459.43 Sq. Mtrs. Stair case and area under passage and balcony : 135.44 Sq. Mtrs. Total : 1822.26 sq. Mtrs.

6.2.4 Permissions obtained from various authorities.

1. Executive Engineer, PWD: vide letter dated 2006, Outward No. 2223.
2. Commissioner, Bhiwandi Nizampur Municipal Corporation.
3. Director, Town Planning & Taxation Department, Central Office, Pune . Dated 19.07.2006.

6.3 **Financial aid & *Bhoomi Poojan***

Although the government itself is not directly involved in the construction of police station, all necessary legal formalities have been

completed and complied with. The funds have been accumulated from various quarters and Mr. Vilas Patil, the Mayor of Bhiwandi – Nizampur Municipal Corporation has sanctioned Rs. 25,00,000 (US \$ 55,555) from the Mayor's Fund. The Deputy Speaker of Legislative council Mr. Vasant Davkhare has shelled out Rs. 12,00,000 (US \$ 26,666) from MLA's funds, while Bhiwandi's MLA MR. Yogesh Patil and MLC Mr. Muzaffar Hussain too have contributed from their respective MLA funds.

The *Bhoomi Poojan* (foundation ceremony) of the proposed police station building took place on 23rd March, 2003 in presence of the Deputy Speaker of Legislative Council Mr. Vasant Davkhare, the Commissioner of Police Mr. D. Shivanandhan and almost all municipal corporaters of BNMC.

After this ceremony, it became clear to all and sundry that the new modern police station would come up at this site and from thence on a systematic opposition to the police station began.

6.4 First opposition

The land which was being used from 1958 for the police purposes, had not been use off late. Apart from police nobody has ever staked claimed over it. Similarly, no demand was ever made that the land be used for any specific purpose. The moment foundation ceremony took place on 23rd March, 2006, the opposition to the construction of police station started emanating from various quarters.

6.4.1 Legal recourse

1. The maiden legal recourse was taken by the disgruntled elements by filing a civil suit (Regular Civil Suit No. 298/06) in Thane court. In this suit, State Government, Police Commissioner, Assistant Commissioner of Police, Senior Police Inspector, and Nizampura Police Station were impleaded as the defendants. It was pleaded that as there was no Urdu medium school in the Quarter Gate area, such kind of school be constructed at the proposed site.

2. Muslim women use veil. Once the police station comes up, then the entire area would become a busy thoroughfare and which would cause lot of discomfort to the Muslim women.

3. The survey No. 573 was being used as a cemetery and if the police stations were to be constructed on it then it would harm the religious sentiments.

4. As this is the entire Muslim dominated area, it was not proper to construct a police station.

In June, 2006, the civil suit was dismissed by the court and thereafter another proceeding came to be filed.

6.4.2 Second resistance :

Once the first civil proceeding was dismissed , even the second proceeding (RCS No. 437/2006) was filed in Bhiwandi court, in which only Bhiwandi Nizampur Municipal Corporation was made as party defendant. Some of the points raised in that suit were :-

- b. The permission granted for the construction of police station was wrong and illegal,
- c. The site on which the police station was sought to be constructed belongs to Cemetery.
- d. Not enough margins have been left.

In this suit, the Police department *suo-motu* appeared in the matter and requested the court that it should be made as necessary party defendant. This application is yet to be disposed off and the matter is still *sub-judice*.

6.4.3 An attempt to converge a public opinion

When it was realized that a judicial intervention in the matter was bearing the fruits, systematic attempts were made to converge the public opinion against the construction of police station. A public platform, 'Bhiwandi Public Action Committee' was formed by the residents of Quarter Gate and Islampur , Jaitunpura area, of which Mr. Gulam Nabi Ansari is the convener, who also edits a news paper '*Jinnah Times*' .

On the day of foundation laying ceremony, some members of an organization '*Bhimshakti*' met the Hon'ble Chief Minister and sought the stoppage of construction, or else it would result in Police V/s. Muslim confrontation. The Chief Minister immediately granted stay to it. After scrutinizing all the concerned papers, the chief minister finally okayed the construction, after realizing the legality of the construction.

6.4.4. Opposition from other organizations:

In the meanwhile, other organizations too protested the construction by dashing off letters to Hon'ble Chief Minister and these letters are

identical in content. All have said in unison that they were opposed to the construction of police station outside Quarter Gate Mosque and Cemetery and they felt it would be proper to construct a municipal school. This site was falling in their area and formerly it had three Urdu medium schools. After their closure, the corporation has not made any attempt to reserve any plot for the schools.

22nd May, 2006 :- Actual opposition to construction

On 22nd May, 2006, Mr. Gulam Nabi Ansari of Bhiwandi Public Action Committee along with Mr. Parvez Ahmad Anis Momin, Mohammad Yousuf Bashir Momin, and 70-80 others stormed at the construction site, where a bore well digging operation was going on and told the concerned officials at the site that they had obtained a 'stay order' from the chief minister and told them to stop the construction forthwith. If they don't do so, and any law and order situation arises, then they (officials) would be solely responsible for the same.

6.5.5. Rashtrapati Bhavan knocked

Mr. Gulam Nabi Ansari, the convener of Bhiwandi Public Action Committee attempted to seek an appoint with the Hon'ble President Mr. A.P.J Abdul Kalam. As he could not get an audience with him, he met President's Media Secretary Mr. M.S. Khan and pleaded for the presidential intervention in the matter. (It is pertinent to note that after 5th July police firing Mr. Khan had enquired with the Maharashtra Government about it and tried to interfere in the matter).

(With the reference of Mr. Gulam Nabi Ansari interview)

6.5.6. An involvement of Raza Academy

A public meeting was called on 16th June, which organized by various organizations. It was decided all organizations should take down an undertaking from its corporaters that they were opposed to the construction of police station and hence it should not be constructed. After this rally, Raza Academy wrested the initiative and intensified organization.

6.4.7 Provocative handbills and the demonstrations of 23rd June:

The organizations like Raza Academy and other bodies distributed leaflets printed in Urdu language in protest against the construction of police station.

On 23rd June, 2006 a mob of 5,000 to 6,000 under the leadership of Raza Academy against the proposed police station. After Friday prayers this mob started slogan shouting against the construction of police station and demanded "Let DCP give up his determination to construction police station. Police highhandedness would not be tolerated" and demonstration started from Quarter Gate. The slogans were also shouted against Police Commissioner, Mayor Mr. Yogesh Patil and the very meeting was conducted in violation of a prohibitory order.

When a memorandum was submitted to DCP R.D. Shinde, demanding for the immediate stoppage of construction failure of which police would be responsible for the future consequences. When the situation began to go out of control after the fiery speeches of Mr. Shakeel Raza and Sharzil Raza, they started offering *Namaaz* on the street. This incident was precursor to the subsequent events of 5th July.

6.4.10 Demonstration at Azad Maidan, Mumbai – an attempt to browbeat the government.

On 4th July, Raza Academy had organized a huge rally at Azad Maidan, Mumbai in protest against the construction of police station. During the course of the speech, Mr. Shakeel Raza advocated the 'Law of *Shariyat*', if the judiciary was not giving them a justice and the government duly got elected by them was not observing the rule of law.

This fiery speech was sufficient to indicate the future strategies of Raza Academy.

7. **Chronology of events: 5th July, 2006.**

1. Incessant rain since morning in Bhiwandi which caused lots of flooding and hence civil life was greatly affected.
2. Due to water clogging and heavy rains, road trick was much thinner and the thickly populated area wore a deserted look.
3. Muslim community enjoy holiday in Bhiwandi being a Friday.
4. By 12 Noon, large numbers of people gather in Quarter Gate Mosque for Friday prayers.
5. Between 1 to 1.30 PM, a mob approaches from Quarter Gate Mosque to police station construction site, which is barely 100 meters away from the main gate of the mosque.

6. An estimated 100 to 150 women heading this mob.
 7. Mob starts pelting stones on 30 to 40 policemen who were near the construction site.
 8. Some of them attempt to destroy / damage the construction in Progress.
 9. Police in self defence, starts caning the crowd, but protesters intensify the stone pelting.
 10. Stone pelting now starts from the mosque and also from the adjoining building near the construction site.
 11. By 2 PM, an additional police force arrives in Quarter Gate area.
 12. In all 35 policemen get injured in the stone pelting, the DCP R.D. Shinde shunted to Hinduja Hospital, Mumbai after getting seriously injured in the attack.
- Police fire 28 rounds in the air, as a last resort to bring the mob under control.
14. Two persons died in the police firing and nine get injured.
 15. Furious mob damages the police vehicles and set them on fire
Crowd disperses after police firing.
 16. Mob dispersed after firing.
 13. No untoward incident from 3 to 6 PM.
 18. Abu Azami, the leader of Samajwadi Party enters Bhiwandi by 6 PM. Police take him to a Rest House, but refrain him from coming out for the good. From 6 to 8 PM, a huge mob gathers at ST Bus stand side of Rajiv Gandhi flyover right up to Vanjarpatti Naka.
 19. Mob first damages and then torches the ST buses and the passengers coming from Mumbai side emanating buses were forcibly made to get down from buses and they were taken on the ascendance of the flyover and were deliberately dashed off on its side to make them turtle.

20. Entire area from Baug E Firdaus Market to Vanjarpatti was under control of the mob and the police presence was practically nil.

