

<http://sanhati.com/front-page/1083/#comment-25568>

## **Condemnation of Chhatradhar Mahato's arrest by organizations and individuals**

*September 28 2009. West Bengal.*

We the undersigned individuals and organisations, strongly condemn the arrest of Chatradhar Mahato on 26 September 2009 by the CID and we demand his unconditional release.

All of us sincerely believe that the tactics used for arresting is absolutely illegal. Because, firstly: During arrest, according to Supreme Court Judgment (D.K Basu trial) police must be in uniform and bear the official batch. The police have to produce memo of arrest, they have to get it signed by the person detained, have to prepare the memo of inspection and also give a copy, letting the reason of arrest be known. The last one being a constitutional right under Article 22.

The police have not followed any of these while arresting Chatradhar Mahato. Not only that, police have knowingly violated the 2006 amendment to section 50A of Indian Penal Code (IPC).

Secondly, the Indian Penal Code has no provision for police to arrest someone incognito, rather the police can be accused of being an "Imposter" under IPC.

Thirdly, it is being reported in media that Chatradhar Mahato has been accused in 20-22 Criminal cases. This is completely untrue as Chatradhar Mahato is an activist of mass movement who was never accused in any criminal cases. Till June 13 2009 Chatradhar Mahato had participated in several discussions with the Election Commission and the State Government. No accusations came up then. It was only after the joint operation from June 18 2009 that the State Government came up with several allegations!

It is most clear that the government and police have falsely made the allegations to frame Chatradhar Mahato. It can be easily understood that the arrest is an act of vendetta against the people who protested against police atrocities.

We demand once more that the government should start a dialogue and before that must release Chatradhar Mahato unconditionally.

We appeal to all reporter friends and their media houses to protest and also take legal action against this act of discrediting the profession.

### *Individuals:*

Jaya Mitra, Tarun Sanyal, Debabrata Bandopadhyay, Sunil Sanyal, Pratul Mukhopadhyay, Asim Giri, Ajanta Ghosh, Abhijit Mitra, Subhendu Bandopadhyay, Santu Gupta, Sudipto

Dasgupta, Binayak Sen, Iilina Sen, Arundhuti Ray, Amit Bhaduri, Madhu Bhaduri, Tanika Sarkar, Sumit Sarkar, Sumit Chaudhuri, Prafull Bidwai, Asim Srivastav, Panchu Ray, Shantanu Bandopadhyay, Sumanta Bandopadhyay

*Organisations:*

AWBSRU

FAMA (Forum Against Monopolistic Aggression)

TASAM (Teachers and Students Against Mal-Development)

Saha Nagarik Mukta Mancha

Movement

NAPM

Sanhati Udyog

Gandhi Peace Foundation

Total Theater

Uthnao-Birbhum

Birbhum Adivasi Gaota

Brihee-Bankura

Loknadi Resource Center

Mandra Lion's Club

Shilpi Sanskritik Karmi-

Buddhijibi Mancha

Struggling Workers

Majdoor Kranti Parishad

PDSF

Sez birodhi Prochar Mancha

WB Govt Employees Union (Naba Parjay)

Swajan

WB Govt Struggling Employees-

Union Forum

AISA

Canvas

NPN

Hawker's Songram Committee

Article 22: (1) No person who is arrested shall be detained in custody without being informed, as soon as may be, of the grounds for such arrest nor shall he be denied the right to consult, and to be defended by, a legal practitioner of his choice. (2) Every person who is arrested and detained in custody shall be produced before the nearest magistrate within a period of twenty-four hours of such arrest excluding the time necessary for the journey from the place of arrest to the court of the magistrate and no such person shall be detained in custody beyond the said period without the authority of a magistrate. (3) Nothing in clauses (1) and (2) shall apply— (a) to any person who for the time being is an enemy alien; or (b) to any person who is arrested or detained under any law providing for preventive detention.