

July 15, 2021

To,
Mr. C.S. Mawri,
Focal Point on Human Rights Defenders and Assistant Registrar,
National Human Rights Commission,
Manav Adhikar Bhawan,
Block-C, GPO Complex, INA,
New Delhi – 110 023
Email: hrd-nhrc@nic.in

Dear Sir,

Sub: Urgent Appeal for Action – Maharashtra: Externment of Dalit HRD Mr. Santosh Mane from Sangli.

Greetings from Human Rights Defenders Alert!

HRD Alert-India is a forum of Human Rights Defenders for Human Rights Defenders. It endeavours to initiate actions on behalf of Human Rights Defenders under threat or with security concerns.

National Dalit Movement for Justice (NDMJ)-NCDHR having its presence in more than 15 states of India is committed to the elimination of discrimination based on work and descent (caste) and work towards protection and promotion of human rights of Scheduled Castes (Dalits) and Scheduled Tribes (Adivasis) across India. NDMJ works towards the realisation of all civil, cultural, economic, political and social human rights of Dalits and adivasis in the country. NDMJ is actively involved in advocacy for the protection of HRDs working on the issues related to caste-based discrimination and atrocities and is also engaged in the effective implementation the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act 1989 and Rules 1995 across the country.

We would like to state here that this is an extremely serious and concerning case of a Dalit HRD subjected to harassment by the district officials and externed from his native district and work area – where he was assisting victims of caste atrocities. We strongly believe that this is a case of reprisal Mr. Mane is subjected to for his interventions in cases of caste atrocities and complaints against officials.

HRDA and NDMJ are submitting this appeal, following the consent from HRD Mr. Santosh Mane, and most humbly and respectfully appeal to the Hon'ble Commission, to consider initiating an independently inquiry in this case of district authorities misusing their powers and provisions of law to extern Dalit HRD Mr. Santosh Mane, who has intervened in over 150 cases of caste atrocities.

Source of Information:

- Information from HRD Mr. Santosh Mane
- Information from HRDA West Regional Consultant
- Information from other HRDs in the region

Date of Incident:

March 18, 2021

Place of Incident:

Sangli, Maharashtra

Perpetrators:

- Mr. D.B. Kumbhar, Talathi,¹ Ramapur
- Mr. Vilas Shinde, Deputy Sarpanch, Ramapur
- Mr. Santosh Gosavai, Sub Inspector, Chinchani Vangi Police Station, Kadegaon, Sangli
- Mr. Nitin Gode, Head Constable, Chinchani Vangi Police Station.
- Ms. Ayushi Singh, Deputy District Magistrate, Sangli, Maharashtra
- Mr. Ankush Ingle, former Deputy Superintendent of Police, Vita

About the Human Rights Defender:

Mr. Santosh Mane is a very active member of the Ambedkarite movement in Maharashtra. He has been associated with several key organisations including the National Dalit Movement for Justice (NDMJ) and Muktivadi Yuva Sanghatna (MYS). His work primarily revolves around providing support to victims of caste atrocities, helping them file complaints and assist them in the court processes. He has intervened in more than 150 cases of caste-based atrocities since his association with NDMJ.

Background of the Incident:

On December 10, 2019, the Talathi of Ramapur, Mr. D.B. Kumbhar, made a panchnama² against the HRD Mr. Santosh Mane and filed it with the revenue department. Mr. Sukhadeo Shinde, husband of the Sarpanch, and the Deputy Sarpanch Mr. Vilas Shinde were the *panch* (witnesses) for the panchnama. The panchnama stated that the HRD was conducting illegal sand mining operations and demanded Rs. 12,21,580 to be paid as a penalty to the revenue department.

Through the course of an inquiry by the deputy tehsildar, Mr. R.G. Yadav, it was ascertained that the claims made in the panchnama were erroneous. Mr. Yadav even censured the talathi stating that by filing a wrong panchnama he had increased the administrative workload and wasted the time of the department. The findings were re-affirmed by the Tehsildar, Kodegaon, Dr. Shailaja Patil, who in a letter to the HRD stated that the panchnama was being withdrawn. The letter was received by HRD on September 16, 2020.

On December 28, 2019, the HRD filed a handwritten complaint against Mr. Kumbhar, Mr. Vilas Shinde and Mr. Sukhadeo Shinde under the sections of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989 (POA), stating that the

¹ A Talathi is a representative of the Maharashtra government at the village level. He/She does coordination at village level among various Government Departments such as police, agriculture, health, land records, gram sevak by keeping continuous liaison with them and also cooperate to solve particular difficulties, for prompt implementation of various government development schemes. The post is under the Revenue and Forest Department of Maharashtra

² Panchnama: a written record that is used as evidence.

above panchnama was registered with the sole intent of harassment. The written complaint was submitted to Mr. Santosh Gosavai, Sub Inspector, Chinchani Vangi Police Station, Kadegaon, Sangli. No FIR was registered based on the HRD's complaint.