From 8 to 11 PM, mob kills two policemen. Their bodies were traced by fellow police between 10 to 11 PM.

After 11 PM, situation gets defused after the arrival of more police force as the mob gets dispersed.

8.0.0 Observations:

8.1 Reasons for the opposition to Police Station site

8.1.1 Since 1920 the site of the proposed police construction is standing in the name of Public Works Department. It has been exclusively used for the police purposes only. Since 1960, the residential quarters of the police officials were situated on the said plot of land, which had become in dilapidated condition and hence not fit for human habitation. Apart from the police department, no other government or non-governmental body had ever staked any claim on the said plot.

8.1.2 Taking into account the inadequate condition of Nizampura and Bhiwandi city Police Stations, it was proposed that both the police stations would be jointly accommodated in the proposed construction on the said site. Hence, the city Survey No. 573 was earmarked for the construction of police station taking into account its central location and its uninterrupted possession by the police. The very central location of the proposed police station had become bone of contention.

1. The proposed police station site lies exactly opposite to a Quarter Gate Mosque, wherein the central office of Raza Academy is situated.
2. The cemetery is situated adjoining to the proposed construction site.
3. In the vicinity of the police station, thick Muslim localities like Islampura, Jaitunpura, etc.

8.1.3 Other reasons for the opposition to proposed police station

(Based on the theories put up by various Muslim organizations and individuals)

The *Bhoomi Poojan* ceremony of the police station took place on 23rd March 2006 and prior to this there was no dispute about the proposed site. However, the moment it was declared that both the police stations and the office of Assistant Commissioner of Police would be accommodated in the proposed structure the opposition to the construction started emanating from many organizations, bodies, and individuals. Initially, this opposition was bit mild and had reflected in the correspondence. However, at later stage it derived serious overtones. Those who opposed the construction of police station were various bodies, organizations, individuals, etc. were independent and different from each other, but there was an unmistakable similarity in the arguments advanced by them and the rhetoric which they had used.

Some of the bodies, which were opposing the proposed police station

1. Mr. Gulam Nabi Ansari – Editor, 'G- Na Times' and Bhiwandi City President of ' Muslim League'.
2. Momin Ettehad Committee, Islampura, Bhiwandi.
3. Bhim Shakti Sanghatana, Bhiwandi.
4. Nurani Education & Welfare Society, Gulzar Nagar.
5. Bhiwandi Public Action Committee, Islampura through Convener – Mr. Gulam Nabi Ansari.
6. Raza Academy, Bhiwandi.
7. Tanzeem-E-Tahfooz-E-Kabrastan Committee, Bhiwandi.

Reasons advanced for opposition to proposed police station.

1. As no Urdu medium school exists in the vicinity of Quarter Gate, an Urdu Medium school be constructed on the proposed site.
2. As the Muslims women wear veil, they would be facing lots of inconvenience once that area would become a busy thoroughfare.
3. As Survey No. 573 was being used as cemetery, the religious sentiments of Muslims would be hurt, if the police station is constructed on that site.
4. As the neighborhood consists of Muslim locality, a construction of Police Station would be improper.

5. The permission granted for police station was illegal.
6. The plot of police station under construction also belongs to Kabrastan (Cemetery).
7. No adequate side margins have been left for construction.

8.1.4 Arguments advanced by some respected individuals, organizations and political parties on this issue : -

- The illegal activities taking place around Quarter Gate Mosque area would be under check, if the police station is constructed.
- A private radio station called 'Madani Audio Channel' beams its broadcast from Quarter Gate Mosque and if the police station is constructed then such broadcast can be prohibited. A police complaint about the radio station is already lodged.
- Various kinds of animals are illegally put up sale in the area close by to the proposed police station site, which finally end in abattoir . If the police station is allowed to come up, then such animal bazaar can be stopped.
- Narcotic drugs are ferried on Nasik Road or Wada Darod – Nizampura – Quarter Gate Mosque – Jaitunpura – Bengalpura –Hamalwada – Durgah Road and an estimated quantity worth Rs. 5,00,000/- changes various hands in this area.
- If the police station is allowed to come up, then the activities of fundamental organization like Reza Academy would come under scanner.
- Police moments in the Muslim locality would be freely possible.
- Illegal abattoirs in this area could be under check.

8.2. Legal position about the construction site
(As agreed by the concerned parties).

The proposed construction site is situated on the Survey No. 573, on which a store of the Public Works Department was situated. From 1960 to 1965, it was being used as residential quarters for the benefit of various police officers. As the very name Police Quarter has a bearing on the nomenclature Quarter Gate Mosque which is still in vogue.

All requisite sanctions and permissions were obtained by the Home Department before the construction began and the land was acquired for the same. (The details of the correspondence is annexed).

8.3 Attack on the proposed police station

- 8.3.1 Many systematic attempts were made for stalling the construction of police station on the Survey No. 573. Initially by legal means were resorted and they did not bear the fruit, the demands for the construction of school and cemetery were advanced. The moment Raza Academy wrested the issue, the opposition to construction of police station acquired a different dimensions. Initially, the opposition was confined to the street agitation. However, at later stage, Raza Academy did not hesitate to fan the feelings of Muslim community against democratically created government establishments and lent credibility? (Ayam ?)to the whole issue.
- 8.3.2 On 5th July, 2006 an estimated mob of 300 to 500 people, led by Raza Academy Secretary Shakeel Raza, Parvez Shiraz went on rampage on the proposed construction site just after the noon prayers were over which was shouting slogans "Down with Deputy Commissioner of Police, we won't allow the construction to happen". It not only trespassed on the plot, but it tried to damage the construction. Though police pleaded the mob to maintain peace, instead obeying their wishes, the duo instigated the mob by shouting "Allah – Ho – Akabar" which became more berserk and started pelting stones, bricks, etc. on police. Even stone pelting was resorted from the adjoining buildings and even from Quarter Gate mosque as well. Tin shed was completely damaged and steel rods lying at the site were used by the mob while attacking the police. The mob was ranting, "we will kill the police and demolish the construction". To bring situation under control, the police resorted to mild caning and the moment mob became violent, the police were compelled to use teargas.

Violent attack on Deputy Commissioner of Police:

As the mob went on rioting, the deputy commissioner of police Mr. Raosaheb Shinde reached the spot and he was trying to pacify the crowd, when the crowd had swollen to 4,00 to 5,000 heads. 200 to 250 people physically went in the under construction work and trying to demolish it. Some were trying to uproot the bamboos, which were used in construction. When the DCP mustered up courage and sneaked into the mob to pacify then, one unknown person hammered him with a shovel in which he was badly injured.

Female constable attacked:

A female constable Ms. Anita More was attacked and her uniform was torn apart by the female in the mob. One platoon of State Reserved Police Force intervened and rescued this female constable. By this time, the mob had become more violent and frenzied and in all thirty-five police personnel were badly injured in the process. As a last resort, the SRPF personnel finally resorted to fire in the air in which twenty rounds were fired.

In this firing, (1) Malik Ahmed Abdul Khaliq Momin (Age : 54), a resident of Chindhisa Durgah, Jaitunpura and (2) Mohammad Ramzan Mohammad Alam Qureshi (18) succumbed to their lives and nine got injured.

In nutshell, on 5th July, 2006 a violent mob of 4,50 to 5,000 people under the aegis of Raza Academy attacked the police station construction and attempted to flatten it.

8.4 Murder of two policemen:

8.4.1 Scenario in Bhiwandi before murder of policemen

Police fired twenty eight rounds after realizing that the mob of 4,500 to 5,000 was increasing becoming uncontrollable after thirty five policemen got seriously injured including the DCP. After two of the rioters fell to police bullets, the mob got scattered and peace prevailed for a while. However, after a brief lull, the mobs in various other localities of the town started damaging the police outposts and set couple of state transport buses on fire and even attacked police vehicles. The police made

hardly any attempt to bring the various mobs spearheading in various localities under control.

8.4.2 Murder of police constables Gangurde & Jagtap :

A) Policemen who were murdered

1. Mr. Balu Sukhdev Gangurde – Police Naik - attached to Narpoli Station, Age : 48, Buckle No. 4220.
2. Mr. Ramesh Yashwant Jagtap – Police Head Constable – Bhoiwada Police Station, Age : 45, Buckle : 933.

B) Place of murder : -

Opp. Baug-E-Firdaus Mosque, Khandupada, Road, Bhiwandi Wada Road, Old Agra Road, Bhiwandi.

C) Time of occurrence: 5th July, 2006 between 9 to 10 PM

D) Scenario at the scene of offence:

A State Transport Bus bearing No. MH – 20 – D – 7551 facing West of Asiad Type bus is completely gutted in the fire – On the rear left side of it, a Hero Honda Motor cycle bearing No. MH – 04 - BE - 6614 lying in burnt condition – Also a four wheel card turned turtle.

How it happened?

(Through the various sources)

After receiving a message from Thane Control Room Head Constable Ramesh Jagtap and Police Naik Ramesh Gangurde left Thane by 8 PM on their motor cycle to reach Bhiwandi. After reporting at Bhiwandi they left for patrolling. A mob of nearly 60 to 70 was going amok from 6.30 PM onwards in Vanjarpatti to Baug-E-Firdaus Mosque Area. This mob smashed an outpost of Vanjarpatti Police Station. A plaque of freedom fighters too was damaged by them and fear was systematically set into the town. Public transport from coming from Wada were forcibly halted and passengers were intimidated and were asked to get down and they were set on

fire. One bus was seen in flame near Baug – E- Firdaus mosque.

