

REPORT
OF
THE COMMISSION OF INQUIRY
INTO
THE COMMUNAL DISTURBANCES
AT
BHIWANDI, JALGAON AND MAHAD
IN MAY 1970

By
D. P. MADON
JUDGE, HIGH COURT, BOMBAY

VOLUME V — PART V
(CHAPTERS 80 TO 99)

PRICE (For Vols. I to VII) — Rs. 26

REPORT
OF
COMMISSION OF INQUIRY
INTO
COMMUNAL DISTURBANCES
AT
ANDI, JALGAON AND MAHAD
IN MAY, 1970

VOLUME V—PART V
(CHAPTERS 80 TO 99)

CONTENTS OF CHAPTERS

PART V

The Mahad Disturbances

<i>Chapter</i>		<i>Paragraph</i>	<i>Page</i>
80	THE MAHAD INQUIRY		
	Communal disturbances in the Kolaba District	80.1	4
	The proceedings	80.3	4
	Officers during the relevant period	80.8	5
	The case of the Hindu parties	80.9	5
	The case of the Muslim parties	80.12	7
	The case of the Executive Magistrates and the District Police Officers	80.15	10
	The case of S. B. Savant	80.16	10
81	MAHAD		
	Topography	81.1	14
	History	81.5	15
	Communal geography	81.7	16
82	THE POLITICAL AND COMMUNAL BACKGROUND		
	The Assembly Seat	82.1	20
	S. B. Savant	82.2	20
	S. G. Tipnis	82.4	21
	The Muslim role in Mahad politics	82.5	22
	Communal history	82.6	22
83	THE DISPUTED STRUCTURE		
	Location and description	83.1	26
	The rival contentions	83.2	26
	Whether the disputed structure was a temple ?	83.4	27
	Whether the non-Muslim parties are barred from contending that the disputed structure was not a mosque ?	83.22	32
	Whether the disputed structure was a mosque ?	83.26	34
	Whether Id and Janaza prayers were offered at the disputed structure ?	83.34	38

CONTENTS

<i>Chapter</i>		<i>Paragraph</i>	<i>Page</i>
83	THE DISPUTED STRUCTURE—<i>contd.</i>		
	Whether there was a Muslim burial-ground at the disputed property ? ..	83.40	40
	Ownership of the disputed property ..	83.43	41
	The possession of the disputed property..	83.65	47
	Conclusions	83.75	52
84	THE MAHAD MUNICIPALITY AND THE DISPUTED STRUCTURE		
	The Mahad Municipality	84.1	56
	The Shahar Seva Samiti	84.3	56
	Savant's role according to Tipnis ..	84.4	56
	The proposal for a public garden ..	84.6	57
	The application for registration of the Jumma Mosque Trust	84.14	60
	The Municipality's application for making changes in the revenue records ..	84.18	62
	The real nature of the controversy ..	84.21	64
85	THE SHIV SENA AND THE DISPUTED STRUCTURE—THE FIRST PHASE		
	The Durgadi Fort incident	85.1	68
	The Chowpatty speech	85.13	73
	Report of Bal Thackeray's speech in the 'Inquilab'	85.20	77
	The formation of the Mahad Branch of the Shiv Sena	85.23	79
	The composition of the Mahad Branch of the Shiv Sena	85.25	80
	The programme of the Mahad Branch of the Shiv Sena	85.26	80
	The Ambedkar College incident	85.27	81
	The announcements of Bal Thackeray's visits	85.32	82
	Article on "The Mahikavati Temple" ..	85.34	83
	The representations by the Muslims ..	85.35	83
	The reaction to Bal Thackeray's Chowpatty speech and his proposed visit to Mahad	85.40	86
	Preventive measures prior to November 1969	85.50	90
	Preventive measures after October 1969 ..	85.51	90
	Intelligence reports on Bal Thackeray's plans	85.55	93
	Did the Muslim leaders have an interview with Bal Thackeray ?	85.64	96