On April 28, 2020, an FIR (No. 40/2020) was registered against the HRD at Chinchani Vangi Police Station alleging that the HRD was involved in illegal sand mining activities. The complainant in the FIR, Mr. Nitin Gode, is the head constable attached with this police station. The HRD was charged under sections 379 (Theft), 188 (Disobedience), 290 (public nuisance), 34 (acts done by several persons with a common intention) of the Indian Penal Code. The FIR was registered by Mr. Gosavai.

Details of the Incident:

On January 11, 2021, Mr. Gosavai made a formal written proposal to Mr. Ganesh Markad, the sub divisional magistrate, Kodegaon sub-division that externment proceedings should be initiated against the HRD under section 56 of the Bombay Police Act, 1951.

Mr. Markad called for an inquiry in response to the proposal and appointed Mr. Ankush Ingle, the Deputy Superintendent of Police of Vita at the time, for the same. On January 29, 2021, Mr. Ingle issued a show cause notice to the HRD as a part of the inquiry. The HRD replied to the notice on February 4, 2021. The inquiry report served as the basis to initiate externment proceedings against the HRD.

On February 16, 2021, the sub-divisional magistrate issued a show cause notice to the HRD, under section 59 (1) of the Bombay Police Act as part of the externment proceedings.

The notice stated that the proceedings were being initiated because the HRD had six complaints/cases against him and that he engaged in illegal sand mining in the region. It also alleged that people in the area were scared of him as he threatened to file false complaints against them under the POA Act.

The six cases mentioned in the notice includes non-cognizable offences and simple written applications against him, a case in which he was acquitted and the above-mentioned FIR 40/2020. HRD Mr. Mane has provided all the evidence to prove that the FIR filed against the HRD was malafide as were the other claims made in the notice.

However, when the current matter is pending investigation, on March 18, 2021, Ms. Ayushi Singh, Deputy Collector and Sub-Divisional Magistrate, passed an externment order against the HRD, banishing him from his home district of Sangli for two years. The HRD was compelled to leave his home on March 21, 2021. Following this, the HRD, as per section 60 of the Bombay Police Act, submitted an appeal with the State Government on March 26, 2021. No inquiry has been conducted even after 94 days of submission of the said appeal.

We strongly believe that this case of externment of HRD Mr. Mane, is a reprisal for his interventions in cases of caste atrocities. The externment has been ordered on extremely flimsy grounds without sufficient evidence and are a misuse of the powers of the local administration and the police. This externment was ordered only after HRD

Mr. Mane filed complaints under the POA Act against the Talathi of Ramapur, Mr. D.B. Kumbhar, Mr. Sunil Shinde, husband of the Sarpanch, and the Deputy Sarpanch Mr. Vilas Shinde for framing him in a fake case.

The provisions for externment are laid down under sections 55, 56, 57 of the Bombay Police Act, 1951. For the HRD, the notice was served under section 56, which pertains to "removal of persons about to commit offense". The action taken against the HRD does not meet the conditions laid down under the sections which clearly state that there needs to be reasonable grounds for believing that such person is engaged or is about to be engaged in the commission of an offence involving force or violence. Typically, such proceedings are initiated against hardened criminals who are repeat offenders with a history of committing crimes.

Appeal:

We, thus, urge the Hon'ble Commission to take urgent cognizance of the above case of externment of a Dalit HRD, and urgently:

- Direct its investigation division to procure all records from the district administration of Sangli, record the statement of Mr. Santosh Mane and inquire into this case of externment of Dalit HRD Mr. Santosh Mane.
- Direct the District Collector of Sangli to immediately take steps to ensure that Dalit HRD Mr. Santosh Mane is allowed to continue his stay and work in Sangli.
- Based on the outcomes of inquiry, direct legal actions under the provision of the POA Act against all concerned officials for the wilful neglect to register FIR based on Dalit HRD Mr. Santosh Mane's complaint and later externing him misusing their powers and legal provisions.
- Direct the Chief Secretary of Maharashtra to provide compensation, in accordance with the provisions of the POA Act, to Dalit HRD Mr. Santosh Mane and his family for the mental and physical suffering they are going through resulting from this arbitrary externment.

Yours Sincerely,



Henri Tiphagne
National Working Secretary
HRDA



Rahul Singh
General Secretary
NDMJ-NCDHR