By 9 PM, both Jagtap and Gangurde reached the spot and suddenly some one from the mob spotted them and loudly shouted “ Catch hold of those police. Don't let them go. Kill them”. Every pelted stones on them, who were on the bike. They felled down from it and when they were about to raise, a frantic mob with the help of iron rods and chopper smashed them and the mob was mercilessly beating them. Knives, chopper, iron rods were wantonly used by them. As if this was not enough, the mob set on fire their motorbike by pouring a diesel. Someone from the mob suggested dumping them in the bus which was already set on fire. Some members of the mob, took out their uniform and threw into the fire. Some body from the mob advised against setting them on fire, as the burning smell would enable the agency to catch hold of them and hence it was suggested to throw their bodies in the nearby river.

All this was being viewed by the residents of the Baug – E – Firdaus area which included men, females and including children and who were advising the rioters from time to time.

The young Turks suggested that the dead bodies of the constables be placed on the hand cart and that they would throw them in the river.

When all this was happening a police van suddenly entered in that area and was playing its siren. Suddenly, the miscreants left the handcart carrying the dead bodies of the constables on the road and vanished.

8.4.3

Significant aspects of police murder

1. Both the constables were deployed in the 'Quick Reaction Team.
2. Both were wearing uniform.
3. Both were familiar face in the area and was having an upright image.
4. The Attackers were of 15 to 25 age group, but it most included the teenagers.

5. One scrap dealer close by to the Baug – E – Firdaus mosque played a major role in supplying material what was used in the riots.
6. There are many who have personally seen the butchering of the police constables, but nobody informed the police well in time.
7. It is believed that all the attackers were the local residents of this area.

8.5 Confrontation between the Muslims and police.

8.5.1. The real cause flaring up of the riots, was that the local residents were not taken into confidence when the police department swiftly obtained the legal permissions for the construction of two police stations and the offices of two ACPs. The DCP Mr. Shinde took an initiative right from the word go and his initiative was badly perceived by the Muslims organizations. The convener of Bhiwandi Public Action Committee Mr. Gulam Nabi Ansari vented his feelings against the construction of police station right up to the President of India, National Minority Commission, the Chief Minister and efforts were made to impress upon them an injustice was being done on the local Muslims. However, his efforts did not bear the fruits. Thereafter, a legal means by way of filing civil proceedings in the courts was also resorted too. But there also he failed. Then Raza Academy was pushed ahead as a frontal organization which did not hesitate to resort to fan communal feelings by propagating that the police station was being constructed on a Muslim cemetery.

8.5.2. Reasons advanced by Muslim organizations.

1. Government neither took into confidence, nor it headed to our advice.
2. The moment we do something, police implicate us in criminal cases.
3. The peace of local Muslims would be endangered, once the two police stations and two ACP's offices become operational, as many accused and criminals would be frequently traversing through this area with the vehicles, etc.

4. The WC water would be discharged in the adjoining Muslim cemetery.
5. The party which came into power with our votes did not listen to our grievances.
6. The existing rest house area was better suited for police station.
7. The government kept us in dark over such a major issue of construction of police station, but nobody bothered to hear us.
8. Even a thirty days mandatory notice was also not given us.
9. Public Works Department means the government of the day and the government represents people's aspirations. But still our voices were not heard and the riots were the ultimate fall out of that.

8.5.3. The management of Quarter Gate Mosque is entrusted to Raza Academy, which is always buzzed with its activities. The residence of it's secretary Mr. Shakil Raza is adjoining to the proposed police station site. Some of the issues raised by him are as follows.

1. Before the crowd went on rampage on 5th July, 2006 at the police station construction site, the DCP Mr. Raosaheb Shinde allegedly told Mr. Raza that "better get out of the agitation, or else firing would take place and something wrong would happen to you and your family would come to the streets and you will have to repent throughout your life".
2. The police had planned from initially to open fire, for any resistance that might be put up by anyone to the construction of police station.
3. As the convention prevails in the Muslim community, the Muslims offer prayers by invoking Allah when it rains heavily, so that showers would reduce down. When the man who was leading prayers (*Aajan*) was beaten by police with a stick. When a complaint was made to the higher ups about it, no action was taken about it. Hence, the tempers ran high and the mob rushed towards the construction site, when police resorted to the firing and also pelted stones on the crowd.

4. The killings of the two police on the fateful night, had something to do with the collection of bribes.

When the police were confronted over these allegations, they expressed deep resentment and refused to talk to the study group.

- 8.5.4. Some common points emerged after the discussion with the Muslim leaders are as follows: -

1. They were against to the existence of police in the Muslim locality.
2. When the majority of the police stations were situated on the boundaries separating the Hindu and Muslim localities, why is it that these two police stations should be constructed in the midst of Muslim locality.
3. Let this plot be used for any purpose, but not for police station.

8.6 Raza Academy: -

- 8.6.1 The formation of Raza Academy and its objectives : -

Raza Academy was established in Mumbai in 1978 by one Alhaj Mohammad Syed Noori, who is the president of it since 1986. Islam has two sets sects. Shias and Sunnis. Raza Academy represents the latter.

Objective:

To propagate the teachings of Ala Hazrat Imam Ahmed Raza is the basic objective of the academy. Till this date 303 books based on his teachings have been published by Raza Academy.

In the wake of 1984 riots, the academy distributed aid worth Rs. 1,50,000. This academy was the first to issue an edict (*fatwaah*) against Sulman Rushdie during 1988 '*Satanic Verses*' controversy.

When India decided to reestablish diplomatic ties with Israel, the members of this academy demonstrated against the Government's move and memoranda were given to the then Prime Minister Mr. P.V. Narasimha Rao and the Chief Minister of Maharashtra Mr. Sudhakarao Naik.

- 8.6.2 Contention of Raza Academy.

In all respects, the Raza Academy played a key role in the whole issue. It has been trying to acquire the sole leadership of Muslims in Bhiwandi. However, many Muslims are reluctant to support it. Therefore, it is always on the forefront in seeking popularity by fanning the religious feelings of uneducated and ordinary Muslims in this town. The very resistance displayed by it was an attempt to hog into the limelight. Mr. Shakeel Raza did his level best to play the role of a savior in seizing the leadership of the Muslims in this textile town.

Mr. Shakeel Raza and Mr. Sharzil Raza did all that they could to establish their leadership by making inflammatory speeches and also at times did not hesitate to challenge the establishment.

8.6.3 Constitution or *Shariyat* ?

“ If the Government of Maharashtra failed to give us justice, then we would follow the *Shariyat* and would take the possession of the construction site” – Shakeel Raza.

Over the inflammatory speech given by Mr. Shakeel Raza during the 4th July, 2006 rally at Azad Maidan, in Mumbai, an offence came to be registered against him.

This speech was just a day earlier to the incidents of attacks on the police in Bhiwandi.

Government of Maharashtra through its home department, i.e. police, ought to have taken a serious note the inflammatory speeches rendered by its leaders to arouse communal passions of the common Muslims as they were sufficient to threaten a law and order.

8.7 **Bhiwandi Public Action Committee:**

This forum was first to oppose the construction of police station at the proposed site opposite to Quarter Gate Mosque. It is neither a duly constituted body, nor an organization. It is merely front formed to oppose the creation of proposed police station.

Mr. Gulam Nabi Ansari is the convener of this committee and the opposition to the construction of police station was his brainchild. Mr. Ansari edits '*G-Na Times*' and he is also the president of Bhiwandi Muslim League. He succeeded in voicing a public opinion of local Muslims to the proposed police station.

An organization, *Bheem Shakti* was pushed into foray, which agitated before the Chief Minister. Thereafter, two civil suits were filed in the courts of law, with two different pleadings. Various Muslims originations lodged their protest before CM, over the construction of police station.

The formation of BPAC was for opposing the construction of police station.

Mr. Ansari tried to impress all and sundry that let the concerned land be used for any purpose, but for the police station as the local residents were strongly opposed to it. In spite of it, if the police station were to be constructed, then that would amount to a forceful action upon the Muslims. He met, the Chief Minister of Maharashtra, Social Justice Minister, National Minority Commission chairman Mr. A.R. Antuley. He tried to call on the Indian President Mr. APJ Abdul Kalam, but could not succeed.

Some of the points raised by Mr. Gulam Nabi Ansari

1. If the police station was constructed, then the peace in the Muslim locality would be disturbed.
2. If the atmosphere in the city was spoiled for any reasons, then non-Muslims would be finding it difficult to come to police station to lodge the complaint.
3. This was a Muslim locality and hence police should give up their plan of construction of police station.
4. The police officers themselves have become developers of this police station, so that they can get promoted in the process.
5. The police have collected a huge amount for that.
6. The PWD personnel told us, that their job was merely to carry out the construction and they were not aware about the intention of the police to construct it.
7. We were told by the Chief Minister himself that if the police station were to be constructed then it would create a law and order problem.
8. The lobbies of Indian Administrative Service (IAS) and Indian Police Service (IPS) were quite active in this whole issue.

9. Both, the Chief Minister and the Deputy Chief Minister gave complete free hand to police to handle the issue.
10. Nobody took our feelings seriously in the whole affair and police are to be squarely blamed for the entire fracas.
11. The members of Peace Committee were informants of the police and they misled the police.