CONTENTS

<i>Chapter</i>		<i>Paragraph</i>	<i>Page</i>
85	THE SHIV SENA AND THE DISPUTED STRUCTURE—THE FIRST PHASE—<i>contd.</i>		
	Whether any order under section 144 Cr. P. C. was promulgated ? ..	85.69	99
	The police bandobast for Bal Thackeray's visit	85.90	109
	Bal Thackeray's arrival and the incident at the disputed structure	85.91	110
	Whether there were any trucks in Bal Thackeray's motorcade ?	85.102	117
	Whether the constables saluted Bal Thackeray ?	85.107	118
	Whether anti-Muslim slogans were shouted ?	85.108	119
	The tea at Dr. Mehta's house	85.109	119
	The Shiv Sena Meeting	85.111	120
	The halt at Mahad and the visit to Raigad Fort	85.112	121
	Conclusions	85.113	121
86	THE SHIV SENA AND THE DISPUTED STRUCTURE—THE SECOND PHASE		
	Police activities after Bal Thackeray's visit	86.1	126
	The Muslim attitude to Bal Thackeray's visit	86.2	126
	The removal and re-hoisting of the flag	86.8	130
	The failure to prosecute Bal Thackeray ..	86.16	134
	The joint meeting of the leaders	86.19	136
	The public meeting at the Veereshwar Temple	86.22	138
	The Urs of the Navre Pir Dargah	86.27	140
	The proceedings under section 145, Cr. P. C.	86.29	141
	The Muslim representations	86.37	146
	The Temple Committee and Savant's counter-campaign	86.41	147
	Administrative and police inaction	86.53	152
	Conclusions	86.55	153
87	THE SHIV SENA AND THE DISPUTED STRUCTURE—THE LAST PHASE		
	A synopsis	87.1	157
	Intelligence reports on Bal Thackeray's proposed Ratnagiri tour	87.8	158

CONTENTS

Chapter
87

THE SHIV SENA AND THE DISPUTED STRUCTURE—THE LAST PHASE—*contd.*

	Paragraph	Page
The order banning entry into Mahad ..	87.9	159
The service of the prohibitory order on the Shiv Sena leaders	87.11	161
The Ratnagiri tour	87.13	161
The surrender of the disputed property to the Government	87.22	164
The legal validity of the letter of surrender	87.33	170
The effect of the letter of surrender ..	87.34	171
The removal of the 'gilaf'	87.35	171
The return to Bombay and the halt at Shedav Naka	87.48	176
The Muslim reaction to the forthcoming Shiv Sena visit of the 22nd February ..	87.51	176
The modification of the prohibitory order	87.52	177
The incidents of February 22, 1970 ..	87.68	185
The Kausa incident	87.69	186
The cartoon in the 'Marmik'	87.77	189
The hartal on February 22, 1970 ..	87.80	189
Whether the Shiv Sainiks went to Mahad in trucks ?	87.81	190
The Shiv Sainiks at Kemburli Naka ..	87.104	197
The incident at Savant's house	87.105	198
The trouble at the canteen	87.112	201
The public meeting at the Azad Maidan.	87.113	201
Savant's letter to the Chief Minister ..	87.119	203
The Congress meetings and the torchlight procession	87.120	204
The "Mahad Bandh"	87.123	205
The anonymous letter of threat to Savant.	87.125	206
The Assembly debates	87.126	206
The attack on Savant in the "Marmik".	87.127	206
The removal of the Shiv Sena flag	87.130	207
The Shiv Sena—Congress street brawls..	87.132	208
The Congress pamphlet	87.134	209
The P.S.P. morcha	87.135	209
The Shiv Jayanti celebrations	87.136	210
The final act	87.137	210
Whether Savant instigated Bal Thackeray	87.138	210
Whether Dr. Baburao Mehta or S. G. Tipnis instigated Bal Thackeray ..	87.141	212
Who instigated Bal Thackeray ? ..	87.144	215
Conclusions	87.145	215