8.8 Political parties and their representatives' view points

In the wake of Bhiwandi riots, the study group called on the leaders of various political parties.

8.8.1 Samajwadi Party : Shri. Kalim Ahmed Khan :

1. The significance of Mohalla (Area) Committee got waned.
2. There is no specific opinion as to where to construct the police station.
3. When the dispute has been going on for 4 to 6 months, still DCP Raosaheb Shinde did not make any effort to take anybody into confidence. Had he taken so, perhaps the riots would not have ensued.
4. When the two policemen were brutally murdered by the mob, the Commissioner of Police, the Deputy Commissioner of SRPF and Rapid Action Force (RAF) was present in Bhiwandi town.
5. When the mob became rampant on 5th July, 2006 and was indulging in arson and terrorizing a common man, nearly 5,000 policemen were in Thane city. What they were doing during those crucial four hours?
6. The members of the Raza Academy was let loose by police and which emboldened the spirit of its members.
7. The police are to be squarely blamed for the entire fracas.

8.8.2 Bhartiya Janata Party : Mr. Sham Patil : City District Chief.

1. Lethargic attitude on the part of the State Government and local police is the cause of the incidents of 5th July 2006.
2. Police utterly failed in maintaining law and order.
3. Though RAF was present in town, no orders were given to its members even after the construction at the site was attacked by the mob.
4. Common man is grappled with a fear and has been questioning if a police who are supposed to maintain a rule of law is not safe, what about the common man?

5. The very purpose of attacking the police, to create an awe amongst the citizens.
6. The police station be constructed at the proposed site and Bhiwandi requires efficient officers.

8.8.3 Mr. Subhash Mane – Shiv Sena City Chief

1. When the proposed site was in unused condition for nearly fifteen years, then it ought to have been utilized either for a school or cemetery by putting up demand with the government to that effect. There is no point in opposing the construction of police station and now demand for a creation of cemetery at the said spot.
2. Muslims in Bhiwandi were carrying an impression that if a permission was accorded to Raza Academy to take a procession on the birth anniversary of Prophet Mohammad, then it would go to any extent.
3. Police did not react even after the DCP lost couple of his teeth in the during the attack on 5th July. But, they did react only when they were being assaulted and beaten one by one.
4. On the very day evening, stones were pelted at Indira Gandhi Hospital, Police Colony and DCP Office. Some injured policemen who were hospitalized too were the target of the attackers.
5. When the police colony was attacked, only female members and their kids were at home. The rioters had created such a fear that more than dozen females had locked themselves inside the room.
6. When the mob started attacking Vanjarpatti Out Post, his party men had intimated the Commissioner of Police about the same. A firm and immediate action was anticipated. But nothing transpired. Had police reacted with a firm hand, then the murder of two policemen at night could have been avoided.

8.8.4 Bhiwandi Mayor –Mr. Vilas Patil :

1. An average Hindu and also Muslim want the police station be constructed at the proposed site. If that is not done so, then the spirit of those who had attacked police would get emboldened.
2. The decision pertaining to the affairs of Bhiwandi can not be taken by someone who is not from this town.
3. The policemen have been murdered by those who have scant regard for the humanity.

8.8.5 Bhiwandi Member of Legislative Assembly – Mr. Yogesh Patil

1. It is the saddest thing to have happened in Bhiwandi.
2. Most serious incident to have taken place after 1984 riots.

3. The opponents of construction of police station have not been able to advance any satisfactory argument.
4. Even the local Muslims want the police station must come up at the proposed site.
5. The impact of 1984 riots have badly affected everybody. Handloom is the principle business of town. Due to these recent riots, many laborers have lost their bread and butter.
6. When the *Bhoomi Poojan* (land worshipping ceremony) took place, at that time many members of the Muslim community too were present. However, nobody raised any voice at that time.
7. Police station must be constructed at any cost.

8.8.6 Mr. Abu Azami : - Samajwadi Party

1. The site dispute must be resolved through a judicial process. We have sufficient proofs in that regard.
2. I strongly condemn the killings of the two policemen. However, I also demand that an enquiry of police firing in which the Muslims too were killed also needs to be initiated.
3. I represent Muslims from Bhiwandi and it is my responsibility to maintain peace.
4. I was prohibited to get out of the Government Rest House. Had I been allowed to step out, then I would have definitely attempted for the restoration and the murder of two policemen could have been avoided.

8.9 **Attack has no Hindu overtones:**

Bhiwandi town is infamous for communal riots. Although there has no large scale riots in the recent past, minor flare ups or skirmishes have taken place couple of times. Both 1970 and 1984 witnessed large scale communal riots in which both Hindu and Muslim communities paid heavy price in terms of human lives and destruction and damage to the properties. Both the communities are aware of the enormity of the damage.

In 1970, the communal riots took place, as the procession of Hindus commemorating *Shiv Jayanti* was attacked with the stones which were pelted from the mosque. In these riots, the Muslims used large quantities of 'acid bulbs' (by filling up an acid in empty bottles) and Cocktail bombs (by filling up an explosive substance in empty bottles and put a burning mini rocket at the top of it, with which it speeds up in the air and then bursts). These types of explosives can not be manufactured overnight and hence are required to be made well in advance, for which a large quantity of empty bottles and electric bulbs are required to be procured.

Even the 1984 riots too were premeditated during which the Muslim community attacked Hindus with lots of planning and preparation. In contrast, during the course of 5th July, 2006 incidents, when the police were attacked by the Muslim mobs, a common Hindu was never and / or separately targeted. In this regard, following voice have been echoed: -

1. Some Muslim elements did try to attack Hindu shops, but some persons from their own community have believed to have told them " This is not our objective, our target is solely police".
2. Had Hindus been simultaneously targeted, then the entire scenario would have emerged as Muslims V/s. Police & Hindus , which would have turned out to be a costly affair for the Muslims.
3. Had Hindus been attacked, then they too would be reacted very sharply.
4. According to a senior citizen, Mr. Mahadev Kunte, who is active in Bhiwandi's social life, "Muslims not attacking Hindus" is a part of their strategy. During 1993 riots, when most of the cities in the country had witnessed communal riots, Bhiwandi had remained peaceful, as it is a safer place for the fundamentalists to take down a shelter by after doing a mischief in any part of the country.

8.10 Thoughts expressed by respected Muslims

1. Mufti Hujaiifa – He is a president of Jammat – E – Ullema Hind 's Bhiwandi branch and runs a Madrasas. This organization was established in 1919 and it had participated in India's freedom struggle.

Moulana Abu Kalam Azad, Rai Ahmed Kidwai, etc. are some of the well known figures of this organization.

1. He said that the issue of construction of police station ought to have been settled by the members of both the communities.
2. The history suggests that the proposed police station site belonged to cemetery in the past and hence Muslims were sentimentally involved in that and were dragged into the agitation. Raza Academy failed to control it.

3. Police should arrest the culprits, but the innocents should never be targeted.
2. Shri. Shamim Ansari (a teacher from Urdu High School & Vice President Bhiwandi Journalists Association)
 1. In the past, Raza Academy had maintained good relationship with the police.
 2. The Police must arrest those members of Raza Academy who instigated the common man against Police.
 3. Those who made inflammatory speeches should also be arrested.
 4. The police who were murdered were known faces in that locality that happened to have gone into hotel to have some food. The manner in which they were brutally murdered needs to be strongly condemned.
 5. The decision to construct police station needs to be taken by taking entire community into confidence.

8.11 Opinion expressed by the members of Hindu community:

Due to the long history of communal riots, many members belonging to both the communities have been active in the recent past. RSS, BJP, Shiv Sena, Bajrang Dal, Goraksha Andolan (Save Cow organization), etc. have been doing lots of programmes for awakening Hindus in the town.

In the wake of the recent riots, it was imperative to elicit the opinions of some of the leaders of Hindu organizations.

Following points have emerged during the tête-à-tête with them.

A) Manoj Raycha (Advocate) – Bajrang Dal & Goraksha Andolan:

1. Police emboldened the spirit of Muslim community. His organization produced substantial evidence of illegal cow slaughter. But on the contrary, the police fired their leaders and activates in the presence abattoir operators and openly said “ You would cause communal riots in Bhiwandi. Don’t you understand this! We would put you in jail”.

As a matter of fact, as per Section 13 of ‘The Animal Preservation Act – 1960 ’ no police action can be taken on the complainant. In spite of this, the police intimidate their activist, even though their higher ups like Police Commissioner and Deputy Commissioner of Police were briefed about it.

2. When the former DCP Mr. Phadtare and his colleagues attempt to stop illegal cow slaughter in the Nizampura area, their entire police party was attacked by the Muslim mob in which couple of policemen got injured. Police had to open the fire in the process. No action had been taken against those who attacked the police.
3. In the wake of 2003 and 2004 the Lord Ganesh immersion processions were targeted by the miscreants who pelted stones from Asibibi Road Mosque and a futile attempt was made to arouse communal passions. Though senior officers were present no legal action against the troublemakers.
4. The DCP Mr. Raosaheb Shinde shunted out old hands in the detection branch (DB) elsewhere, as a result of which the police could not gather an advance input about the possible attacks on them.

B. Mr. Mahadev Kunte (Senior Hindu activists)

1. Since 1965-1967 the Shiva Jayanti processions have been attacked through the mosques.
2. Muslims imposed lots of pre-conditions during 1970 Shiv Jayanti Procession.
3. During 1970 Shiv Jayanti procession, acid bulbs were hurled at and so also stone pelting was resorted to.
4. There had never been communal amity between the Hindus and Muslims in Bhiwandi. All that you see is superficial.
5. Even 1984 communal riots were pre planned.
6. Even as the country was flared up in 1992-93 in the communal riots, Bhiwandi was peaceful. It was a part of a Muslim strategy.
7. Bhiwandi is an active center of Muslim fundamentalists and many such persons after doing mischief in any part of India come down in Bhiwandi with a view to get unnoticed.
8. Those police officers who often shine themselves in the Peace Committee meetings are often engaged in 'self praise' and always try to save their skin when trouble erupts.
9. The incidents of 5th July are a wake up call for the Hindu community.

8.12 How senior police officers perceive Bhiwandi incidents.

- A) Mr. D. Sivanandhan – Commissioner of Police, Thane Commissionerate.

1. Due to the killings of two policemen and numerous physical attacks on them, an insecurity prevails
2. The same policemen who zealously work while scarifying their own health and family life have been killed by the very people, for whom they had been working all along in the past.
3. This is a maiden incident in Thane Commissionerate.
4. The killing of two policemen is the most heinous cold-blooded murder that has taken place.
5. Merely because, the policemen have been killed by the section of the community. The police can not become communal as they the very color of 'Khaki', which they don, means impartiality.
6. We will never make the construction of police station as a 'prestige issue', but it should be constructed at the same proposed site and this realty needs to be appreciated.
7. It is incorrect to give any communal color to the recent incidents.
8. Police have efficiently handled the incidents of 5th July.
9. Nobody bothered to appreciate painstaking efforts made by the police to keep situation under control, lest it should further get flared up.
10. We have already co-operated with the members of the bereaved family and would continue to take care of them in future as well.

B) Mr. Ravindra Sengaonkar : DCP, Bhiwandi.

1. The existence of Police station in the Muslim area, is good for their own cause.
2. Some elements in the Muslim community justified by the killings of the police by saying " they (police) had killed two of us, hence we reciprocated by killing two of them".
3. A common Muslim citizen is against those tendencies that have flared up the trouble.
4. We have noticed the illegal butchering of animals in the Quarter Gate Mosque area, which would shut down at any cost.
5. It is not the case, that the police were unaware of the existence of such illegal abattoirs. But we would take action now.
6. It is a disgraceful on the part of the Raza Academy to say that the killings of two policemen took place over the 'collection of bribes'.
7. The peace committee experiment going in various *Mohalla* (localities) would be implemented in future with the involvement of some more respected citizens in it.

8.13 Bhiwandi Peace Committee – Its structure & current scenario.

A) History of Peace committee (formerly known as Mohalla Peace Committee). :- Mr. Suresh Khopade, currently posted as Commissioner of Police, Railways, Mumbai was the Deputy Commissioner of Police in 1980s. As he was well aware of social currents, he had an ability to ponder over social aspects of the crime. In his book captioned '*Bhiwandi Riots – 1984*' published by *Granthali* he has come out with numerous propositions, which includes the purpose of formation of Peace Committees and the role played by them in toning down the communal passions :-

+ It needs to be studied as to who participates in the communal riots and for what purpose. They need to be categorized in various groups and action needs to be taken against such groups.

+ Both Hindus and Muslims inhabit in cluster form in the town and this was the cause of 1970 and 1984 riots.

+ In order to overcome this problem, he took an initiative and suggested various ways and means.

1. Representation of 25 persons each from both Hindu and Muslims in the peace committee.

2. Those who were having a criminal record and / or a tendency to arouse communal feelings were not taken on such committees.

3. Those who are having better influence and peaceful attitude in the locality were encouraged to form Mohalla Committee.

4. A Police Sub Inspector was made as a PRO who was entrusted with the task of interacting with two to three committees at a time.

5. Not merely the doctors, advocates, but even the porters and some females too were taken on the peace committees.

Benefits of Mohalla Committees.

1. As the members of both the communities started gathering in presence of police officers, they got better introduced to each other and subsequently befriended themselves, which resulted in eliminating the fear about each other.

2. During the tension period, the members from the both sides used to patrol during the nights.

3. They used to cross check the veracity of any rumor whenever they came across.

4. Those who used to instigate the communal passions were isolated and their activities were curbed due to the very presence of the members of the Mohalla Community.

5. As the police and people became more closer to each other, no necessity was felt for the people to approach any social worker or an agent before going to police station.

In nutshell, he had crated a parallel police organization which was working without pay.

All these efforts indicated that the functioning of such Mohalla Committees could bring both the communities much closer and the possible tension or conflict between the two could be avoided.

B. Bhiwandi Peace Committee.

Taking into account the significance of Peace Committee in Bhiwandi town, the study group felt it was necessary to meet its members to find it whether it failed to foresee and prevent the incidents of 5th July.

During the course of discussion with its members the following theories have surfaced.

1. The criminal elements have sneaked into the Peace Committee, even as the police knew about their background.
2. Formerly, senior citizens and peace loving citizens were prominently included in such peace committees. However, their number these days has significantly dwindled in recent times.
3. Some influential persons dominate the peace committee meetings and they conduct the proceedings of the meeting as per their own whims or fancy and push up their own views and do not allow other members to deliberate in the meetings.
4. If some senior citizens and sober and peace loving citizens had been taken over on the incumbent peace committee, then perhaps the situation of 5th July could have been avoided.

5. The members of the committee misuse their own position and then try to spread their influence for their personal work.
6. Police department play a role of a silent spectator even as they are witness sing the objectives of peace committee are flouted.
7. The incident of 5th July is a fall out of persistent effort made by antisocial elements which was engaged in flaring up the atmosphere against the construction of police station. The peace committee failed to notice it and prevent it and in nutshell it failed to do anything.
8. The peace committee failed to tackle the fallout of the killings of the constable on 5th July and it has now become evident that the mob which resorts to violence does not pay any heed to the very existence of the peace committee. The purpose for which the committee had been form has now become redundant.
9. It is imperative that the peace committee needs to be restructured and if is not done so promptly, then it would turn out to be a 'farce' in future.
10. The persons should be inducted on the peace committee only after screening their background, character, and it is only those persons have unblemished reputation in the society can regain the respectability to the peace committee.

8.14 The rioting of 5th July :

(When Muslim mob dictates the law and order from 5 to 11 PM in Vanjarpatti to Baug – E – Firdaus Market area)

+ Even after the police firing between 2 to 2.30 PM on 5th of July, the peace had prevailed for the next three to four hours, as the local police had been able to put the situation under control by deploying the additional police force and also Rapid Action Force at appropriate places. However, after 6 PM onwards, the mob which had taken to the streets from Vanjarpatti to Baug E – Firdaus market area suddenly became violent. For the next twenty four hours they resorted to arson and also torched four state transport buses and it was precisely in this area two constables were brutally murdered.

The offices of Assistant Commissioner Police, Detection Branch and Control Room are barely ten minutes away on foot from this area.

Though the RAF and additional force had already been deployed, the police could not bring the situation under control due to their tactless handling as a result of which their presence was hardly felt and due to which the entire area fell into the hands of violent Muslim rioters.

The study group met the following persons to ascertain the causes of the problems and the following things have emerged.

1. Mr. Devidas Bhartar : ST Bus Driver – Bhiwandi Bus Depot.
(Complainant of FIR NO. 98/06, Nizampura Police Station)

As a reached near the fly over while driving the bus from Nasik to Bhiwandi , nearly 200 to 250 people halted my vehicle and slept in front of the bus and asked the passengers to get down. They started smashing the window panes of the bus and started attacking me as well. They took out diesel from the bus tank and started pouring on the bus. They pushed the bus across the road and set it on fire. Even four other buses which subsequently reached the bus depot too were set on fire in the identical fashion.

2. ST Officers from Bhiwandi Bus Depot.

When I was in the depot on my duty, I learnt that the rampant mob was forcibly taking buses on the ascending portion of the flyover and was setting them on fire. As I stepped out of the depot to find out the truth, I noticed that the mob was setting some more buses on fire. The entire area was ruled by them. Not a single policeman was around. Thereafter, I immediately phoned the control room and asked them to send some policemen to tackle the mob. I was being told that they were sending the police party. But eventually no body turned up over there. Due to this rioting and the fear that had gripped over the city, the passengers were reluctant to travel by the ST buses due to which our income was depleted. In eight buses were charred to ashes which caused a loss of Rs. 75,00,000 (US \$ 1,66,666) to the MSRTC.

3. Bhiwandi Fire Brigade Chief:

Around 8.20 PM, we received a call that a bus had been set on fire near a petrol pump in Vanjarpatti area. We immediately fire extinguisher vehicle, but it was not allowed to go over the fly over, therefore the vehicle came back. Thereafter, we started receiving repeated calls. I requested the police to send their policemen along with the our vehicle and dispatched the vehicle to the police control room. But even after that, the vehicle was not allowed to go ahead.

Again it came back. Again at 01.32 AM, we got one call from Police Control Room requesting for our fire extinguisher vehicle and this time six policemen had accompanied with our vehicle. Even this vehicle too was not allowed to go ahead. Again at 02.30 AM, we sent one more vehicle. These two extinguisher put off fire engulfed to couple of buses. But it is a sad truth that until 01.30 AM, we were helpless and could not do anything owing to the unruly mob. Even I was repeatedly asking the police control room for the help, the policemen over there were repeatedly asking me to take the help of local Nizampur Police Station.