CONTENTS

<i>Chapter</i>		<i>Paragraph</i>	<i>Page</i>
88	THE MUSLIMS AND THE DISPUTED STRUCTURE		
	The Muslim agitation for return of the disputed property	88.1	220
	The 'Maharashtra Muslim'	88.7	222
	The editorials and articles in the 'Maharashtra Muslim'	88.8	223
	Conclusions	88.12	224
89	THE SOCIAL BOYCOTT OF THE MUSLIMS		
	Prefatory observations	89.1	228
	The boycott	89.2	228
	The Sarsoli meeting	89.3	229
	The Madhegaon meeting and the Battle of the Pamphlets	89.4	229
	The boycott and Surba Tipnis	89.7	231
	The end of the boycott	89.8	232
	Whether Mahad was affected by the boycott	89.11	232
90	THE GOREGAON RIOT		
	The riot at Goregaon	90.1	236
	Measures to deal with the Goregaon riot	90.2	236
	Preventive measures at Mahad	90.3	237
	The effect of the Goregaon riot in Mahad	90.4	237
91	THE SHIV JAYANTI CELEBRATIONS		
	Police bandobast in the District	91.1	242
	The 1970 Hindu festivals in Mahad	91.2	242
	Shiv Jayanti celebrations in Mahad	91.3	243
92	THE SETTING FOR THE DISTURBANCES		
	The news of the Bhiwandi disturbances	92.1	246
	The wireless alerts	92.2	246
	Preventive measures	92.3	247
	The police bandobast at Mahad	92.4	247
	The situation at Mahad	92.8	248
	The police picket at the disputed structure	92.9	248
	Whether the flag on the disputed structure was a Shiv Sena flag ?	92.13	250
	Why was the flag not removed by the Police ?	92.16	251

CONTENTS

<i>Chapter</i>		<i>Paragraph</i>	<i>Page</i>
93	THE OUTBREAK OF THE DISTURBANCES AT MAHAD		
	The rival cases	93.1	256
	The police evidence about the removal of the flag	93.2	256
	The station diary of May 8, 1970	93.17	265
	Head Constable Yadav's explanation	93.22	268
	Whether the flag was removed from the disputed structure ?	93.28	273
	The rumours about the removal of the flag	93.29	274
	The result of the rumour	93.33	275
	Conclusions	93.34	276
94	THE COURSE OF THE MAHAD DISTURBANCES		
	The evidence about the disturbances	94.1	278
	The trouble at Pansare Mohalla and Deshmukh Mohalla	94.3	278
	The arson at Gadi Tal	94.4	279
	The arson at Sarekar Lane	94.7	280
	The police firings at Kajalpura	94.9	281
	The end of the disturbances	94.11	282
	Police bandobast after the disturbances.	94.16	283
	Savant's allegations against the Shiv Sena and the P.S.P. workers	94.18	283
	The disturbances in the Kolaba District.	94.22	286
	Conclusions	94.23	286
95	THE TOLL OF THE MAHAD DISTURBANCES		
	Casualties	95.1	288
	Loss of property	95.6	288
	Whether the fires to the Hindu properties were accidental ?	95.9	289
96	THE POLICE FIRING AT MAHAD		
	The details of police firings	96.1	292
	Whether the police firings were justified ?	96.2	292
	C.P.I., Saluke's reward	96.4	292
97	THE RIOT CASES		
	The investigation of riot cases	97.1	296
	The case diaries	97.2	296
	The attempt to supply an alibi	97.3	296
	Prosecutions	97.5	298
	Preventive detention	97.6	298

CONTENTS			
<i>Chapter</i>		<i>Paragraph</i>	<i>Page</i>
98	RELIEF AND REHABILITATION		
	Measures to restore confidence ..	98.1	302
	Relief and rehabilitation measures. ..	98.4	303
99	FINDINGS—THE MAHAD INQUIRY		
	Prefatory observations	99.1	306
	The causes of the Mahad disturbances ..	99.2	306
	The course of the Mahad disturbances..	99.6	307
	The adequacy of preventive measures ..	99.9	307
	The adequacy of measures to deal with the Mahad disturbances	99.11	308
	The responsibility for fomenting communal tension	99.13	309
	The responsibility for provoking the Mahad disturbances	99.16	309
	Whether the police firings were justified ?	99.18	309
	Germane matters	99.20	309
	The work of relief and rehabilitation ..	99.21	310
	Recommendations,	99.22	310