4. Residents of Jain Colony, Opp. to ST Depot :

When the riots began, we went to our terrace and we could see the mob and spread across in Baug E Firdaus area. The ST depot is just across our building. We noticed that the Muslim youths were taking charge of the bus and were bringing them on the ascendant of the flyover. They were trying to turn the bus turtle, by purposely hitting on the wall of the flyover. Thereafter, they started putting the buses on fire.

8.15 State of family of bereaved policemen:

The killings of Police Naik Balu Gangurde attached to Narpoli Police Station and Police Constable Ramesh Jagtap attached to Bhoiwada police station on the night of 5th July, stunned the entire police fraternity. The bereaved family is yet to come out of the psychological trauma. After the study group called on them, it gave them a huge psychological relief. The future of their children, their upbringing, education and the marriage of their kids is a stupendous task lies ahead before their families. In a surcharged and somber atmosphere, both the families expressed their views as follows : -

1. Gangurde family : Survivors

Mrs. Pramila Gangurde	- Wife	Age : 36
Ms. Poonam Gangurde	- Daughter	Age : 18
Ms. Manisha Gangurde	- Daughter	Age : 17
Master. Praful Gangurde	- Son	Age : 15

Out of which only Poonam and Praful spoke to the study group.

- Praful is studying in Xth standard, whereas Poonam is in XIIth standard and their mother is a housewife.

- Their father had to toil hard before inducting into the police force. At times, he did the job of newspaper vending.
- Their father worked in police force for twenty one years, out of which he spent last six years in Bhiwandi alone. He had no animus against anybody and he never spoke ill about anybody.
- He had a very pleasing personality and jovial attitude.
- They learnt about an aid of Rs. 7,50,000 (US \$) only through the news papers. Until 24th August, 2006 when the Study Team had met them, they had not received any communication from the Government.
- Master Praful would be inducted into police force on the humanitarian ground.
- The commissioner of police has assured them complete help.
- The President of Ambernath Municipal Council has assured them a plot for the construction of house.
- An amount of Rs. 1,800 per month is required to shell out towards the rent of police quarter. Even if we are allowed to stay hereon, we wonder, how we make our both ends meet.
- Master Praful is still in the state of shock and he intends to join police force with a vengeance.

2. Jagtap family : Survivors

Mrs. Rekha Jagtap :	Wife	: Age : 40.
Ms. Nisha Jagtap	Daughter	: Age : 17
Ms. Bharati Jagtap	Daughter	: Age : 14
Master. Sagar Jagtap	Son	: Age : 13.

When the study team called on their family, Mrs. Rekha Jagtap spoke it as follows : -

- Her husband had a bright image in Bhiwandi township and he was treated with respect.
- No one is willing to believe, what has been done to him.
- He worked in Bhiwandi for many years, but never complained about his posting.
- He never sought his transfer from Bhiwandi.
- Nobody came to meet us on behalf of Government. Only *Shiv Sena* leaders met us. Police Commissioner also helped us. Local Member of Legislative Council Jitendra Awhad showed the courtesy of calling on us.
- We read about government's compensation of Rs. 7,50,000 (US \$) through news papers. However, until 24th August, 206, nobody has extended us any actual help out of it.

- We won't go to anybody to seek the aid.
- I have expressed my interest in getting a job on humanitarian grounds. I wanted my son to join police force, but he will have to wait for five years more, till he attains a majority. But the department declined to wait. I would demand for his induction in police after he becomes a major.

8.16 Conclusions drawn by Study Team :

1. The 5th July, 2006 attack on the police was well planned, premeditated and strategically organized attack. The articles like pipes, steel rods, rabid, etc. used in the attack had been procured well in advance and were stored near the police construction site and also in the Quarter Gate Mosque.
2. The ill-preparedness on the part of the police machinery to tackle a possible attack on them, lack of strategic foresight, unwarranted sympathetic attitude towards those who were opposing the police station, timid attitude against the rioters, etc. culminated in the riotous attack on the police. The study group feels that success achieved by the rioters was the outcome of complete ignorance or absolute overconfidence on the part of the police machinery.
3. The police firing resorted on those who attacked policemen who were dutifully carrying on their duties was not unjustifiable. Had police firing been delayed for some time, perhaps more policemen would have lost their lives.
4. In the entire sequence of events, "sparing the Hindu community from the attack" was a well organized strategy on the part of Muslim leadership, with the sole objective of causing a fear in the mind of Hindus, by simultaneously attacking the very policemen whose job was to protect a common man. Study group is in agreement with the above conclusion drawn by some Hindu leaders.
5. The manner in which the government of the day handled the situation in Bhiwandi after the brutal killings of the two policemen and numerous violent attacks on the policemen has caused a morale sapping effect on many dutiful policemen.
6. The incidents of 5th July have bared the much touted successful experiments of 'Bhiwandi Mohalla committees' in

maintaining communal harmony. Although the logically these experiments appears to be quite fanciful, the ground reality and the flaws in their implementation has completely derailed the project.

7. The police machinery failed to sense the possible fallout of the repeated memoranda given by those opposing the construction of police station, the inflammatory speeches given by the Muslim leaders and their confrontationalist attitude towards the police.
8. Instead of trimming the nuisance value of Muslim leadership, a section of the police adopted an 'appeasement' attitude, which resulted in raising the hopes of the Muslim community that their expectations would be met with. On the other hand, even the genuine demands of the Hindu community were not headed, which is badly felt by the Hindu community. In the process, the police machinery antagonized both the communities. The killings of two policemen was the fall out of the tendency of the Muslim community to give repeated challenge to the government machinery. Their attitude that if you (government) did not concede to their demands, then they would cause riots and the police machinery would be squarely responsible for it.
9. Even as the police machinery had legally and technically fulfilled all the requirements for the construction of police station, it were chief minister and the deputy chief minister, who had instantaneously ordered stay over the construction of police station. Due to this police morale went south and the aggressive Muslim leadership became jubilant. The Muslim leadership took maximum advantage of feeble attitude of the government, which lacked foresight and which was never prepared for any such eventuality.
10. On 5th July, even as the police machinery came to know about the initial attack on Vanjarpatti Police outpost, it failed to disperse the mob due to which not only the government machinery got damaged, but it also culminated in the killings of two innocent policemen.
11. Government appears to be least concerned about utter violation of human rights of the policemen who were attacked and two of them got killed. But even the families of the bereaved policemen have not been given any humanitarian and sympathetic look.

12. It is a matter of grave concern that even after a female constable Anita More was brutally assaulted by Muslim female in the mob, neither the State nor the Central Women Commission took any serious note of it and the insensitivity has immensely hurt this female constable.
13. Even as the atmosphere was surcharged over the police construction issue, the police were not adequately alert and their presence was hardly felt. When the rioting broke out, the police officers who had an authority to take the firm and spontaneous decisions had either gone into oblivion or became indecisive.
14. The incidents in Bhiwandi are in retaliation to the dutiful action taken by the duty bound police. There is an unmistakable difference in attacks on the police in the past and in the recent events. Therefore, the recent incidents are quite alarming and needs to be taken serious note of at all levels.
15. The study group conducted the survey under the aegis of Center for Human Rights & Awareness attached Rambhau Mhalgi Prabodhini (RMP). The very name Human Rights Center evoked an appreciation from the Muslim community. But on the contrary, both the police and Hindu community leaders were not so enthusiastic in welcoming them, which is a reflection of an impartial role played by CHRA since the beginning.

8.17 Recommendations made by the study group :

1. The construction of the two police stations at the proposed site be done expeditiously taking into account the feelings of a common man, be a Hindu or Muslim. Any further delay in the construction would further cause morale sapping effect on police and it would arouse the confidence of rioters who would feel that they can make the government kowtow before them.
2. The functioning of the State or Central Human Right commission does not indicate that have any regards for the human rights of the police who do the job of rule of law. Due to this attitude, the human rights of police have often been scantily respected. Therefore, it is a high time that a 'Human rights cell' be created in the Thane police Commissionerate

which would be sensitive, alert and duty bound for the perseverance of human rights.

3. The legality of 'Madani Audio Channel' be immediately examined, as it was blatantly used for fanning the feelings for gathering the mob which was encouraged to carry out the attack on the construction site and on the police as well.
4. The Muslim leadership have systematically exploited the lack of consciousness and an ability to think of a common Muslim man while arousing their passions on the religious grounds in protesting the construction of police station and the events that subsequently followed. Both the government and police machinery should seriously ponder over this.
5. A systematic effort has been made by the Muslim leadership while carrying out the attacks on the law enforcing police machinery which has resulted in causing fear in the minds of local Hindus. Sentiments of Hindus should be given serious attention and the immediate measures being taken to avoid any such incidents in future.
6. The State Women Commission must enquire into the incident of an attack on female constable Anita More, who was attacked by Muslim women when she was discharging her duties.
7. Majority of the police families are in the state of anger and shock over the incidents in Bhiwandi. Those leaders of the government, who are supposed to ensure the observance of law mellow down before leaders of the minority community and surrender to their unjustifiable demands. All this has resulted in further morale sapping of the police. The judiciary too must take a note of this and take steps for the protection of the police.
8. The lack of leadership and decision making abilities have been adequately manifested in the wake of Bhiwandi incidents. Lack of foresight and inability to gather advance intelligence, it's analysis and lack of the prevention measures was responsible for the deteriorating morale of the police force. The government should impartially enquire these lapses on the part of the police.
9. The a female counselor be appointed to ensure the effective rehabilitation of the members of the bereaved police families as per the norms laid down by the Central Women's Commission.

8.18 **Annexure:**

A) The fall out of Bhiwandi incidents in Maharashtra state legislature :

1. Speech made by Ramdas Kadam, the leader of opposition in assembly :-
 - **Solitary incident:** Maharashtra state has witnessed many inter community riots in the past. But this is the solitary incident where the policemen were hacked to death.
 - **Dispute over police station:** How come their leadership to decide whether to construct the police station in the state owned land ? When these leaders had agitated at Azad Maidan (Mumbai) had made lots of inflammatory speeches and the police are having the audio cassette records of those speeches. Some of the leaders have believed to have fiery speeches by saying that " if they could not get justice through courts and if the government of the day duly got elected by them was not going to support them, then we would disobey the laws made by local Maharashtra government and would act as per *Shariyat* and would take possession of the land". Are we in Pakistan ? If the anti social elements would have been arrested in the past, then situation would not have come to such a pass.
 - On attack on police : If the government was not able to protect the police, then all Hindus in Maharashtra would solidly rally behind the police. To whom this Bhiwandi town belongs to ? If these people are not believing the rule of law and advocating for implementation of *Shariyat* then...what future lies ahead of us ? The country was unfortunately divided on Hindu – Muslim religious lines.
 - Help extended to those injured in police firing : In Bhiwandi incident three DPCs and thirty five policemen have been injured and they were required to be admitted. What was the crime of these policemen? How strange, that those who attacked police have been given an *ex-gratis* help of Rs. 1,00,000 (US \$ 2,222). The government's mischievous move of feeding a milk to the serpent needs to be stopped immediately.

- Construction of Police station is a must: We are required to demand a police protection near Siddhivinayak Temple, in Mumbai, but these people are allergic to police station near their mosque. What is their logic behind it? Hon'ble chairman, since 1920 the proposed land had been in the possession of the state and their stand has already been rejected by the judiciary. Hence, come what may, the police station must be constructed at the proposed site.
2. Points made by the Deputy Chief Minister Mr. R. R. Patil during the course of adjournment motion in the legislature on 6th July.

Necessity of police station : "Hon'ble Chairman, there is no adequate police station in police station. Whenever it floods in Bhiwandi, the police station is required to be temporarily shunted. During such situation, on one hand people are required to be rescued and helped and on the other hand, the police station is required to be saved, this is how dual roles the police are required to perform."

Recalcitrant opposition to police station: "As the situation had acquired a serious dimensions, some of the leaders and police officials had been called at legislature building for discussion. If the people start opposing the construction of police station near a temple or a mosque, where do we construct then? Is it a case, that because of police station it causes pollution? How come anybody's religious feelings of any community can be hurt , I the police station were to be constructed. On the contrary, they would get an automatic police station."

Unwarranted issue over site : "We have no intention of constructing a police station, by encroaching upon some one's land. But those who oppose to it, will have to give the documentary evidence in support of their case to the Chief Secretary or Revenue Secretary. They would decide the ownership of the land and reveal it before you accordingly."

"If the land turn out to be of theirs, then we (government) would not stake any claim on it. But if it turns out to be a government land, then they (Muslims) should not come in the way, was the outcome of the decision."

Perseverance of peace: "Hon'ble Chairman. On one hand, the situation was returning to normal, but in the meanwhile, I received a call from the Commissioner of Police that Mr. Abu

Azami was on his way to Bhiwandi. I told the commissioner in no uncertain terms that, if he (CP) were to feel that his (Azami's) presence would deteriorate the 'law & order' in Bhiwandi then he should be prohibited from entering there. If he did not feel so, then let the objection be not taken (for his visit). Whatever right decision he (CP) might think fit and proper, he was at liberty to take so. No untoward incident should take place in future and if innocents were to be protected then police were at liberty to use the force."

Support to police station: "Nearly six to seven lakhs Muslims inhabit in Bhiwandi as on the date. Whereas in the demonstration only 250 to 300 of them had participated. Many Muslim municipal corporators were present at the time of foundation ceremony. I am told by the police today that majority of the police were supporting the constructing the police station. It was not the case that the entire community was behind their leaders and that they are all against in constructing the police station."

Attack on the policemen: Those who laid their hands on the police would be taught a lesson for their life, which I can assure now.

It was not an attack merely on two policemen, but an attack on the entire state police force. It was also an attack on the State. If any one dares to replicate the same, it won't be tolerated at all. S

Judicial probe: Yesterday's incident does not warrant any judicial or institutional enquiry. But some efficient senior officer would be appointed to enquire into the whole matter and all steps would be taken to see that such incidents are not repeated in future in Maharashtra.

Assurance over police station : Hon'ble chairman. In yesterday's meeting instructions had been given to arrive at a decision about the ownership of the land within eight days. If they submit any proof or even if do not submit any proof and if their (Muslims') was not getting established, then the police station would be constructed on the proposed site without any hesitation. Any opposition in that regard would not be accepted.

Bereaved families of two policemen: We would ensure all possible help to the members of the bereaved families of the two policemen who sacrificed their lives. Their family members would be inducted in the service, if required, by compromising

on the technicalities. As per the rules, an amount of Rs. 1,00,000 is normally paid to such bereaved families. But, I assure financial assistance of Rs. 5,00,000 to each of these families.

3. Senior BJP leader Gopinath Munde had demanded during the legislative assembly that the members of bereaved families be adequately compensated. In response to his suggestion, the Hon'ble Home Minister made the aforementioned pronouncement of financial assistance on the floor of the house.

B) Government documents & some important papers.

A. Papers pertaining to the plot.

1. Building permission (before construction)
Through, Commissioner, Bhiwandi Nizampur Municipal Corporation.
Bo./Matter/55/2005-06, Dated. 07.10.2006.
To, Government of Maharashtra (Home Department)
Details: - In all thirty conditions have been stipulated. Before starting the construction, an 'NOC' of Public Works Department was imperative.

- B. Public Works Department.
Executive Engineer, Thane.
No objection Certificate.
Outward No. 2223, Dated : 10th March, 2006.
To, commissioner of Police. Thane.

- C. Town Planning & Taxation Department.
Outward No. BP/ Bhi / C.S. No. 573/ Pstn/
Flexibility/TPV 3/4277 Dated 19.07.2006.

As per Development Control Rules, a margin of 4 meters is required to be left, between the police station building and Cemetery wall. However, if it were to be left so, then it would cause a financial loss to the government. Therefore, Town Planning & Taxation department vide it's letter dated 03.07.2006 prayed for keeping a distance of 2.8 meters, instead of 4 meters. Town Planning & Taxation Department by virtue of Rule No. 58, has given such a flexibility.

- D. Synopsis of various complaints
(First information Reports)

1. C.R. No. I – 96/06

Dated: 05.07.2006, Time : 18.05 Hours.

Place : Opp. Quarter Gate Mosque. Bhiwandi.

Description :

Members of the unlawful assembly, objected to the presence of policemen, who were discharging their duties opposite to Quarter Gate Mosque and attempted to kill them. Policemen were attacked with iron rods and were seriously wounded. Police Station construction too was attacked. Police Vehicles damaged.

Accused : Shakil Raza & 2,500 men & females.

Sections, 307, 147, 148, 149, 332, 333, 353, 338 and 427 of Indian Penal Code.

2. C.R. No. I - 97/06.

Date : 05.07.2006. Time : 20.30 Hours.

Place : Opp. Farhan Talkies on the streets, Bhiwandi.

Description: Members of unlawful assembly objected to the presence of policemen who were discharging their duties, were abused, pelted with stones and were injured and an attempt was made to kill them.

Accused : A mob of 1,500 to 2,000 unidentified mob.

Sections : 307, 143, 144, 147, 148, 149, 332, 333, 353, 427 of Indian Penal Code.

3. C.R. No. I - 98/06.

Date : 05.07.2006. Time : 21.05 Hours.

Place : Opp. Baug E – Firdaus Mosque, Near Flyover, Bhiwandi.

Description: Members of unlawful assembly were instigated, which forcibly halted the ST Buses by pulling down the driver. The buses were pelted with stones. Diesel tanks were tore apart and the same diesel was poured on the buses before they were torched.

Accused : Shakeel Raza & 250 other persons.

Sections : 436, 356, 332, 333, 336, 341, 143, 147, 148, 149 and 427 of Indian Penal Code.

4. C.R. No. I – 99/06.

Dated : 05.07.2006. Time : 21.10 Hours.

Place : Corner of Vanjarpatti Naka & River.

Description : Torching of ST bus bearing No. MH

-12 -DA-9112 and causing damage to Nadi Naka Police Outpost.

Accused : Shakil Raza & 200-300 others.

5. C.R. No. I 100/06.

Date : 06.07.2006. Time : 01.05 Hours.

Place : Opp. Baug E Firdaus Mosque, Agra Road, Bhiwandi.

Description : Head Constable Jagtap (Buckle No. 933) and Police Naik Gangurde (Buckle No. 4220) got murdered.

Asiad Type buses bearing Nos. MH-20-B-7551 and MH-20-D-5727 and one Hero Honda Motor Cycle torched and damaged.

Sections : 143, 144, 147, 148, 149, 435, 302, 427.

D. Post mortem reports :

1. PM report – Ramesh Jagtap.

Body of Ramesh Jagtap was brought to Indira Gandhi Memorial Hospital by Police Constable Surve on 06.07.2006 at 03.30 Hrs. The post mortem began at 10.30 Hours and was over by 11.30 Hours.

Following things were discovered during post mortem.

- His face and head had severe cut wounds.
- Out of which two cuts of 6 x 0.5 cm and 8 x 0.5 cm were on the back side of his head.
- On the top of his left eye, there was a wound of 10 x 2 cm due to either sword or a knife, which was deep into his eyes.
- Another wound of 4 x 5 cm under his left eye.
- 4 x 5 cm wound horizontally above the right eye.
- 0.5 x 1 cm wound on his nose and 5 x 1 cm wound on his head and both these wounds had penetrated deep into his head after piercing the skull.
- One of his right hand finger had been cut and there were numerous cuts on other fingers, which he possibly might have received in his attempt during the sword attack.
- On his lips, there were cuts of 10 x 0.5 cm which means an attempt was made to cause him severe pains after cutting his lips.

- On the left side of his abdomen, there was a wound of 10 x 0.5 cm which had come from right from his chest.
- One of his left hand finger had been cut.
- All these wounds might have cause either due to sword or a chopper.
- He died due to hemorrhage in his brain caused due to cracking of his skull
- On his left knee, there were burn marks of 3 x 3 cm, indicating an attempt to burn him or cause burning injuries to him with a cigarette.

2. Post mortem report of Balu Gangurde.

- 5 x 1 cm injuries on his left ear.
- His left cheek was broken.
- A 'T' shape injury on the left hand side of his check deeply penetrated inside after piercing some bones.
- On the right hand side of his face injuries of 4 x 1 cm and 3 x 1 cm deeply penetrated by piercing some bones.
- Numerous injuries near around the ear.
- On right leg 2 x 1 inch , 2 x 2 inch and 1 x 5 inch wounds.
- All these injuries were due to shard edged weapon.
- Also an attempt was made to pierce a sword in his face.
- Some burning injuries on his face and shoulder are visible.
- On his back there are burning injuries indicating an attempt to set him on fire or put cigarette shocks.
- He died due to brain hemorrhage caused due to bleeding in his brain and also shock.

B. Correspondence:

4. **The letter addressed by the various Muslim organizations to the Hon'ble Chief Minister of Maharashtra, Maharashtra State in protest against the proposed police station:**

Date: ?

To,
The Hon'ble Chief Minister
Maharashtra State
Mumbai

Sub : Construction of an Urdu medium school on the PWD Store Room standing on the City Survey No. 537.

Sir :

We are the office bearers of the committee and we are opposing the construction of police station on the plot of land bearing City Survey No. 573, on which there lies a store room of the PWD. We feel that it would be appropriate to construct a municipal school on it, as three Urdu medium schools in our ward had to be closed and the municipal council have not reserved any other land for the construction of new school.

We would be endorsing all that legal action which Bhiwandi Public Action Committee would take to.

Sd/-

Who are the signatories?

5. Response by the Municipal Commissioner, Bhiwandi to the various organizations over the issue.

19.06.2006.

To,

Sub : Request for the construction of Urdu medium school on the PWD Store Room land bearing City Survey No. 573.

Ref : Your application to the Govt. dated 02.03.2006.

With reference to the above, you are being informed that the subject land bearing City Survey No. 573, belongs to the Public Works Department of Government of Maharashtra and the home department of Government of Maharashtra vide their section bearing Outward No. 854 dated 07.10.2005 has sanctioned the construction of police station on the same.

You have demanded the construction of Urdu medium school in the same. Unless, the government proposes to that effect, no such school can be constructed or sanctioned by the municipal corporation, as the corporation is not competent to do it and you will have to approach the government in that regard.

Yours'

Commissioner.
Bhiwandi Nizampur Municipal Corporation

6. Letter from Bhiwandi Public Action Committee.

Date: ?

To,
The Hon'ble Chief Minister
Maharashtra State

We are strongly opposed to the construction of two police stations in the Quarter Gate – Islampura area of Bhiwandi and notwithstanding an order of stay granted by Hon'ble Chief Minister dated 23.03.2006, the construction was going on at site.

In the vicinity of the site, there lies Panchpir Cemetery and also Islampura, Quarter Gate Mosque and panchpir Durgah. During the religious festivities, Muslim women would be undergoing an inconvenience due to the existence of police station and ACP offices as the area is thickly Muslim dominated. The very construction was not going to help anybody, but is being constructed to cause an inconvenience.

A wave of anger has surfaced amongst the Muslim and Hindu brothers in Bhiwandi. Bhiwandi is the first epoch making town in the entire country where a 'Police – Public Peace Committee' came to be formed.

Now the public and police are in antagonistic mood and anything can happen at anytime. Notwithstanding this, the police have steadfastly continued to carry out the construction.

Kindly act upon on letter and immediately halt the construction and let a school be constructed in furtherance of our demand. If you fail to act appropriately, then the police and government

would be responsible for the future consequences, of which kindly take a note.

Members.
Bhiwandi Public Action Committee.

7. Letter sent by DCP Raosaheb Shinde to the respected citizens in Bhiwandi on the backdrop of opposition to it.

Sender :

R.D. Shinde, Deputy Commissioner of Police, Bhiwandi.

To,

The construction of proposed police stations is taking place in consonance with the mega city policing scheme promulgated in Mumbai and also taking into account the future requirements.

In the proposed police stations, a sophisticated computer wing, scientific investigation equipments and facilities have been planned by police. In the proposed police station, a modern investigation cell, one female cell, one reception counter, etc. would be provided which would make it an ideal police station.

Many people's representatives from the district including the mayor of Bhiwandi have made available funds for the construction of police station. Once the existing police station are shifted in the new building, they would be used as outposts.

Some organizations have been circulating irresponsible Urdu handbills in protest against the construction of police stations. Five Urdu handbills in which the religious sensitivities of the Muslims have been fanned, due to which years old law and order preserved in the city with the strenuous efforts made by the Government with the help of citizens could get endangered.

The site on which the police stations are under construction is in possession of police before 1965 and this work is going on with the financial assistance rendered by the people's representatives from various funds. As there are no reserved plots available for the construction of police stations, the present police stations which are in the rented premises are constructed at present site. In spite of this, some elements are misleading the residents of Quarter Gate and Islampura localities against the construction of police

stations and trying to pollute the atmosphere in the city. The people loving citizens should not fall prey to such kind of misinformation campaign and therefore the citizens must be adequate briefed for the perseverance of law and order in the town. It would be a great service, if you the respected and responsible citizen could enlighten a common man on this issue, so that misinformation campaign can be contained and harmony in the city would be maintained.

Raosaheb Shinde
Deputy Commissioner of Police

5. A joint letter by various organizations to the Chief minister of Maharashtra State dated: 7th July, 2006.

Sub: A memorandum on behalf of the citizens over the incidents of 5th July 2006 in Bhiwandi city.

Muslim fundamentalists are habituated to go to any extent in order to achieve their objective and they are also accustomed in seeking sympathies of the secular minded people by clamoring that the minorities were being targeted. The organizations like Raza Academy have manifested such kind of tendencies in the past quite often.

The spirit of the rioters got emboldened once the government pronounced financial assistance to those who injured in policed firing, as a result of which a wrong signal was sent to them that the government was behind them. This boosted their spirit resulting in further damage to the numerous government properties, arson on the public transport buses and they could dare to kill two policemen. As a result of which even on 6th July, the judicial officers were forced to close the entry gates of the courts and discharge their duties. Due to this a common man in Bhiwandi is gripped with a fear and has a feeling that if all that happened to the policemen, the same can happen to them as well.

All this puts a question mark on the efforts made by the police officers in maintaining the communal harmony and wrote research papers on the concept of Area Peace Committees.

Taking into account the interest of Bhiwandi city and the safety and security of a common man we are demanding the following things: -

1. Raza Academy, a communal organization be permanently be banned and its office bearers be booked for rioting, giving inflammatory speeches, etc. and stringent action be taken against them.
2. All those who are responsible for killing of two Policemen be arrested and brought to justice.
3. The construction of police station at the proposed site need not be stopped at any cost and the same be used for the police station purpose alone as the opposition to it is not stemmed for any justifiable reason. If the government were to bow down before such forces, then government would loose its credibility.
4. The compensation announced by the Hon'ble Chief minister to those who were injured in police firing are the rioters and same would cause morale sapping of the police. Hence such kind of financial assistance be immediately be cancelled.
5. The incident of 5th July, 2006 could be a precursor for a bigger problem in store and hence the police force need to be modernized with arms and ammunition with more facilities.

Yours truly,

1. Yogesh Patil (MLA)
2. Sanjay Kelkar (MLC)
3. Subhash Bhagwan Mane
City Chief *Shiv Sena*.
4. Trilokchand Jain
5. Shyam Patil, *BJP*.
6. Nilesh Choudhary
Corporater, MBMC.
7. Sandeep Bhagat, *VHP*, Bhiwandi
8. Rajesh Kunte, *RSS*
9. Smt. Sadhana Kunte, *Rashtra Sevika Samitee*
10. Preshit Jaywant, *Swabhiman Yuva Chalwal*.

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